

**REGULAR MEETING MINUTES**  
**CITY COMMISSION**  
January 22, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**PRESENT:** Mayor Jack Quesinberry, Commissioners John Harriman, Theo Graham, John Rees and Mildred Dixon

**Also Present:** City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Chief Jimmie Yawn, City Planner Mark Cechman, Utilities Director Charlie Tinch, Public Works Director Bob Smith, Finance Director Bollhoefer, Human Resources Director Victoria Ward, Senior Planner Kelly Randall and West Orange Times reporter Michael Laval

**PRESENTATION:**

American Legion Post 63 Commander David Boyer presented certificates to the elected officials and City staff who participated in the Patriot Day of Remembrance service.

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes and Joint Workshop with Planning and Zoning Board of January 8, 2004. **Motion by Commissioner Rees to approve both minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 5-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 6:38 p.m.

**Members Present:** Jack Quesinberry, Chairman; John Rees, Theo Graham, Mildred Dixon, John Harriman and Larry Cappleman

**Members Absent:** Teresa Jacobs

2. **Recommendation to approve a Scope of Services Agreement with the RMPK Group to update the Community Redevelopment Agency Plan**

Member and Chairman of the CRA Advisory Board (CRAAB) Cappleman, stated that the CRA Plan has not been updated since the original plan was established in 1992. After the CRAAB heard a presentation given by the RMPK Group, the Board decided to recommend

approval of two projects to the CRA: the CRA Visioning and a downtown industrial Visioning Study. City Planner Cechman stated that since the plan was completed in 1992, the downtown area has changed and staff recommends approval of the proposal by RMPK Group for \$93,000. **Motion by Agency Member Cappleman to approve the recommendation of the CRAAB to approve the Scope of Services Agreement with RMPK Group for a comprehensive update of the Community Redevelopment Agency Plan in the amount of \$93,280. Seconded by Agency Member Harriman and carried 6-0.**

Mayor Quesinberry adjourned the CRA meeting at 6:41 p.m. and reconvened the City Commission meeting.

### **3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

#### **A. Ordinance 04-01: AMENDING ORDINANCE 03-37, THE CITY OF WINTER GARDEN FISCAL YEAR 2003-2004 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS**

City Attorney Everett read Ordinance 04-01 by title only and stated that the total anticipated revenues and expenses equal \$7,920,309. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 04-01. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

### **4. FIRST READING OF PROPOSED ORDINANCES**

#### **A. Ordinance 04-05: PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.274 ACRES LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN (Marker Properties)**

City Attorney Everett read Ordinance 04-05 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-05 with the second reading and public hearing on February 26, 2004. Motion was seconded by Commissioner Dixon. Motion carried unanimously 5-0.** Commissioner Graham asked if the land south of this property is in the City. City Planner Cechman stated yes.

#### **B. Ordinance 04-06: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 1.274 ACRES OF LAND LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD AS COMMERCIAL (Marker Properties)**

City Attorney Everett read Ordinance 04-06 by title only. **Motion by Commissioner Graham to approve Ordinance 04-06 with the second reading and public hearing on February 26, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

C. **Ordinance 04-07: REZONING 1.274 ACRES LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL CITRUS TO CITY C-2** (Marker Properties)

City Attorney Everett read Ordinance 04-07 by title only. **Motion by Commissioner Rees to approve Ordinance 04-07 with the second reading and public hearing on February 26, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Request to conduct a Cruise-in Car Show the first Friday of each month from 7:00 p.m. to 9:00 p.m. in the parking lot of 731 S. Dillard Street**

Mr. Mark David, co-owner of American Muscle and Speed, stated that they would like permission to conduct a cruise-in on the first Friday of each month for car owners to gather and have a disk jockey playing background music. City Manager Holden stated that staff has recommended approval for two months while staff evaluates the event. The amplified sound from a disk jockey will require a permit from the Police Department. City Attorney Everett suggested that the City Commission give the City Manager authority to certify compliance after the first two months and if there is compliance, there could be an annual approval. Commissioner Rees stated that because the nature of the event has the potential to change and become too large, he would not like to commit the Commission to any extended period. Commissioner Graham stated that there is a church across the street that may have revivals or meetings on the same night and he asked Mr. David if they would lower the noise during those conflicting events. Mr. David stated that they would keep that in mind when they arrange the participants in the parking lot. City Attorney Everett stated that the approval could be for a permit on a month-to-month basis providing it remains in compliance with right to revoke the permit at any time. **Motion by Commissioner Harriman to approve an open-air car show in the parking lot of 731 S. Dillard Street on a month-to-month basis, which may be revoked at any time by the City Manager or Police Chief for cause. Seconded by Commissioner Rees and carried unanimously 5-0.**

B. **Recommendation to approve a taxicab permit request submitted by Sunshine Cab & Express Delivery with compliance conditions**

Police Chief Yawn stated that a background check has been completed and the applicant passed. However, he is concerned about the City's Code that limits the number of hours the driver can drive the vehicle, which is 12 hours within a 24-hour period. Also, the vehicle has not been inspected because it has not been purchased. Staff recommends approval of the permit subject to the applicant meeting all the other requirements such as proof of insurance and passing a vehicle inspection. **Motion by Commissioner Dixon to approve the taxicab permit for Sunshine Cab & Express Delivery subject to meeting all Code requirements. Seconded by Commissioner Harriman and carried unanimously 5-0.**

C. **Recommendation to approve the Final Plat for Britt Business Park**

City Planner Cechman stated that both the staff and the Planning and Zoning Board have reviewed the plat and recommend approval. Commissioner Graham asked if the City Engineer's questions have been answered. Mr. Cechman stated they have and he also recommends approval. **Motion by Commissioner Graham to approve the Final Plat for Britt Business Park with staff's recommendations (see attached). Seconded by Commissioner Harriman and carried unanimously 5-0.**

D. **Resolution 04-04: AMENDING THE STONEYBROOK WEST PUD ADOPTED BY ORDINANCE 98-79, ALLOWING PARCEL 16 TO HAVE A MINIMUM LOT WIDTH OF 50 FEET and a recommendation to approve the Preliminary Plat for Stoneybrook West Phase 3C Parcels 3, 15, and 16**

City Attorney Everett read Resolution 04-04 by title only. City Planner Cechman stated that the original Planned Unit Development had an apartment component, but US Home has been doing so well selling single-family detached homes, they want to change these parcels to single-family detached homes, on 50-foot lots. Staff and the Planning and Zoning Board recommend approval. **Motion by Commissioner Harriman to approve Resolution 04-04 with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 5-0. Motion by Commissioner Harriman to approve the Preliminary Plat for Stoneybrook West Phase 3C Parcels 3, 15, and 15. Seconded by Commissioner Dixon and carried unanimously 5-0.**

E. **Recommendation to approve a settlement offer for Code Enforcement fines imposed in Case #96-43 against 242 East Lafayette Street**

City Planner Cechman stated that in 1996, the owner of this property was fined by the Code Enforcement Board \$25 per day for an unfit structure. The property was brought into compliance, which has accrued a large fine balance due and the applicant has agreed to settle the balance for \$50. City Manager Holden explained that the rear structure was being torn down in an untimely manner and the owner was cited. This case did not cost the City more than \$50 to get the property into compliance and therefore he is recommending settlement of this case for payment of \$50. Commissioner Graham stated that the property owner is the uncle of his deceased wife and was not sure whether he should vote or not. City Attorney Everett advised he may vote on the item. **Motion by Commissioner Rees to accept payment of \$50 as settlement for the release of lien in Code Enforcement Case #96-43 and write-off the remaining balance. Seconded by Commissioner Dixon and carried unanimously 5-0.**

F. **Recommendation to approve the Preliminary Plat for the Pineloch Industrial Subdivision on Hennis Road**

City Planner Cechman stated that the original Preliminary Plat was approved for eight lots, but the owner has since decided to reduce the number of lots to two. Staff and the Planning and Zoning Board have reviewed the plat and both recommend approval. **Motion by Commissioner Harriman to approve the Preliminary Plat for Pineloch Industrial Subdivision. Seconded by Commissioner Graham and carried unanimously 5-0.**

**G. Recommendation to surplus computer equipment and a copier**

Finance Director Bollhoefer stated that the records storage area, located behind the Planning Department, is being cleared and staff is requesting permission to dispose of the antiquated and useless computer equipment and to donate the useful equipment to a charitable organization. **Motion by Commissioner Graham to authorize the disposal and donation of stored equipment as requested. Seconded by Commissioner Rees and carried unanimously 5-0.**

**H. Resolution 04-05: EXPANDING THE WINTER GARDEN DOWNTOWN BROWNFIELD AREA; AUTHORIZING THE CITY PLANNER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID BROWNFIELD AREA EXPANSION**

City Attorney Everett read Resolution 04-05 by title only. Senior Planner Randall stated that staff has been looking at incentives to attract businesses to the area and the businesses have been looking at the area bounded by East and West Crown Point Road, Crown Point Circle and Crown Point Cross Road. Therefore, staff is recommending that the area be included in the Brownfield Area for State incentives. Because this is outside the existing Brownfield Area, State Statute requires additional analysis and public hearings. Mayor Quesinberry opened the public hearing.

James Clark, 630 Butler Street, Windermere, Florida, representing the Britt Farming Company, stated that they fully support the City's efforts to include this property.

Wendy Birket, 7232 Bay Club Way, Orlando, Florida, representing 152 Daniels Road, Winter Garden, Florida, asked if there is actually any pollution on the property or is it a Greenfield being called a Brownfield? Senior Planner Randall stated that the property is not a Brownfield site and there has been no evidence of contamination, but it is appropriate for the property to be included in the Brownfield area.

Hearing no other comments, the public hearing was closed.

**Motion by Commissioner Graham to approve Resolution 04-05 with the second reading and public hearing on February 12, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

6. **MATTERS OF CONCERN FROM CITIZENS** -None

7. **MATTERS FROM CITY ATTORNEY** - None

8. **MATTERS FROM CITY MANAGER**

**A. Financial Statement for December 2003**

Stated that the revenues are back to their normal percentages after the first quarter and the City remains in excellent shape. He is available to answer any questions.

B. **City Manager's selection for appointment to the position of Police Chief and request for City Commission approval in accordance with City Charter Sections 30 and 32**

Stated that the recruitment process began last October with 40 applicants. He and the Human Resources Director reviewed the applications applying stringent educational, experience, and performance standards that brought the list down to ten. The ten applicants were sent detailed questions to answer and of the ten, five were selected who met the goals for the position and they were contacted for interviews, with one withdrawing his application. The interview panel consisted of the Human Resources Director, Police Chiefs of City of Edgewood and the City of Sanford, and himself. They unanimously selected Deerfield Beach Police Chief George Brennan. Mr. Holden shared Mr. Brennan's educational and professional background. Mr. Brennan can begin on March 31, 2004 and he asked the Commission to approve the selection. Commissioner Graham asked why he wants to leave a job in a city with a population of 64,000. Mr. Holden provided the answer that Mr. Brennan provided the panel when he was asked this same question by the City Manager. The request is also subject to passing the background investigation. **Motion by Commissioner Dixon to approve the appointment of George Brennan as the new Police Chief, subject to his successfully passing a background investigation. Seconded by Commissioner Harriman.** Commissioner Rees stated that his agenda package did not contain the related material for this item until Tuesday and he was out of town until Wednesday night and because of the magnitude of this decision, he has not done enough research in order to be able to decide which way to vote and is considering abstaining for that reason. Mayor Quesinberry called for the vote. **Motion carried 4-0-1; Commissioner Rees abstained.**

- Reminded Commissioners to send in their faxes for the charrette for the proposed mall on Friday, February 6, 2004. The booklets have been previously provided by Glatting Jackson.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Dixon:**

- Asked for clarification regarding the available parking spaces for the new auto sales business owned by Leonard Collins. City Manager Holden stated that the paving currently installed will support the hair salon and his auto sales for a total of six vehicles. The location will not accommodate the 19 vehicles Mr. Collins is requesting, until the rest of the area is paved and a second entrance/exit is installed.
- Stated that February is Black History Month and she anticipates having a program at the Maxey Center.
- Stated that she read comments made by Cora Fulmore in the newspaper about finding the leader of her area and she wants everyone to know that she is the elected official for that district. Commissioner Dixon also stated that she is part of a Community Task Force that is trying to get someone appointed to the vacancy on the Orange County Community Development Advisory Board. Next month she will have Mary Hall contact City Planner

Cechman to put a package together with what they want to request from the Community Development Board for the east side of the City.

**Commissioner Graham:**

Stated that when the City renewed the 30-year franchise agreement with Progress Energy, they said that if any other municipality got a better financial deal, then we would automatically get it also and he wondered if anyone has looked into the finalized deals to make sure they are equal. City Manager Holden stated that he will look into it.

**Commissioner Rees:**

Stated that Courtlea Oaks homeowners have asked him about the landscaping plans for the access road from the new school. City Manager Holden stated that the Orange County School Board has nothing to do with the landscaping, however they still own the property because they have items to repair. Once that is completed and the road is transferred to the City, staff will look at the landscaping plans.

The meeting was adjourned at 7:43 p.m.