

**REGULAR MEETING MINUTES
CITY COMMISSION**

January 13, 2005

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

PRESENT: Mayor Jack Quesinberry, Commissioners Bill Thompson, Theo Graham, Mildred Dixon, and John Harriman

Also Present: City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Golden, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Trailer City Manager Hughlan Martin, Finance Director Mike Bollhoefer, Information Technology Director Bob Reilly, Public Works Director Bob Smith, Fire Chief John Williamson, Recreation Supervisor Jay Conn, Senior Planner Kelly Randall, Personnel Director Frank Gilbert, Assistant Finance Director Brian Strobeck, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of December 9, 2004

Commissioner Graham noted a correction to page 9, line 7, "There are houses in Winter Garden" but he believes his statement was that there was a house within approximately one mile from where we were sitting that he put his hand out and touch both of them at the same time. **Motion by Commissioner Dixon to approve the minutes as corrected. Seconded by Commissioner Harriman and carried unanimously 5-0.**

2. **AWARDS AND PRESENTATIONS**

A. **Certificate of Achievement for Excellence in Financial Reporting**

City Manager Holden called Finance Director Mike Bollhoefer, Assistant Finance Director Brian Strobeck, and Accounting Manager Viki Taylor forward at this time. Mr. Holden stated that when he became City Manager, there was a finance director and a payroll specialist for Winter Garden with about 12,000 residents, whereas today we are at about 23,000 residents and the Finance Department has grown to a staff of five that is second to none. For the first time in the history of Winter Garden, the City, on its own without any contractual assistance, has received an award from the Finance Officers Association of the United States and Canada for the City's Comprehensive Annual Financial Report (CAFR). This certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. There are two more in the Finance Department who are not present, Accounts Payable Clerk Alexis Todd, and Payroll Specialist Kim Leisure. The Mayor and Commissioners congratulated the Finance Department on achieving this award.

B. Award of Financial Reporting Achievement

City Manager Holden stated that the principal individual responsible for preparing the CAFR was Assistant Finance Director Brian Strobeck. Therefore, he has been awarded an individual award. Mr. Holden read the award; "The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting." Everyone congratulated Mr. Strobeck.

3. PUBLIC HEARING

A. Resolution 05-03: APPROVING THE UPDATED COMMUNITY REDEVELOPMENT AGENCY PLAN; PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Rubio read Resolution 05-03 by title only. City Planner Cechman stated that over the past year the CRA Advisory Board, City staff, and the consultant (RMPK) have worked on a new CRA plan and held community meetings. Staff and the CRA Advisory Board have reviewed the plan and recommend approval. If approved, the plan must then go to the County for approval. Mr. Cechman introduced Kurt Easton of the RMPK Group to make the PowerPoint presentation.

Mr. Easton went through the process, how the plan relates to capital improvements and revenue, etc. The first thing they did was an inventory and looked at all of the existing plans, looked at the land use situation, and the tax base which would be the revenue source that would pay for any proposed improvements. The next step was an analysis of documents and site observations that was broken down into five different sub-areas. Sub-area one is the downtown core; sub-area two is downtown industrial; sub-area three is northern residential; sub-area four is northern industrial; and sub-area five is East Winter Garden. After the analysis, they developed a concept plan that lays out what is anticipated to happen based on future land use; current market trends; public improvements that may take place, and activities the City and the CRA should pursue to fulfill the objectives of the redevelopment plan. The plan calls for public improvements by continuing the streetscapes and gateways. For the downtown area, land acquisition will be important so there can be control over very critical sites. For example, it is important to this plan to pursue acquisition of the entire old Rainbow market site and get it back into the private sector to get it back on the tax rolls. The industrial area has three sets of circumstances. First are areas with a fixed long-term commitment to industrial use to the north and northeast. The second are the entrenched such as the Dreyfus plant. The third are those areas that have the potential for transition based on the market such as the Roper, Battaglia, and Heller properties. In East Winter Garden, there should be strategies that address the existing physical conditions in the area. One opportunity they believe should be pursued is an amnesty cleanup. This is a way to work with the property owners to cleanup the area strategically and use tax increment revenues to pay for the clean up on a one-time basis as a gesture of good faith and go back with stronger Code Enforcement to ensure the area is maintained over the long run. The parks, open-space,

and trails already have an established system and you want to make sure it is further connected to the balance of the neighborhoods that surround the downtown area. Now, how are you going to pay for all this? The program is funded through tax increment revenues. Those are revenues generated based on the increase in value of property within this designated area over time. That is based on market and on improvements and new construction. A bond that is being repaid with tax increment revenue funded the initial improvements in the CRA. The money above and beyond that would be applied towards grants, as matching funds and/or can be used for projects proposed in the plan. The projected revenues are conservative right now because they are based on a moderate increase in the rate of growth over time that he thinks was at 4.5 percent. They feel the growth will be stronger. They feel there will be new projects coming on-line such as the project at 252 West Plant and the project at the old Rainbow site. The long-term revenue picture is favorable. Commissioner Dixon asked about the business that made tapes and left Winter Garden because, she is guessing, the City was a little slow so they moved to an Enterprise Zone on Mercy Drive. City Manager Holden stated that the City applied twice and was turned down. Commissioner Dixon stated that the economic development on the east side is slow, which is not because of people but because of crime. Mr. Easton is doing a good job for other areas, but she looked at the plan and there needs to be more input from the CRA Advisory Board and the citizens. She wants to call upon the Masons and others to look at the old Masonic Lodge on 10th Street, which is historical, because she will not let the building be torn down. The building just needs to be repaired. Regarding the other buildings, she wants to discuss what will be torn down and what will be fixed. She also wants to see more jobs.

Mayor Quesinberry opened the public hearing.

Vincent Goodwin, 1302 Selbydon Way, Winter Garden, Florida stated that the Commission meetings he has attended, he has grown a little tired of references made to east or west Winter Garden when there is only one Winter Garden and until we are one, we are going to have a problem. He has listened to the plan and what he has heard the differences is what is to be done elsewhere as opposed to what will be done in East Winter Garden that amount to a cleanup. Cleaning up is not the problem, it is a little larger than sweeping up. There are abandoned buildings and vacant lots. It sounds like a little bit of money is going there to sweep it clean to help them and not come around to spend the time with it in the future. The area is a depressed area that he does not live in but he does a lot of work there. Commissioner Dixon stated that she named the area East Winter Garden and she does not want it changed. It is what it is and she represents District 3. The CRA has to identify the area as East Winter Garden for funding purposes and for CDBG. She was born here, is the City historian, and knows how it has been divided. Mr. Goodwin thanked Commissioner Dixon for giving him the information but what he is trying to say is that he is for uniting Winter Garden as a whole instead of separating it by sector. We are all one Winter Garden and he is addressing the mindset as a whole. Mr. Easton asked him if he had read the plan and he responded "no". Mr. Easton stated that the document clearly states what the intent is and they have acknowledged that there has been a great deal of investment and the City is reaping the benefit of that investment. A redevelopment plan is to set the priorities based upon the

greatest impact and the greatest return on that investment. When all is said and done, you want to have a seamless Winter Garden. East is connected to west through streetscape roads, sidewalks, well-lit streets etc., etc. Both economic and social functions should overlap and become one. With the limited resources, they felt it was important to inject some money immediately to show a physical improvement in that area with an amnesty program.

Andy Bruns, 6 Laurel (Trailer City), Winter Garden, Florida talked about the north side and asked about the historical significance of Trailer City. City Manager Holden stated that Trailer City is not within the defined CRA and you cannot include areas indiscriminately. The County will not approve it and the state will not let anyone do this. Mr. Bruns asked to see the same thing for Trailer City along the lake, not have it removed, but improved upon. Keep the residents and make it historical. He would like to see the same thing accomplished in his area just as Commissioner Dixon would like to have in the east side. Commissioner Dixon pointed out that when the CRA was formed back in 1992, it was formed to get rid of the blighted areas, and the Trailer City residents have waited until 2005 to ask to be included. If the residents want to be declared historical, this is not the meeting to accomplish this request. Mr. Bruns stated that is what he wants. He doesn't want them removed as it has been there for 35 years and needs to be kept as a historical site.

Hearing no other comments, Mayor Quesinberry closed the public hearing. **Motion by Commissioner Harriman to approve Resolution 05-03. Seconded by Commissioner Dixon.**

Commissioner Graham stated that the money is coming from tax increments and he was in the east side of town Monday and he noticed that over the years, since the CRA was created, there are some vacant lots and there have been some old houses removed and new block houses built, which has brought in some additional increment money. The original document stated that there was to be at least one new house per year in the blighted area and he doesn't know whether or not this has been accomplished. He had the Finance Director run an excess revenue projection and this year we will get zero revenue with RMPK getting most of it. In 2006, it would be \$41,000 and would go up thereafter. He is aware that the CRA goes to Smith Street, once you cross Dillard Street, on Smith Street, a lot of the houses on the north side would be a blighted area in his opinion. He would like to see funds expended to upgrade homes or build a house in the district. Mr. Easton stated that the plan includes removing obstacles within the existing zoning regulations that have prohibited private investment in upgrading existing housing and providing for infill housing. It also looks at other funding sources and programs. The plan also mentions that the boundaries should probably be looked at and of course, if you do, you will have to work with the County. There is the opportunity to expand the boundaries to incorporate other areas that deserve some attention as well. Commissioner Graham stated that the report indicates that 77 percent of properties in this area are valued at less than \$60,000 and if they have a homestead exemption, we are getting very little tax increment. **Motion carried unanimously 5-0.**

4. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 05-03:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.79 ACRES LOCATED AT 866 TILDENVILLE SCHOOL ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
Assistant City Attorney Rubio read Ordinance 05-03 by title only. **Motion by Commissioner Harriman to approve Ordinance 05-03 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Graham and carried unanimously 5-0.**
- B. **Ordinance 05-04:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 3.79 ACRES OF LAND LOCATED AT 866 TILDENVILLE SCHOOL ROAD, AS LOW RESIDENTIAL: PROVIDING FOR AN EFFECTIVE DATE
Assistant City Attorney Rubio read Ordinance 05-04 by title only. **Motion by Commissioner Graham to approve Ordinance 05-04 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**
- C. **Ordinance 05-05:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.362 ACRES LOCATED AT 898 TILDENVILLE SCHOOL ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
Assistant City Attorney Rubio read Ordinance 05-05 by title only. **Motion by Commissioner Thompson to approve Ordinance 05-05 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Dixon and carried unanimously 5-0.**
- D. **Ordinance 05-06:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 3.362 ACRES OF LAND LOCATED AT 898 TILDENVILLE SCHOOL ROAD AS LOW RESIDENTIAL: PROVIDING FOR AN EFFECTIVE DATE
Assistant City Attorney Rubio read Ordinance 05-06 by title only. **Motion by Commissioner Thompson to approve Ordinance 05-06 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**
- E. **Ordinance 05-07:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 12.16 ACRES LOCATED AT 940 TILDENVILLE SCHOOL ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-07 by title only. **Motion by Commissioner Thompson to approve Ordinance 05-07 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- F. **Ordinance 05-08:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 8.45 ACRES OF LAND LOCATED AT 940 TILDENVILLE SCHOOL ROAD, AS LOW RESIDENTIAL: PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-08 by title only. **Motion by Commissioner Harriman to approve Ordinance 05-08 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Dixon. Motion carried unanimously 5-0.** Commissioner Graham asked why there was a difference in the acreage of four acres when it is the same address. City Planner Cechman replied that the four acres will be in the City of Winter Garden and will maintain the County land use designation of open-space wetlands.

- G. **Ordinance 05-12:** AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-194, VESTING; ADDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-12 by title only. **Motion by Commissioner Graham to approve Ordinance 05-12 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- H. **Ordinance 05-13:** AMENDING CHAPTER 78, UTILITIES, SECTION 78-50, SCHEDULE OF DEPOSITS; REFUND, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-13 by title only. Finance Director Bollhoefer stated he has placed an updated version of the Ordinance with two changes; first, the term Beacon Score has been changed to "credit score" and Equifax has been changed to "a nationally recognized rating agency" because staff did not want to lock themselves into a particular type of score or company. **Motion by Commissioner Harriman to approve Ordinance 05-13 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Dixon and carried unanimously 5-0.**

- I. **Ordinance 05-15:** AMENDING SECTION 110-203 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO EASEMENTS BY PROVIDING FOR MINIMUM EASEMENT WIDTHS AND CREATING SUBSECTION (d) RELATING TO USES WITHIN EASEMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-15 by title only. **Motion by Commissioner Harriman to approve Ordinance 05-15 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Thompson.**

Motion carried unanimously 5-0. Commissioner Graham asked what the depth of the pipes will be. Public Works Director Smith stated that they will vary based on the diameter of the pipe. Commissioner Harriman pointed out that the easement would be two times the depth of the pipe.

- J. **Ordinance 05-16:** AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-28, BOARD OF TRUSTEES; AMENDING SECTION 54-29, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 54-43, EXEMPTION FROM EXECUTION, NONASSIGNABILITY; AMENDING SECTION 54-52, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 54-53, REEMPLOYMENT AFTER RETIREMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-16 by title only. **Motion by Commissioner Graham to approve Ordinance 05-16 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- K. **Ordinance 05-17:** RELATING TO THE CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES WITHIN SIDEWALK CAFE AREAS; AMENDING SECTION 6-5 BY AMENDING SUBSECTION (a) TO PROVIDE FOR AN EXCEPTION FOR SIDEWALK CAFE AREAS; AMENDING SECTION 62-207(a) BY CREATING SUBSECTION (7) TO PROVIDE FOR ADDITIONAL GROUNDS FOR THE REVOCATION OR SUSPENSION OF A PERMIT; AMENDING SECTION 62-230 BY AMENDING SUBSECTION (23) PERTAINING TO STANDARDS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-17 by title only. **Motion by Commissioner Harriman to approve Ordinance 05-17 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Thompson.** Commissioner Thompson asked that when this item was originally discussed, wasn't there direction regarding a barrier or boundary. City Manager Holden replied that there would be a boundary, just not a physical boundary. Mayor Quesinberry stated that he would like to add that there be no original alcohol containers allowed on the sidewalk tables. A cup would be more appropriate. Commissioner Graham stated that approving the sale of alcohol at sidewalk tables would be setting a bad example and a wrong message to our youth. He recently witnessed a family on the sidewalk that if alcohol were being served, they would have had to walk between the tables and be exposed to patrons drinking alcohol. He thinks the City should keep alcohol away and out of view of young people. The repercussions are evident in the statistics for alcohol and drug related accidents and deaths. In his research on the internet he found that a person weighing 170 pounds, drinking 4-5 beers in an hour's time on an empty stomach would be at a level of .08. He will also research the effects wine has. Additionally, he finds the choice of words used in the ordinance interesting such as in the fourth "Whereas" that states "consumption in a manner that reflects the character and objectives of the City and the desires of the City's citizens;" he does not know how anyone can say the citizens of

Winter Garden are desiring this change. Additionally, under the seventh “Whereas ... this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now thereof” because he doesn’t know how serving alcohol would improve his health and he knows it would not improve his safety on the road, and his welfare could get along without it. He stated he would go along with the Mayor’s recommendation, which is better than what has been presented at the first reading. City Manager Holden stated that the Ordinance will be amended to include wording for the type of container allowed. Assistant City Attorney Rubio clarified that with regard to the fourth Whereas, it is an objective of the City to provide for the regulation of how the sidewalk café area is going to be operated in the manner the Commission wants it to be regulated. With regard to the City’s citizens, two downtown merchants originally requested this Ordinance. With regard to the advancement of the health, safety, and general welfare of the citizens, once again it is not saying the consumption of alcohol is, but saying the regulation of where you are going to consume alcohol is. Commissioner Dixon said smaller tables would allow the public to walk around and not through the sidewalk café. **Motion carried 4-1; Commissioner Graham opposed.** Commissioner Graham asked if the approved change would cause this item to come back again for a first reading. Assistant City Attorney Rubio stated that the change is not a substantive change and therefore could go to a second reading and public hearing as approved. City Manager Holden stated that the change is to the method of serving alcohol, not whether it is served or not.

5. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 05-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-488 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SPECIAL EXCEPTIONS WITHIN THE R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-01 by title only. City Planner Cechman stated that this proposed Ordinance deals with boarding houses in the R-NC zoning which the City has quit a few and the Code is silent as to whether or not they can continue. The Code Enforcement Department has been contacting the boarding houses to advise them to obtain an occupational license. The Code is currently unclear on the subject of rooming houses. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 05-01. Seconded by Commissioner Thompson.** Commissioner Graham stated that the cover memo to this item states the Planning and Zoning Board approved recommending a different version than what is being presented to the Commission. Mr. Cechman stated that evidently the memo contains an earlier proposed version of the recommendation, but the Ordinance is correct. City Manager Holden stated that rooming houses have been permitted as a special exception in R-2 and the problem with our Code is that much of the corridor between 9th and 11th, North and Klondike is R-NC and the Code is silent to boarding houses in R-NC so the City Planner has had no guidance from the City Commission as to what to do with an existing boarding house in R-NC. This Ordinance will give staff the needed guidance for future

new requests and will not penalize those that have been present a long time. Hearing no other comments, Mayor Quesinberry closed the public hearing. **Motion carried unanimously 5-0.**

- B. **Ordinance 05-09**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, VACATING THE SOUTHERNMOST APPROXIMATELY 480 FEET OF PARK AVENUE; PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-09 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to postpone the second reading and public hearing of Ordinance 05-09 until March 10, 2005. Seconded by Commissioner Dixon and carried unanimously 5-0**

- C. **Ordinance 05-10**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ADJUSTING THE STORMWATER MANAGEMENT FEE IN CHAPTER 78 ARTICLE VI, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-10 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Finance Director Bollhoefer stated that this proposed increase is necessary to fund those capital projects that are necessary for the City to maintain the stormwater system to minimize any adverse affects of flooding or water quality of the lakes and basins. In order to minimize the effect of the raise, the Ordinance phases in the costs over a five-year period. **Motion by Commissioner Dixon to approve Ordinance 05-10. Seconded by Commissioner Harriman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Preliminary Plat for Jackson Street Townhomes**

City Planner Cechman stated the property is zoned R-3 and therefore allows for a townhome development. The Planning and Zoning Board has reviewed the preliminary plat and recommends approval. Staff has made their review and has made recommendations for approval. The engineer is present. Mayor Quesinberry asked if the engineer has read and agreed to the recommendations. Mr. Cechman stated yes and the engineer nodded his approval. **Motion by Commissioner Harriman to approve the Preliminary Plat for Jackson Street Townhomes with staff recommendation (see attached).** Commissioner Harriman stated that he thinks this project will be an asset to the community. **Seconded by Commissioner Dixon.** Commissioner Graham referred to item three on the staff memorandum requiring a ten-foot wall on Jackson Street and asked if there were any other ten-foot walls in the City. City Manager Holden stated it is not a ten-foot wall but a ten-foot easement for putting in a wall and landscaping. Commissioner Graham stated that his other item is the ditch located between the townhomes and Hyde Park, will it be covered. Commissioner Harriman stated that the ditch is County owned and is cleaned about once a year. Mr. John Kirby, Engineer, stated the ditch that runs along the west side of the property will remain as is and be maintained by the County. There will be a retention pond on the same side of the property that will have a decorative metal fence with columns and landscaping. **Motion carried unanimously 5-0.**

B. Recommendation to approve Development Agreement with Belle Meade, LLC

City Planner Cechman stated that this subdivision is in the southern section of Winter Garden and one of the requirements for approval is cost sharing of some of the utilities and roadwork. The attorneys have reviewed this agreement for the developer and the City. Staff recommends approval. **Motion by Commissioner Harriman to approve the development agreement with Belle Meade, LLC. Seconded by Commissioner Dixon.** Commissioner Graham asked if the City is going to pay half of the cost to run the sewer line along Stoneybrook Parkway. Utility Director Tiblier stated the City is committed to paying for the cost of the upsizing of the line. **Motion carried unanimously 5-0.**

C. Recommendation to approve Preliminary Plat for Youngblood/Roper Preliminary Plat

City Planner Cechman stated that this property is basically located northeast of Lulu Creek and staff has reviewed the preliminary plat and recommends approval with the conditions provided in the agenda package. The Planning and Zoning Board has also reviewed this item and also recommends approval. The applicant has agreed with the recommendations made by staff to include cost sharing for the signalization at Plant Street and West Crown Point Road. The state has approved the warrant for this signal. The applicant is present. Mayor Quesinberry stated that the plat shows an entrance from Hennis Road, Division Street, and possibly go into the other subdivision to increase traffic flow. Mr. Cechman responded yes. Commissioner Graham asked about coming out onto Hennis Road and why would they go onto East Crown Point Road instead of coming up Hennis Road and coming out. City Manager Holden stated that the exit lines up with the road that goes through east and west. **Motion by Commissioner Dixon to approve the Preliminary Plat for Youngblood/Roper Preliminary Plat. Seconded by Commissioner Harriman and carried unanimously 5-0.**

D. Recommendation to approve demolishing City owned building at 114 E. Plant Street (old Rainbow)

Public Works Director Smith stated that the City Commission previously approved of staff obtaining all the necessary demolition permits to move forward with demolishing the building at 114 E. Plant Street. Three quotes were submitted and staff recommends awarding the contract to Cochrane's Landclearing, Inc. for a price not to exceed \$30,000. **Motion by Commissioner Dixon to approve Cochrane's Landclearing, Inc. to demolish the City-owned building at 114 E. Plant Street, not to exceed \$30,000. Seconded by Commissioner Harriman and carried unanimously 5-0.**

E. Recommendation to award a contract for South Park Avenue paving and drainage improvements (Jackson Street to SR50)

Public Works Director Smith stated that three bids were received with the low bid from T. D. Thomson Construction, Inc. in the amount of \$563,000.00 and staff recommends approving the contract and a five percent contingency for a total of \$591,150.00. **Motion by Commissioner Graham to award the contract to T. D. Thomson in an amount not to exceed \$591,150.00. Seconded by Commissioner Harriman and carried unanimously 5-0.**

F. Recommendation to approve a stormwater drainage, treatment and construction easement agreement associated with Crown Point Cross Road

Assistant to the City Manager Robertson stated that the proposed agreement lets the City use the stormwater pond and the City will pay for the enlargement and changing the necessary permitting. **Motion by Commissioner Graham to approve the stormwater drainage, treatment and construction easement agreement with Britt Center Property Owners' Association. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- G. **Resolution 05-01**: ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE AND RECYCLING SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Resolution 05-01 by title only. **Motion by Commissioner Harriman to approve Resolution 05-01. Seconded by Commissioner Graham and carried unanimously 5-0.**

- H. **Resolution 05-02**: SUPPORTING THE LOCAL OPTION RENTAL CAR SURCHARGE

Assistant City Attorney Rubio read Resolution 05-02 by title only. Mayor Quesinberry stated that this item is one of the legislative items through the Tri-County League of Cities that he recommends supporting to improve transportation. **Motion by Commissioner Harriman to approve Resolution 05-02. Seconded by Commissioner Dixon.** Commissioner Graham asked if Representative Johnson is supporting this also. Mayor Quesinberry replied yes. **Motion carried unanimously 5-0.**

5. MATTERS OF CONCERN FROM CITIZENS

Wilma Waldren, 1 Laurel Drive (Trailer City), Winter Garden, Florida stated that she is new to the community and about seven days after she purchased her mobile home everything started happening about closing Trailer City. Statements made at a prior meeting by Mr. Martin about three mobiles being sold are true because they are being sold to the City because a sign is posted in front that says the trailer park will possibly close in five years. *(Excerpt from the minutes of December 9, 2004; Hughlan Martin, Trailer City Manager, stated that three mobile homes have sold to new people in the last two to three weeks, which is not bad for this timeframe. June Osborne, 7 Laurel Drive, Winter Garden, Florida, (Trailer City), stated there are some new people buying and moving in.)* Ms. Waldren stated that Mr. Holden stated at the last meeting that maybe in five years it will stay open but he doesn't know what will happen in five years from now. To her, why can't the situation be changed and take the sign off the building. It is only a possibility that it will be closed and that sign is scaring everybody off and nobody will come in and buy a trailer. Let people enjoy their lives since it is known that nothing will occur until five years from now. She agrees that some are too close and it is a good idea to improve the distances. Something needs to be done about the sign. Mayor Quesinberry stated the City Commission will take her comments under advisement.

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida stated that he can understand Mrs. Waldren's statements because some of the issues raised at Tanner Hall when City Manager Holden was not truthful with the people and tried to cover up the event that it wasn't his idea but the City Commission's idea to close Trailer City until he was pressured

and finally admitted it. He saw the display that Mr. Holden did, it was very belligerent, and the man should have been terminated for performing in that manner. Commissioner Thompson also has made some statements that he believes concerns the people. One of Commissioner Thompson's statements taken off the deposition right off the tapes was "This land is worth millions of dollars. The City is going to get you people off if one way or another and are going to put a development here, but I am not quite sure what this development is." Commissioner Thompson asked to hear the tape. Mr. Napotnik stated there is a hardship placed upon the residents from putting a sign down there and it is his understanding that the scenario set up for the residents is illegal. The way they have to sell their mobile homes is not kosher. If it has to be, it will be played out in a court of law and he can promise that right now. The City is paying pennies on the dollar. The City is intimidating the residents because the residents are afraid they are going to be put out of their homes and not have anything at all. It stems back to this land is worth millions of dollars. Trailer City is a historical site. Why not beautify the site. He agrees that more work needs to be done in District 3. We can put our heads together, be constructive, and not worry about the land being worth millions of dollars. Why be so greedy? It could become a tourist site. We need to do something that will not run the residents out.

Edward Bowman, 14 Laurel Drive (Trailer City), Winter Garden, Florida said 70 years ago when Trailer City park was started, the City was happy to have it because it brought people from the north during the winter who would spend money here and now you have thoughts of closing it down. The people of the City of Winter Garden are going to save Trailer City.

6. **MATTERS FROM ASSISTANT CITY ATTORNEY** - Lionel Rubio had nothing to report.

7. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for November 2004**

Reported that revenue and expenses are on track.

B. **Recommendation for appointment of Recreation Director**

City Manager Holden stated that it is with great pleasure that he requests the City Commission's concurrence with his recommendation to appoint Mr. Jay Conn to the position of Recreation Department Director to become effective at the end of the month when Larry Caskey retires. A resume has been provided and he is more than qualified for the position. **Motion by Commissioner Graham to appoint Jay Conn as the Recreation Director effective upon the retirement of Larry Caskey. Seconded by Commissioner Dixon and carried unanimously 5-0.** Commissioner Dixon expressed her appreciation of Mr. Conn, who has helped with the young people and the senior citizens. Mayor Quesinberry stated it is a pleasure to welcome Mr. Conn as the new director. Mr. Conn stated his appreciation of the vote of confidence expressed.

- Announced that on Wednesday, January 26, 2005 at 2:00 p.m. Ocoee is having a ribbon-cutting ceremony for their downtown renovation.
- Mayor Quesinberry announced that on Friday, January 14, 2005 at 11:00 a.m. Windermere is having a groundbreaking ceremony for their renovations.

- Reported that he and Bob Reilly, Information Technology Director, participated in a conference call with CGI Communications, Inc., in association with the Florida League of Cities and at no cost to the municipalities, they are soliciting cities in Florida for the production of a streaming video from their web site linking to our web site for about one minute and could include a report on the City. It is aimed at businesses and they provide banners. He asked them where they make their money and they stated through their contact with the businesses and marketing. He requested the Commission's approval of the agreement that has no monetary obligation but there will be letters to businesses in order to create the banners. Commissioner Graham stated then they are going to harass the businesses. Mr. Holden replied that from what he has seen so far, it is pretty straightforward and they have done this all over. They found out it is best to give it for free and go through the Florida League of Cities. There were no objections to the request.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

- **West Orange Chamber Community Champion Gala Awards**
Mayor Quesinberry advised that the annual gala will be held on January 28, 2005 with Winter Garden receiving an award, therefore a table has been reserved.
- **Withdrawal of a request for donation by the West Orange High School English as a Second Language Program (Postponed from the December 9, 2004 meeting)**
Mayor Quesinberry stated that the request was postponed at the last meeting and the applicant has since responded that the trip cannot be sponsored by the school and therefore must withdraw the request. **Motion by Commissioner Thompson to approve withdrawing the donation request. Seconded by Commissioner Harriman and carried unanimously 5-0.**
- Shared that there is an article about Winter Garden as a special place in the magazine "Where to Retire" and copies will be provided to the City Commission.

Commissioner Dixon:

- Reported that she was with the Governor who was at Maxey Elementary School because they went from "F" to an "A" rated school and they are going to receive more funding for reading and teachers. She made him aware of the Reading Reindeer Program at the Maxey Center and Governor Bush said he would keep in touch with her and come back to the Maxey Center.
- Announced that on the second Monday in February at the Maxey Community Center she will be hosting the new NAACP who is coming to Winter Garden to help them clean up the east side. She took Mayor Vandergrift to the NAACP meeting to ask for help with educational concerns and the sending of children everywhere else. Children don't need to travel everywhere else to go to school. Mayor Quesinberry stated that he spoke with the Superintendent of Schools and the fact the new school didn't need to take in all of the east side of Winter Garden and send them to Ocoee. Commissioner Harriman stated he was speaking with Mr. Blocker who said that unless the enrollment increases to the

school's capacity, there is a slim possibility it can be closed. Commissioner Dixon said yes, they need to have the students.

- Thanked the Mayor and fellow Commissioners for helping the east side.

Commissioner Graham:

- Asked if anyone has been recommended for recognition at the Gala because he has someone in mind. Commissioner Harriman stated that it is his understanding someone from Winter Garden is going to be recognized. City Manager Holden stated that the nomination form must be obtained from the West Orange Chamber.
- Stated he personally has made a donation to the disaster relief fund and was wondering if the Commission felt the citizens would be happy with the Commission approving a donation of \$1 for every resident to the tsunami relief from the reserve fund balance. Winter Garden has more, percentage wise, in the reserve fund than any city in Orange County and Winter Garden was blessed with no more damage than what we had with the hurricanes. Commissioner Dixon stated she does not have anything against it, but charity starts at home and then spreads. She knows of many people, because of the hurricanes, who are having trouble and she knows the tsunami victims are receiving billions. She will not vote to send anything right now. Mayor Quesinberry stated it is a good idea and it can be discussed further at a later date.

The meeting was adjourned at 8:37 p.m.