

**REGULAR MEETING MINUTES
CITY COMMISSION**

January 27, 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 (arrived at 6:34 p.m.), 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, Personnel Director Frank Gilbert, Recreation Director Larry Caskey, and West Orange Times reporter Michael Laval

1. **APPROVAL OF REGULAR MEETING MINUTES OF JANUARY 13, 2005**

Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Thompson and carried unanimously 4-0.

2. **AWARDS AND PRESENTATIONS**

A. **Appreciation to Publix and Vincenzo's Pizzeria**

Fire Chief Williamson stated that Publix and Vincenzo's Pizzeria assisted the annual Santa Run volunteers spreading the holiday cheer throughout the City by providing meals to the volunteers and presented Publix Manager Ronnie Brassell, and Vincenzo's Pizzeria owners Shawn Spear and Deamicko Palumbo, with a plaque in appreciation of their generosity and support.

B. **Fire Department promotions to Engineer**

Fire Chief Williamson introduced two promoted Fire Department Engineers, Omar Martinez and John Sloberg. Mayor Quesinberry presented them with their helmet badges and the Commissioners congratulated them.

Commissioner Dixon arrived at 6:34 p.m.

C. **Police Officers Oath of Office**

Police Chief Brennan administered the Oath of office to the following officers:

Robert Chamberlin	Saviel Colon	Matthew Griffin
Larry Grice	Joseph Matthews	Timothy Underwood

Everyone welcomed the new officers.

At this time, Utility Director Tiblier acknowledged his assistant, Charlie Tinch, and his staff for their hard work during the 2004 hurricane season and on behalf of the Mayor of Apopka, John Land, he presented inscribed paperweights to the following employees for their meritorious service to the City of Apopka during the 2004 hurricane season.

Gary Sapp	Jason Anastasi	Paul Conroy	John Harper (absent)
Robert Lyons	Benny Bledsoe	Jason Milhorn	

City Manager Holden added that these employees handled their responsibilities so well and the City recovered so quickly, that when Apopka asked for assistance, they were ready, willing and able to help our sister city. He can't say enough for these employees and doesn't think the citizens realize just how hard they work sometimes.

At this time, Mayor Quesinberry called forward Recreation Director Larry Caskey and presented him with a retirement plaque for his 18 years of dedicated service to the City of Winter Garden.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 7:02 p.m. Members Present: Jack Quesinberry, John Harriman, Theo Graham, Mildred Dixon, Bill Thompson and Larry Cappleman

2. **Request for funding for the Downtown Garden Theatre**

Agency Member Larry Cappleman reported that the Community Redevelopment Agency Advisory Board (CRAAB) received a request from Ward Britt, with the Winter Garden Heritage Foundation, for support to renovate the downtown theater and asked Mr. Britt to summarize the request. Mr. Britt stated they have asked the CRA for \$500,000 as a capital contribution toward the renovation of the Garden Theater in downtown Winter Garden. Agency Chairman Quesinberry asked about the duration of the funding. Mr. Cappleman stated that the Advisory Board discussed this request and felt it was worth supporting because it would be a worthy investment and has the potential to increase property values. Finance Director Bollhoefer provided the CRAAB with a revenue projection and based on that information, they determined that the money would probably not be available in the near future, so the Advisory Board decided to recommend a commitment of a \$500,000 contribution over the next 15 years which will allow revenues to accumulate to support the project. Agency Chairman Quesinberry asked if that included any set amount per year. Mr. Britt stated there was no specifically defined amount per year, but as the money became available to the CRA it could be allocated. Mr. Cappleman stated that Mr. Britt has previously indicated that this commitment will enhance their Foundation's position when applying for grants. Mr. Britt replied that he was happy to announce that based upon the CRAAB recommendation, the Dr. Phillips Foundation has agreed to grant them \$500,000. Assistant City Attorney Rubio clarified that this action is for a financial commitment and not

the actual appropriation. The grant agreement would have to come back for approval. **Motion by Agency Member Dixon to approve a financial commitment to the Heritage Foundation of \$500,000 for renovations to the downtown Garden Theater over a 15-year period, subject to an approved grant agreement. Seconded by Agency Member Graham.** Commissioner Graham asked how the appropriations would be made. City Manager Holden stated that the grant agreement will have the details and will come back to the CRA for approval. **Motion carried unanimously 6-0.** Mr. Jerry Chicone, 32 W. Plant Street, Winter Garden, Florida clarified that the City owns the theater and that the Heritage Foundation is just a partner working with the City. Both the City and the Foundation are equally generating funds for the renovations. It is for the good of the community that we are all in this together. They are trying to unite this community through culture. Commissioner Dixon stated that she voted in favor of the last funding request but the theater should also be going after tourist tax funds and everything else they can get. Mr. Chicone agreed because he can remember that when the resort tax was originally passed, it was to build a single convention center, then the arena, and the excess monies would be used for cultural events in towns in Orange County as is being done in other counties.

The Community Redevelopment Agency adjourned and reconvened as the City Commission at 7:11 p.m.

4. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 05-11:** PROVIDING FOR THE CONTRACTION OR “DEANNEXATION” OF CERTAIN LANDS, GENERALLY DESCRIBED AS 0.21 ACRES LOCATED ALONG A PORTION OF THE NORTH LINE OF THE EXISTING RESERVE AT WATERFORD POINTE PHASE 1 SUBDIVISION, AND MORE SPECIFICALLY DESCRIBED HEREIN, FROM THE CITY OF WINTER GARDEN, FLORIDA CORPORATE LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-11 by title only. **Motion by Commissioner Dixon to approve Ordinance 05-11 with the second reading and public hearing on February 24, 2005. Seconded by Commissioner Graham and carried unanimously 5-0.**

B. **Ordinance 05-14:** AMENDING ORDINANCE 04-56, THE CITY OF WINTER GARDEN FISCAL YEAR 2004-2005 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 05-14 by title and stated that both the revenues and expenses each total \$2,849,400. **Motion by Commissioner Graham to approve Ordinance 05-14 with the second reading and public hearing on February 10, 2005. Seconded by Commissioner Harriman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve a purchase agreement for 637 Vineland Road**

Assistant to the City Manager Robertson stated that in looking at the current library site at 1 East Cypress Street that the City will be acquiring and utilizing as a senior center, there are only twelve parking spaces. Therefore, more parking spaces will be needed when it is converted. This property has been for sale for some time now and the shape does not work well for commercial use. Staff took a look at it for additional parking and adding much needed green space. Mr. Robertson distributed a proposed site plan for the future senior center. Commissioner Graham asked about the proposed access points. Mr. Robertson stated that the houses just north on S. Main would be accessed from Vineland onto a new road extension of Lafayette Street going east. Access to the shopping center would also be by this road. The new parking area would be one-way going south by using Lafayette Street and one-way out to Cypress Street. **Motion by Commissioner Dixon to approve the purchase agreement for 637 Vineland Road. Seconded by Commissioner Thompson and carried unanimously 5-0.** Mr. Robertson stated that staff will proceed with the purchase, but as soon as it is purchased, staff would also like permission to go ahead and demolish the buildings. The company that is demolishing the old Rainbow Market has provided a quote. Further, staff would like permission to start the design portion of the parking plan because the City will be acquiring the library site shortly. **Motion by Commissioner Dixon to authorize staff to begin the design and demolish the building when the purchase closes. Seconded by Commissioner Graham and carried unanimously 5-0.**

B. **Request for reappointment by Charlie Mae Wilder to the Code Enforcement Board**
Motion by Commissioner Dixon to reappoint Charlie Mae Wilder to the Code Enforcement Board for a 3-year term expiring on March 31, 2008. Seconded by Commissioner Harriman and carried unanimously 5-0.

C. **Recommendation to approve the Preliminary Plat for Park Avenue Townhomes**
City Planner Cechman stated that this property is located on South Park Avenue and is known as either Park Avenue Townhomes or Colonial Garden Townhomes. The property is zoned R-3 which allows a townhome development. Staff has reviewed and recommends approval with the conditions provided in the agenda package. The Planning and Zoning Board has also made their review and recommends approval. The applicant is present to answer any questions. **Motion by Commissioner Graham to approve the Preliminary Plat for Park Avenue Townhomes with staff recommendations (see attached). Seconded by Commissioner Harriman and carried unanimously 5-0.**

D. **Resolution 05-04: CLARIFYING THE BLACK LAKE ESTATES PUD WHICH WAS ADOPTED BY ORDINANCE 02-02; PROVIDING AN EFFECTIVE DATE**
Assistant City Attorney Rubio read Resolution 05-04 by title only. City Planner Cechman stated that this development is located on CR 535 and is zoned PUD, which has some flexibility. The developer has requested some minor changes dealing with the setbacks as provided in the agenda package and stated on the Resolution. Staff has

reviewed this request and recommends approval of the minor changes. **Motion by Commissioner Thompson to approve Resolution 05-04. Seconded by Commissioner Dixon and carried unanimously 5-0.**

E. **Resolution 05-05:** URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING GROWTH MANAGEMENT ISSUES DURING THE 2005 LEGISLATIVE SESSION

Assistant City Attorney Rubio read Resolution 05-05 by title only. Mayor Quesinberry stated that this resolution was recommended by the Florida League of Cities to try and garner the support of our legislators to help deal with the growth in our area. **Motion by Commissioner Harriman to approve Resolution 05-05. Seconded by Commissioner Thompson and carried unanimously 5-0.**

F. **Final Report on the Weatherization Grant Program**

Finance Director Bollhoefer reported that on October 1, 2002, the City was awarded a Weatherization Grant for \$900,000. Representative Randy Johnson was instrumental in securing the grant for the City. Initially, the funds were to be used only for weatherization; limit of \$2,500 per home; only allowed to replace existing fixtures with like fixtures, therefore, if someone had a space heater, we could only replace it with a space heater, if they had window unit air conditioners, we had to replace them with window unit air conditioners. In looking at the program, \$2,500 a home would not really do much to change the quality of life for the residents, so he worked with Representative Johnson to lobby the DCA who allowed the guidelines to be changed as follows:

Program Changes:

Funds can be used for weatherization and emergency repairs; Maximum amount for home increased to \$15,000 with an average of \$10,000 per home; Can upgrade fixtures; Deadline to finish program extended

Goals:

Average \$10,000 repairs for each home; Improve 70 homes; Secure additional funds from Progress Energy; Use the entire \$900,000

Results:

Seventy-one homes were repaired; Average of \$9,932 per home; Secured an additional \$22,871 from Progress Energy; Used all of the \$900,000 grant

Allocations:

East Winter Garden received \$456,278 or 64.7% of the actual money spent on construction.

West Winter Garden received \$187,680 or 26.6% (west of Dillard Street and north of SR50)

South Winter Garden received \$61,226 or 8.7% (everything below SR50 and was less because most of it contains newer housing)

In conclusion, the program was a tremendous success. It helped to improve the quality of affordable housing throughout the City and they went on to do more repairs. It also demonstrated how governments can work together.

Mayor Quesinberry expressed his appreciation of all the hard work by Mr. Bollhoefer on this project. City Manager Holden stated that he can't say enough about Mr. Bollhoefer's efforts and success as the sole lead on such a large grant. They later discovered that the County previously received \$300,000 and they were not able to spend all the funds in a year to two years. The regulation was changed and the term used was "Greater Winter Garden" that allowed homes in the Tildenville area and the east area to receiving a share of the grant. Mr. Bollhoefer reported that the DCA is now looking at increasing the amount per residence after Winter Garden's request and justifications.

5. MATTERS OF CONCERN FROM CITIZENS

Andy Bruns, 6 Laurel Drive (Trailer City), Winter Garden, Florida, stated his objection to the upcoming public hearing on the ordinance regarding wine and beer being sold on public sidewalks. It really bothers him and he objects to it being allowed because of what we are trying to teach the children. Our youth should not be exposed to alcohol on the sidewalks. Keep alcohol within the walls of the establishment. He hopes the ordinance will be turned down and he doesn't see how it would be easy for the police officers to control.

6. MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Rubio reported on a question from the last City Commission meeting regarding the sign posted at Trailer City. He spoke with special counsel in Tallahassee who has indicated the sign is required for disclosure of the ordinance.

7. MATTERS FROM CITY MANAGER

A. Financial Statement for December 2004

If you have any questions, he or the Finance Director will be glad to answer them. Reported that we continue to be in excellent financial condition.

- Reported that staff has received the signal warrant study for the traffic light at SR438 (Plant Street) and West Crown Point Road, which includes a signal and left turn lanes. He does not want to lose a day on this project because of the traffic congestion on Plant Street. This project would be a participation project by the businesses contributing to the increased traffic flow. The design costs are about \$60,000 and would be designed by one of our LAP certified continuing engineering firms and construction would start in the early fall. We have a commitment from 84 Lumber for \$60,000 towards the light and from the Roper/Youngblood developer for \$100,000. He asked for permission to proceed with the design because it is not budgeted, but there will be sufficient funds available and will be included in the interim budget request. **Motion by Commissioner Dixon to approve proceeding with the design of a traffic signal at the intersection of Plant Street and West Crown Point Road. Seconded by Commissioner Harriman. Motion carried unanimously 5-0.** Commissioner Graham asked if the design could be such as to allow for when Plant Street is widened to four lanes and not to have to remove or relocate the equipment in the future. Mr. Holden stated that FDOT will not allow a design for what may be done in the future. Mayor Quesinberry stated that the corner of Story Road and Ninth Street is also is a problem. Mr. Holden replied that the intersection has already been budgeted and is currently in the design process.

- Stated that it has been reported that Chairman Crotty has approved the \$30,000 requested by County Commissioner Jacobs for modifications to the intersection at CR535 and Lake Butler Boulevard. The City has completed 60 percent of the plans for the light and will proceed to install it as soon as the County installs the turn lane. Commissioner Graham asked if the County is going to do anything with Tildenville and CR535 because it is also a bad spot. Mr. Holden replied that the study said for the County to continue monitoring the intersection as it may, in the future, need a signal light. Commissioner Graham stated that the median in the middle is not wide enough to stop and go ahead; you have to wait both ways to try to get out in front of a car. Mr. Holden stated that the County has agreed to pay for half of the construction costs of the remaining new part of Daniels Road. They are surveying all of CR535 south of 429 down to Horizons West in preparation to widen that area, which is going into the County's CIP. We are on track, just a little slower than he would like. Commissioner Graham stated that Lake County Commissioner Bob Poole wants to widen Marsh Road to four lanes all the way and Commissioner Graham personally thinks this is good idea to take a lot of the traffic off of Highway 50 as it will go all the way to Highway 27. Drivers could get onto 429 and the East-West Expressway. Mr. Holden stated that this issue has been discussed for about three to four years and before Ms. Jacobs went into the hospital, City staff had a meeting scheduled for January with the Lake and Orange County staff to discuss this very issue. The meeting is now scheduled for March 2, 2005. The biggest issue has to do with how the road section will look to make it conducive to the development that will occur in that area, which will be Joint Planning Area Amendment number six and part of Winter Garden. We have paved the way to make the boundary of Winter Garden go to the Lake County line south of Johns Lake and will take in all of Boyd's property and we already have the Burch property. Lake County wanted a high-speed through lane that City staff does not support. Lake County also wanted Winter Garden and Orange County to pay for it, which neither supports. It is a very difficult regional traffic problem that involves the owners of the property who are planning on developing the area. He will keep the Commission posted.
- Stated that in April of 1997, the Commission approved the historic business district streets to be bricked and/or a combination of brick and pavement. To finish the effort, it will be an ongoing four-year project. It would include finishing the north and south streets from Newell on the north to Smith on the south. The first phase would be \$186,750 to design, permit, bid, and construct it over a two-year period. The project would include some work on West Newell, North Highland, North Lakeview, South Lakeview, and South Highland. It would be in phases as an ongoing project much as the City did with the streetscape project. Mr. Holden asked for permission to get started on the design and noted the funds are budgeted in future years, but things are coming up that we need to start the design for the phasing portion. The City has an excessive amount of bricks that need to be put back on the streets. **Motion by Commissioner Graham to approve the design of the historic street restoration as requested. Seconded by Commissioner Harriman.** Commissioner Graham asked if the infrastructure will also be done. Mr. Holden replied yes. The Utility Director will also be looking at where our inflow and infiltration problems are from the old stormwater and sewer lines. **Motion carried unanimously 5-0.**

8. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

Shared that he attended the City of Ocoee's ribbon cutting ceremony for the completion of their Downtown Streetscape Project and it was well attended.

Commissioner Dixon:

Stated that she thinks there is a slow down in Code Enforcement looking at a rooming house across the street from the Maxey Center. There were issues raised about the parking but there is only one person driving a car so she doesn't know what the issue could be. The rooming house originally misunderstood that the new ordinance included them. Mr. Holden clarified that the ordinance relates to any new boarding houses meeting the rules.

Stated she does not drink and as pointed out by her previous pastor, if someone is drinking from a cup you cannot know for sure what is in the cup. She also stated that putting alcohol in a Styrofoam cup or thick glass would prevent anyone from seeing what is in it. She is sure that if anybody were to walk down the street with alcohol in a cup or an open bottle, there would be an arrest made. She has previously suggested only small tables and not serving anyone to the point of being obliterated. She is not promoting beer, wine, or dipping, but when people are drinking alcohol illegally, the Police will handle the matter. She would rather someone drink out of a cup than drive to buy alcohol, drink it and then drive home.

Shared that the Governor's Aide called her and she spoke with him about the Reading Reindeer Program at the Maxey Center. Governor Bush sent her the photos taken from his last visit to the Maxey Center and she will be sharing them with the Mayor, Commissioners, and newspaper.

Commissioner Graham:

Complimented the Recreation Department on the dedication that took place at the new Maple Street Skate Park. He encouraged everyone to go to the park. It is very nice and Jay Conn did a good job.

The meeting was adjourned at 7:53 p.m.