
**REGULAR MEETING MINUTES
CITY COMMISSION**

March 10, 2005

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:42 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners Theo Graham and Mildred Dixon (arrived at 6:42 p.m.)

ABSENT: Commissioners Bill Thompson and John Harriman

Also Present: City Manager Hollis Holden, 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, Finance Director Mike Bollhoefer, Information Technology Director Bob Reilly, Public Works Director Bob Smith, Fire Chief John Williamson, Recreation Director Jay Conn, Human Resources Director Frank Gilbert, West Orange Times reporter Michael Laval, and Orlando Sentinel reporter Sandra Mathers

1. **APPROVAL OF MINUTES**

Motion by Commissioner Graham to approve the regular meeting minutes of February 24, 2005 as submitted. Seconded by Commissioner Dixon and carried unanimously 3-0.

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 05-21:** AMENDING ORDINANCE 99-60 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO EXPAND THE BOUNDARIES OF STONEYBROOK WEST COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Rubio read Ordinance 05-21 by title only. Mayor Quesinberry opened the public hearing. Mr. Scott Clark, P.A., 655 West Morse Boulevard, Winter Park, Florida stated that he is the District Counsel for the Stoneybrook West Community Development District. The District Board of Supervisors passed a resolution approving a petition to the City Commission to expand the boundaries of the District to add two new parcels. The parcels are part of the development plan previously approved by the city and were slated to be multi-family but the developer is going ahead with a single-family development and wants to incorporate them into the CDD to obtain some bond financing. The petition was presented to staff and both parties have met to answer some questions. The CDD has demonstrated that they meet the statute criteria for expanding the district boundaries. Mr. Clark handed City Clerk Golden the original petition and a copy of the affidavit of publication for this ordinance. Hearing no other comments, Mayor Quesinberry closed the public hearing. **Motion by Commissioner Graham to approve Ordinance 05-21. Seconded by Commissioner Dixon and carried unanimously 3-0.**

- B. **Ordinance 05-09**: VACATING THE SOUTHERNMOST APPROXIMATELY 480 FEET OF PARK AVENUE; PROVIDING AN EFFECTIVE DATE (**POSTPONED JANUARY 13, 2005**)

City Attorney Rubio read Ordinance 05-09 by title only. City Planner Cechman stated that the applicant is still working on some details with the adjacent property owner and they have requested another postponement until March 24, 2005. **Motion by Commissioner Dixon to postpone the public hearing of Ordinance 05-09 until March 24, 2005. Seconded by Commissioner Graham and carried unanimously 3-0.**

3. **REGULAR BUSINESS**

- A. **Resolution 05-08**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 8, 2005, FOR COMMISSION DISTRICT 2 AND COMMISSION DISTRICT 4; THE UNOPPOSED COMMISSIONER FOR DISTRICT 3; AUTHORIZING THE ISSUANCE OF CERTIFICATES

City Attorney Rubio read Resolution 05-08 by title only. City Clerk Golden read the certified results of the Municipal General Election on March 8, 2005 as follows:

<u>District 2</u>	<u>Precinct 2103 (Tanner Hall)</u>	<u>District 4</u>	<u>Precinct 4103 (West Orange Library)</u>
Jerry Carris	129	John Harriman	149
Theo Graham	229	Carol Nichols	159

District 3 Commissioner Dixon was re-elected by virtue of no opposition.

Motion by Commissioner Graham to approve Resolution 05-08. Seconded by Commissioner Dixon and carried unanimously 3-0.

- B. **Resolution 05-09**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE RECALL ELECTION OF COMMISSIONER DISTRICT 1, WILLIAM A. (BILL) THOMPSON, HELD ON TUESDAY, MARCH 8, 2005

City Attorney Rubio read Resolution 05-09 by title only. City Clerk Golden read the certified results of the Recall Election on March 8, 2005 as follows:

<u>District 1 Commissioner William A. (Bill) Thompson Recall</u>		<u>Precinct 1103 (Tanner Hall)</u>
Should be removed	451	
Should not be removed	208	

Motion by Commissioner Graham to approve Resolution 05-09. Seconded by Commissioner Dixon and carried unanimously 3-0.

- C. **Oaths of Office**

City Clerk Golden administered the oaths of office to Commissioners of Districts 2, 3, and 4.

4. MATTERS OF CONCERN FROM CITIZENS

Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida congratulated the elected Commissioners. He stated he is present at the request of the Beulah Baptist Church who utilizes Newton Park each year for their Easter Sunrise Service to request permission from the City Commission to use Tanner Hall this year so they can serve a sit-down breakfast along with some other churches. Mayor Quesinberry stated that the request should have been submitted in writing to Recreation Director Jay Conn. Mr. Miller responded that they did apply and he thinks city staff is not willing to help very much so he is asking the Commission for approval. They do not have that long to make the necessary arrangements. Mayor Quesinberry stated that the request should be an agenda item and it could be placed on the next agenda. Commissioner Dixon stated that she would have to see the paperwork from the applicant and staff before making her decision. Mr. Miller stated that he doesn't believe there was a problem with using Tanner Hall, but he thinks there may be a problem with getting staff to unlock and lock the facility. Commissioner Graham pointed out that putting it on the March 24, 2005 agenda would be too close to Easter for them to find another location if they were denied. City Manager Holden stated that it is all a matter of liability and there is a long-standing procedure in place that needs to be followed for using Tanner that protects the City from liability and meets the requirements of our insurance carrier. Mr. Miller stated that he is sure that if permission were granted, the paperwork could be worked out. City Attorney Rubio stated that the procedure for using Tanner Hall needs to be followed and if staff determines it should be denied for a particular reason, there is a procedure whereby Mr. Miller could file an appeal. Mr. Miller asked if the City Manager could intercede in this matter and push it along. Mr. Holden stated that all he needs to see is the paperwork. Recreation Director Conn stated that Tanner Hall operates under Trailer City Manager Martin. Mr. Holden asked when was the request submitted because this is the first he has even heard of it. Mr. Miller responded that he did not know when, but he believes it was submitted some time ago and it just came up last night that staff could not accommodate the request. Mr. Holden stated that the City would be remiss if it did not follow the established procedure. Mr. Miller stated he would relay this information.

5. MATTERS FROM CITY ATTORNEY

Mr. Rubio stated that results of the recall election has created a vacancy in District 1 and he has provided the City Commission with a memo relating to the Charter provision for filling the vacancy; Section 16 "If any vacancy occurs in the city commission, the city commission shall elect within fifteen (15) days by the affirmative votes of not less than three (3) members, an eligible person to fill the vacancy until the next general or special election, at which time the office shall be filled for the unexpired term; provided, that if such vacancy is not filled within fifteen (15) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the governor." As such, the Charter does not provide any specific procedures to guide the Commission on the decision making process. Therefore, he has submitted, for the Commission's consideration, a proposed method for filling the vacancy. In brief, he proposes that each Commissioner have the opportunity to nominate one person by providing the City Clerk with the nominee's name and address in writing. The City Clerk then would verify that the nominee meets the requirements of the 2-year residency, being an elector of the City, and taking the oath as a nominee to sit as a City Commissioner. The Commission would then hold a special meeting to vote on the nominees. Mayor Quesinberry

asked what special meeting date is proposed. Mr. Rubio stated that the nominee names would be submitted to the City clerk by Tuesday, March 15th, the nominees would have until March 17th, 5 p.m. to meet with the City Clerk to take the oath, and the special meeting would be held March 18th at 6:30 p.m. Mayor Quesinberry asked if any Commissioner could not make a special meeting on March 18th. Commissioner Nichols asked what would happen if they were to reach an impasse on the decision. Mayor Quesinberry stated that the appointment would go to the Governor. The nominee who receives at least three affirmative votes of the City Commission shall be declared elected to fill the vacancy and would be sworn into office. **Motion by Commissioner Dixon to adopt the procedure as submitted by the City Attorney (see attached). Seconded by Commissioner Graham and carried unanimously 4-0.**

6. **MATTERS FROM CITY MANAGER** - None

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Dixon

Shared that she participated in the grand opening of the Central Florida Educators Credit Union today. She is looking forward to her community applying for CDBG funds and anticipates two or three applications will be submitted. She would like to have a walking pad installed around the Mildred Dixon Center. She is also trying to get the ball field repaired. City Manager Holden stated that he and the Mayor are meeting with County Commissioner Jacobs tomorrow and they would be happy to show her the field. Commissioner Dixon stated that would be a good idea and if she can look at the fence that is being torn down all the time would be helpful. Commissioner Dixon would like lights installed that cannot be shot out. Mr. Holden stated that as part of the interim budget, staff is planning on including the cul-de-sac that provides the movement to come back out. Commissioner Dixon stated that she is concerned about a program at the Maxey Center that is no longer funded by the County because of some liability problem. Since the center was previously owned by the City, she would like the City to take over the programs and eventually ask the county to donate the building back to the City. Mayor Quesinberry clarified that that the light and camera Commissioner Dixon spoke to was installed by the County for \$30,000, was later shot out, and involved someone who is now on death row. It is a serious matter and he thanked Commissioner Dixon for bringing it up.

Commissioner Nichols

Stated that it is a pleasure to be on the City Commission and thanked all her constituents, supporters, and friends. She stated that she is here to represent the people in her district and she expects them to talk with her and hold her accountable for what she does as a Commissioner. She is their voice. Her phone number is listed and she wants to represent the residents. She thanked those for the faith they have put in her.

Mayor Quesinberry asked City Manager Holden to share a letter that he received. Mr. Holden stated that the West Orange High School Theater Department, who put on a very impressive skit last year, has just requested the City's support by purchasing \$30 tickets for their show this Saturday at 7 p.m. **Motion by Commissioner Graham to purchase four (4)**

tickets to the West Orange High School Drama Department play. Seconded by Mayor Quesinberry and carried unanimously 4-0.

Mayor Quesinberry

Stated that he is currently the President of the Lake Apopka Natural Gas District Board that is jointly owned by the cities of Clermont, Apopka and Winter Garden and he would like to be reappointed for another two-year term. **Motion by Commissioner Graham to reappoint Mayor Quesinberry to the Lake Apopka Natural Gas Board. Seconded by Commissioner Dixon and carried unanimously 4-0.**

Commissioner Graham

Announced his appreciation for the signs posted on Bay Street regarding not blocking the road accessing Temple Grove Drive and Valencia Shores.

The meeting was adjourned at 7:22 p.m.