



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

January 9, 2025

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present:

Mayor John Rees
Commissioner District 1 - Lisa L. Bennett
Commissioner District 2 - Iliana R. Jones
Commissioner District 3 - Chloe Johnson
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney Kurt Ardaman
City Clerk Angela J. Grimage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of December 12, 2024, as submitted. Seconded by Commissioner Jones and carried unanimously 4-0.

Commissioner Sharman arrived at this point in the meeting at 6:31 p.m.

2. **PRESENTATION**

A. **Proclamation 25-01:** Proclaiming Certified Registered Nurse Anesthetists Week of January 19 – 25, 2025, was read by Mayor John Rees.

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 25-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 24-20, THE CITY OF WINTER GARDEN FISCAL YEAR 2024-2025 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 25-03 by title and an excerpt of revenues with matching expenditures. Finance Director Zielonka stated that this ordinance amends the current year budget to carry forward projects budgeted for the last fiscal year but not completed by the end of the fiscal year. She noted that Exhibit 1 lists projects as recommended by staff.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to approve Ordinance 25-03 with the second reading and public hearing being scheduled for January 23, 2025. Seconded by Commissioner Johnson and carried unanimously 5-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 25-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 74 OF THE WINTER GARDEN CITY CODE, TO CREATE A NEW ARTICLE VI, ENTITLED "SCHOOL ZONE SPEED ENFORCEMENT,"; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE CITY; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS AND DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 25-01 by title only. Police Chief Steve Graham noted the purpose of this ordinance as authorizing the use of speed detection systems within designated school zones. He expressed that this is to minimize the unacceptable hazard of speeding that threatens the health, safety, and welfare of students and pedestrians in the City.

Mayor Rees voiced safety concerns about the ability for one to speed 10 miles per hour (mph) over the speed limit and noted his efforts to speak to the legislature regarding the issue, but with no resolve. Mayor Rees inquired about the City's ability to set the limit at 5 mph over. Police Chief Graham responded, no, as the legislature has set this limit of 10 mph over. However, Police Chief Graham offered the City's ability to place motor officers at certain locations for monitoring. Discussion ensued on equipment monitoring speed versus the physical presence of an officer, tickets issued and the varying costs, and an officer's ticket taking precedence over that of a speed device. Also discussed was law enforcement, the establishing of speeding thresholds and the effect being a significant reduction in speeding. As topics of data collection were addressed, the City Commission recognized a RedSpeed representative to address some of these issues.

Craig Parks, of RedSpeed spoke of statistical reporting, detailed transparency, and the ability to build special reports for the City. He noted a 66% reduction in crashes as noted in the State of Georgia. He pointed out limitation for personnel to sit in school zones all day. He informed that their system is a compliment to law enforcement efforts and not a replacement.

Mayor Rees read an excerpt from a related article and there was discussion regarding the laws, a one-day study, standard deviations, and a week-long study to provide more data.

Mayor Rees opened the public hearing.

Gretchen Tope, 512 N. Lakeview Avenue, Winter Garden, Florida, addressed concerns regarding the law and people thinking that they can speed in other areas of the City.

There was discussion on \$100 fines for speed cameras versus additional fees for tickets written by a physical police officer. Also discussed were higher speeds, which could possibly warrant a reckless driving citation or an arrest, which would be at the discretion of the police officer.

Hearing and seeing no other requests for public comment, Mayor Rees closed the public hearing.

Motion by Commissioner Jones to adopt Ordinance 25-01. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 25-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 74 OF THE WINTER GARDEN CITY CODE, TO CREATE A NEW ARTICLE V, ENTITLED "THE CITY OF WINTER GARDEN TRAFFIC LIGHT SAFETY ACT", ESTABLISHING A RED-LIGHT ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC INFRACTION DETECTORS FOR RED LIGHT VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 25-02 by title only. Police Chief Steve Graham stated that the purpose of this ordinance is authorizing the use of traffic infraction detectors. This effort is to promote, protect, and improve the health, safety, and welfare of citizens by the reduction of traffic incidents caused by motorists who fail to obey erected traffic control devices.

There was discussion that this is for intersections where some people would run a red light. It was noted that those tickets would be \$158.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 25-02. Seconded by Commissioner Johnson and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 25-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, MAKING A FINDING PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, BASED UPON THE 2024 SHIMBERG CENTER FOR HOUSING STUDIES ANNUAL REPORT; ELECTING NOT TO EXEMPT CERTAIN PROPERTIES FROM AD VALOREM TAXATION UNDER THE LIVE LOCAL ACT; PROVIDING FOR THE PRESERVATION OF EXISTING EXEMPTIONS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY AND EXPIRATION

City Attorney Ardaman read Resolution 25-02 by title only. Planning Director Kelly Carson spoke of the Florida Statutes, the Shimberg Center for Housing Studies 2024 Report, and the identification of the Orlando-Kissimmee, Florida Metropolitan Statistical Area (MSA), which includes Orange County, having a surplus of affordable and available units for households in the 0-120 percent Area Median Income (AMI) category relative to the number of renter households in the same category. She stated that based on this finding, the City elects not to exempt properties eligible for the 80 to 120 tax exemption under Section 196.1978(3)(d)1.a., Florida Statutes and directs the Orange County Property Appraiser not to grant such exemptions for the 2025 tax roll or any tax year this Resolution is in effect. Staff recommended approval.

Motion by Commissioner Sharman to approve Resolution 25-02. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. Recommendation to approve Construction Contract for the Crest Avenue WWTP Upgrades for Guaranteed Maximum Price 1 & 2 (GMP-1 & GMP-2) to Wharton-Smith, Inc in the amount of \$132,637,770

City Engineer Jim Monahan stated that the Wharton-Smith, Inc. CMAR Team evaluated numerous bid submittals for multiple construction categories to calculate the final cost of the WWTP project. To begin construction, the City of Winter Garden and Wharton-Smith, Inc. need to enter a contract for the work, which he noted defines each entities roles and responsibilities to complete the necessary construction upgrades. Staff recommended approval.

Motion by Commissioner Bennett to approve Construction Contract for the Crest Avenue WWTP Upgrades for Guaranteed Maximum Price 1 & 2 (GMP-1 & GMP-2) to Wharton-Smith, Inc. in the amount of \$132,637,770. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. Recommendation to approve Professional Services Agreement with Inspire Placemaking Collective in the amount of \$299,640

Planning Director Kelly Carson stated that Inspire Placemaking Collective submitted a Professional Services Agreement to aid City staff in preparation and transmittal of the City's Comprehensive plan update. Ms. Carson described some components of the agreement and noted their past work with the City. Staff recommended approval.

Motion by Commissioner Sharman to approve Professional Services Agreement with Inspire Placemaking Collective in the amount of \$299,640. Seconded by Commissioner Johnson and Jones simultaneously and carried unanimously 5-0.

D. Recommendation to approve SITE PLAN for 321 North Hennis Road (Park Industrial New Office), subject to conditions

Planning Director Kelly Carson stated that the applicant is proposing to demolish two buildings, including the 35,813-square-foot Diamond R Fertilizer plant, and refurbish several existing buildings. She noted the applicant's proposed use of the property, associated parking, fencing removal and replacement, and other landscaping improvements.

There was discussion on the excitement of the neighbors for there to no longer be a fertilizer plant at this location. Also mentioned was a former rose garden and care to be given regarding the future aesthetics.

Motion by Commissioner Sharman to approve SITE PLAN for 321 North Hennis Road (Park Industrial New Office), subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.

E. Recommendation to approve SPECIAL EVENT for the Sixth Annual Martin Luther King Jr. Parade and Celebration on Monday, January 20, 2025, downtown with street closure

Planning Director Kelly Carson stated that this is a request for approval of the 6th Annual Martin Luther King, Jr. Day Parade and celebration in Downtown Winter Garden on Monday, January 20, 2025. She spoke of the parade route, event activities, and road closure. Staff recommended approval.

Motion by Commissioner Jones to approve SPECIAL EVENT for the Sixth Annual Martin Luther King Jr. Parade and Celebration on Monday, January 20, 2025, downtown with street closure. Seconded by Commissioner Johnson and carried unanimously 5-0.

F. BOARD APPOINTMENT: Code Enforcement Board

Planning Director Kelly Carson noted the resignation of former Code Enforcement Board member Jack Litteral and recommended appointment of one new member for the unexpired seat.

Motion by Commissioner Jones to appoint Eddie Young to the Code Enforcement Board to fill the unexpired seat. Seconded by Commissioner Bennett and carried unanimously 5-0.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

City Manager Jon C. Williams wished everyone a Happy New Year. He noted that the City approved Ordinance 08-43 in 2008, establishing and authorizing a fire assessment to fund fire services. He disclosed that the ordinance was never implemented, and with a recent adoption of Amendment 5 in November, the City would see inflation adjustments to the

current homestead exemption. Furthermore, Mr. Williams spoke of this possibly having a negative impact on the City's revenues, which would not be seen until later in the fiscal year. He noted requesting an update to the fire assessment and received two proposals. One proposal was from Benesch in the amount of \$47,845 and one from Anser Advisory Management in the amount of \$62,000. Mr. Williams indicated that, although this item falls within his realm of signing authority, he wanted to bring awareness and move forward with Benesch.

There was discussion and inquiry on this item being discussed again, and whether this was a fact-finding item to be reviewed later. City Manager Williams noted that statutorily, the City would preserve its right, review the budget, and if it were found that this impact would be too much, have this data available to implement this assessment should the City decide to do so. Discussion ensued on the necessity to review all impact fees, escalating operating costs, higher wages, and limitations in increasing the millage rate.

Motion by Commissioner Sharman to approve moving forward with a fire assessment from Benesch in the amount of \$47,845. Seconded by Commissioner Johnson and carried unanimously 5-0.

City Manager Jon C. Williams announced that the City has finally closed on the Lumen/CenturyLink property on January 3, 2025. There was discussion on the cleanup of this property.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman spoke favorably of the Christmas Parade and the Holiday Season in the City of Winter Garden.

Commissioner Johnson wished everyone a Happy New Year and encouraged them to start the year 2025 in a good way.

Commissioner Jones thanked staff for a wonderful job done for the holidays, noting her visiting family was impressed. She also wished everyone an amazing Happy New Year.

Commissioner Bennett echoed comments made by Commissioner Jones.

Mayor Rees voiced appreciation to the City staff for all their hard work during the holidays.

The meeting adjourned at 7:08 p.m.

ATTEST:

APPROVED:

_____/S/_____
City Clerk Angela J. Grimmage

_____/S/_____
Mayor John Rees