



# CITY OF WINTER GARDEN

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## City Commission REGULAR MEETING MINUTES

January 23, 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 Dan Langley  
City Clerk Angela J. Grimage

1. **APPROVAL OF MINUTES**

**Motion by Commissioner Bennett to approve regular meeting minutes of January 9, 2025, as submitted. Seconded by Commissioner Johnson and carried unanimously 4-0.**

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

- A. **Ordinance 25-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING POLICY 1-1.2.19 AND POLICY 1-1.2.20 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 25-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 100.5 ± ACRES GENERALLY LOCATED SOUTH OF E PLANT STREET, EAST OF 11TH STREET, WEST OF FLORIDA STATE ROAD 429, AND NORTH OF E MAPLE STREET FROM LOW DENSITY RESIDENTIAL AND RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO NEIGHBORHOOD RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 25-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 22.8 ± ACRES GENERALLY LOCATED SOUTH OF NORTH STREET, EAST OF 9TH STREET, WEST OF 11TH STREET, AND NORTH OF E MAPLE STREET FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL AND INSTITUTIONAL TO NEIGHBORHOOD MIXED-USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Items 2.A, 2.B, and 2.C were withdrawn as noted by City Manager Jon C. Williams.

*Commissioner Sharman arrived at this point in the meeting at 6:34 p.m.*

- D. **Ordinance 25-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO CODE ENFORCEMENT; PROVIDING FOR THE APPOINTMENT OF A SPECIAL MAGISTRATE BY THE CITY COMMISSION; PROVIDING THAT REFERENCES TO THE CODE ENFORCEMENT BOARD ELSEWHERE IN THE CODE, THE WINTER GARDEN LAND DEVELOPMENT REGULATIONS AND ANY OTHER CODES, ORDINANCES AND RESOLUTIONS OF WINTER GARDEN, FLORIDA, ARE ALSO DEEMED REFERENCES TO THE SPECIAL MAGISTRATE; GRANTING ALL POWERS AND DUTIES AS PRESCRIBED BY FLORIDA LAW TO THE SPECIAL MAGISTRATE, INCLUDING THE AUTHORITY TO ISSUE ORDERS, LEVY FINES, AND ENFORCE DECISIONS; CONFORMING THE PROVISIONS GOVERNING THE CONDUCT OF HEARINGS, ADMINISTRATIVE FINES, COSTS OF REPAIR AND LIENS; PROVIDING FOR ENFORCEMENT PROCEDURES, CONDUCT OF HEARINGS, ADMINISTRATIVE FINES AND LIENS; SETTING FORTH DESIGNATION, QUALIFICATIONS AND COMPENSATION OF THE SPECIAL MAGISTRATE

City Attorney Dan Langley read Ordinance 25-08 by title only. Planning Director Kelly Carson stated the City has initiated a Code amendment that would establish a Special Magistrate position that is appointed by the City Commission. The Special Magistrate would have the authority to render decisions relating to violations of City Code, violations of the City's alcohol ordinance, as well as hear appeals for violations related to speed enforcement cameras. The Code Enforcement Board will remain active, and decisions in code enforcement cases may be rendered by either entity. Staff recommended approval.

Mayor Rees confirmed that the Code Enforcement Board would continue with its normal duties with the Special Magistrate only addressing cameras and alcohol, right now. Ms. Carson responded that the Special Magistrate would also hear code cases, which would be up to the Code Enforcement Officer and the Manager to decide at which board the case would be heard. City Manager Jon C. Williams stated that it would be the City's intention to keep the Code Enforcement Board in place.

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

**Motion by Commissioner Sharman to approve Ordinance 25-08, with second reading and public hearing on February 13, 2025. Seconded by Commissioner Jones and carried unanimously 5-0.**

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

- 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 Dan Langley read Ordinance 25-03 by title only. Finance Director Laura 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 adopt Ordinances 25-03. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Resolution 25-03**: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA EXPRESSING SUPPORT OF LEGISLATION REQUIRING HANDS-FREE PHONE USE WHILE DRIVING; PROVIDING FOR AN EFFECTIVE DATE

Planning Director Kelly Carson stated that given the dangers associated with using handheld devices while driving and given studies have shown that implementing hands-free cellphone / handheld device use legislation can reduce the incidence of distracted driving, saving lives and promoting safer roadways for all. Staff recommends the City Commission adopt Resolution 25-03 expressing strong support for legislation mandating the use of hands-free devices while driving.

There was discussion on the legislature and their decision-making timeframe.

**Motion by Commissioner Jones to adopt Resolution 25-03. Seconded by Commissioner Johnson and carried unanimously 5-0.**

B. **Recommendation to waive formal procurement process and hire DRMP to provide topographic survey in East Winter Garden in the amount of \$57,000**

Assistant City Manager for Administrative Services Steve Pash stated that a portion of the recently annexed Historic East Winter Garden area had some flooding during Hurricane Ian and Milton. He noted that the City is looking at solutions to help solve this flooding and would analyze the area, get topographic surveys, and use drone footage to do so. He named the effected streets to be addressed and mentioned the ponds behind them. Furthermore, he noted that staff recommends waiving the formal procurement requirements to hire DRMP to provide the survey in the amount of \$57,000.

There was discussion on the drone survey versus a regular survey with the main difference being noted as time savings.

**Motion by Commissioner Sharman waive formal procurement process and hire DRMP to provide topographic survey in East Winter Garden in the amount of \$57,000. Seconded Commissioner Johnson and carried unanimously 5-0.**

C. Recommendation to approve distribution of awarded Edward Byrne Memorial Justice Assistance Grant (JAG) funds for purchase of SWAT vests and equipment in the amount of \$13,242

Police Chief Steve Graham stated that the Fiscal Year 2024 Local Solicitation Edward Byrne Memorial Justice Assistance Grant (JAG) Program earmarked \$13,242 for the Winter Garden Police Department. He noted that the Police Department requests using these funds to purchase SWAT vests and equipment for the Metro SWAT Team. Furthermore, he indicated that additional funding would be required to complete the purchase of this equipment and requested use of the law enforcement trust fund in an amount not to exceed \$25,000. Staff recommended approval and noted the requirement for public comment.

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

**Motion by Commissioner Johnson to approve distribution of awarded Edward Byrne Memorial Justice Assistance Grant (JAG) funds for purchase of SWAT vests and equipment in the amount of \$13,242 and use of other law enforcement trust funds, not to exceed \$25,000. Seconded by Commissioner Jones and carried unanimously 5-0.**

D. Recommendation to authorize Mayor and Police Chief execute new Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement

Police Chief Steve Graham stated that stated that this is the Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement with Orange and Osceola County. He noted that this agreement has expired and needs renewal. Furthermore, he noted that this agreement outlines the provisions for operational assistance and voluntary cooperation. Staff recommended approval.

**Motion by Commissioner Sharman to authorize Mayor and Police Chief execute new Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement. Seconded by Commissioner Bennett and carried unanimously 5-0.**

E. Recommendation to approve purchase of 23 Cisco Catalyst switches with associated peripherals and licensing in the amount of \$91,879

Information Technology Director David Livingston stated that this is a request to proceed with the purchase of 23 Cisco catalyst network switches with associated peripherals and licensing, in the amount of \$91,879. He indicated that this item was included in the Fiscal Year 2025 budget. Furthermore, he noted that this approval would allow replacement of the City's aging infrastructure, which would offer improved performance, stability, and enhanced network security. He informed that this would offer better long-term support and named certain cloud supported items it included. Staff recommended approval.

There was discussion on this being slightly under the budgeted amount, and the items this equipment supports.

**Motion by Commissioner Sharman to approve purchase of 23 Cisco catalyst switches with associated peripherals and licensing in the amount of \$91,879. Seconded by Commissioner Jones and carried unanimously 5-0.**

F. Recommendation to approve renewal of Microsoft Enterprise License Agreement, year two of three, in the amount of \$154,500.51

Information Technology Director David Livingston stated that the City's Microsoft Enterprise Licensing Agreement is due for renewal. This renewal allows the City to continue utilizing Microsoft 365, as well as other related software and services. Furthermore, he noted that this item is included in this year's budget. Staff recommended approval of renewing the Microsoft Enterprise License Agreement, year two of three, at the cost of \$154,500.51.

Mayor Rees spoke of prior approval of this items three-year contract.

**Motion by Commissioner Sharman to approve renewal of Microsoft Enterprise License Agreement, year two of three, in the amount of \$154,500.51. Seconded by Commissioner Johnson and carried unanimously 5-0.**

G. Recommendation to sign the Assignment of Drainage Easement from Orange County to the City of Winter Garden

Planning Director Kelly Carson stated that staff is in review with Orange County to transfer a drainage easement located on Edgeway Drive. She noted that the City would be assigned the easement on the Edgeway Drive property and take over the maintenance of the underground drainage infrastructure. Staff recommended approval.

There was discussion on associated costs for the City. Ms. Carson noted there is no cost to the City, the property is privately owned, and in the platting process for Habitat for Humanity to possibly build affordable homes at this location.

**Motion by Commissioner Johnson to sign the Assignment of Drainage Easement from Orange County to the City of Winter Garden. Seconded by Commissioner Bennett and carried unanimously 5-0.**

H. Recommendation to approve FINAL PLAT for 1104 South Park Ave (Golden Palms), subject to conditions

Planning Director Kelly Carson stated that the applicant requests final plat approval for property located at 1104 South Park Avenue. This property originally received preliminary plat approval in 2005. The previous applicant installed all site infrastructure, including internal roadway, but never constructed the townhomes or recorded the final plat. Furthermore, she noted that the proposed final plat is consistent with the previously approved preliminary plat, featuring 24 townhome lots with common area tracts, and associated easements. She spoke of the property's future land use designation and zoning as multifamily residential. Furthermore, Ms. Carson informed that the final plat meets all code requirements and is consistent with the City's comprehensive plan. Staff recommended approval, subject to conditions.

**Motion by Commissioner Jones to approve FINAL PLAT for 1104 South Park Avenue (Golden Palms), subject to conditions. Seconded by Commissioner Sharman and carried 4-1; Mayor Rees opposed.**

5. **MATTERS FROM PUBLIC** – There were no items.

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

7. **MATTERS FROM CITY MANAGER**

A. Recommendation to approve Settlement Agreement with GIL, Inc. and Laman

City Manager Jon C. Williams recognized City Attorney Dan Langley to address the settlement agreement.

City Attorney Dan Langley explained the history of the City acquiring Plant Street right-of-way, and noted questions on the part of GIL, Inc. as to whether the City of Winter Garden completed its portion of the agreement and disclosed that GIL, Inc. initiated litigation against the City. This included enforcement of post-closing conditions under the agreement concerning signage, sidewalks, and landscaping. He addressed the nature of the required improvements, shared some of the negotiations, and noted that each party would bear their own legal fees. He noted that the property owner has already signed, and he mentioned the City would receive more right-of-way along Plant Street. He noted there would be a wider sidewalk, and other landscape improvements. Mr. Langley

informed that the agreement contained duplicated items already included in the original agreement, at the property owner's request. Also discussed, was the vacant property having a one-year delay in the development, time given for design and construction, and the ability for the improvements good through 2028. City Attorney Dan Langley recommended approval. Discussion ensued regarding payment methods.

**Motion by Commissioner Johnson to approve Settlement Agreement with GIL, Inc. Seconded by Commissioner Jones and carried unanimously 5-0.**

ERP System Conversion

City Manager Jon C. Williams announced the conversion from the old system to the new system starting January 27, 2025, to February 3, 2025. He explained some minor impact to the customers and noted that the building department would process residential permit by hand, with other being held until the new system comes online. He noted that the online portal for utility bills would be inactive, so no credit cards payments would be accepted online during this transition period but noted that customers could still come in and pay by check or cash. Furthermore, he shared information on utility billing closure, transition dates, and spoke of some enhanced benefits of the software. He addressed public notices announcing the changes and shared that once the system is up, residents would have the capability of paying by credit cards, Apple Pay, and Google Pay.

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** spoke of it snowing in Florida and the effect of the cold on the parade attendance.

**Commissioner Johnson** commended City staff on doing a good job and hoped everyone would stay warm.

**Commissioner Jones** echoed comments commending City staff for the work they do also wish everyone warmth, noting it is cold.

**Commissioner Bennett** spoke of a great Martin Luther King Day Parade and noted the low turnout due to the cold and voiced appreciation for all that City staff does.

**Mayor Rees** spoke of City staff doing a great job in December, noted their efforts at the parade and commended the entertainment. He voiced appreciation to staff for all they do and wished everyone to stay warm.

The meeting adjourned at 6:56 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Angela J. Grimmage

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees