



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

January 27, 2022

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 - Ron Mueller
Commissioner District 3 - Mark A. Maciel
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney Kurt Ardaman
City Clerk Angee Grimmage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of January 13, 2022 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **PRESENTATION**

A. An **Outstanding Citizen Award** from the City of Winter Garden to Wendell Coates, Jr. was presented by Mayor Rees and the City Commission. Commissioner Maciel shared background information on Mr. Coates, noting his contributions as a business owner of Global Not Local, community event coordinator, basketball coach, and mentor. Mr. Coates accepted the award, thanking the City Commission for their support.

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

A. **Ordinance 22-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VOTING DISTRICT BOUNDARIES; ADOPTING THE REPORT OF THE DISTRICTING COMMISSION, INCLUDING THE MAP AND DESCRIPTION OF PROPOSED ELECTION DISTRICTS FILED WITH THE CITY BY THE DISTRICTING COMMISSION ESTABLISHED PURSUANT TO SECTION 25 OF THE CITY CHARTER; ENACTING THE DISTRICT BOUNDARIES PROPOSED BY SUCH REPORT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-01 by title only.

Districting Commission Chairman Derek Blakeslee thanked the City Commission for allowing the Districting Commission to serve and be a service to Winter Garden in this effort. He stated he is presenting this ordinance and map for the new voting districts, approved unanimously by the Districting Commission. He listed those serving the Districting Commission as follows:

District 1 – John Murphy

District 2 – Steve Dolgin

District 3 – Myron Brown

District 4 – Selenia Roldan

District 5 – Derek Blakeslee (Mayor Appointed)

Mr. Blakeslee stated that the Districting Commission held four meetings and allowed for public comments. He gave a brief history of the City's districting and explained districting requirements. He spoke about City charter requirements, noted the task of working with four districts, and read an excerpt regarding the rules and regulations for district adjustments. He explained the movement of district boundaries, deviation of population numbers not to exceed five percent, and issues with maintaining a minority/majority district. He informed that District 3, in 2008, had a minority/majority district, which has been lost due to there not being enough of the minority population left there to consider it a pure minority/majority district. However, he did note that District 3 was the only non-white majority district and the Districting Commission, in their review, tried to maintain it.

Mr. Blakeslee noted that each seated City Commissioner was kept in their district and noted that it would have been allowed in redistricting to zone a City Commissioner out of their district in order to accomplish the other goals.

Mr. Blakeslee explained the challenges with adjustments to the maps and how changes from the past differ from those allowed now. He explained using certain roads as a divider would no longer work for drawing boundaries. These could be in the middle of a subdivision, thus splitting that subdivision. He explained that in light of all these things to consider, the Districting Commission believe they have created the best alternative possible and shared how City GIS Coordinator Alan Booker assisted in the creation process. Mr. Blakeslee stated that the Districting Commission believes that the proposed map best accomplishes the goals of the City Commission, goals of redistricting with minimal movement of the districts. He reiterated that they tried as much as possible to do no harm.

Commissioner Bennett inquired about the lengthiness of the process. Mr. Blakeslee noted that there were four meetings and the Districting Commission really honed in on a decision for a proposed map at the last two meetings when all Districting Commissioners were present. He noted the attendance of City Commissioner Sharman from District 4 at one of those meetings. Mr. Blakeslee informed that all meetings were public and properly noticed and held within the Sunshine Laws. He expressed that any Commissioner that wanted to come was welcomed to attend and the Districting Commission listened to any and all input.

Commissioner Mueller thanked the Districting Commission and noted that it was outstanding work. He shared that he would want to speak to the City Commission at

other meetings regarding some of the neighborhoods and again thanked the Districting Commission for their hard work.

Mayor Rees, after hearing and seeing no additional requests for public comments, closed the public hearing.

Mayor Rees thanked Districting Commission Chairman Blakeslee and the Districting Commission for all their hard work; noting that it is very much appreciated by the City Commission and the citizens of Winter Garden. Mr. Blakeslee responded that the Districting Commission did express their appreciation as well in being able to serve the City Commission and the citizens.

Commissioner Sharman noted that he had spoken to the City Manager that he would like to speak with the City GIS Coordinator Alan Booker, but noted that there would be time before the second reading.

Commissioner Bennett stated that given all members were appointed and voted unanimously, she would make a motion to approve it.

Motion by Commissioner Bennett to approve Ordinance 22-01 with a second reading and public hearing to a date uncertain. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Ordinance 22-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN 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 54-49, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE
- C. **Ordinance 22-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, 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 54-188, BOARD OF TRUSTEES; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-212 PRIOR POLICE AND FIRE SERVICE; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

Mayor Rees stated that Ordinances 22-02 and 22-03 would be POSTPONED to a later date.

Mayor Rees excused Commissioner Bennett to leave at this point in the meeting.

- D. **Ordinance 22-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 21-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2021-2022 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-07 by title and an excerpt of revenues and equally 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 fiscal year end. She noted that Exhibit 1 provides a list of carried forward projects as recommended by staff.

Commissioner Mueller inquired if there were financial impacts from the current supply chain issues and prices increasing. Ms. Zielonka responded yes, but these are the original budgets that are being carried forward. She explained that should there be variances between actual costs, these items would be placed in an interim budget.

Mayor Rees opened the public hearing.

Sarah Wolfe, 221 N. Boyd Street, Winter Garden, Florida inquired about preparations for upcoming interest rate increases, borrowed funds planned for this budget, and provisions made to increase interest rates that are owed. Mayor Rees responded that the interest rates are already established until the bond is paid and there was discussion that the rates are locked in.

Mayor Rees, after hearing and seeing no additional requests for public comments, closed the public hearing.

Motion by Commissioner Maciel to approve Ordinance 22-07 with a second reading and public hearing February 10, 2022 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

- A. **Ordinance 22-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST OF VINELAND ROAD, NORTH OF WEST COLONIAL DRIVE, AND SOUTH OF WEST MORGAN STREET 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

- B. **Ordinance 22-05:** 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 APPROXIMATELY 0.24 ± ACRES LOCATED AT 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST OF VINELAND ROAD, NORTH OF WEST COLONIAL DRIVE, AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 22-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST OF VINELAND ROAD, NORTH OF WEST COLONIAL DRIVE, AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 22-04, 22-05, and 22-06 by title only. Community Development Director Stephen Pash stated that this is a voluntary annexation for property located at 1010 Vineland Road. It is an annexation, future land use designation and rezoning from R-2 to R-NC. He noted that this is consistent with the surrounding area and staff recommends approval.

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

Motion by Commissioner Maciel to ADOPT Ordinances 22-04, 22-05, and 22-06. Seconded by Commissioner Sharman and carried 3-1; Commissioner Mueller opposed.

5. **REGULAR BUSINESS**

- A. **Recommendation to approve Interlocal Agreement between the City of Winter Garden and Orange County Board of County Commissioners for the annexation of an East Winter Garden enclave**

Community Development Director Stephen Pash stated that this is an interlocal agreement between the City of Winter Garden and the Orange County Board of County Commissioners to annex a very large portion of enclave properties in East Winter Garden. This agreement annexes properties as well as right-of-ways as a requirement for Orange County to provide the City with plans for previous projects. This would include information on as-builts and turnover of the maintenance of the roads and ponds to the City. He noted one section requiring Orange County to do what is labeled as the East Bay Street paving and drainage improvement. The agreement always Orange County up to five years for completion; funding, permitting and constructing. They would be responsible for that area's maintenance of the right-of-ways until such times as that area is permitted, completed and approved; and then it would be turned over to

the City. Mr. Pash noted that this has been in the works for four years and staff recommends approval.

Mayor Rees inquired about reasoning for the length of five years for the County to complete the project. City Manager Williams reminded of appropriations included in the last budget for water main upgrades to coincide with this drainage improvement project. He noted that it is anticipated that this would be completed sooner than the five years, but with the events of the economy, there needed to be a little bit of a buffer. Mayor Rees noted that he did not know what issues could occur in the five years.

Commissioner Maciel noted that this is a major issue and commented that when annexed it would be the City's major issue. He inquired if there would be a way to monitor the progress. Mr. Pash noted that it would require the City pestering them and they would continue to keep the pump in place. Mr. Pash displayed an aerial and noted and explained the areas for the improvements. Mayor Rees inquired of the City doing the work and the County reimbursing the City. City Manager Williams noted that this could be approached for discussion. Mr. Pash noted that he would reach out to them as this is scheduled to go on the County agenda for their February 8, 2022 meeting. Commissioner Maciel noted that the City could even do this cheaper than the County, which may be a selling point on the idea.

Mayor Rees opened this item for public hearing.

Dawn Jones, representative of One Winter Garden Alliance, inquired of conversations regarding allowing the County to take care of things that they have not completed within five years and when the five years would end. Mr. Pash noted that it begins with the official approval of this agreement, if approved at this meeting January 27, 2022 and then by the County at their February 8, 2022 meeting, it would begin then.

Ms. Jones inquired about the comments of the City's ability to do the work cheaper. Mayor Rees commented that the City could also do it faster. Ms. Jones asked how they could interact with the City on this issue. Mr. Pash responded that with comments made tonight, he would reach out to the County to see if they would approve this. City Manager Williams noted that the City could then meet with them, take the design the County prepared and send it out for bid immediately to get the process going.

Ms. Jones commented about living on Saba Avenue, issues with funding coming in and going to projects already started, and challenges with getting information. She spoke of issues of cracked sidewalks on Bay Street being resolved. She spoke of being a taxpayer.

Angelia Taylor-Dean, 907 Woodson Hammock Circle, Winter Garden, Florida noted that she actually lives in the City of Winter Garden, but her family owns property on Trumbo

and Christopher Street. She noted that they have heard for years that they would be annexed into the City of Winter Garden and inquired about the impact of taxes they might incur. She wanted to be assured they would not incur taxes they would not be able to pay. She also inquired of some of the added services as a benefit of being annexed. She inquired about the CRA funds that would be available and the kind of revitalization they could expect. She spoke of their parents living them homes and land and the pride of ownership. She sought assurance that the older generation would see that these properties were left in a better place than when given. She requested the same pride and respect as other communities.

City Manager Williams noted that he requested staff run numbers on the impact related to taxes. Community Development Director Pash noted that he sought the assistance of Finance Director Laura Zielonka to run sample information on three properties. He displayed information, showing the comparison of current taxes with Orange County and proposed taxes with the City. He disclosed that the majority of the properties would have lower taxes. He addressed special assessments for lights and issues of solid waste pickup. Mr. Pash noted services of Police, Fire, Solid waste, Sewer and water. It was noted by City Manager Williams that he would meet with Duke Energy to discuss light and efforts for lighting in East Winter Garden.

There was discussion on trash pickup and the differences between the County and the City's pickup. City Manager Williams noted that there would be twice a week trash pickup, once a week recycling and yard waste. He noted superior responsiveness of the City in comparison to the County.

City Manager Williams described the CRA and noted that once annexed, they would be a part of it and its redevelopment plan. He noted that there would be a refresh meeting for status updates on the plan and what has been accomplished thus far. He spoke of the approval of the CRA extension by the County and the significant impact those funds would have on improving the infrastructure improvements in East Winter Garden.

Commissioner Maciel noted that the infrastructure issues have not been truly identified. He encouraged attendance of the community meetings once those funds have been approved, noting an openness to input. Community Development Director Pash encouraged that he be contacted with any questions specific to those properties.

Karen McNeil, addressed issues of drainage, encourage the City to get this done, noted growing up on Christopher Street and waiting for 58 years to get this done. She spoke of CRA funds to come and those of the past and expressed that once annexed they would belong to the City.

Ms. McNeil stated that there is a need for commercial property in the area. She commented on a new building and Police presence in the area.

City Manager Williams noted that the building referred to is a community relations building, where a community liaison unit will operate and it will be programmed with services. He did not want it as a misnomer that it is Police substation.

Beverly Jefferson, 1790 Christopher Street, Winter Garden, Florida shared history of her family being one of the first families in the Joe Louis subdivision area and she described the location. She noted those who have worked to get annexed into the City and the lengthiness of the wait. She shared the history of efforts for the drainage improvements, and noted Orange County's redistribution of allotted funds to the Magic Center instead. She noted that she hopes this information would aid in getting Orange County to act in getting funds appropriated. She shared that she still has related letters showing that Orange County was supposed to do the work.

Ms. Jefferson noted that beside her home is the Saint John's Water Management District's (SJWMD) canal, which requires periodic attention to spray for mosquitos. She inquired if the City would take over this service.

Ms. Jefferson spoke about issues with current Orange County Police response.

Ms. Jefferson expressed excitement about finally being annexed into the City and shared history of work on State Road 429. She stated that it is good to actually live to see this get done.

Commissioner Maciel noted that he would like to address some of the comments and thanked the speakers for them. He emphasized that the what is being called a Police substation is never what was intended for that building and has always been intended to be a resource center. He described how Officer McLeod would have a desk there, but noted that there would be a computer for residents use and he gave a brief synopsis of ideas for its multiple services and intended uses. He noted that piece of property as one he recommended the City purchase a long time ago in efforts to revitalize the commercial area there. He explained that the City cannot create commercial property, it has its own zoning and property owners own their property and have rights. He noted that the City does not own a lot of property that could be converted to commercial. He explained how this particular piece of property could be used in the future, after that area's redevelopment. He described some of the efforts to revitalize some of the commercial property that is already there.

Dawn Jones, representative of One Winter Garden Alliance, addressed issues of current County plans to place a stockade at the nearby Vocational School and inquired that with this annexation what would be the City's plans in this regard. Community Development Director Pash responded that this annexation does not include that property, it includes

residential only. He noted now the plan is to accomplish these annexations in smaller portions.

Ms. Jones addressed waterlines that run under ditches and recent County effort to run pipelines that still allow water to sit in ditches and she described a potential health hazard.

Joyce Brown, 1681 E. Bay Street, Winter Garden, Florida, spoke of being a resident for over 70 years and express that she is happy to see this annexation. She noted concerns about a pond overflowing when it rains and emergency services vehicle and large vehicle issues maneuvering due to limited space. She expressed how she has waited for her and generations to come be able to walk on a sidewalk.

Carl Smith, East Winter Garden Resident, expressed that the substation on Center Street was needed and he applauded it. He stated that that they need police protection there. He noted that this it is not a negative, but a positive fit and he thanked the City for it.

Commissioner Mueller inquired about plans for the water tower near Palmetto Street. There was discussion of cell towers located on it, that it would cost more to repair, would need removal of certain facilities that are one it and how it would be best torn down as it is not in service.

Mayor Rees, after hearing and seeing no additional requests for public comment, closed the public hearing.

City Attorney Ardaman noted that given the concerns from the City Commission and staff with respect to the City being able to do the permitting, construction, maintenance and repair for those items under Section 9(5) of the proposed ordinance. He advised that if the City Commission is willing to allow some change to that particular provision that would allow the City to do that at the County's expense or at some shared expense, this should possibly be included in the motion.

Motion by Commissioner Maciel to approve interlocal agreement between the City of Winter Garden and Orange County Board of County Commissioners for the annexation of an East Winter Garden enclave, with amended language as noted that if the Public Works or relevant department heads of both the County and the City, agree that the City may perform the permitting, construction, maintenance and repair, otherwise be performed by the County under this provision, the City shall perform such obligations or may perform such obligation at the County's expense. Seconded by Commissioner Mueller and carried unanimously 4-0.

B. Recommendation to approve purchase order for Ten-8 Fire Equipment for a new Fire Apparatus for Fire Station 23 in the amount of \$676,236

Fleet and Facilities Division Manager Michael Caines stated that staff is requesting permission from the City Commission to issue a Purchase Order to Ten-8 Fire Equipment for the purchase of a new Fire Apparatus for Fire Station 23. He noted that the new apparatus would not be delivered until the spring or summer of 2023 at the earliest. He noted that this funding is not in the current budget and this purchase order would be contingent upon funding being approved in the Fiscal Year 2023 budget. If funding is not made available, the purchase order can be cancelled without penalty as provided for in the Florida Sheriff's Association Contract. He informed that locking pricing in now would avoid a February 1st price increase of 10%, a savings of \$67,623 and any additional price increases that may occur in the future. The purchase would piggyback the Florida Sheriff's Association & Florida Association of Counties Contract. He noted that the cost of this custom pumper is \$676,236. He spoke of following guidelines for replacement and noted the issues involving the current unit, reserve status, lead times of two years.

There was discussion on the wait time for purchasing a new vehicle and the status of the replacement vehicles.

Motion by Commissioner Sharman to approve purchase order for Ten-8 Fire Equipment for a new Fire Apparatus for Fire Station 23 in the amount of \$676,236. Seconded by Commissioner Maciel and carried unanimously 4-0.

C. Recommendation to approve traffic enforcement agreement between Residences at Tucker Oaks and City of Winter Garden

Police Chief Steve Graham stated that this is the traffic enforcement agreement with Residences at Tucker Oaks. He gave some history on this item stating that the City had an agreement in force, a prior Homeowners Association (HOA) administration requested cancellation of the agreement in August of 2021 and now the new board wants to enter into another agreement. He informed that this is needed to enforce traffic laws inside a gated community.

Mayor Rees sought confirmation that this is a standard agreement as also held with other gated communities. Police Chief Graham affirmed.

Commissioner Mueller disclosed that he had spoken with Cheryl Lucas, the HOA President. He stated that she and the other members of the HOA board voted unanimously on this item and requested that approval be expedited.

Motion by Commissioner Mueller to approve traffic enforcement agreement between Residences at Tucker Oaks and City of Winter Garden. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

