



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

February 9, 2023

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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

Also Present:

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

Absent: Commissioner District 4 - Colin Sharman

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of January 26, 2023 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

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

- A. **Ordinance 22-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE COUNTRY CLUB DRIVE, AND EAST OF TINY ROAD 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 22-41:** 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 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE COUNTRY CLUB DRIVE, AND EAST OF TINY ROAD; FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 22-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE COUNTRY CLUB DRIVE, AND EAST OF TINY ROAD; FROM ORANGE COUNTY A-1 (CITRUS RURAL DISTRICT) TO CITY PUD (PLANNED UNIT DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE

DEVELOPMENT AS THE TILDEN CLUB PUD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

It was noted that these items would be continued.

- D. **Ordinance 23-05:** 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 1.603 +/- ACRES OF LAND GENERALLY LOCATED AT 996 E PLANT STREET ON THE SOUTHWEST CORNER OF E PLANT STREET AND 11TH STREET, FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 23-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.603 +/- ACRES OF LAND GENERALLY LOCATED AT 996 E PLANT STREET ON THE SOUTHWEST CORNER OF E PLANT STREET AND 11TH STREET, FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE MOSAIC SALON CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Kurt Ardaman read ordinances 23-05 and 23-06 by title only. Planning Director Kelly Carson stated that this request amends the future land use designation and rezones property located at 996 East Plant Street. She described the proposed redevelopment of the property, which includes demolition of an existing structure, construction of three new commercial buildings and various site improvements. She noted that this property falls within the City's East Plant Street Character Area Overlay and is designed to meet the site design criteria.

Ms. Carson noted that the applicant is also the owner of Mosaic Salon and intends to open a new salon in the corner building. The other tenants have not been finalized, but she shared some other potential uses for this location.

Ms. Carson informed that the Planning and Zoning Board recommended approval of the ordinances, but motioned that additional language be added to the CAPUD Ordinance. This language would clarify that reclaimed water was not currently available to supply the irrigation systems, but would be made available for connection in the future. Ms. Carson displayed and described the additional elevations and conceptual views of the proposed buildings. Staff recommends approval of Ordinances 23-05 and 23-06, with changes as recommended by the Planning and Zoning Board.

There was discussion on the different images, the overlay district, potential inclusion of the Dover Kohl firm, building affordably and materials to be used. Owner of the

property, Mike Van Den Abbeel, noted that he did not know the materials that would be used at this time, but described the development, its character, and efforts to keep it walkable, with a presence and a vibe where people want to be.

Mayor Rees opened the public hearing.

George Douglas Laman, GIL, Inc., 1150 E. Plant Street, Winter Garden, Florida, noted that he is the adjoining property owner, supports this project, and feels that this would be a wonderful addition to the City of Winter Garden.

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

Motion by Commissioner Maciel to approve Ordinances 23-05 and 23-06 with a second reading and public hearing on February 23, 2023. Seconded by Commissioners Bennett and Mueller simultaneously and carried unanimously 4-0.

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

- A. **Ordinance 23-04**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PERTAINING TO THE BOARD OF COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION 98-121 GOVERNING THE BOARD OF COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO APPOINTMENT, REMOVAL, AND TERMS OF MEMBERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-04 by title only. Economic Development Director Tanja Gerhartz stated that this ordinance would remove term limits for the Community Redevelopment Agency (CRA) Advisory Board. Additionally, she noted that this would allow board member appointments with staggered terms, which would begin in July of 2023.

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

Motion by Commissioner Bennett to adopt Ordinance 23-04. Seconded by Commissioners Maciel and Mueller simultaneously and carried unanimously 4-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Continuing Services Agreement - Toole Design Group, LLC**
Assistant City Manager for Public Services Pash stated that this is a Continuing Services Agreement with Toole Design Group, LLC to assist with traffic calming issues that have been seen throughout the City.

Motion by Commissioner Bennett to approve the Continuing Services Agreement with Toole Design Group, LLC. Seconded by Commissioner Mueller and carried unanimously 4-0.

- B. Recommendation to approve and award Orange County Piggy-Back Contract with Middlesex Corporation for 2023 Street Resurfacing Projects in an amount not to exceed \$2,000,000

Assistant City Manager for Public Services Stephen Pash stated that this is the 2023 road-resurfacing project. Staff requests permission to piggyback an Orange County contract with Middlesex Corporation. He noted the timeframe for the work to begin and flexibility for finishing the rest of the project. He indicated that the Valencia Shores subdivision would be moved out of this year's planning, due to water lines and other improvements that are required. He noted that Marsh Road would also be addressed later in the year, due to other traffic calming methods and ideas. Staff recommends approval.

There was name clarification on a project and discussion on roads being expensive, other projects to be addressed, and cost avoidance with the use of the piggyback contract.

Motion by Commissioner Mueller to approve and award Orange County Piggy-Back Contract with Middlesex Corporation for 2023 Street Resurfacing Projects in an amount not to exceed \$2,000,000. Seconded by Commissioner Maciel and carried unanimously 4-0.

- C. Recommendation to approve SITE PLAN for 15304 Tilden Road (FOUNDATION ACADEMY PH3), subject to conditions

Planning Director Carson stated that this is a site plan approval for two new buildings on the Foundation Academy campus located at 15304 Tilden Road. She described the improvements and minor site plan changes. Ms. Carson informed that the proposed building additions are consistent with the campus master plan, which was included with the property's Planned Unit Development (PUD) zoning ordinance. Staff recommends approval, subject to conditions.

Motion by Commissioner Bennett to approve SITE PLAN for 15304 Tilden Road (Foundation Academy PH3), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 4-0.

- D. Recommendation to approve SITE PLAN for 705 Hennis Road, subject to conditions

Planning Director Carson stated that this is a request for site plan approval for a new office warehouse building located at 705 Hennis Road. She described the lot size, zoning, and site development plans. She indicated that the elevation renderings were

shown flipped and descriptively clarified their placement. Staff recommends approval with the clarification, subject to condition.

Mayor Rees sought and received clarification on the location of the stairwell.

Motion by Commissioner Mueller to approve SITE PLAN for 705 Hennis Road, subject to conditions. Seconded by Commissioner Maciel and carried unanimously 4-0.

E. Recommendation to approve agreement ACQUISITION for property located at 15275 West Colonial Drive from Panther Land Development, LLC

Planning Consultant Williams described ongoing disputes with the Orange County School Board and the City of Winter Garden regarding the use of the West Orange Technical Center and surrounding properties. He spoke of Orange County's recent plans of relocating the technical school to Ocoee, plans to turn the old site into a bus parking station, repair facility, and the outcry of dispute from community. He spoke of the ignored historical significance of the location and voiced that it deserved better than to be a bus and storage facility. Mr. Williams noted that the local municipalities were given the opportunity to find other sites for the relocation of the bus terminal.

Mr. Williams noted a good opportunity with Alan Haughey of Panther Land Development, LLC for the City to purchase this site for a future swap. He described related issues such as potential future residential development and buffering landscape. He spoke of the price of \$5 million being under market value and cheap in comparison to other property values reviewed. He expressed that this would solve a big issue for the community.

There was discussion that there would be no obligation to the Orange County School Board, this opening an opportunity for a land swap, and other potential uses for the property.

Motion by Commissioner Mueller to approve agreement ACQUISITION for property located at 15275 West Colonial Drive from Panther Land Development, LLC. Seconded by Commissioner Maciel and carried unanimously 4-0.

F. Recommendation to approve renewal of Microsoft Enterprise Agreement/Microsoft 365 in the amount of \$152,612.98

Interim Information Technology Director Livingston stated that the City's Enterprise Agreement with Microsoft has expired on January 31, 2023. He noted that the new enterprise agreement would allow the City to maintain licensing and support of on-site IT infrastructure and add the ability to implement Microsoft 365. He noted that in doing so it would reduce the complexity of the City's licensing structure, and consolidate several IT functions under a single unified platform. The benefits of Microsoft 365 were noted as the modernization and simplification of IT management, administration

workflows, as well as offering additional security features and protections. He indicated that this purchase was a budgeted item with a difference in pricing of \$1,351.72. He shared comparison information related to other agencies and noted added benefits that would be offered to City staff. Staff recommends approval.

Motion by Commissioner Maciel to approve renewal of Microsoft Enterprise Agreement/Microsoft 365 in the amount of \$152,612.98 per year for a three-year period. Seconded by Commissioner Bennett and carried unanimously 4-0.

5. MATTERS FROM PUBLIC

Norine Dworkin, VoxPopuli of Winter Garden, Florida, addressed concerns regarding Resolution 23-02. She stated that its rules are unconstitutional, indicated she has filed a complaint with the ACLU of Florida on behalf of VoxPopuli, and feels it is an infringement on the media and press freedoms.

6. MATTERS FROM CITY ATTORNEY

City Attorney Kurt Ardaman gave the City Commission an update on negotiations with regard to the City's dispute with PureCycle. He noted the scheduling of a joint meeting with the Orange County Board of County Commissioners and the City of Winter Garden Commission for Monday, February 27, 2023 at 6:00 p.m. at the Tanner Hall facility.

7. MATTERS FROM CITY MANAGER

A. Memorandum Of Understanding (MOU) - Little League

City Manager Jon C. Williams informed that the City has had recent requests by the Little League for field enhancements at the Little League complex. He acknowledged James Moody and Mark Kirkland, who were in attendance on behalf of the Little League. Mr. Williams spoke of enhancements such as converting the infields to artificial turf, artificial mounds, and installation of magnetic bases. He noted that the requests came after the formulation on the City budget and the total cost of converting all three field would be \$264,000. The Little League would contribute \$90,000 towards the overall project, leaving the City with the balance of \$174,000 as a total contribution to the project. The City would also require that the senior field be included.

Mr. Williams noted that the Little League would need to acknowledge that the City would not be responsible for funding, perform maintenance, repair and/or replacement of the artificial turf, which would be further defined in an MOU. The Little League and the City would also formalize an operating maintenance agreement for the long term.

Mr. Williams sought permission from the City Commission to give him the authority to execute an MOU, which would allow the Little League to proceed with converting one field of choice and the City to contribute \$10,000 to avoid value engineering of the base.

Mr. Williams spoke of potential pricing change, installation, test and feedback for the first field, and inclusion of the conversion of the other three fields in the 2024 budget.

There was discussion that this includes the six inch base for the in-field only, but also noted were some issues in the out-field and its self-maintenance.

Motion by Commissioner Mueller to approve the Memorandum of Understanding (MOU) for the Little League and additional noted permissions which fall within the City Manager's signature authority. Seconded by Commissioner Bennett and carried unanimously 4-0.

- B. **Resolution 23-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING RULES FOR PUBLIC INPUT AND DECORUM AT PUBLIC MEETINGS OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Resolution 23-02 by title only. City Manager Williams stated that Resolution 23-02 updates and supersedes the previous Resolution 06-13 to include the new State Statute and establishes criteria for the media. He spoke of a recognized lack of public decorum, especially at the different levels of public meetings. This also includes guidelines for the media and he mentioned complaints from the public about the media addressing the City Commission during public comment. He spoke of conversations with various media outlets, which lead to a change in the definition section, removing "Unwanted interactions", and the addition of Section 8, which extends this to other boards within the City. Mr. Williams read an excerpt of the added language.

Commissioner Bennett commented on the need for the rules of decorum, noting being yelled at in a public meeting, having her manner of prayer criticized, and visits at her home, noting there should be an expectation of privacy. She thinks that in general, in our society, there needs to be places and structures for decorum where we can operate and conduct business professionally.

Commissioner Mueller requested that this item be opened for public comment, spoke of the concerns of the press, noting some concerns having been already answered by the City Manager. He expressed that freedom of the press is paramount to ensuring a free and democratic society where its government is held accountable to its people. He said its acceptable to disagree and still be respectful of each other, even if we have different opinions.

Commissioner Maciel agreed with Commissioner Mueller's comments, and noted that his concerns are with the legality of this matter and inquired of City Attorney Ardaman. City Attorney Ardaman responded that there is always the potential of a claim, and

noted that some vague language was stricken. He spoke of disruptive conduct, actions which would impede the orderly conduct of a public meeting, and the City Commission's function of having the ability to serve the public, before, during or after a meeting.

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

Motion by Commissioner Bennett to approve Resolution 23-02, with changes as noted. Seconded by Commissioner Mueller and carried unanimously 4-0.

Meeting and Event Reminders

City Manager Jon C. Williams reminded of the City's 120th celebration with the Heritage Music Festival, Saturday, February 11, 2023 at 7:00 p.m. The East Winter Garden Scholarship banquet at Tanner Hall, February 24, 2023 at 7:00 p.m. and he requested that the City Commission confirm availability for a Joint meeting with the Orange County Board of County Commissioners on February 27, 2023 at 6:00 p.m.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Maciel announced the 90th birthday and celebration for (former City Commissioner) Ms. Charlie Mae Wilder on February 25, 2023 at 12:00 noon at the Bethlehem Missionary Baptist Church. He spoke of honoring her and her service to this community.

Commissioner Mueller thanked the City Manager for his assistance with some behind the scenes matters and thanked various other staff.

Mayor Rees reminded everyone of the 120th Anniversary for the City of Winter Garden and mentioned that there would also be historical celebrations for the First Baptist Church. He noted that it would be a full day in downtown Winter Garden.

The meeting adjourned at 7:30 p.m.

APPROVED:

/S/

Mayor John Rees

ATTEST:

/S/

City Clerk Angee Grimmage, CMC