



# CITY OF WINTER GARDEN

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## City Commission REGULAR MEETING MINUTES

February 13, 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 A. Kurt Ardaman  
City Clerk Angela J. Grimmage

1. **APPROVAL OF MINUTES**

**Motion by Commissioner Sharman to approve regular meeting minutes of January 23, 2025, as submitted. Seconded by Commissioner Jones and carried unanimously 5-0.**

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

A. **Ordinance 25-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.25 +/- ACRES OF LAND GENERALLY LOCATED AT 1144 E PLANT STREET, SOUTH OF E PLANT STREET, NORTH OF CAROL ANDERSON DRIVE, WEST OF S WEST CROWN POINT ROAD, AND EAST OF 11TH STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 1144 E PLANT STREET CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Ordinance 25-07 by title only. Planning Director Kelly Carson described the applicant's plan to rezone property, noting its size and location. She spoke of the proposed buildings, site improvements, and landscaping for the property. Furthermore, Ms. Carson noted that the plans were consistent with the City's comprehensive plan, Code of Ordinances, and overlay standards. Staff recommended approval.

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

**Motion by Commissioner Johnson to approve Ordinance 25-07, with second reading and public hearing on February 27, 2025. Seconded by Commissioner Jones and carried unanimously 5-0.**

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

- A. **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 A. Kurt Ardaman read Ordinance 25-08 by title only. Planning Director Kelly Carson stated that the City has initiated a code amendment to establish a Special Magistrate position to be appointed by the City Commission. The Special Magistrate would have 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 opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to adopt Ordinance 25-08. Seconded by Commissioner Johnson and carried unanimously 5-0.**

**4. REGULAR BUSINESS**

- A. **Resolution 25-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Resolution 25-01 by title only. City Manager Jon C. Williams stated that this preserves the City's right, if needed, to levy special assessment

as we move into the fiscal year; reminding of a study to review the fire assessment fee and again emphasized that this reserves the right, only if needed.

**Motion by Commissioner Sharman to adopt Resolution 25-01. Seconded by Commissioner Johnson and carried unanimously 5-0.**

B. Recommendation to approve payment for Axon Body Camera Video System in the amount of \$124,783.38 for this fiscal year

Police Chief Steve Graham stated that this item would approve payment to Axon for video storage relating to body cameras. The City has a five-year contract, and this is for year two. Furthermore, Chief Graham noted the invoice cost and its inclusion in this year's fiscal budget. Staff recommended approval.

Discussion ensued regarding the actual price and the closely budgeted price of \$125,000.

**Motion by Commissioner Johnson approve payment for Axon Body Camera Video System in the amount of \$124,783.38 for this fiscal year. Seconded Commissioner Jones and carried unanimously 5-0.**

C. Recommendation to authorize City Attorney to pursue foreclosure or collection action for code enforcement fines and liens on 114 North Street, and all non-homestead properties in Orange County owned by Allister Harpha Rodgers

Planning Director Kelly Carson noted that staff has been trying to work with the property owner since 2020. She informed that Allister Rodgers owns multiple lots in the East Winter Garden area. The City has expended efforts to try and get him to resolve the many Code Enforcement issues at 114 North Street. Furthermore, Ms. Carson provided a timeline of events, displayed photos illustrating the issues, noted violations including unpermitted building. She noted that there have been stop orders, application for a shed permit with conditions that the shed could not be converted into living quarters and other code issues.

Ms. Carson noted that the fines for these violations accrued in upwards to \$157,800 as of today. However, Mr. Rodgers continues to generate new code cases on the property. Furthermore, Ms. Carson informed that, in January, the Code Enforcement Board found Mr. Rodgers in violations that included trash and debris, and a new violation, last week, for a tarp fence constructed to seemingly conceal the trash and debris.

Ms. Carson recommended that the City proceed to foreclosure on the property or pursue collection actions not only against the subject property at 114 North Street, but all properties owned by Mr. Rodgers in Orange County, Florida. She named the other properties as 102 North Street, 122 North Street, and a vacant property having a North Street address.

There was discussion on the condition of the other properties and payment of the fines. Also discussed, was compliance to be by removal of the illegal structures and bringing the property back into conformance. Discussion ensued regarding the fines and people potentially inhabiting the properties.

Commissioner Bennett sought clarification on the property being foreclosed not being all the properties. City Attorney Ardaman responded that the Florida State Statutes allow for the lien on all his property. Commissioner Bennett sought clarification on whether the City would foreclose the other properties as well. Mr. Ardaman responded, ultimately, yes, if he did not pay the fine. There was discussion on the City getting refunded if one of the other properties were sold, or a judgment lien against the owner as another possible action without foreclosure.

Mayor Rees expressed that the City would like to see it cleaned up, and expressed how this is not fair to his neighbors.

Planning Director Kelly Carson noted that an ideal outcome would be that Mr. Rodger rectifies these issues and be able to keep his properties; further noting the length of five years addressing this issue with no indication of corrective actions.

Commissioner Bennett shared being in favor of foreclosure for the one property, which clearly is a danger to the public, however, she is not in favor of cross-collateralization. Mr. Ardaman clarified that only the one property would be liened until paid. Discussion ensued on foreclosure of the one property, the value not being enough to satisfy the lien, actual costs to the City, the effect on surrounding neighbors, and options for later negotiations.

**Motion by Commissioner Johnson to authorize City Attorney to pursue foreclosure or collection action for code enforcement fines and liens on 114 North Street, and all non-homestead properties in Orange County owned by Allister Harpha Rodgers. Seconded by Commissioner Sharman and carried unanimously 5-0.**

D. Recommendation to appoint Jacob Schumer from The Grosshans Group to serve as Special Magistrate with conditions and terms noted in the Engagement of Services Letter

Planning Director Kelly Carson noted the recent adoption of Ordinance 25-08 and the creation of a new Special Magistrate position. She spoke of the City's need of one person to fill that role and read the requirements. Furthermore, Ms. Carson informed of the current City Code Enforcement Board Attorney, Jacob Schumer, and read some of his qualifications. Staff recommended approval of Jacob Schumer as the Special Magistrate. Discussion ensued on qualifications, and request of City Attorney Ardaman's advice, which was favorable to Mr. Schumer.

**Motion by Commissioner Sharman to appoint Jacob Schumer from The Grosshans Group to serve as Special Magistrate, with conditions and terms as noted in the Engagement of Services Letter. Seconded by Commissioner Johnson and carried unanimously 5-0.**

- E. Recommendation approve issuance of SRF loan for Wastewater Treatment Facility and execute State Revolving Fund Amendment 1 to Loan Agreement WW480103 in the amount of \$20,000,000

City Engineer Jim Monahan informed of Amendment 1 to Loan Agreement WW480103. He indicated that the Florida Department of Environmental Protection (FDEP) provided notification that through a State Revolving Fund (SRF) Program Final Agency Action, the Crest Avenue Wastewater Treatment Facility (WWTF) construction project was placed on the fundable portion of the priority list for a \$20,000,000 increase to the SRF Project in Fiscal Year 2025. Furthermore, Mr. Monahan informed that the unfunded costs of the project were placed on the waiting portion of the priority list for future funding. Staff recommended approval.

City Manager Jon C. Williams mentioned that an amount of \$25,000,000 was noted in the documents and reminded of a \$5,000,000 loan the City had already previously secured. He explained that this amendment merges the two loans together at a rate of 1.64 percent and locks the rate.

**Motion by Commissioner Jones to approve issuance of SRF loan for Wastewater Treatment Facility and execute State Revolving Fund Amendment 1 to Loan Agreement WW480103 in the amount of \$20,000,000. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

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

7. **MATTERS FROM CITY MANAGER**

City Manager Jon C. Williams distributed a draft ordinance to the City Commission, relating to a residential overlay district for the downtown area; noting that this ordinance would place restrictions on building sizes. He indicated that examples would be provided on how the ordinance would be applied as to receive some feedback.

Mr. Williams updated the City Commission on the status of construction and plans for the new Boys and Girls Club, Orange County's stormwater drainage project in the East Winter Garden Historic area, and he informed of new equipment installation at Zanders Park.

Mr. Williams noted his recent visit to Tallahassee, the State Capital, where he met with local delegation regarding state appropriations for the Wastewater Treatment Facility. He spoke of Senator Bankson potentially picking up this cause and sponsoring the City; we are awaiting confirmation. Furthermore, Mr. Williams noted that, if achieved, the City should see some funding over this year and the next couple of years.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Bennett** noted that the Jessie Brock Center is also receiving equipment, and she voiced her appreciation for this effort.

**Commissioner Jones** expressed her thanks to staff for all that they do.

**Commissioner Johnson** thanked staff for all their hard work, noting that the children in East Winter Garden are utilizing the new park and she thanked staff for caring for the community.

**Commissioner Sharman** announced the death of Senator Geraldine Thompson, shared some history of her work and character in the community, and noted that she would continue to live on through the many mentees she left.

The meeting adjourned at 6:58 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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