



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

February 23, 2023

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

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 February 9, 2023 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

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

A. **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

B. **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 Clerk Angee Grimmage read Ordinances 23-05 and 23-06 by title only. Planning Director Kelly Carson noted that this request is to amend the future land use designation and rezone property located at 996 East Plant Street. She described the proposed redevelopment of the property, which would include three new two-story commercial buildings along with associated site design elements. These elements

adhere to the East Plant Street Character Area Overlay requirements. She noted text changes clarifying the irrigation requirements as requested by the Planning and Zoning Board. Staff recommends approval and adoption of Ordinances 23-05 and 23-06.

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

Motion by Commissioner Maciel to adopt Ordinances 23-05 and 23-06. Seconded by Commissioners Bennett and carried unanimously 4-0.

3. **REGULAR BUSINESS**

- A. Recommendation to approve contract to hire T.D. Thomson Construction to build parking and trash collection area at 19 North Lakeview Avenue in the amount of \$38,529.90

Assistant City Manager for Public Services Stephen Pash stated that staff requests authorization to execute a contract for hiring T.D. Thomson Construction to build a parking area for golf carts as well as a trash collection area. He described the property location at 19 North Lakeview Avenue and noted this as a temporary agreement for golf cart spaces. He noted that this would help reduce the number of parking spaces taken up by golf carts and relocates an existing dumpster. Staff recommends approval of the contract in the amount of \$38,529.90.

Commissioner Mueller commented on the need of this item, voicing that he hopes for a long-term solution and thanked staff.

Motion by Commissioner Bennett to approve contract to hire T.D. Thomson Construction to build parking and trash collection area at 19 North Lakeview Avenue in the amount of \$38,529.90. Second by Commissioner Mueller and carried unanimously 4-0.

- B. Recommendation to approve reduction and removal of Code Enforcement lien for 429 Hennis Road (Lott's Concrete), Case No. 21-045

Assistant City Manager for Public Services Stephen Pash stated that this is a request for the reduction and release of a Code Enforcement lien for 429 Hennis Road. He described years of interaction with Code Enforcement, which lead to imposed daily fines, multiple citations and violations that included work without permits. He noted the City's efforts taken, and the eventual owner's compliance on October 26, 2022, which stopped the daily fines at a total of \$168,000. The owner and manager of the business sent an email request for reduction of the fines down to \$62,000. Mr. Pash noted that staff has reviewed everything and feels that this easily covers the City's expenses involved with this case. Staff recommends reduction of the lien to \$62,000 and release the lien, if paid by March 10, 2023.

Commissioner Bennett shared knowing of this building since she was a little girl; she questioned the building's integrity. Mr. Pash responded that the buildings have been rebuilt, explaining that some were rebuilt without permits. He indicated that structural engineers reviewed and certified the building, permits were pulled and rewiring was completed. Commissioner Bennett noted that it is not unusual to roll back fines and fees, reviewing costs that were actually incurred and sought clarification that this was the intent. Mr. Pash responded yes.

Mayor Rees noted that he too was going to inquire about the City's costs, but noticed that the City got concrete from them in the late 70s and this is for buildings built in the 90s. He also wanted to clarify that this is to cover the City's cost. Mr. Pash responded yes. Mayor Rees wanted to be sure that the business owner and manager were also agreeable with it. Mr. Pash responded yes.

Commissioner Mueller noted that the City has dealt with this before and always try to come back and undo fines for things, in this case, carried on for many many years and probably took far longer than it should and to some degree absolve and defended from what incurred. He noted that he sees that they are willing to pay something and it is less than half of what the fine is, which he noted he has some problems with, as he would rather see them pay the fine. However, he would have some comfort and be willing to approve if they would split the fine cost in half, and again reiterated that he would cut it equally in half.

Assistant City Manager of Public Services Stephen Pash asked if he could explain what had been done to the property so that the City Commission was aware. Commissioner Mueller responded no, it is not necessary, but he recognized that the owner wanted to speak, however acquiesced that it was up to Mayor Rees to could call upon him, if so desired. Mayor Rees responded no and stated that he understands what Commissioner Mueller is saying, but voiced that they have been an integral part of our community for a long time. Mayor Rees expressed there being a lot with these old buildings, there being a lot you cannot see, is okay with it.

Commissioner Maciel noted that staff puts a lot of thought into this and he tends to lean and rely on staff's recommendation, as they deal with this on a day-to-day basis. He spoke of coming in month-to-month or twice a month and trying to rethink what they have already gone through. He expressed that he would probably side with staff on this issue.

Commissioner Bennett noted that Lott's Concrete has also provided jobs and paid a lot of taxes, which helps with the roads. She noted being intimately aware with this since it is in her district and her having once lived down the street from the business. She knows

that this has nothing to do with the fines, but sets a precedence, noting things being in line and costs being recouped.

Commissioner Mueller stated that he would not get into staff recommendations on things like this as he has a different opinion that just doesn't matter here. The scope and breath of this for this to have carried on as long as it did, there was a reason that they were fined the amount they were fined and another board thought it was adequate. He reiterated that they could split it in half at \$84,000, but \$62,000 is a little too low for him.

Motion by Commissioner Bennett to approve reduction and removal of Code Enforcement lien for 429 Hennis Road (Lott's Concrete), Case No. 21-045 for \$62,000, if paid by March 10, 2023. Second by Commissioner Maciel and carried 3-1; Commissioner Mueller opposed.

- C. Recommendation to approve Request for Qualifications (RFQ 23-001) rankings and award continuing service contracts for professional engineering and architectural services

It was noted that this item would be postponed until the next meeting of March 9, 2023 at 6:30 p.m.

- D. Recommendation to approve ACQUISITION of Oakland Common PCD for property located at 15275 West Colonial Drive from Panther Land Development, LLC

Planning Consultant Ed Williams noted prior authorization at the last meeting to proceed with the purchase of this property. He reminded of the intent to possibly transfer and trade it with the Orange County School Board. He indicated that some of the media took it to mean that the City was in detailed discussions, ready sign papers, and finish with the process. He stressed that the process is only just starting. There were no detailed discussions and he did not want misinformation to get out into the public. He stated that tonight is the presentation of the contract and recommendation to authorize signing documents necessary to only proceed with the closing on the property.

Motion by Commissioner Mueller to approve ACQUISITION of Oakland Common PCD for property located at 15275 West Colonial Drive from Panther Land Development, LLC for \$5,000,000. Second by Commissioner Maciel and carried unanimously 4-0.

- E. Recommendation to approve SITE PLAN for 541 Winter Garden Vineland Road (PAM Rehab Hospital) and Traffic Signal Fair Share Agreement

Planning Director Kelly Carson stated that this is a request for site plan approval for a new physical rehabilitation hospital located at 541 Winter Garden Vineland Road. She described the plans and associated site improvements. She informed that the applicant has also agreed to pay their proportionate fair share of the proposed traffic signal at the

corner of Roper Road and Winter Garden Vineland Road. The proposed development is consistent with the property's Planned Commercial Development (PCD) zoning requirements and commercial future land use designation. Staff recommends approval, subject to conditions and traffic fair share agreement.

Motion by Commissioner Mueller to approve SITE PLAN for 541 Winter Garden Vineland Road (PAM Rehab Hospital) and Traffic Signal Fair Share Agreement. Second by Commissioner Bennett and carried unanimously 4-0.

- F. Recommendation to approve SPECIAL EVENT – Batter Batter Swing for PAL Softball event by Winter Garden Police Athletic League at Veteran's Park on April 22, 2023
Planning Director Kelly Carson stated that this is a special event for the Batter Batter Swing by the Police Athletic League (PAL), who request holding a co-ed softball event on Saturday, April 22, 2023. She noted that parking would be at Veteran's Park. Staff recommends approval.

Motion by Commissioner Bennett to approve Batter Batter Swing for PAL Softball event by Winter Garden Police Athletic League at Veteran's Park on April 22, 2023. Second by Commissioner Maciel and carried unanimously 4-0.

- G. Recommendation to approve SPECIAL EVENT – Celtic Festival by Crooked Can Brewery (Plant Street Market) March 17, 18, and 19, 2023 with street closure and subject to conditions
Planning Director Kelly Carson stated that this is the special event request by the Crooked Can, who wish to hold their event over a three-day period from Friday, March 17 to Sunday, March 19. She informed of the event timeline, street closure, and event activities. Staff recommends approval of the event, subject to conditions relating to event time, serving of alcohol and other conditions. Discussion ensued regarding outside serving times and resuming normal operations inside after the event.

Motion by Commissioner Bennett to approve SPECIAL EVENT – Celtic Festival by Crooked Can Brewery (Plant Street Market) March 17, 18, and 19, 2023 with street closure and subject to conditions. Second by Commissioner Mueller and carried unanimously 4-0.

- H. Recommendation to approve SPECIAL EVENT – Winter Garden Little League Opening Day at Little League Complex – March 3, 2023 from 5:30 to 9:30 p.m.
Planning Director Kelly Carson stated that the Winter Garden Little League requests to hold their opening day event at the Little League Complex on Friday, March 3, 2023 from 5:30 - 9:30 p.m. Ms. Carson described the event activities, the presence of one vendor tent and normal food concessions. Staff recommends approval.

Motion by Commissioner Bennett to approve SPECIAL EVENT for the Winter Garden Little League Opening Day at Little League Complex March 3, 2023 from 5:30 - 9:30 p.m. Second by Commissioner Maciel and carried unanimously 4-0.

- I. Recommendation to approve SPECIAL EVENT - West Orange High Sen'ya Later School Parade Downtown – Thursday, May 11, 2023 - 5:30 p.m. to 6:30 p.m. with street closure
Planning Director Kelly Carson stated that West Orange High School requests holding their Sen'ya Later Parade on Thursday, May 11, 2023 from 5:30 – 6:30 p.m. and noted location start and parade route. She stated that no vehicles would be included in the parade. Mayor Rees asked if the no vehicles requirement was given by the City or the School. Discussion ensued on the intent being that it would be a walking parade, use of only one golf cart permitted, and difficulty in navigating cars for all the High School Seniors.

Motion by Commissioner Bennett to approve SPECIAL EVENT for West Orange High Sen'ya Later School Parade Downtown on Thursday, May 11, 2023 from 5:30 - 6:30 p.m. with street closure. Second by Commissioner Mueller and carried unanimously 4-0.

- J. Recommendation to approve SPECIAL EVENT for the Annual Spring Fever in the Garden by Bloom 'N Grow Garden Society – Saturday, April 1 and Sunday, April 2, 2023 in Downtown Winter Garden
Planning Director Kelly Carson stated that the Bloom & Grow Garden Society requests to hold their annual “Spring Fever in the Garden” event in Downtown Winter Garden on Saturday, April 1, 2023 and Sunday, April 2, 2023. She noted that the event setup and activities would be the same as previous years, with merchandise, food vendors, and amplified music throughout the downtown. Staff recommends approval.

Motion by Commissioner Bennett to approve SPECIAL EVENT for the Annual Spring Fever in the Garden by Bloom 'N Grow Garden Society on Saturday, April 1 and Sunday, April 2, 2023 in Downtown Winter Garden. Second by Commissioner Maciel and carried unanimously 4-0.

4. **MATTERS FROM PUBLIC**

Resa Allison, 240 Stanton Estate Circle, Winter Garden, Florida, gave a history of moving and retiring to Winter Garden and her work with service dogs. She voiced concerns of speeding traffic, dangers for pedestrians, no signage and distracted people. She described the location of Bay Street, Brayton Road and Stanton Estates. She shared that she had spoken to various staff, City Police and Community Resource personnel. She requested that something be done before someone is injured.

5. MATTERS FROM CITY ATTORNEY

City Attorney A. Kurt Ardaman noted cancelled arrangements for the joint meeting between Orange County Board of County Commissioners and the City of Winter Garden City Commission regarding PureCycle.

6. MATTERS FROM CITY MANAGER

City Manager Jon C. Williams wished (former City Commissioner) Charlie Mae Wilder a happy 90th birthday, voicing his pleasure in being able to participate in the celebration.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Maciel recognized Stephen Pash and Kelly Carson on their recent promotions of Assistant City Manager of Public Services and Planning Director, respectively. He noted that they could have worked in the private sector, but chose to dedicate their lives to public service and are really appreciated. Congratulations were also given to David Livingston who was recently promoted to Information Technology (IT) Director.

Commissioner Maciel addressed concerns relating to traffic control, suggesting unmanned traffic control devices such as automated intelligence (AI). He noted there being some controversy about them, but anything would be welcomed especially with the current shortage of Police Officers. He noted receiving complaints about noise, loud exhaust, racing cars, and revving motorcycles. He voiced being in favor of anything the City could do in securing temporary and permanent devices, especially for intersections.

Commissioner Maciel wished (former City Commissioner) Charlie Mae Wilder a very happy birthday and he looks forward to many more years of her guidance and counsel.

Commissioner Mueller wished (former City Commissioner) Charlie Mae Wilder a happy birthday.

Commissioner Mueller requested a presentation on the timeline related to the Tucker Ranch plan and the Dillard Street project for the March 23, 2023 meeting. There was discussion on Dillard Street still being in the acquisition process for right-of-way, thus rendering it difficult to provide a timeline. Additionally, City Manager Jon C. Williams informed that Tucker Ranch is still under design and construction plans would hopefully go out for bid between now and March.

Commissioner Mueller spoke of annexation of the Old Tildenville School Road enclave, noting its importance as part of a thoroughfare. He noted receiving comments related to the Sunoco gas station as an eyesore and would like the City to work with the owner

to bring the station up to code and have it look more like the rest of the City. Mayor Rees mentioned that it was under new ownership.

Commissioner Mueller noted that the City has a lot on its plate, but would absolutely welcome seeing a car show come to the downtown this year. City Manager Jon C. Williams suggested that the downtown merchants first be solicited for their feedback in this effort, noting the moratorium on new events being placed because the City's current list of events is an excessive strain on City staff. Mayor Rees also noted that it would depend on the day of an event, as the merchants are so busy they would not be in favor of weekend nights. City Manager Williams also noted the major impact on outdoor dining.

Commissioner Bennett suggested that Commissioner Mueller could somehow move the car show to his District 2, noting that the merchants have stated that this impacts their sales, parking, and outdoor dining.

Commissioner Bennett agreed with the traffic concerns, noting that the City is working on traffic calming measures. City Manager Jon C. Williams mentioned the City having renewed a contract at the last meeting and are working on a proposal for a city-wide plan. He expressed that the proposed enhancements on Marsh Road could possibly be used City-wide. Commissioner Bennett reiterated that these traffic-calming efforts are needed city-wide.

Mayor Rees echoed the other comments, stating that our Police department does a wonderful job, but we cannot be everywhere and noted the increased number of people coming to Central Florida. He had also received calls on the noise and traffic concerns and stated that this is something the City will have to come up with solutions.

Mayor Rees thanked all staff and stated that Heritage was a great event.

Mayor Rees wished (former City Commissioner) Charlie Mae Wilder a happy birthday, noting that she is a blessing to all of us and he looks forward to celebrating many more with her.

The meeting adjourned at 7:05 p.m.

ATTEST:

APPROVED:

 /S/
City Clerk Angee Grimmage, CMC

 /S/
Mayor John Rees