



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

March 9, 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
Commissioner District 4 - Colin Sharman

Also Present:

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

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of February 23, 2023 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

City Attorney Kurt Ardaman read Ordinances 22-40, 22-41 and 22-42 by title only. Planning Director Kelly Carson stated that this is a request for annexation, future land use designation and zoning for a 30.24 ± acre property located on Tilden Road. She indicated that the applicant requests a City future land use designation of suburban residential and zoning of Planned Unit Development (PUD) in order to develop the property with 24 single family homes. She noted that there is approximately 17 acres of wetlands on the south side of this property, which would remain preserved and buffered from the subdivision by a 25-foot vegetative wetland buffer. The proposed suburban residential land use designation allows the lowest residential density in the City at a maximum of four dwelling units per acre. Ms. Carson explained comparisons with neighboring subdivisions. She informed of a community meeting with owners to the west, who own and operate a horse farm. She noted that when this project was originally submitted by the applicant, they noted that the site was laid out with the horse farm in mind and only three residential lots to be located along their shared property line. Ms. Carson further noted conversations with the adjacent property owner regarding her concerns, relayed these concerns to the developer, who amended their plans. Ms. Carson described some of the amendments which included elimination of a proposed walking trail, a tot lot changed to a planted greenspace and installation of an eight-foot tall privacy fence along the entire property line.

Ms. Carson expressed that contrary to negative comments that staff has heard, the City has no desire to see the horse farm shut down their operations because of this development. She voiced that it is very much the opposite.

Ms. Carson stated that the proposed development has a very low density, significant buffering along the property line, with very few adjacent residential lots; any potential impacts would be minor. The property is within the City's JPA annexation boundaries and staff sees no valid basis for denial of the request. Staff recommends approval of Ordinances 22-40, 22-41 and 22-42.

Mayor Rees opened the public hearing.

Tara Tedrow, Lowndes Law, 215 North Eola Drive, Orlando, Florida, stated that she was present on behalf of the applicant. Ms. Tedrow stated that she would present a brief presentation and noted that staff did a great job summarizing everything and included a very thorough staff report submitted in support of this project.

Ms. Tedrow gave a PowerPoint presentation on all three items. She noted the location of the property and informed that of the 30.24 acre property requested for approval, only 13.13 acres would actually be developable. She explained the applicant's proposed future land use of City Suburban Residential and proposed City PUD zoning. She spoke of the Interlocal Agreement for the Joint Planning Area between Orange County and the City of Winter Garden. She informed of the City working with Orange County to amend

its JPA to include three properties so that the owners can begin the process to annex the property into the City. She mentioned the mandatory residential development standards, mandatory comprehensive plan designation of suburban residential and a mandatory requirement that a PUD zoning be requested. All of which she stated has been complied with in their submittal, adding that this is why City staff concluded that there is no basis upon which to deny the project.

Ms. Tedrow highlighted some of the changes that were made to the plan such as the addition of security to the eastern border of the property, eight feet of fencing on the western border of the property, removal of an open space tot lot active recreation area, reduction in height on lot 24 and removal of the walking trail around the stormwater pond. These were all related to concerns of the neighboring property owner to west.

Ms. Tedrow informed of additional conditions they would like to add to the record. She listed them noting that HOA documents or sales contract show the West Orange Country Club (WOCC) facility pre-existed the development. The WOCC would be held harmless in the event of errant tee shots. Certain lots shall have screen enclosures around their pools and certain lots would prohibit trampolines in the backyards. She also noted that one lot is restricted to one story in height. She recommends approval of the three ordinances, sufficient with staff recommendations as well as recommendations provided by the Planning and Zoning Board. Ms. Tedrow noted her availability for questions and requested the opportunity to come back and briefly reply should there be comments from the public.

Anne Bingler, 14810 Tilden Road, Winter Garden, Florida, stated that she owns the horse farm to the west of the property. They strongly object to this development and the notion that this property would get annexed into the City. She spoke of the Tilden Place development, dangers it has caused for her to operate as she has since 1998 on this property. She shared some past and recent experiences, noting the dangers of operating near people. She spoke of struggling farms, annexations not being forced and keeping the property in the County. She reiterated that she strongly objects.

Bailey Vernon, 980 Glenview Circle, Winter Garden, Florida, shared history of some childhood experiences, including the installation of the horse farm, changes in the area and development of new homes where they are not needed. She asked that the City allow the greenspaces that are left to remain, find different uses for the land and prevent this farm from being closed.

Keeley Clark Lizano, Owner of Al-Marah Arabian Sport Horses in Clermont, Florida, shared firsthand experience on how development has affected them. She shared some history of their farm, issues they have experienced with development and people approaching their horses without respecting boundaries. She spoke of this being their livelihood and she wanted to provide some insight on this issue.

Emily Banister, niece of Anne Bingler, shared history of being in Washington D.C., working on Capitol Hill for a Congressman, in an agricultural area. She spoke of experiencing the committee meetings, hearing the plans and different scenarios, but noted that until you are behind the battle lines you do not understand exactly what will work and what the implications of your decisions would be. She spoke of town hall meetings and hearing from those people whose lives would be affected. She shared her history with the horse farm, noted her aunts recent injury due to sounds, which adversely affect the horses.

Tara Tedrow, Lowndes Law, 215 North Eola Drive, Orlando, Florida, addressed the public comments made, noting an emotional impact on those living near a piece of property. However, the Code and the comprehensive plan are the only documents, in addition to the JPA, that guide a decision in this hearing. She explained how her clients property is in the JPA as well as two other properties owned by the horse farm. She informed that Ms. Bingler wrote a letter in 2013 asking that her property be included in the JPA. Ms. Tedrow further noted that there were no objections at the time of the letter. She summarized that the JPA required a suburban future land use, if annexed, and had to have a PUD zoning. She stated that this also put Ms. Bingler on notice that this property would also require the same and with very specific residential requirements in that PUD zoning. Ms. Tedrow expressed that anyone thinking that her clients are bringing a project that is springing something surprising on the community, trying to shut down an existing use, runs contrary to the history of how the JPA came about. She further stated that this is at the behest of the very property owner now expressing to the City Commission how vehemently she objects to the JPA that she helped get implemented. Ms. Tedrow expressed her clients request, as a property owner, is for the adherence to the agreement the City has made with the County for annexation in order to provide services.

Ms. Tedrow spoke of their project in comparison to the nearby Tilden Road, noting its daily average traffic count, sound and impact. She spoke of the fence her client is proposing and there being none between the neighboring property and Tilden Road. She also noted the landscaping and buffering along the perimeter of their shared border. She expressed that her client has done all they can and have presented a very good solution.

Commissioner Sharman inquired of the traffic count source and if it was a recent study. Ms. Tedrow noted that this was a traffic engineering report submitted to City staff, giving a trip count. She also noted that the Traffic Engineer told them that the average daily trip on Tilden Road would be 8,300 cars per day. There was clarification on the name of the company being Myra Planning & Design as the traffic consultant and it was stated that the study was required as part of the application process.

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

There was discussion on the traffic, the traffic study, real time data collection, and City acceptance of the study, which was completed in March 2022. Also discussed was the traffic impact by the proposed project. Ms. Carson explained the process, acceptance of the study as part of the application process, and installation of a left-hand turn lane on Tilden Road.

Commissioner Sharman asked City Attorney Ardaman for advice in this matter. **City Attorney Ardaman** responded noting three different ordinances for consideration and strong staff recommendation for approval of each ordinance because it is believed to meet all City requirements. He mentioned that there were some arguments of opposition from the neighbors, but noted that from a legal standpoint they have a very good position. He spoke of this being the City Commission's decision and staff recommendation in the staff report constituting substantial evidence. The annexation and the comprehensive plan are different standards, but based on the fact that there is a JPA, and an agreement between the City and the County to address this particular property and the adjacent property, he informed the Commission that they have solid legal ground in approving this item if they saw fit.

Commissioner Sharman noted that he was on the City Commission in 2013 and approved that JPA. City Attorney Ardaman affirmed. Commissioner Sharman disclosed some of the emailed concerns he has received related to the traffic in the area, thus his questions about the impact in the area. He spoke of current traffic issues and sounds. He expressed that the City Commission needs to address this area and inquired of the City Manager's recent communications with the County and their timeline for addressing the intersection. **City Manager Jon C. Williams** informed of a meeting with the County regarding the Tiny Road and Tilden Road intersection and determination of what their timeline was for signalization. He expressed that the County is reviewing this issue, but at this point they do not have it in their five-year CIP project. They may escalate this item, the City would support it, but a list of County roads under their jurisdiction, including Tilden Road, was submitted for their staff for review in August 2021 to possibly have those roads transferred to the City.

Commissioner Maciel spoke of the difficulty of this position and having heard both sides. He spoke of his history of seeing the horse farms when moving to the City and would love to see the groves and the horse farm stay. However, he expressed that there are property rights and this could potentially open up the City to a lawsuit. He addressed those that may be opposed, telling that if they came to the City wanting to make improvements to their own property, and they think they have the right to do so, the City has to protect their property rights as well. He expressed that some of the

decisions may not be popular, but legal decisions must be made. He then sought to hear from the other Commissioners.

Mayor Rees spoke of understanding both sides and shared some history of when it was all orange groves, including behind his home, his sister's home and near the mall. He noted discussion of maintaining and protecting greenspace. He expressed that people have property rights, but he has always loved low density. He also addressed the traffic related to all the surrounding development. He noted that the City has tried to keep the City low density for something that is acceptable and noted the 30 acres and 13 acres buildable with 24 homes could have been a lot larger development. He feels that this should be taken into account during considerations.

Commissioner Mueller echoed the other Commissioners in that this is a difficult position. He stated that the City has been very protective of greenspace and, in this time of overdevelopment, he supports homeowner rights over that of land owner rights. He stated that we just have to protect the existing land. He disclosed that in this particular case, the developer reached out to him and explained the plan. He noted visiting the property and the surrounding area. He informed of the prior land use being a business, not a forest, and this would be taking something that existed and continuing that use. He spoke of the traffic that would have been generated by the business and that which would be generated by the neighborhood. He voiced concerns regarding construction equipment so close to the horse farm, noting that it would weigh heavily. He stated that the property had been available for purchase it would have been an opportunity, if they were concerned, to make an effort to purchase it. Commissioner Mueller noted that the developer's attorney mentioned the JPA of 2013, he expressed that he found her view to be very narrow, in that case, there were many other advantages to annexing into the City. He said holding the horse farm owner to some level of liability for that does not stand up well for him. He voiced that he would still like to hear from the rest of the Commission as he is very balanced on which way this flows.

Commissioner Bennett expressed that in her own district, she has been advocating strongly for maintaining the City's charm, but she understands that property owners have private property rights and the City has to give the same rights to those owners as to the neighbors. In her particular district, she would like to see this issue addressed through ordinances. This is not to say that there cannot be development at all, but she does have some concerns about over all traffic in the City. She noted that these small amount of homes could be a lot less of a burden than what could come, were this denied. She noted that this is not an easy answer.

Commissioner Sharman inquired of Planning Director Kelly Carson how many additional quadrants remain in the City for future land use of residential that could come before the City Commission for consideration, specifically the Tilden Road area to the edge of the City's jurisdiction. He specifically inquired about the West Orange County Club and if

it would have potential to someday become something else. Mayor Rees noted some nurseries in the area. Ms. Carson noted that the golf course is not in the City's JPA. There was discussion on other areas that have not been developed in that area.

Commissioner Sharman noted that his concerns with traffic may not have a particular bearing on this particular property, but as a whole the City Commission needs to address concerns until the roads issue is corrected. He spoke of the current traffic and a nearby roundabout traffic solution in Ocoee. He inquired of the City Attorney how his objection about alleviation of some of the traffic in this area would affect this consideration. City Attorney Ardaman noted that the City has no moratorium on development in place with respect to this issue at this time. He noted that the applicant and the City's consultant have reviewed the traffic matters and have not found that it is not an issue. He advised that from a legal standpoint it is not a strong base to say no and advised caution.

There was discussion on this item being beyond the issuance of a moratorium and its effects. Also, restated was the impact of construction.

Motion by Commissioner Maciel to approve Ordinance 22-40 with a second reading and public hearing March 23, 2023. Commissioner Maciel requested that the developer and the neighbor get together between now and the next hearing for possible resolutions to some of the issues discussed.

Seconded by Commissioner Mueller. Commissioner Mueller explained that annexation gives the City greater control, restrictions, and protections than of that of the County.

Motion carried 4-1; Commissioner Sharman opposed.

Commissioner Maciel inquired as to whether the applicant would want to table this item at this point. **City Attorney Ardaman** noted that the applicant could speak, but his guess would be that it would be all or none. Other Commissioners agreed as Ms. Tedrow approached to address this issue. **Ms. Tara Tedrow** asked for clarification of the concerns, noting she understood that construction on the site being one and noted that there could be a way to work out hours of construction. She noted the property being an agricultural space that could potentially have sounds of equipment that would be much more disruptive than a child's laughter. There was discussion that this is currently a nursery and should this remain County anything agricultural could be placed there. Ms. Tedrow requested items that are actually actionable, as it seems that the issue is currently development or no development. There was discussion on working with the neighbors between now and the second hearing. Ms. Tedrow sought clarification on some direction and **Mayor Rees** noted that this would not come from the City, but from them working with the neighbor.

There was discussion on addressing all of the ordinances concerns and bringing them all back for consideration, which means also rescinding the annexation ordinance. Some of the concerns regarding traffic were again addressed. Then discussion ensued on the postponement of all items, re-advertisement legislation and continuance to April 13, 2023.

Motion by Commissioner Sharman to RESCIND Ordinance 22-40. Seconded by Commissioner Mueller and carried unanimously 5-0.

Motion by Commissioner Sharman to POSTPONE Ordinances 22-40, 22-41 and 22-42 with a first reading and public hearing April 13, 2023 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.

Commissioner Maciel confirmed with Ms. Bingler that she was open to meeting with the developer again, she affirmed.

- D. **Ordinance 23-01:** 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 54-189, FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-01 by title only. Assistant City Manager for Administration Services Frank Gilbert stated that the proposed ordinance would amend section 54-189, Finances and Fund Management. The investment component of the Fire and Police pension plan would then align with the General Employee pension plan. The ordinance amendment was proposed and prepared by the City's Pension Attorney of Klausner, Kaufman, Jensen & Levinson and approved by the Fire and Police Pension Board. He noted that both pension plans are managed by the same company. He indicated that the primary focus of the changes is alignment of the language. Then both pension plans would provide the same fund management responsibilities, duties and policies as established by the Pension Boards.

Mr. Gilbert noted that the Pension Board's actuary, Foster and Foster, has determined that there is no cost and the changes would have no impact on the actuarial assumptions used for determining the program funding requirements. Staff recommends approval.

Later in the meeting, Mayor Rees opened the public hearing for this item; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Mueller to approve Ordinance 23-01 with a second reading and public hearing March 23, 2023. Seconded by Commissioner Bennett and carried unanimously 5-0.

- E. **Ordinance 23-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 2.42 ± ACRES LOCATED AT 1123 ORANGE WEST BOULEVARD GENERALLY LOCATED SOUTH OF WEST COLONIAL DRIVE, WEST OF SOUTH PARK AVENUE, EAST OF ORANGE WEST BOULEVARD, AND NORTH OF MORNING DOVE DRIVE FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-07 by title only. Planning Director Kelly Carson stated that this is a request for PCD zoning for a 2.42± acre property located at 1123 Orange West Boulevard. She noted that the property is currently zoned C-2 and has a commercial future land use designation. The applicant is requesting to rezone the property to Planned Commercial Development (PCD). This is in order to permit the construction of a 14,000 square foot two-story office building and a future phase that would house another office building. She noted that the main office would house a media company, which creates and records podcasts. She described various site improvements and plans for the building. She noted that the Planning and Zoning Board recommended approval with an additional condition of the electric go-carts being used only from the hours 9:00 a.m. to 6:00 p.m. to address any potential noise concerns. Staff recommends approval with the Planning and Zoning Board condition relating to the hours for the go-carts.

There was discussion on the development bordering residential on three sides, live oaks and vegetation to mute the sound, the sound level of electric go carts, squeaking tires which may create some noise, community meetings and traffic concerns. Ms. Carson described a private road, which may be reviewed for the City to possibly maintain. Also discussed was the potential loss of greenspace and the storm pond space.

Motion by Commissioner Mueller to approve Ordinance 23-07 with a second reading and public hearing March 23, 2023.

Mayor Rees opened the public hearing.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, noted researching the 70 decibel level and noted that it is equivalent to the sound level of a regular washing machine.

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

Motion was seconded by Commissioner Sharman.

Steve Allen, Engineer for the project, 971 Stonewood Lane, Maitland, Florida, addressed the noise concerns and the surroundings primarily being from commercial property located to the north. He noted that there is carwash, which possibly makes more noise.

Motion carried unanimously 5-0.

3. **REGULAR BUSINESS**

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

City Engineer Monahan stated that on January 18, 2023 the City received 17 responses to the Request for Qualifications (RFQ 23-001) for the Continuing Services Contract for Professional Engineering and Architectural Services. He noted that based upon the independent review and scoring by the five-member City of Winter Garden Employee panel, the determination was made that the top seven proposals would be selected to fulfill the needed services. He listed the selected firms as Bentley Group, Inc., CPH, LLC, Carollo Engineers, Chen Moore & Associates, Mead & Hunt, Chastain Skillman, and Forefront Architects & Engineers. Staff recommends approval.

Motion by Commissioner Bennett to approve Request for Qualifications (RFQ 23-001) rankings and award continuing service contracts for professional engineering and architectural services as stated. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **BOARD APPOINTMENT CONFIRMATION: General Employee Pension Board (Fifth Trustee)**

City Clerk Angee Grimmage stated that this item is a ministerial duty of the City Commission. The fifth trustee Santino Montanez has been unanimously chosen by the General Employees' Pension Board and confirmation of the appointment, as stated in City Code, is needed by the City Commission. Staff recommends approval of the appointment confirmation of trustee Santino Montanez to the General Employees' Pension Board for a four-year term through December 31, 2026.

Motion by Commissioner Sharman to approve confirmation of trustee Santino Montanez to the General Employees' Pension Board for a four-year term through December 31, 2026. Seconded by Commissioner Bennett and carried unanimously 5-0.

4. **MATTERS FROM PUBLIC**

Norine Dworkin, 929 Walkers Grove Lane, Editor in Chief, VoxPopuli, Winter Garden, Florida, complimented the Winter Garden Fire Department on Engine 24 pulling up on a

Saturday night and Fire Fighter & EMT Richard Mann distributing plastic firefighter helmets to the children. Ms. Dworkin also commented on the media's use of the podium when addressing the City Commission.

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

6. **MATTERS FROM CITY MANAGER**

Special Events

City Manager Jon C. Williams announced some of the upcoming special events such as the Florida ISA Tree Climbing Championship and Training on Saturday, March 11, 2023 and Sunday, March 12, 2023 at Veterans Park and Tucker Ranch, noting that there is no harm to the trees and the City benefits from some free tree trimming. He further informed of the Smith and Main building preview on March 14, 2023. Other events noted were the Celtic Fest, Bloom and Grow Garden Society Petrea Vine Sale, POPs Newton Park and the Shop, Dine & Stroll. He noted that a list of all event had been distributed.

Moratorium Extension

City Manager Jon C. Williams requested an extension to the moratorium for new events for the remainder of the calendar year. There was discussion that this could be revisited, however availability of City employees who could and would want to work the event was a concern.

Motion by Commissioner Sharman to approve extension of a moratorium for any new special events for the remainder of the calendar year. Seconded by Commissioner Bennett and carried 4-1; Commissioner Mueller opposed.

Collective Bargaining Agreement

City Manager Jon C. Williams noted that there is a new Collective Bargaining Agreement with the PBA, which was unanimously approved by the Police Department, 41-0. He noted that staff would move this agreement forward for approval at the next City Commission meeting of March 23, 2023. He noted that a Shade meeting would not be needed as the changes are de minimis, so a summary would be provided to each Commissioner prior to the next meeting.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman commented that traffic was his main concern relating to the earlier discussions, he would like to work on the noise, however, commented that low density for the project is one of the best he has seen as a City Commissioner in a while. He also mentioned a half cent tax for citizens to purchase greenspace as a consideration. Discussion ensued on funding mechanisms, impact fees for greenspace and potentially a referendum.

Commissioner Maciel relayed he has the ultimate respect for the City Commission and respects their opinions. However he expressed embarrassment for the City as it relates to the ordinance tabled earlier in the meeting. He expressed the need to support property rights, not just for developments, but those for people wanting to install pools or in-law apartments. He felt the decision was clear and noted the amount of time that staff puts into this matter. He reiterated that staff works tirelessly on these efforts and meetings are great because of their behind the scene efforts. City Attorney Ardaman interjected that there would be potentially two more hearings on this item and cautioned on speaking specifically to this issue. Commissioner Maciel expressed that regarding any projects going forward, when a City Commissioner opposes a project, it should be made clear to staff, beforehand, so that they can express all concerns to the applicant. Discussion ensued with City Attorney Ardaman expressing that concerns can be voiced, but no voting decisions should be made until after hearing all information. City Manager Williams noted that it would also be helpful, if there are any objections to developments coming through, that there be a legal basis to the objection. He explained the process of approval by staff to be sure that a project is a legally sufficient development.

Commissioner Mueller thanked staff on their efforts to remove the former Golden Corral building on State Road 50.

Commissioner Mueller spoke to Commissioner Maciel's comments and noted that he is reluctant to interfere with homeowner rights. He noted that his thought process on the land owner situation is more broadly thought of from not just a legal perspective, but from an environmental impact. He spoke of water usage, mass development, maintaining the City's charm and loss of greenspace. He echoed comments of going back and reviewing the comprehensive plan in this effort. He spoke of the middle ground of protecting greenspace and still respecting rights.

Commissioner Bennett thanked the City, Sustainability Coordinator Donna Corbus, and Winter Garden Heritage for their exhibit celebrating the Women of Winter Garden and West Orange County. She spoke of there being some amazing women who have helped build our community. Commissioner Sharman inserted that Commissioner Lisa L. Bennett is one of them.

Mayor Rees read an excerpt from a thank you card from Charlie Mae Wilder. He noted that Charlie Mae Wilder had a wonderful birthday party and he expressed that we are blessed to have her as a resident in Winter Garden.

Mayor Rees noted speaking with the City Manager about finding property so the City could have a space of just woods. He also addressed the issue of a moratorium for building in Winter Garden, noting the need for conversations with neighboring cities and the County as what they are doing also affects the City of Winter Garden.

