



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

May 12, 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:

Assistant City Manager Frank Gilbert
City Attorney A. Kurt Ardaman
City Clerk Angee Grimmage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of April 14, 2022 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. **Proclamation 22-06:** Proclaiming Public Service Recognition Month was read and presented by Mayor Rees and the City Commissioners to Alex Arce, Donna Corbus, Brandon Minnick, Merlis Monchery, Ricky Reynolds and Luis Velasquez.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 22-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL MAY 26, 2023 ON THE ACCEPTANCE, PROCESSING AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS, BUILDING PERMITS AND ZONING CLEARANCE APPROVALS INVOLVING USES OR BUSINESS SELLING ALCOHOLIC BEVERAGES WITHIN THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT; PROVIDING FOR POSSIBLE EXTENSION OR EARLY TERMINATION OF THE TEMPORARY MORATORIUM BY ORDINANCE OR RESOLUTION; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-10 by title only. Community Development Director Stephen Pash stated that this ordinance is a temporary moratorium for any new businesses selling alcohol for on premise consumption in the historic downtown district. The moratorium would not affect existing businesses sale of alcohol. He shared how many new businesses come to the City wanting to sell alcohol. He explained that City Code and the Charter both allow for alcohol sales in restaurants, which derive more than 51 percent of their revenue from food and non-alcoholic beverage sales. He indicated that some businesses classify as retail, begin by selling small food items or

snacks and later return with a request for restaurant classification with intent to obtain an alcohol license. Staff requests a 12-month moratorium to allow sufficient time to review City Code and City Charter.

Mr. Pash noted concerns of the Planning and Zoning Board. They feel that this would create an advantage for the existing businesses or possibly discourage new businesses from coming to the City of Winter Garden. They recommended that this ordinance not be approved.

Mr. Pash noted that staff has denied one application, which was submitted prior to any of the presented ordinances, but the applicant requests a meeting and additional review with the City. Mr. Pash requested that this application review be allowed to move forward, providing that they meet all necessary requirements and noted 108 S. Main Street as the location.

Staff recommends approval of Ordinance 22-10.

There was discussion that no other businesses awaited review other than the one noted. Also discussed was whether alcohol had ever been served at this location, it was affirmed, but noted to have been for the previous business.

Commissioner Bennett noted as representative for District 1, she has received a lot of calls, 95 percent in support of the moratorium as a pause for clarification of what constitutes a restaurant. This would produce a level playing field for incoming new businesses and protection for currently existing businesses.

Commissioner Mueller questioned if mechanisms were in place for the City Commission to review liquor licenses as opposed to it being a staff function. Discussion ensued on the City Commission communications with staff on these issues prior to their approvals.

There was discussion on maintaining a family friendly atmosphere, the vision of the City's strategic plan from years past, and businesses evaluating patrons in relation to this matter.

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

Commissioner Sharman shared receiving calls, wanting to be sure that the City of Winter Garden remains a family friendly downtown, and expressed not wanting us to become like that of Orlando as we are a small community and want to maintain that small community feel.

Commissioner Maciel noted that the City does not limit the number of liquor licenses. Mr. Pash explained that the liquor license is supplied by the State, but with the City's approval.

Motion by Commissioner Bennett to approve Ordinance 22-10, with a second reading and public hearing May 26, 2022. Seconded by Commissioners Maciel and Mueller simultaneously and carried unanimously 5-0.

- B. **Ordinance 22-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.38 +/- ACRES OF LAND GENERALLY LOCATED AT 72 NORTH WOODLAND STREET AND 81 & 91 NORTH MAIN STREET, ON THE SOUTHEAST CORNER OF NORTH MAIN STREET AND EAST NEWELL STREET; FROM R-2 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE FIRST BAPTIST CHURCH WINTER GARDEN CHILD CARE PCD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-12 by title only. Community Development Director Stephen Pash stated that this is a request to rezone the property located at 72 North Woodland Street and 81 & 91 North Main Street to Planned Commercial Development. He noted that the PCD would permit First Baptist Church of Winter Garden to build a 12,738 square foot child care facility and associated site improvements. The facility would accommodate a maximum of 154 children. He noted a community meeting was held and some of the concerns were traffic, solid waste and child safety. He noted that all questions were addressed and by meeting end, there were no objections to the project. The project has been reviewed by the Development Review Committee and the Planning and Zoning Board. He noted that the Architectural Review and Historic Preservation Board has also reviewed the elevations. Staff recommends approval.

Commissioner Bennett noted attending the meeting and there was the support with no opposition.

Commissioner Mueller voiced concerns with parking and increased traffic. Mr. Pash explained the scheduling and there was discussion on different child drop-off times.

Motion by Commissioner Bennett to approve Ordinance 22-12, with a second reading and public hearing May 26, 2022. Seconded by Commissioners Maciel and Mueller simultaneously and carried unanimously 5-0.

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

- A. **Ordinance 22-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-256 (a) OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO MUNICIPAL ELECTIONS; AMENDING THE QUALIFYING PERIOD FOR REGISTRATION OF CANDIDATES; AND PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-08 by title only. City Clerk Grimmage stated that this is the second reading and public hearing for Ordinance 22-08. She noted that this ordinance would fix a conflict between the City Code registration of candidates period and Florida State Statute requirements for mailing overseas vote-by-mail ballots. She noted that the remedy is to set the qualifying period back by two weeks, so in years where there would be a general election held, qualifying would commence at noon the first Tuesday of January and end at noon on the seventh day after the registration commenced. She informed that the language also provides for any holiday that might fall within that time frame. Staff recommends approval of Ordinance 22-08.

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

Motion by Commissioner Sharman to approve Ordinance 22-08. Seconded by Commissioners Maciel and carried unanimously 5-0.

- B. **Ordinance 22-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING SECTION 78-38 OF CHAPTER 78, ARTICLE II OF THE WINTER GARDEN CODE OF ORDINANCES CONCERNING CONNECTION TO WATER AND WASTEWATER SYSTEMS AND REQUIREMENTS FOR UTILITY SERVICES TO PROPERTIES LOCATED OUTSIDE OF THE CITY LIMITS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-09 by title only. Community Development Director Stephen Pash stated that this ordinance is a clarification on an existing exception in the Code, that one must annex to receive sewer or water. He noted that this exception was only for those properties within the Town of Oakland, and was previously provided through a wastewater and water interlocal agreement. Staff recommends approval of Ordinance 22-09.

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

Motion by Commissioner Mueller to approve Ordinance 22-09. Seconded by Commissioners Sharman and carried unanimously 5-0.

- C. **Ordinance 22-11:** AN ORDINANCE ENACTED PURSUANT TO § 125.01(1)(Q), FLORIDA STATUTES, CONSENTING TO THE EXPANSION OF THE ORANGE COUNTY LAKE ROBERTS MUNICIPAL SERVICE BENEFIT UNIT TO INCLUDE CERTAIN PROPERTY SURROUNDING LAKE REAVES LOCATED WITHIN THE CITY OF WINTER GARDEN AND THE LEVY OF SPECIAL ASSESSMENTS ON THOSE BENEFITTED PROPERTIES TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE, WATER QUALITY IMPROVEMENT, AND CLEANING; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-11 by title only. City Engineer Jim Monahan stated that in 2009, Orange County created the Lake Roberts MSBU as a municipal service benefit unit. This was for the general purpose of lake cleaning, water quality improvement, maintenance, and aquatic plant control. The City enacted an ordinance in 2010, which consented to the Lake Roberts MSBU and the levy of special assessments on the adjacent properties. He noted that since that time, Mrs. Martha Boyd and other Windermere Crossing neighbors championed a grass roots effort to have the MSBU expanded to include Lake Reaves. On March 22, 2022, Orange County adopted a resolution amending the original Lake Roberts MSBU to include Lake Reaves. He noted that Ordinance No. 22-11 consents to the expansion of the MSBU to include certain property surrounding Lake Reaves and the levy of special assessments. Staff recommends approval.

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

Motion by Commissioner Maciel to approve Ordinance 22-11. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. Recommendation to approve purchase of replacement Police K-9 utilizing Law Enforcement Trust Fund, amount not to exceed \$10,000

Police Chief Steve Graham stated that the request is to purchase a Police K-9. He explained how Senior Officer Jeff Doyle, who is also a trainer, has decided to retire in the coming months. He noted that with Officer Doyle's notice, the City of Winter Garden would like to take advantage of his training and purchase a K-9 utilizing the Law Enforcement Trust Fund, an amount no to exceed \$10,000.

There was discussion on those who might be interested in being a replacement trainer.

Motion by Commissioner Sharman to approve purchase of replacement Police K-9 utilizing Law Enforcement Trust Fund, an amount not to exceed \$10,000. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. Recommendation to approve SITE PLAN for 308 East Bay Street (V Vid Painting Office), subject to conditions

Community Development Director Stephen Pash stated that this is the site plan review for property located at 308 East Bay Street. The applicant is proposing to construct a 2,048 square foot office building, a 1,350 square foot storage warehouse building, and various site improvements. The proposed use is consistent with the existing I-2 zoning. The plans have been reviewed and approved by the Development Review Committee (DRC). Staff recommends approval, subject to conditions of the DRC.

Mayor Rees inquired of any concerns from residents on East Bay Street. Mr. Pash responded that a community meeting was held and no one came.

Motion by Commissioner Maciel to approve SITE PLAN for 308 East Bay Street (V Vid Painting Office), subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. Recommendation to approve Assignment of Drainage Easements from Orange County to the City of Winter Garden (South of Klondike Street to Plant Street)

City Engineer Jim Monahan stated that these are five existing easements in the name of Orange County. He noted that the existing stormwater drainage structures and pipes run from south of Klondike Street to Plant Street and discharge to Lulu Creek. The assignment of these five easements to the City of Winter Garden from Orange County will give the City control of the maintenance and repair frequency. This collection system collects a good portion of East Winter Garden and staff feels that the more frequent cleaning and maintenance will improve the drainage in the local area. Staff recommends approval.

Commissioner Maciel inquired if this would remedy some of the problems of the lands that the City of Winter Garden just inherited. Mr. Monahan responded yes, there is one portion of this easement where the pipe has actually collapsed. He noted that the City was going to fix it and realized that we did not own this easement.

Commissioner Mueller inquired if the County was contributing funds to this effort. There was discussion that Orange County would only contribute the assignment of the easements.

Motion by Commissioner Maciel to approve Assignment of Drainage Easements from Orange County to the City of Winter Garden (South of Klondike Street to Plant Street). Seconded by Commissioner Mueller and carried unanimously 5-0.

D. Recommendation to approve West Orange Trail Utility Easement

City Engineer Jim Monahan stated that as part of the Oakland Park development the City of Winter Garden agreed to provide sanitary sewer and reclaimed water to the lots within the Town of Oakland. A portion of the reclaimed water line crosses the West Orange Trail, requiring an easement from the State of Florida Department of Environmental Protection (FDEP). All costs associated with this easement and recording are being borne by the Oakland Park developer (Landeavor) and the Town of Oakland. Staff recommends approval.

Motion by Commissioner Sharman to approve West Orange Trail Utility Easement. Seconded by Commissioner Mueller and carried unanimously 5-0.

E. Recommendation to approve waiving formal procurement process and award purchase order to Dale Beasley Construction for State Road 50 Manhole Repair, in the amount of \$276,559.63

City Engineer Jim Monahan stated that three existing sanitary manholes in State Road 50 have considerable subsidence occurring around the structures. The subsidence appears to be getting worse and the work to stabilize the area and repair the lane is needed quickly. The work will consist of injecting a high-density polyurethane grout in targeted areas around the manhole structure, which will densify the soil and fill any underneath voids. He noted that this would stabilize the area, preparing it for new asphalt to level the travel lane. The work also includes maintenance of traffic and resurfacing the area around the manholes. Staff recommends that the City waive the formal procurement process and award a purchase order in the amount of \$276,559.63 for Dale Beasley Construction to remedy the depressions in State Road 50.

Mayor Rees requested that Mr. Monahan explain the alternative outcome in cost and time if the City does not proceed with this option. Mr. Monahan responded that this alternative would take half the time and explained the process. He also noted that you do not get this type of stabilization with the current methodology.

Commissioner Sharman asked if this method had ever been used in the City of Winter Garden. Mr. Monahan replied that the City of Winter Garden has not used this method. However, he stated that a subcontractor under Dale Beasley Construction has used this method in Groveland and had great success.

Mayor Rees noted a cost difference of two and a half times when utilizing the other option and State Road 50 would be blocked twice as long.

Commissioner Bennett confirmed the location as being near the Seacoast Bank and the Taco Bell.

Commissioner Mueller inquired of the City's responsibility for maintenance with this being a State Road. City Engineer Monahan noted that the issue is being caused by a City-owned sanitary sewer system and by permit, the City is able to make these repairs.

Motion by Commissioner Bennett to approve waiving formal procurement process and award purchase order to Dale Beasley Construction for State Road 50 Manhole Repair, in the amount of \$276,559.63. Seconded by Commissioner Maciel and carried unanimously 5-0.

- F. Recommendation to approve COMMUNITY EVENT – Winter Garden Masonic Lodge – Annual All American Kids Parade – July 4, 2022, with temporary street closure
Community Development Director Pash stated The Winter Garden Masonic Lodge has requested to hold their annual Kids Parade and Pancake Breakfast on July 4, 2022. He noted that the set up and break down times. He noted that it is the same as years past. Plant Street will be temporarily closed for the parade. There was discussion on the event and it was noted that approximately 1,000 people is anticipated to attend.

Motion by Commissioner Bennett to approve COMMUNITY EVENT by the Winter Garden Masonic Lodge for the Annual All American Kids Parade on July 4, 2022, with temporary street closure. Seconded by Commissioner Mueller and carried unanimously 5-0.

- G. Recommendation to approve SPECIAL EVENT – Party in the Park – 4th of July from 6:00 to 10:00 p.m.
Community Development Director Pash stated that this is a special event request by the City to hold the annual 4th of July Party event in Newton Park on Monday, July 4, 2022 from 6:00 pm to 10:00 pm. He noted that the event would include food trucks, vendors, live music, street closures, and fireworks starting at 9:15 pm. Staff recommends approval.

Motion by Commissioner Bennett to approve SPECIAL EVENT for Party in the Park – 4th of July from 6:00 to 10:00 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

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

8. **MATTERS FROM CITY MANAGER** – Jon C. Williams

City Manager Returns

Assistant City Manager Frank Gilbert announced the return of City Manager Jon C. Williams on May 16, 2022.

Stoneybrook Golf Course Inspection

Assistant City Manager Frank Gilbert noted that the City Commission at the last meeting requested staff inspect some trees and maintenance issues at the Stoneybrook Golf Course. He noted City Manager Jon C. Williams and Community Development Director Stephen Pash did accomplish an inspection. Mr. Gilbert indicated that the clubhouse and other grounds are being adequately maintained and are in good condition. Also noted was an issue with a tree on Spinnaker Cove being the responsibility of the Homeowners Association (HOA) and the HOA President, Dennis Armstrong, was working to obtain quotes. He noted that Mr. Armstrong has also requested that the lawn and maintenance company extend the area normally mowed to make it a larger area.

Police Officer Luis Velasquez Commended

Assistant City Manager Frank Gilbert read an email from Jacob Wagner of Wal-Mart Global Security and Risk. The email commended City of Winter Garden Police Officer Luis Velasquez for his off-duty efforts in helping a FedEx driver reclaim and secure a highly important shipment that spilled out when the vehicle door had not been fully secured. The writer explained the significance of the package contents, spoke of the patients who desperately needed those medications therein, and extended a heart-felt thank you to Officer Velasquez. Officer Velasquez recognized his attending family and thanked the City Commission for the recognition.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman commented that for every story we do hear about, there are probably ten others we do not hear about because our employees are so dedicated and care about the community.

Commissioner Maciel thanked the employees and hoped that these comments of appreciation make it back to them. He noted being at the Arts event and recognized the employees who contribute to making it an almost cosmopolitan event.

Commissioner Bennett echoed comments of Commissioner Maciel and thanked the employees for what they do in going above and beyond; she expressed that it is really appreciated.

Commissioner Mueller thanked City staff and noted compliments are received all the time.

Commissioner Mueller addressed the site plan and Reuse Main Extension Oversizing Agreement for 1200 Daniels Road and 1211 Winter Garden Vineland Road, which was approved at the last City Commission meeting. He noted past discussions related to traffic in the area, shared that he remains very concerned with traffic south of the Burger King area, and voiced that he would like a motion to recall the approval until further review by staff.

