



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

May 26, 2022

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:32 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 Sharman to approve regular meeting minutes of May 12, 2022 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **PRESENTATION**

A. An introduction was given and Police Chief Steve Graham administered the Oath of Office to new Police Officers Darren Wills, Sean Lefere, Natalie Downs and Philip Roberts.

3. **SECOND READING AND PUBLIC HEARING 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 downtown district. The moratorium would not affect the existing businesses sale of alcohol. He shared that many new businesses come requesting to sell alcohol. He explained that City Code and the City Charter allow alcohol sales in restaurants, which derive more than 51 percent of their revenue from food and non-alcoholic beverage sales. Staff requests a 12-month

moratorium to allow sufficient time to review City Code and City Charter and recommends approval of Ordinance 22-10.

Commissioner Mueller explained the history of some downtown incidents related to bad behavior, which were brought to his attention. He addressed reviewing this issue, discussions with staff, and noted related email. He feels this ordinance does not address the issue of businesses over serving their patrons. He noted being in opposition to this ordinance and would rather have a bill which better addresses the problem.

Commissioner Sharman agreed, but suggested a two-pronged approach of passing this ordinance in an effort to allow time for staff's review and then analyze current businesses who might require further actions be taken.

There was discussion on changes, future results of changes and them not being retroactive. Also noted was expenses related to businesses and their investments. Discussion ensued on some issues being law enforcement related, institution of control measures, and the issue reviewed from many different perspectives. It was noted that it would take at least 12 months for any new business to go through the full process. There was discussion that this is a start and legal implications would need time for review.

Commissioner Mueller spoke of businesses that are currently abusing the system, voiced that he does not want to force upon them government regulation, but they should be required to be responsible.

Mayor Rees opened the public hearing.

Sean Jones, Winter Garden resident, expressed that this proposal, which would stifle investment in the community, is not a good thing. He understands the need for regulating businesses and maintaining a family friendly environment. He does not think extension of this moratorium should be an option, noted working as a restaurateur and in alcohol distribution, and does not think stopping investment would solve any problem.

Sarah Wolfe, 221 North Boyd Street, Winter Garden, Florida agreed with Mr. Jones' comments and noted that she thinks the City needs to be careful for restaurants or businesses coming in whose business plan may include serving alcohol. She noted that we do not want to have empty storefronts and commented that we are a city trying to help each other and want to see everyone succeed. She wants to see the behavior addressed and feels that the City should go in that direction.

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

Commissioner Maciel requested a briefing on why a moratorium. Community Development Director Stephen Pash responded that the moratorium would allow City staff time to go through the code, make sure it is consistent with the Charter, and address any needed changes. Mr. Pash reiterated that staff needs time for a thorough review. City Manager Williams interjected that this is complicated and that the City does not want to infringe upon the rights of existing businesses, thorough analysis of the existing code is needed and also assurance of legality.

There was discussion on ongoing enforcement, potential issues with new businesses coming in while these items are in review, and the potential of the timeframe for review being possibly shorter than the twelve months. It was noted that there are no current permits or requests, but clarification is still needed. Commissioner Maciel inquired as to benchmarks from other cities that could potentially speed this review process along. City Attorney Ardaman noted that this is a review of the structural issue with the City's existing code and enforcement in mechanisms. He noted that staff has some good ideas about what could be done and will bring those ideas back to the City Commission.

Motion by Commissioner Bennett to adopt Ordinance 22-10. Seconded by Commissioner Sharman and carried 4-1; Commissioner Mueller opposed.

- 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 N WOODLAND STREET AND 81 & 91 N MAIN STREET, ON THE SOUTHEAST CORNER OF N MAIN STREET AND E 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 (PCD). 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.

Commissioner Mueller voiced concerns with parking and traffic.

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

Commissioner Sharman inquired of concerns from neighboring properties. Community Development Director Stephen Pash responded that a community meeting was held and all questions were answered and everyone was happy with the responses. Commissioner Bennett noted attending the meeting and there was the support with no noted opposition. She indicated that her questions related to the staggered times, noting different child drop-off times lessen the impact. Mr. Pash noted a favorable review by the City's traffic engineer.

Motion by Commissioner Bennett to adopt Ordinance 22-12. Seconded by Commissioner Maciel and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. Recommendation to approve construction of temporary Fire Station 21 at a cost not to exceed \$125,000 plus \$1,440 monthly rent for the building

Fleet and Facilities Division Manager Michael Caines stated that the City is currently going through the bid process to construct a new Fire Station 21 to be located on Marsh Road. The construction times are estimated at a minimum of 14 to 18 months. Staff has discussed the current need to provide service to the area and as a result are requesting approval to construct a temporary Fire Station 21. He noted that the station would be constructed on property currently owned by the City at 902 Avalon Road. This project would utilize a rental modular crew building that could be returned after the new station is completed. A metal building, which could be disassembled and used for other purposes, would also be installed to house fire apparatus. A breakdown of the project cost and a site plan is included with this request. The project is not expected to exceed \$125,000, plus \$1440 monthly rent for the building. Staff recommends approval.

Mayor Rees asked how much land would be cleared for this project. Mr. Caines responded that an approximate 80 by 150 section would be cleared. He noted reviewing this area with Community Development Director Stephen Pash in an effort to note an area that would have the least impact on trees. There was discussion on the heavily wooded area, importance of improving response time, alternative locations, and abandonment of this location in approximately 18 months. It was mentioned that the Tucker Ranch location would still leave challenges for site preparation with about the same amount in cost. Discussion ensued on clearing mostly brush area, some tree removal, utilities installation to accommodate the site at the ranch and complications it would cause. It was stated that the utilities could be left at the proposed site for future use. Also expressed was that the City owns this property, but other alternative locations were discussed.

Fire Chief Gainza spoke of the current property, which is City-owned, providing the least impact in cost. He noted issues with other property locations and the costs being in amounts upwards of millions of dollars. Fire Chief Gainza described the location, noted the related response times and spoke of the 18-month timeframe.

Commissioner Mueller inquired if final site could be used and possibly have the contractor work around the temporary station. Mr. Caines noted that there would need to be extensive site work done and does not feel there would be enough level ground that could be used there. Commissioner Mueller mentioned possibly delaying this decision for time to review alternatives. There was discussion on the immediate need for this item in addressing response times.

Motion by Commissioner Sharman to approve construction of temporary Fire Station 21 at a cost not to exceed \$125,000 plus \$1,440 monthly rent for the building. Seconded by Commissioner Maciel and carried 4-1; Commissioner Mueller opposed.

- B. BOARD APPOINTMENT: Architectural Review and Historic Preservation Board
Community Development Director Pash stated that there are three seats open for the Architectural Review and Historic Preservation Board. He noted that the code is very specific on these seats and described that there is a requirement for an architect, owner of property in the district and any City resident. Staff recommends appointment of three new members that meet those requirements.

Motion by Commissioner Sharman to appoint Damon Bridger (*Architect*) to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Maciel and carried 5-0.

Motion by Commissioner Bennett to appoint Phil Baker (*Owner of Property in Historic Downtown District*) to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Mueller and carried 5-0.

Motion by Commissioner Bennett to appoint Austin Arthur (*City Resident*) to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Sharman and carried 5-0.

- C. BOARD APPOINTMENT: Planning and Zoning Board
Community Development Director Pash stated that there is one seat open on the Planning and Zoning Board. He noted that the code requires at least one member from each district be appointed with a maximum of two members from each district. He informed of the current board composition and stated that the required appointment be from District 2 or District 4.

Commissioner Sharman nominated Dennis Armstrong and read his prior qualifications.

Commissioner Mueller nominated Henry Wright and read his prior qualifications.

Commissioner Maciel and Commissioner Bennett spoke of the nominees and voiced whom they favored.

Commissioner Sharman noted the prior composition of this board, described how it changes, and expressed that District 4 needs someone close to that area where there is the most growth.

Motion by Commissioner Sharman to appoint Dennis Armstrong (District 4) to the Planning and Zoning Board and seconded by Commissioner Maciel.

Commissioner Mueller spoke of matters that may come before Planning and Zoning related to Stoneybrook, concerns of conflicts of interests requiring abstention from voting, and prior renewals for members on the Planning and Zoning Board appointed from his district. He voiced that he would still desire bringing on Henry Wright to this board. He thanked Dennis Armstrong.

Motion carried unanimously 5-0.

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

6. **MATTERS FROM CITY ATTORNEY** – A. Kurt Ardaman

PureCycle

City Attorney Ardaman noted an issue related to a business located in unincorporated Orange County called PureCycle. The company is requesting City potable water, wastewater, permits and service. He spoke of the PureCycle Company and read that they process and manufacture polypropylene resin flakes. He indicated that they use chemicals, but do not produce any products at this location, but resin is shipped to another location. He shared that PureCycle initially approached Orange County with their proposal for this location, they were denied by Orange County, but later had that decision reversed to allow the use. The City was made aware several months after the reversal of the determination. Mr. Ardaman noted that the City requested public records from the County, requested another determination from the Zoning Manager, who did not want to review again base on only arguments. He shared how additional information was gathered, which had actually been submitted to the City of Winter Garden for the processes and reports on how PureCycle operates. This information was taken to the County and it was determined that this information had not been initially submitted to the County Zoning Manager. A formal request was filed with the County Zoning Manager, making them aware a mistake had been made, but the Zoning Manager responded that the new information was reviewed and the old decision stands.

Mr. Ardaman indicated careful review of this item and requested to appeal the Zoning Manager's decision to the County's Board of Zoning Adjustment. If there were not a favorable resolution there, then they would go on to the Orange County Board of County

Commission. In appealing this item, authority is requested to file a lawsuit against Orange County to be able to preserve the City's ability to sit down with the County and have a dispute resolution process opportunity.

Motion by Commissioner Mueller to authorize the City Attorney file the appeal relating to prevention of the operation of PureCycle at 851 Maple Street, and if necessary, file the lawsuit, which would be evaded until the City has the dispute resolution process in place. Seconded by Commissioner Sharman.

Commissioner Mueller voiced his concerns related to the PureCycle operation.

Motion carried unanimously 5-0.

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

A. Authorization for City Manager to execute the joinder and consent for the Stoneybrook West Golf Facilities Lease

City Manager Jon C. Williams stated that he is requesting authorization to allow him to execute a Joinder and Consent for the Stoneybrook West Golf Facilities Lease agreement. He provided history of the Stoneybrook Master Association efforts to prepare, solicit and propose a way to restore golf operations. He shared that the Homeowner's Association (HOA) selected Tamarack Golf Management. Mr. Williams explained that the City expressed having no desire to be party to any of the operations of the golf course, but did review the agreement along with the City Attorney and proposed questions, comments and concerns to Stoneybrook West HOA President Dennis Armstrong. He noted that they addressed the City's concerns and request that the City execute the Joinder and Consent, which protects the City and the public interest while not making the City a party to the lease.

City Attorney Ardaman stated that the City's focus is to ensure the special assessments are protected and the golf course remain open to the public, subject to reasonable rules and conditions. In addition, the property cannot be sold or otherwise encumbered without the City's consent. He praised Mr. Armstrong for allowing the City time enough for the review. He noted that the City did not delve into the business terms. Mr. Ardaman expressed that the City is not a party to the agreement, but could step in where there is interests of the City, otherwise the City has no liability related to the agreement.

Motion by Commissioner Sharman to authorize the City Manager execute the Joinder and Consent for the Stoneybrook West Golf Facilities Lease. Seconded by Commissioner Mueller and carried unanimously 5-0.

- North Boyd Parking Lot Open
City Manager Jon C. Williams announced the opening of the North Boyd Parking lot and its availability for use. He noted it was ahead of schedule and stated that the contractors and staff have done a great job.
- Memorial Day Activities
City Manager Jon C. Williams announced Memorial Day activities for Monday, May 30, 2022 from 8:15 am to 9:30 am.
- Community Meetings to Update East Winter Garden Plan
City Manager Jon C. Williams noted distribution of an invitation to a community meeting for updates on the East Winter Garden plan. This would have specific focus on Tenth and Center Street, which he noted as ground zero for the revitalization. The series of community meetings would begin June 2, 2022 and run through June 4, 2022.
- Juneteenth at Mildred Dixon Center
City Manager Jon C. Williams invited everyone to the Celebration of Juneteenth Freedom Day at the Mildred Dixon Center on June 17, 2022 from 2:30 p.m. to 5:00 p.m.
- Recycling Services for the public in downtown Winter Garden
City Manager Jon C. Williams announced that the City has received a request to offer recycling services to the public for downtown Winter Garden. He displayed an aerial view of the areas where cans would be placed as an introduction of a pilot program. These locations would be monitored, assessed, and reported to see if this would be something the City would want to continue as a permanent offering for the downtown. He noted that these items have been ordered, but due to supply chain issues, this rollout may not occur until July or August.
- Workshop
City Manager Jon C. Williams noted that Commissioner Mueller has requested a workshop at one of the next regular meetings. He inquired of the City Commission as to whether there was a desire to do so and, if so, was there a specific date or topics to be addressed. There was discussion on topics such as resources, staff shortages, cutbacks on projects and events, rotation of events and budget review with staff to analyze costs. Mayor Rees noted that the strategic plan from 12 years ago was reviewed and not many changes needed. Commissioner Maciel noted his desire to reserve workshops for large issues and indicated that most of his items are discussed with staff. He inquired if there were any large items that needed discussion. Commissioner Mueller responded by noting the advantages of accelerating annexations, spoke of the districts and their status and strategies for moving forward, and noted parking issues. Commissioner Bennett noted drainage and stormwater as her only issues and stated that they are already being addressed.

