



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

July 13, 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 4 - Colin Sharman

Also Present:

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

Absent:

Commissioner District 3 - Mark A. Maciel

1. **APPROVAL OF MINUTES**

- A. **Motion by Commissioner Mueller to approve regular meeting minutes of June 8, 2023. Seconded by Commissioner Bennett and carried unanimously 4-0.**
- B. **Motion by Commissioner Mueller to approve regular meeting minutes of June 22, 2023. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

- A. **Ordinance 23-14**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2022-2023 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-14 by title and an excerpt of the revenues and matching expenditures. Finance Director Laura Zielonka stated that this ordinance amends the current year budget to account for changes that have occurred throughout the fiscal year since the budget was originally approved in September. She noted that Exhibit 1 contains amendments recommended by City staff.

There was discussion on new police positions, crossing guards, and the ability to fill those positions. It was noted that the crossing guards are fully staffed.

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

Motion by Commissioner Bennett to approve Ordinance 23-14 with a second reading and public hearing July 27, 2023. Seconded by Commissioner Sharman and carried unanimously 4-0.

- B. **Ordinance 23-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 18-92 ENTITLED "APPLICATION: PLANS" OF CHAPTER 18 – "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO REQUIRE PLANNING DEPARTMENT REVIEW AND APPROVAL FOR COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING REGULATIONS PRIOR TO SUBMITTAL OF A BUILDING PERMIT APPLICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-17 by title only. Planning Director Kelly Carson stated that this is a City-initiated ordinance establishing a new planning pre-review process required prior to a building permit submittal. This review would not be required if it is determined that a planning review is not needed for certain permits. She noted that the purpose of the change is to provide more transparency in the review process. She explained how this would also streamline some processes and remove redundant reviews. Ms. Carson stated that the Planning and Zoning Board also reviewed this ordinance, suggested a minor change, and it was distributed to the City Commission. She read an excerpt, which included the Planning and Zoning language, and noted that staff recommends approval of Ordinance 23-17 with the addition of those changes.

There was discussion on the review process, the ability to check the review status, and no more can the contractors use Winter Garden as an excuse for being late with their own projects.

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

Motion by Commissioner Sharman to approve Ordinance 23-17 with a second reading and public hearing July 27, 2023. Seconded by Commissioner Mueller and carried unanimously 4-0.

3. **REGULAR BUSINESS**

- A. Recommendation to approve setting proposed MILLAGE RATE for fiscal year 2023-2024 at the current rate of 4.5000 mills and schedule budget public hearing dates on September 14, 2023 and September 28, 2023 at 6:30 p.m.

City Manager Jon C. Williams noted that this item establishes the proposed millage rate and budget hearing dates for the 2023-2024. He noted that this is in compliance with the Truth-in-Millage (TRIM) legislation timetable, which requires the City to advise the

Orange County Property Appraiser of the proposed millage rate by July 28, 2023, at noon. He read projections for the current gross taxable value, noted a 12.79 percent increase over fiscal year 2022-2023, and noted the current year rolled-back rate at 4.0908. The proposed millage rate of 4.5000 is greater than the rolled back rate of 4.0908 by 10.00 percent. He shared details of what the one mill would generate in revenue, spoke of the Ad Valorem Tax Revenue (AVTR) and projections and outcomes of past years. Mr. Williams disclosed that the TRIM rate could be decreased after approval, but not increased. Staff recommends approval to set the proposed millage rate for fiscal year 2023-2024 at the current rate of 4.5000 mills, set public hearing dates for Fiscal Year 2024 budget for the second and fourth Thursdays in September. He noted that those dates are September 14, 2023, and September 28, 2023, at 6:30 p.m.

There was discussion on these dates not conflicting with any holidays or other events, and Commissioner Mueller commended staff for excellence in holding the millage rate steady.

Motion by Commissioner Mueller to approve setting proposed MILLAGE RATE for fiscal year 2023-2024 at the current rate of 4.5000 mills and schedule budget public hearing dates on September 14, 2023, and September 28, 2023, at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 4-0.

B. Recommendation to approve second renewal term for Emergency Debris Management Service with Phillips & Jordan, Inc.

Assistant City Manager for Public Services Stephen Pash stated that this agreement is part of the City's hurricane preparation. He noted that in 2019, a 36-month agreement was approved to contract with Phillips & Jordan, Inc. for Debris Management Services. He noted that the agreement allowed for two 12-month extensions. Staff recommends approval of the second of the two 12-month removal extensions for Phillips & Jordan, Inc.

Motion by Commissioner Sharman to approve second renewal term for Emergency Debris Management Service with Phillips & Jordan, Inc. Seconded by Commissioner Bennett and carried unanimously 4-0.

C. Recommendation to approve contract with Cherry Lake to install landscape and irrigation in South Park Avenue right-of-way in the amount of \$139,500

Assistant City Manager for Public Services Stephen Pash stated that this is a request from Cherry Lake to install the landscaping and irrigation on the right-of-way on the eastern side of South Park Avenue. He spoke of the specific location, length of time working to get this project underway, Duke Energy contribution and agreement of the neighbors. There was discussion on landscaping, fencing, and additional financial contributions by Duke Energy.

Motion by Commissioner Bennett to approve contract with Cherry Lake to install landscape and irrigation in South Park Avenue right-of-way in the amount of \$139,500. Seconded by Commissioner Mueller and carried unanimously 4-0.

D. Recommendation to award purchase order to TD Thomson Construction Inc. to replace Asphalt on Main Street in the amount of \$107,490

City Engineer Jim Monahan stated that this portion of Main Street is within the historic downtown area and is one of the last few remaining streets to be bricked. The construction is anticipated to take two weeks and the road will be closed to through traffic. He noted that the contractor would work with CenturyLink or Lumen and the residents and businesses along this stretch of roadway. He noted that the entrance to the Boyd Street parking area would also be closed. Staff recommends approval of a purchase order to TD Thomson Construction Inc. in the amount of \$107,490 to re-brick Main Street from Plant Street to Newell Street.

There was discussion on landscaping, dust concerns when the work is in process and completion of work at the nearby daycare.

Motion by Commissioner Bennett to award a purchase order to TD Thomson Construction Inc. to replace Asphalt on Main Street in the amount of \$107,490. Seconded by Commissioner Mueller and carried unanimously 4-0.

E. Recommendation to approve Interlocal Cooperation Agreement between Orange County, Florida and the City of Winter Garden for Community Development Programs under the Urban County Program

City Engineer Jim Monahan stated that this is a request for the City of Winter Garden to enter into an Interlocal agreement with Orange County in order to construct City potable water mains in conjunction with the stormwater improvement project in East Winter Garden. The combination of the two projects would minimize the impact to the residents and allow the same contractor to complete both aspects of each project simultaneously. Staff recommends approval of the Interlocal Cooperation Agreement between Orange County, Florida and City of Winter Garden for Community Development Programs under the Urban County Program.

Motion by Commissioner Sharman to approve Interlocal Cooperation Agreement between Orange County, Florida and the City of Winter Garden for Community Development Programs under the Urban County Program. Seconded by Commissioner Mueller and carried unanimously 4-0.

F. Recommendation to approve SITE PLAN for 455 W Plant Street (Multipurpose Building)

Planning Director Kelly Carson stated that this is a request for site plan approval for property located at 455 West Plant Street, which is a part of the Planned Commercial Development (PCD) ordinance renewed at the last City Commission meeting. The

applicant proposes to redevelop the property with a two-story, mixed-use building that includes a rooftop patio area. She spoke of the project containing commercial space, professional office use, and residential home with access to a deck and pergola on the roof, which would be placed as to limit its visibility from Plant Street. She noted that the architecture of the building meets the downtown historic district standards and was approved by the Architectural Review and Historic Preservation Board. Ms. Carson noted that this also meets the property's PCD rezoning requirements, as well as the historic downtown district and development setback standards. Staff recommends approval of the site plan, subject to conditions outlined in the staff report.

Commissioner Mueller voiced that it is not something he wanted to see in that space, but understands.

Motion by Commissioner Sharman to approve site plan for 455 West Plant Street (Multipurpose Building). Seconded by Commissioner Bennett and carried 3-1; Commissioner Mueller opposed.

G. Recommendation to approve SITE PLAN for 12363 West Colonial Drive (Dovec Surgery Center)

Planning Director Kelly Carson stated that this is a request for site plan approval for property located at 12363 West Colonial Drive. She noted that this is the fourth and final vacant parcel located in the People's Plaza Planned Commercial Development (PCD), which was established by Ordinance 20-04. She described the proposed site improvements and features. Staff has reviewed the application and recommend approval, subject to the conditions as stated in the staff report.

There was discussion on the building, the direction it faces, its configuration on the lot and its aesthetics.

Motion by Commissioner Mueller to approve site plan for 12363 West Colonial Drive (Dovec Surgery Center). Seconded by Commissioner Bennett and carried unanimously 4-0.

H. Recommendation to approve SITE PLAN and Binding Lot Combination Agreement for 11 West Smith Street & 186 South Main Street

Planning Director Kelly Carson stated that this is a request for site plan approval and binding lot combination approval for property located at 11 West Smith Street and 186 South Main Street. She reminded that this property received PCD approval at the last City Commission meeting. She described the proposed plans for the property, improvements, and preservation of the live oak tree. Furthermore, she noted that the building has been reviewed by the Architectural and Historic Preservation Board and has been designed to meet those historic standards. Staff has reviewed the application and

recommends approval of the site plan, subject to conditions in the staff report, as well as the binding lot combination agreement.

Motion by Commissioner Sharman to approve site plan and Binding Lot Combination Agreement for 11 West Smith Street & 186 South Main Street. Seconded by Commissioner Bennett and carried unanimously 4-0.

I. Recommendation to approve SITE PLAN for Tucker Oaks Boulevard

Planning Director Kelly Carson stated that this is a request for site plan approval for property located at Tucker Oaks Boulevard. She noted that this is a multiphase project where each of the five buildings would be constructed individually. She stated that they would seek approval for each. She described the proposed plans for the property and its improvements. Staff has reviewed the application and recommends approval of the site plan, subject to conditions in the staff report.

There was discussion on site plans, completion timelines, materials delays, monitoring and the need for flexibility.

Motion by Commissioner Mueller to approve site plan for Tucker Oaks Boulevard. Second by Commissioner Sharman and carried unanimously 4-0.

J. Recommendation to approve SPECIAL EVENT – Back to School Bash at Zanders Park on Saturday, August 5, 2023, from 11:00 a.m. to 4:00 p.m.

Planning Director Carson Kelly Carson stated that this is an annual request for the Back to School Bash at Zanders Park on Saturday, August 5, 2023, from 11:00 a.m. to 4:00 p.m. She described the event, activities, food, road closures and City staff assistance. Staff recommends approval.

Motion by Commissioner Bennett to approve special event for the Back to School Bash at Zanders Park on Saturday, August 5, 2023, from 11:00 a.m. to 4:00 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.

K. Recommendation to approve SPECIAL EVENT for the Winter Garden Police Athletic League – Donut Dash 5K run on Saturday, November 4, 2023 from 7:00 a.m.–11:00 a.m.

Planning Director Kelly Carson stated that this is a request to approve the Winter Garden Police Athletic League for the Donut Dash 5K run that starts and ends at Newton Park on Saturday, November 4, 2023, from 7:00 to 11:00 a.m. She described the route, certain road closure areas, food and vendors.

There was discussion on this event overlapping the Disney 10K food and wine event.

