



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

January 11, 2024

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 December 14, 2023, as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

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

A. **Ordinance 24-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 23-25, THE CITY OF WINTER GARDEN FISCAL YEAR 2023-2024 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 24-08 by title only. Finance Director Laura Zielonka stated that this ordinance carries forward the projects that were budgeted for the last fiscal year that were not able to be completed. She noted that Exhibit 1 provides the items to be carried forward.

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

Motion by Commissioner Mueller to approve Ordinance 24-08 with a second reading and public hearing January 25, 2024. Seconded by Commissioner Bennett and carried unanimously 4-0.

(Commissioner Sharman arrived at this point during the meeting.)

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

A. **Ordinance 24-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED UTILITY AND DRAINAGE EASEMENT OVER A PORTION OF LOTS 13 AND 14 OF WINTER GARDEN

COMMERCE CENTER, PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGE 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 680 & 690 GARDEN COMMERCE PARKWAY) OWNED BY IBI PROPERTIES LLC AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 24-01 by title only. Planning Director Kelly Carson stated that this request is for approval of an easement vacation for the subject property located a 680 and 690 Garden Commerce Parkway. She noted that the property is currently vacant, and the applicant is requesting to vacate a portion of their site, interior drainage, and utility easements, to develop the two parcels as one combined subject property with a commercial warehouse and office building. The site plan for the property was approved by the City Commission on April 13, 2023, staff has reviewed this application and recommended adoption.

There was discussion on possible drainage piping, and it was noted that the drainage for this project is included as part of a master stormwater plan in that area.

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

Motion by Commissioner Maciel to adopt Ordinance 24-01. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 24-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.58 ± ACRES LOCATED AT 995 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK 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
- C. **Ordinance 24-06:** 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 1.58 ± ACRES LOCATED AT 995 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 24-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.58 ± ACRES LOCATED AT 995 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK ROAD FROM ORANGE COUNTY A-1

CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 24-05, 24-06, and 24-07 by title only. Planning Director Kelly Carson stated that this is a request for annexation for property located at 995 Tildenville School Road. She noted the size of the property and its current zoning in Orange County. She informed that the applicant is requesting annexation into the City, amendment to the future land use map for the designation of this property as low density residential, and rezoning of the property to R-1 single family residential district. Staff has reviewed this application and recommends adoption of Ordinances 24-05, 24-06 and 24-07.

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

Motion by Commissioner Mueller to adopt Ordinances 24-05, 24-06, and 24-07. Seconded by Commissioner Sharman and carried unanimously 5-0.

- E. **Ordinance 24-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.54 ± ACRES LOCATED AT 985 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK 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
- F. **Ordinance 24-03:** 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 0.54 ± ACRES LOCATED AT 985 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 24-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.54 ± ACRES LOCATED AT 985 TILDENVILLE SCHOOL ROAD, WEST OF WEST PLANT STREET, SOUTH OF TILDENVILLE SCHOOL ROAD, EAST OF TILDENVILLE SCHOOL ROAD, AND NORTH OF BRICK ROAD FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 24-02, 24-03, and 24-04 by title only. Planning Director Kelly Carson stated that his is a request for annexation for property located at 985 Tildenville School Road. She noted the size of the property and its current zoning in

Orange County. Furthermore, she noted that the applicant is requesting annexation, amendment to the future land use map for the designation of this property as low density residential, and rezoning of the property to R-1 single family residential district. Staff has reviewed this application and recommends adoption of Ordinances 24-02, 24-03 and 24-04.

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

Motion by Commissioner Mueller to adopt Ordinances 24-02, 24-03, and 24-04. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 24-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A VISION ZERO POLICY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Resolution 24-02 by title only. Planning Director Kelly Carson stated that the City of Winter Garden is participating in a coordinated planning effort with local agencies called Vision Zero. She shared how this effort would result in a comprehensive Vision Zero safety action plan for the City that would identify opportunities to change roadway designs, support educational needs and outline enforcement strategies to promote the goal of achieving zero traffic fatalities and a reduction in serious traffic injuries by the year 2040. Staff recommends approval.

There was discussion on County roads, neighboring jurisdictions, and other counties participating in this effort.

Motion by Commissioner Sharman to approve Resolution 24-02. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Resolution 24-03:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING AN INVENTORY LIST OF MUNICIPALLY OWNED PROPERTY THAT IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Resolution 24-03 by title only. Planning Director Kelly Carson stated that the Florida State Statutes require that all municipalities prepare an inventory list of all real property properties within its jurisdiction to which the City holds fee simple title that is appropriate for use as affordable housing. She noted that the City does not currently have any properties appropriate for this use at this time. Furthermore, she noted that this analysis is to be updated periodically and the City has

the ability to amend this should additional properties be acquired that are deemed suitable for this purpose. Staff recommends approval.

There was discussion on an update being required every three years and no requirement parameter were provided by the State. The lots that the City already purchased for its affordable housing projects does not apply. Discussion ensued on the types of properties covered under this item.

Motion by Commissioner Sharman to approve Resolution 24-03. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. Recommendation to approve Purchase Order for 30kw Generator for Lift Station 25 from Tradewinds Power Corporation in the amount of \$62,633

Assistant City Manager for Public Services Steve Pash stated that this is a request to purchase a permanent generator for Lift Station 25 and he gave its location. He noted that staff is working to get all lift stations covered by generators but felt that this one was very important due to its location near the lake. Staff recommends approval.

Commissioner Mueller shared an incident of a sewage blockage that was quickly taken care of by City staff, which he commended them for.

Motion by Commissioner Mueller to approve Purchase Order for 30kw Generator for Lift Station 25 from Tradewinds Power Corporation in the amount of \$62,633. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. Recommendation to approve Joint Project Agreement for Utility Lines Construction between Orange County and the City of Winter Garden

City Engineer Jim Monahan stated that the City of Winter Garden requests to enter a Joint Project Agreement with Orange County to construct the City potable water mains in conjunction with the County's stormwater improvement project in East Winter Garden. This agreement allows the City to use the contractor selected by Orange County to construct the potable water mains and the storm drainage that the County is adding. He noted that this project is anticipated to be bid in April 2024. Staff recommended approval.

Motion by Commissioner Sharman to approve Joint Project Agreement for Utility Lines Construction between Orange County and the City of Winter Garden. Seconded by Commissioner Maciel and carried unanimously 5-0.

- E. Recommendation to approve SITE PLAN for 14230 West Colonial Drive (West Market Lot 10), subject to conditions

Planning Director Kelly Carson stated that this is request for site plan approval for property located at 14230 West Colonial Drive. She noted that the applicant is

proposing to develop the land with a single-story office building with associated parking. Staff has reviewed the application and recommend approval of the site plan.

Commissioner Maciel noted that he would recuse himself from this item as he sold the property which was once in his possession. He noted that his recusal was out of an abundance of caution.

Motion by Commissioner Mueller to approve SITE PLAN for 14230 West Colonial Drive (West Market Lot 10), subject to conditions. Seconded by Commissioner Bennett and carried unanimously 4-0-1; Commissioner Maciel abstained.

F. Recommendation to approve SITE PLAN for Stoneybrook West Parkway (Stoneybrook Exchange), subject to conditions

Planning Director Kelly Carson stated that the applicant is requesting site plan approval for the property located at Stoneybrook West Parkway. She noted that the applicant is proposing to build 13 commercial buildings that will house office and retail uses. The project will include parking, a stormwater pond, and enhanced landscaping. The property was rezoned to PCD by the City Commission in September of 2023. She noted past questions regarding eight roadway items that were discussed in the PCD hearing, she wanted to be sure to note that this approval is only for the proposed onsite construction. Furthermore, Ms. Carson shared that the roadway design is still being finalized, cost share agreements are still being negotiated between the applicant and the City. She noted a staff condition of approval in the developer's agreement, laying out all terms to be addressed and brought before the City Commission for approval. Staff has reviewed the application and recommends approval of the site plan.

There was discussion that there is no gas station and no car wash in this plan.

Motion by Commissioner Sharman to approve SITE PLAN for Stoneybrook West Parkway (Stoneybrook Exchange), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.

G. Recommendation to approve SITE PLAN for 426 West Plant Street (Crooked Can Brewery), subject to conditions

Planning Director Kelly Carson stated that The applicant is requesting site plan approval for property located at 426 West Plant Street, home of the Crooked Can Brewery and Plant Street Market. She noted that the applicant is proposing to expand the Crooked Can Brewery, which includes bricking in an existing metal cooler and building an addition on the south side of the property adjacent to West Smith Street. The building addition would be 526 square feet in size and include a walk-up order window for drink service. The project also includes a new fenced-in patio area for seating covered by a louvered metal shade structure. Furthermore, Ms. Carson noted that this project has received Architectural and Historic Preservation Board approval. Staff recommends approval.

Commissioner Bennett commented on the area allowing the truck to come in and not clog the ingress and egress. Ms. Carson shared that this was a big point of discussion and noted that staff is happy with this plan.

Mayor Rees sought clarification on the location of the fenced area, and there was discussion on saving a kids play area and the existing oak tree.

Motion by Commissioner Bennett to approve SITE PLAN for 426 West Plant Street (Crooked Can Brewery), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 5-0.

H. Recommendation to approve Binding Lot Combination Agreement for 680 & 690 Garden Commerce Pkwy (Image Builders)

Planning Director Kelly Carson stated that this is a request for approval of a binding lot combination agreement for two properties located at 680 & 690 Garden Commerce Parkway. She noted that this is the same property that received the easement vacation earlier in this agenda. She noted that this combination would allow for the applicant to develop a new 29,802 square foot office/warehouse. Furthermore, Ms. Carson shared that the applicant has already received site plan approval from the City Commission in April 2023. Staff recommends approval.

Motion by Commissioner Sharman to approve Binding Lot Combination Agreement for 680 & 690 Garden Commerce Pkwy (Image Builders). Seconded by Commissioner Maciel and carried unanimously 5-0.

I. Recommendation to approve Binding Lot Combination Agreement for 35, 41 West Morgan Street & 965, 981, 995 Vineland Road (Kanoë USA, LLC)

Planning Director Kelly Carson stated that this is a request for approval of a binding lot combination agreement for the noted properties located at 35, 41 West Morgan Street & 965, 981, and 995 Vineland Road. She noted that this combination would allow for the applicant to develop a new 9,063 square foot single-story office building with associated site development. Furthermore, Ms. Carson shared that this property was rezoned PCD in September of 2021 and has already received site plan approval from the City Commission on September 14, 2023. Staff recommends approval.

There was discussion on this project's neighbors, their comments, the community meetings, and their overall support of the project.

Motion by Commissioner Sharman to approve Binding Lot Combination Agreement for 35, 41 West Morgan Street & 965, 981, 995 Vineland Road (Kanoë USA, LLC). Seconded by Commissioner Bennett and carried unanimously 5-0.

J. Recommendation to approve FINAL PLAT for 721 & 705 Winter Garden Vineland Road and 115 Roper Road, subject to conditions (Winter Groves – fka Duppenthaler)

Planning Director Kelly Carson stated that this is the final plat approval for the Winter Groves subdivision located at 721 & 705 Winter Garden Vineland Road and 115 Roper Road. The 31-acre property was rezoned to PUD (Planned Unit Development) in 2022. The project received Preliminary Plat approval from the Planning and Zoning Board on January 9, 2023. The applicant is proposing to plat the property with 87 new residential lots with common area tracts and associated easements. Staff has reviewed the plat and recommend approval.

Commissioner Mueller voiced his annoyance at the developer tearing out all the trees and choosing to pay the fine instead. He expressed that the City should review how it could create greater barriers and there was discussion on the only thing that would make them listen is to increase fines to where it would hurt.

Motion by Commissioner Mueller to approve FINAL PLAT for 721 & 705 Winter Garden Vineland Road and 115 Roper Road, subject to conditions (Winter Groves – fka Duppenthaler). Seconded by Commissioner Sharman and carried unanimously 5-0.

K. Recommendation to approve SPECIAL EVENT – Winter Garden Music Festival on Saturday, February 24, 2024, with street closure

Planning Director Kelly Carson stated that this is request for approval of the Annual Winter Garden Music Festival downtown on Saturday, February 24, 2024. She noted vendors, event activities, and serving of beer and wine sales, which is organized by the City. Furthermore, Ms. Carson provided the event times and information on street closure. Staff recommends approval.

Motion by Commissioner Bennett to approve SPECIAL EVENT for the Winter Garden Music Festival on Saturday, February 24, 2024, with street closure. Seconded by Commissioner Mueller and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Lauren Cohn, Brandy Creek, Winter Garden, Florida, addressed concerns of traffic in her area and does not feel that the \$3 million approved for improvements in there are the best use of the funds. She spoke of turn lanes and how it would not solve the problem and suggested a sophisticated, state of the art traffic light. There was also discussion on the wildlife in the area.

Norine Dworkin, VoxPopuli Winter Garden, addressed the City Commission's vote regarding the forfeiture hearing charges, the three charges approved in September and noted in the approved minutes, insisting that there were not three charges mentioned in the minutes.

Commissioner Maciel expressed that the City Attorney would address the issue.

Christine Spillane, Trapper for Pet Alliance, 13681 Sunset Lakes Circle, Winter Garden, Florida, thanked the City for their efforts in partnering to help with addressing the issue of stray cats in the area. She spoke of the Winter Garden trapping project in 2023 and how it has made a difference.

Staff was commended for their efforts in this project.

Gretchen Tope, 512 N. Lakeview Avenue, Winter Garden, Florida, spoke of cats she captured and rescued. She thanked the City for these efforts.

6. MATTERS FROM CITY ATTORNEY

A. City Commission discussion regarding the guidelines for procedures for Winter Garden City Commission hearing to consider forfeiture of office

City Attorney A. Kurt Ardaman noted discussion at the last meeting and direction needed regarding the potential hearing. He shared that he provided City Manager Jon C. Williams with a much more simplified hearing, should they want a less structured approach, but meets the minimum due process requirements for the process and for Commissioner Mueller. He noted that it is up to the Commission how they want to proceed.

Commissioner Mueller objected to the conversation on the ground that he does not representation engaged yet.

Commissioner Bennett asked Commissioner Mueller if he had not retained an attorney yet. **Commissioner Mueller** replied, no unfortunately. **Commissioner Bennett** commented that it had been three months. **Mayor Rees** inquired as to whether they must wait until he has an attorney. **City Attorney Ardaman** stated that it is completely up to the discretion of the Commission.

Commissioner Maciel stated that he would not be prepared to move forward if Commissioner Mueller wasn't represented. He does not think it would be fair to Commissioner Ron Mueller and whatever the City Commission decided could be questioned if he was not represented. Furthermore, Commissioner Maciel expressed that he feels Commissioner Mueller needs an attorney.

Commissioner Bennett ask if there would be a timeline placed on this, noting that the allegations have happened during this tenure of office and there is no guarantee as to who will hold the office afterwards and she feels like it needs to be addressed during this term and should not be open-ended, affording time. **Commissioner Maciel** voiced his agreement but does not see how this is going to happen and he does not want to leave this to his successor either.

Commissioner Sharman spoke of the oath of office for the Commission and stated that he may or may not be here after the election.

Commissioner Bennett inquired that if we try to be fair and go with a more lax procedure, which she thinks is fair as well, does that make a difference. **City Attorney Ardaman** expressed that he thinks the City Commission could proceed either way or alternatively, noting that they are not stuck with what he suggested. He noted that it is up to the City Commission and reminded that they are the judge of the qualifications and whether what occurred constitutes a violation of the Charter. He noted that there would then be a separate vote on a forfeiture. He reiterated that it is up to the City Commission to proceed or postpone. However, he suggested that if they are to proceed, it would need to be during the current term. Furthermore, Mr. Ardaman expressed that waiting beyond the current term could potentially create some issues.

Commissioner Mueller objected reiterating that he does not have representation. He expressed that he does not have someone to guide him on what to say, or what's appropriate here, or even if this conversation is legal. He spoke of the cost for what he claims is Commissioner Bennett's personal agenda, stated that this is a huge waste of taxpayer time and money, and it has embarrassed us as a City.

Commissioner Mueller further stated that he wanted to structure this, then referred to Ms. Dworkin's comments, stated that he did not know Ms. Dworkin was going to say what she said. He then alleged that on September 14th, Commissioner Bennett made false allegations that he threatened to fire City employees, that she wanted a hearing on the matter and wanted those emails. Commissioner Mueller referred to Commissioner Sharman asking, before seconding the motion, if Commissioner Mueller was clean on that, to which Commissioner Mueller stated that he affirmed that he was. Furthermore, Commissioner Mueller continued, stating that the emails provided to the City Commission were overly broad, and was not in the scope of what the Commissioner here [Bennett] asked for, and alleged that there is absolutely no evidence in any of those emails that he threatened to fire any City employees, or threatened their job, or threatened to terminate them in any way. He stated that that was the nexus that would last. Commissioner Mueller spoke of his efforts to find a law firm and the time it would take for an attorney's review.

Commissioner Mueller motioned to dismiss the hearing, claiming lack of evidence provided.

Mayor Rees expressed that he looks at this a little differently than Commissioner Mueller's synopsis. Mayor Rees said that there were a tremendous amount of emails, and voiced that if all five of us [The City Commission] would have sent that to our staff, they would have to hire three extra people just to go through emails. Furthermore, Mayor Rees disclosed that a lot of the emails were sent to different department heads and copied to the City Manager. He stated that Commissioner Mueller should not be doing this but going through the City Manager. Furthermore, Mayor Rees spoke of an email in May 2022, where our City Manager sent an email to Commissioner Mueller

stating that everything should be sent through him [the City Manager], and Mayor Rees remembered reading that Commissioner Mueller respectfully declined and continued. Mayor Rees told Commissioner Mueller that he understands what he [Commissioner Mueller] is saying but noted that it is not so much that he [Commissioner Mueller] threatened to fire staff, but it is the whole thing that continued on after that.

Commissioner Mueller responded that he is going back to the actual original motion that Commissioner Bennett made, stating that even though it was summarized as 14(2), actually what she said was the termination of employees, and that didn't occur. He again reiterated that he thinks the review was overly broad. He expressed that if the City Manager thought it was a serious enough problem that was affecting work, he would have brought that before us [The City Commission], and he did not.

Motion failed due to lack of a second.

Commissioner Sharman asked Commissioner Mueller how he would characterize his emails, where he insinuated that someone might be better off working for a different organization. **Commissioner Mueller** responded that he could not answer that here, and followed by asserting that any conversation he had with the City Manager was between him and the City Manager. **Commissioner Sharman** informed that any conversation in an email is open to the public. **Commissioner Mueller** interjected, no, he agrees with that, but when expressing an opinion, that is not discussing that with an individual.

Commissioner Bennett stated that if this is hinging on her motion, she can modify the motion to include 14(1) and 14(2) because that was her intent to include any violations of the Charter be addressed. She stated that she would like to make a motion to schedule this hearing during this tenure of office, during this term. **Motion by Commissioner Bennett to schedule this hearing during this tenure of office, during this term.** She stated that the sooner, the better, so that we can have it resolved. Furthermore, she stated that she feels that Mr. Mueller has been afforded more than adequate time to secure an attorney; whether or not one chooses to pick up the case, we cannot leave it open indefinitely.

Commissioner Maciel noted that he wanted to affirm what the Mayor had said, and then stated that Commissioner Bennett had every right to make the motion that she made. He shared that he was not aware, exactly, of what transpired between Commissioner Mueller's district and Commissioner Bennett's district, but she bore a lot of the brunt of some of the issues that went on because her district abuts Commissioner Mueller's district. Commissioner Maciel stated that he does not want to litigate this issue here. He was about to explain his whole purpose for making the motion, then stated that he agrees with a lot of things that the Mayor said because he himself had talked to staff. Commissioner Maciel reminded Commissioner Mueller that he and Commissioner Maciel talked about getting training, actually going, and learning about our Charter and those kinds of things. Furthermore, Commissioner Maciel expressed

that it is not at all dismissing anything that Commissioner Bennett is saying; he is just saying that he thinks Commissioner Mueller should be represented. Commissioner Maciel expressed feeling like we are litigating it here and does not think they should be litigating without attorneys. He expressed that he wished the City Commission had their attorneys here tonight so that they were not without attorneys. Furthermore, he stressed that we are not attorneys and must hear the arguments from both sides.

Commissioner Bennett noted that she has no problem with Commissioner Mueller having representation but does not think that this should be left open-ended. **Commissioner Maciel** agreed and stated that he does not know the financial position and inquired if the City Commission should be appointing an attorney or hiring an attorney for Commissioner Mueller. Commissioner Maciel noted that he does not want to see this money spent, but it is also a matter of fairness and representation for due process as far as he is concerned.

Commissioner Sharman noted that his perspective in general, whether that of Commissioner Mueller or a future Commissioner, what was presented in the emails, whether it be blatantly too far or not, is up to the legal arguments we have heard back and forth. However, he thinks that this is a bigger issue than one commissioner; it is how we move forward as a body as commissioners, how we act with the public, and how we interact with staff, needs to be spelled out as to what is going to be the process. Once those legal arguments are heard, it would be the choice of the Commission to take measures, which could be from little to big; this too is up to the Commission.

Mayor Rees suggested a workshop in the next few days to decide. **Commissioner Mueller** objected to a workshop without representation. **City Attorney Ardaman** sought clarity from the Mayor on what he meant by decide. Mayor Rees corrected, stating not to decide, but to discuss. **City Attorney Ardaman** began to offer his suggestion, then noted, to the commissioner's point, that there is an issue, questioning how far an email or instruction goes, to whom it can be emailed, and what does the Charter mean. He stated that, rather than a hearing on Commissioner Mueller's emails and comments to staff and others, he would not make it about that. Furthermore, he suggested a separate workshop where the Commission talks about each provision in the Charter, determining what they mean in practical terms. The City Commission would ultimately make a decision, if there were a case. He stated that rather than put Commissioner Mueller and the City Commission in the position of having this hearing on Commissioner Mueller's actions, they could have a full discussion. He expressed that Commissioner Mueller would not be the target of that discussion; it would be to try and bring clarity, which would then bring results that the City Commission could adopt for governing its own actions and procedures. Furthermore, he noted the issue could potentially be brought to the voters of the City of Winter Garden for amending the Charter, if they saw fit. He noted that because of the issues, his thought is that the City Commission has made a motion to proceed with the hearing; they are not bound to that and can

continue to proceed with a workshop. Mr. Ardaman stated that it's an alternative that they may or may not want to consider.

Commissioner Bennett inquired if it was an alternative to the consequences for violating the Charter and the remedies spelled out in the Charter. **City Attorney Ardaman** responded that this is correct; a workshop would not be a hearing about any commissioner, especially about Commissioner Mueller. He noted that it would be a discussion about what happens when a Commissioner takes certain actions, be it email, communication, or dealing with staff, and questioned what "dealing with staff" even meant. Furthermore, he expressed that the City Charter is broad, and suggested a discussion to get clarity. He noted that this would mean setting aside the hearing on what has already been decided on Commissioner Mueller, which the City Commission is not required to continue, noting that they have options.

Commissioner Sharman gave a scenario of Commissioner Mueller not being re-elected and this issue going beyond the election. He inquired if it would make any sense to hold a hearing after that point. **City Attorney Ardaman** responded that if there is a workshop and the City Commission talks about it, it does not pertain to Commissioner Mueller. It would be about what the Charter means, what the City Commission believes it means, and whether there would need to be further clarity. He stated that whether Commissioner Mueller is re-elected or not would be irrelevant.

Commissioner Sharman expressed liking the workshop idea. He referred to the motion made by Commissioner Bennett to hold a hearing, and he asked the pros and cons of a hearing after the election. However, he expressing that he would like the workshop, right away. **City Attorney Ardaman** responded that the Charter provides for a forfeiture; if a violation is determined, and he perceives that the violation would be for this current term. If the voters re-elected Ron Mueller for that district, then what occurred in the past could be challenged, as the charges from the last term do not apply to the new term. Discussion ensued on the topic of forfeiture, a three-vote requirement by the Charter to declare one, and the Charter being silent on everything else.

Commissioner Maciel reiterated his position: he is not a lawyer and wants the lawyers to discuss this, and he is not excusing anything that Commissioner Mueller did, and he understands why Commissioner Lisa Bennett is upset, and respects her for her motion. He does not see how the City Commission gets this done before the election. He questioned if the City retained an attorney for Commissioner Mueller tomorrow, how would that be possible to get the discovery, and this done in four meetings. Furthermore, he expressed that the City would spend a lot of time and a lot of money.

There was discussion on the workshop, and it was determined that Commissioner Bennett's motion was still on the floor, which she restated.

Motion by Commissioner Bennett to schedule this hearing during this tenure of office, during this term. Seconded by Commissioner Sharman. Commissioner Sharman stated that he would like to have the workshop first before he makes a final decision. He thinks that legal counsel has given the City Commission a recommendation; they would receive some clarity, and then go through their book of emails after that clarity and then make a decision after that, in his opinion.

Commissioner Mueller objected, expressing that he does not have representation and noting that the City Commission is trying to box in a time window for an attorney to come in and try and represent him without proper discovery.

City Attorney Ardaman suggested that if this motion passes, it does create some more issues. He stated that if you withdraw the motion and just do a workshop, that does not prevent the City Commission from going forward with a hearing. He stated that you do not have to force the City Commission to decide on a hearing now. **Second to motion withdrawn by Commissioner Sharman. Motion died due to lack of a second.**

City Attorney Ardaman stated that the City Commission could move forward with a workshop, and after the workshop, the City Commission could move forward with the hearing. He spoke of conversations about the time to do this within the current term, from a due process standpoint. He noted that having the workshop allows for vetting a lot of what is in the Charter, allows for the presentation of different scenarios by the City Manager regarding dealing with staff, and allows for the practical impact of certain types of emails and communications.

Commissioner Maciel noted that this could be done before the City spends a lot of money on this effort. He noted that this is just his opinion that the City Commission would not be able to get this done before the end of the election cycle. **Mayor Rees** thinks that if going the legal representation route, attaining legal counsel for both the City Commission and Commissioner Mueller, he doesn't feel there is any chance it could not be done in a month or the next six weeks. He stated that the only way to go is without representation and make the decision.

Motion by Commissioner Sharman to hold a workshop. Seconded by Commissioner Maciel and carried unanimously 5-0.

There was discussion on a date and time, and it was the **consensus** of the City Commission to meet on **January 18, 2024, at 9:30 a.m.** for the workshop, which was noted to be approximately one to one and a half hours.

7. **MATTERS FROM CITY MANAGER**

City Manager Jon C. Williams wished everyone a Happy New Year and announced the Martin Luther King celebration on Monday. He then spoke of the City's effort to utilize

