



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

April 14, 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:

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 March 24, 2022 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. **Introduction from Jeff Boone, Moderate Democrat for Congress**

An introduction was given by Jeff Boone, candidate for Congressional District 10, who shared his goals and vision for issues such as the economy, job training, education funding, affordable housing, tax benefits for companies and increased funding to improve police-community relations.

B. **Proclamation 22-04:** Proclaiming Florida's Water Conservation Month was read and presented by Mayor Rees and the City Commission. This proclamation was accepted by the City of Winter Garden's Sustainability Coordinator Donna Corbus.

C. **2022 Drop Savers Contest and Winners**

Sustainability Coordinator Corbus announced the 2022 Drop Savers Contest and Winners as follows:

Division 1 Winner	Harper Lopata	1 st Grade, StarChild Academy
Division 2 Winner	Jacob Blidner	3 rd Grade, StarChild Academy
Division 3 Winner	Lensa Hursae	5 th Grade, StarChild Academy
Division 4 Winner	Gianna Francis	8 th Grade, Foundation Academy
Division 5 Winner	Rosseth Meza Martinez	9 th Grade, West Orange High School

Also recognized were the school winner from each participating elementary school:

Whispering Oak Elementary	Sam Egolf
StarChild Academy	Addison Lynn
Lake Whitney Elementary	Vincent Marcus
SunRidge Elementary	Brenda Villegas

D. Introduction to Fats, Oil and Grease (FOG)

A PowerPoint Presentation introduction to Fats, Oil and Grease (FOG) was given by Sustainability Coordinator Corbus, who described the City's campaign to educate residents and businesses about fats, oil and grease in an effort to reduce it. Ms. Corbus described how these items get into the sewage system when washed down the sink or flushed in the toilet. She noted the problems of sewage backups, costs for repairs, damage to lift station pumps, and replacement costs. This campaign is to create an ongoing awareness with geographical emphasis in target areas to lessen or mitigate grease build up. Ms. Corbus shared some of the marketing strategies that would be used to advertise this cause, such as outdoor display advertising, printed materials, and social media.

- E. Proclamation 22-05: Proclaiming World Autism Month and Awareness Day was presented by Mayor Rees and the City Commission. Henry Wright and family accepted Proclamation 22-05, with a special thank you speech given by their son Victor Wright.

3. FIRST 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 a conflict exists between the registration of candidate's period in the City Code and the Florida State Statute requirements for mailing out overseas vote-by-mail ballots. The timeframe in City code for registering or qualifying candidates for City elected offices currently conflicts with Florida State Statutes as the statute requires that the County mail out vote-by-mail ballots no later than 45 days before the general election. This mail out is sent to absent uniformed services voters and overseas voters requesting a vote-by-mail ballot. Currently, that 45th day before the standard City March general election falls just a couple of days within the current City qualifying period.

Ms. Grimmage noted that the proposed remedy to this issue is to set the qualifying period start date back by two weeks. This allows time for the qualifying period to end, time for review and proof of the sample ballot, and time for the Orange County Supervisor of Elections to get the ballots printed and mailed to the overseas electorate. Staff recommends approval of Ordinance 22-08.

There was discussion on the change to the qualifying date, candidate campaigning previously being unwanted over the holidays and the piggyback of the Presidential Preference Primary remaining the same in the City Code.

Commissioner Mueller suggested a change to some language as a cleanup. City Attorney Ardaman noted that the language in the ordinance does what is needed should there be a holiday within the qualifying period. There was discussion that the language, as written in this ordinance, would also cover future scenarios.

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

Motion by Commissioner Sharman to approve Ordinance 22-08, with the second reading and public hearing scheduled for May 12, 2022. Seconded by Commissioner Mueller 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 Pash stated that this ordinance amends Section 78-38 of the City code concerning connections to water and wastewater. He noted that it clarifies an existing exception that you must annex to receive sewer and/or water. He noted that the exception is only for those properties within the Town of Oakland that had been provided reclaimed water and wastewater services through an 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 Maciel to approve Ordinance 22-09, with the second reading and public hearing scheduled for May 12, 2022. Seconded by Commissioner Bennett and carried 4-1; Commissioner Mueller opposed.

- 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 Manager Jon C. Williams stated that in 2009, Orange County created the Lake Roberts Municipal Service Benefit Unit (MSBU) for general lake cleaning, water quality improvement, maintenance and aquatic plant control. He noted that with the creation of that MSBU the City of Winter Garden was required to consent to the Lake Roberts MSBU, which would allow the levy of special assessments of certain benefited properties. He noted that since that time a group of residents championed the expansion of the MSBU to include Lake Reaves, of which the County approved by resolution on March 22, 2022. He stated that Ordinance 22-11 consents to the expansion of the MSBU to include certain properties surrounding Lake Reaves for the benefit of special assessment. Staff recommends approval of Ordinance 22-11.

Commissioner Maciel thanked City staff and Orange County Commissioner Nicole H. Wilson for their work on this effort, noting that it has been a long time in coming.

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

Motion by Commissioner Maciel to approve Ordinance 22-11 with the second reading and public hearing scheduled for May 12, 2022. Seconded by Commissioner Mueller and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 22-04:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA; ADOPTING A NON-AD VALOREM ASSESSMENT TO FUND COSTS ASSOCIATED WITH CITY ACTIONS IN RECTIFYING AND MITIGATING THE DETERIORATION OF THE STONEYBROOK WEST GOLF CLUB PROPERTY AND ENSURING PRESERVATION OF SUCH PROPERTY IN PERPETUITY AS OPEN SPACE, AS A GOLF COURSE, AND/OR FOR OTHER PUBLIC RECREATIONAL USES; IMPOSING AND APPORTIONING SUCH NON-AD VALOREM ASSESSMENT UPON AND AMONG THE RESIDENTIAL LOTS WITHIN THE STONEYBROOK WEST SUBDIVISION; APPROVING AN ASSESSMENT ROLL FOR THE FISCAL YEAR 2023; ESTABLISHING THE LIEN ASSOCIATED WITH THE SPECIAL ASSESSMENT AND PROVIDING FOR RELEASE OF LIENS; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ORANGE COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION METHODS AND PENALTIES; PROVIDING FOR RE-ALLOCATION IN THE EVENT OF FUTURE LOT SPLITS AND COMBINATIONS; MAKING FINDINGS WITH RESPECT TO SPECIAL BENEFIT AND APPORTIONMENT METHOD; PROVIDING FOR OTHER MATTERS RELATED TO IMPOSITION AND ADMINISTRATION OF THE SPECIAL ASSESSMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 22-04 by title only. Finance Director Laura Zielonka stated that this is a resolution to establish a special assessment for the

Stoneybrook West community to purchase the golf course property via special assessment. She noted that an agreement has been made between the City and the Homeowners Association (HOA). She informed that this resolution is the second public hearing, which would adopt the special assessment. Staff recommends approval.

Commissioner Sharman noted that he thinks the City has many residents that have been looking forward to this resolution.

Commissioner Mueller stated that he is for this item, but indicated that it does leave in language that could be used for things other than a golf course. Commissioner Sharman responded noting City Commission would be needed for anything other than a greenspace or a golf course.

Mayor Rees opened this item for public comment.

Mark Cressman, 2341 Baronsmede Court, Winter Garden, Florida, stated that he is not opposed to this resolution, but his concern is with keeping the golf course as a golf course or a greenspace. He spoke of there being portions, which could be converted to some commercial use and sold in an effort to pay down the note. He stated that requiring only greenspace or a golf course could put somewhat of a burden on the property and HOA. He advocates for giving the HOA an opportunity to explore options for the space, in essence operating it like a business. He addressed multiple Code Enforcement issues of the prior owners, assurance that the property would be maintained, and suggested periodic monitoring.

City Attorney Ardaman stated that the City transferred the property to the HOA, who is now managing the property. In order to proceed with this transaction and assessment, the property needs to be open to the public. The restrictions in the agreement have effected or caused this assessment to go forward, contemplate a public open space, golf course or other recreational facility. In order to preserve the integrity of the assessment and the agreement, what Mr. Cressman is suggesting would be inconsistent with that narrative. However, the agreement as noted by Mr. Cressman, does allow a request of the HOA, on behalf of its residents of the community, to bring back any issues that do not invalidate the assessments in the agreement to the City Commission for approval and then move forward. He noted that the principal idea was to preserve this space and keep this area from being developed into homes and other private income generating purposes in effort to protect the residents and keep their home values from deterioration.

Mayor Rees sought and received clarification from City Attorney Ardaman on potential future requests from the HOA, which would come back to the City Commission.

Dennis Armstrong, Stoneybrook West HOA President, commented on remarks made by Mr. Cressman and noted that the residents were surveyed on this issue throughout the process. He expressed that they were unanimous in not wanting to see any type of development, especially commercial, certainly not multi-family, and very likely anything other than single family residential. He commended former City Manager Michael Bollhoefer, current City Manager Jon C. Williams and Commissioner Sharman on their efforts to come up with this agreement, which preserves the golf course property as greenspace.

Dr. Alfonso Blanco, 14767 Masthead Landing Circle, Winter Garden, Florida, addressed fluctuating HOA fees, rehabilitation and lack of maintenance of the golf course, the HOA's lack of communication of with its residents, and questioned why there is the same amount of fees paid for properties of different values and sizes.

City Attorney Ardaman addressed Dr. Blanco's comments on why there were not differences in the assessment, explaining that the appraisal study requested by the City shows a substantial increase to every single home in Stoneybrook West. He noted that this increase far more exceeds that of the special assessment and explained that the fair assessment found that there is an equal apportionment for that same benefit to every single home of five percent.

Sonja Cressman, 2341 Baronsmede Court, Winter Garden, Florida, stated that this was not a cost prohibitive issue, but she wanted to address the lack of maintenance for the golf course, restrictions on the HOA to sell a portion, and the exorbitant cost to the residents in restoration of this golf course property. She shared history on this issue, referencing how residents voted and the noted other items paid for by the Stoneybrook community.

Dennis Armstrong, Stoneybrook West HOA President, addressed some of the public comments made such as the current quarterly assessment, maintenance of the golf course, which he stated was not up to golf course standard, but is being maintained and mowed.

There was discussion on the maintenance of the golf course, its surrounding areas, change in ownership, potential hiring of an operation company and a welcomed staff tour of the current conditions.

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

Commissioner Sharman commented on this being a challenging issue and he noted the diversity in residents, some being retirees on a fixed income, some who want the

property rehabilitated and looking sharp. He also spoke of the costs involved and solid plans for items brought before the City Commission. He also noted the community's past experience with those who were tasked to do a job, but walked away and now there are those who are left having to pick up the pieces. He assured the residents that the City of Winter Garden would be a partner with them going forward.

Motion by Commissioner Sharman to approve Resolution 22-04. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Resolution 22-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE FUNDING OF REPAIR AND RESTORATION OF THE STORMWATER AND DRAINAGE MANAGEMENT INFRASTRUCTURE AND SYSTEMS LOCATED ON, ABOUT, OR WITHIN THE LAKEVIEW RESERVE SUBDIVISION, LOTS 1 THROUGH 159, INCLUSIVE, AS RECORDED IN PLAT BOOK 46, PAGES 149-151 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; ESTABLISHING ANNUAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; APPROVING AN ASSESSMENT ROLL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ORANGE COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO FLORIDA'S UNIFORM ASSESSMENT COLLECTION ACT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 22-05 by title only. Finance Director Laura Zielonka stated that this item is a special assessment for the Lakeview Reserve community as per the agreement between the City of Winter Garden and the Homeowners Association (HOA) for the drainage management system. She informed that this resolution is the second public hearing, which would adopt the special assessment. Staff recommends approval.

Commissioner Mueller thanked Finance Director Zielonka and City Manager Williams on their efforts in this matter and spoke on the need and the fairness of the agreement.

Mayor Rees opened for public comment.

Rhonda Johnson, 140 Lakeview Reserve Boulevard, Winter Garden, Florida, stated that she has been out of the loop concerning HOA communications on this issue. She expressed that things are already hard and she would be in opposition to this assessment. She inquired if there was any other way and asked if there were any other options before this agreement.

City Manager Jon C. Williams explained that an evaluation of the traditional removal an excavation was found to be a much more costly approach to fixing this existing drainage problem. He noted that the HOA and the residents have the ultimate

responsibility for maintenance and repair of the stormwater system. The evaluation of this was for over the long-term, with the traditional dig up and replace, and a slip lining method was thought to be the best approach to saving the residents money. He explained that there is a main pipe that runs down Lakeview Reserve Boulevard and conveys water off the system. He noted that there is a benefit to the City, and how the City would come in and be a participant in the overall project. He detailed the cost breakdown and noted that this was done so that the amount of principal and interest would not exceed \$800,000. He expressed that there is not the flexibility in waiting, given the condition of the current system and potential failure thereof. He emphasized that the residents would bare 100 percent of that responsibility. Commissioner Sharman interjected that this is the point that should be reiterated, should there be a failure today, the HOA and the residents are responsible for a major catastrophe and this way it is averted and the cost is spread out over 20 years.

There was some discussion on an earlier letter sent to the residents with a different amount. City Manager Jon C. Williams noted that there was a revision lowering the amount and making it interest free. Finance Director Zielonka read the new totals as \$800,000 and per parcel as \$5,031.45, which equates to \$251.57 annually per parcel. Ms. Johnson sought clarification on some of the costs. City Manager Williams explained that there are additional costs involved that the HOA would be responsible for, such as the underdrains that need inspection and possible replacement. He noted that the resurfacing of some of the roads was also a part of this and that falls under the responsibility of the HOA. Ms. Johnson was directed to her HOA for some of those answers she sought.

Dean Hubbard, 165 Lakeview Reserve Boulevard, Winter Garden, Florida, noted being in this neighborhood for 20 years and this drainage issue having been a problem from day one. He disclosed that there was a lawsuit against the developer.

Mr. Hubbard inquired of the amounts received in his previous letter and inquired if a new letter would be issued to the homeowners. Finance Director Zielonka responded that this would show on the tax bill.

Mr. Hubbard noted that this is much needed and inquired of the work's timeframe. City Manager Jon C. Williams responded that the contracts have been executed and this is the final step in the process. Materials have been purchased and a notice of construction is forthcoming within the next two weeks.

Mr. Hubbard inquired about the dry retention ponds being included in this infrastructure rebuild. City Manager Jon C. Williams noted that part of the scope of work does require inspection of the underdrains and replacement of them, if necessary. The additional portion falls under the responsibility of the HOA.

Commissioner Maciel sought clarification on this issue, and noted hearing of these issues since he served on the Planning and Zoning Board eight years ago. He confirmed that this is a private system for which the HOA was responsible. There is no financial obligation on the City's part, but the City is stepping in to help.

Discussion ensued on the City's benefit in making sure the water flowed unimpeded. City Manager Williams noted an ordinance adopted to adjust stormwater rates also provided flexibility for the City to go in to private communities to provide a benefit to those communities in the event there was an interest in public safety.

Motion by Commissioner Mueller to approve Resolution 22-05. Seconded by Commissioner Bennett and carried unanimously 5-0.

C. Recommendation to approve Amendment to Professional Services Agreement with Fishback Dominick, LLP with an effective date of March 1, 2022

City Manager Jon C. Williams stated that Fishback Dominick, LLP has represented the City for over 15 years and during that time, only once was their fees adjusted. He noted operating costs having increased since then. The request is for an adjustment in their hourly fees for services in excess of the monthly retainer of 20 hours per month. Mr. Williams read the new rates and stated that staff recommends approval.

City Manager Williams noted previously having had the opportunity to work with Kurt Ardaman, Dan Langley and the Fishback Dominick firm and find them to be by far the best he has worked with.

Mayor Rees noted the cost of the two City Attorneys, them having had no increase, and the percentage of the increase. He stated that he personally thinks this is reasonable.

Commissioner Mueller commented that Mr. Ardaman and staff do a great job and the rates are more than fair.

Motion by Commissioner Sharman to approve Amendment to Professional Services Agreement with Fishback Dominick, LLP with an effective date of March 1, 2022. Seconded simultaneously by Commissioners Maciel and Bennett and carried unanimously 5-0.

D. Recommendation to approve Underground Conversion Agreement and Utility Reimbursement Agreement with Duke Energy for Dillard Street Re-Construction Project

City Engineer Jim Monahan stated that the existing electrical infrastructure along Dillard Street is above ground and during the re-construction, the City of Winter Garden has requested Duke Energy have the power converted to underground. The Underground Conversion Agreement based on a binding cost estimate is the set cost for the conversion and the Utility Reimbursement Agreement states that the City

agrees to pay the cost, as agreed to in the Binding Cost Estimate. Staff recommends approval of signing both agreements, which would provide for relocation of the overhead power to underground during the Dillard Street Re-Construction Project.

Mayor Rees sought clarification on the lines that would be above ground being those from Plant Street to State Road 50 and would be those main transmission lines crossing Story Road. Mr. Monahan responded yes. It was also confirmed that the City is in charge of everything and the costs would be determined at the time of the project.

Commissioner Bennett sought clarification on the costs possibly changing and inquired if the binding cost agreement is just an estimate. Mr. Monahan responded by explaining that the binding cost agreement is what Duke Energy has agreed to, and it would not change once this is signed. City Manager Williams noted this as a significant step in the Dillard Street project. He spoke of the City having contemplated the over ground to underground conversion, associated items in anticipation of handling the costs for private property conversions, and explained some the process and actual costs involved.

Motion by Commissioner Bennett to approve Underground Conversion Agreement and Utility Reimbursement Agreement with Duke Energy for Dillard Street Re-Construction Project. Seconded by Commissioners Mueller and Sharman simultaneously and carried unanimously 5-0.

E. Recommendation to approve SITE PLAN and Reuse Main Extension Oversizing Agreement for 1200 Daniels Road and 1211 Winter Garden Vineland Road (Daniels Road Business Park), subject to conditions

Community Development Director Stephen Pash stated that this site plan review is for 1200 Daniels Road and 1211 Winter Garden Vineland Road and includes a Reuse Main Extension Oversizing Agreement. The request is to develop the property with a two-phase plan; however, this is the review of the first phase only. He described the improvements, which include commercial building, grocery store and other retail space. He showed a displayed of the area, explained the landscape, preservation of trees, removal of certain invasive trees, and some intended clean up. He also addressed access on Daniels Road and certain restricted areas. He shared that the City's traffic engineer reviewed this for the Development Review Committee (DRC). Mr. Pash noted that the proposed development does impact the wetlands, and he spoke of areas of removal, preservation and addition of trees. The plans have been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to conditions as stated in the DRC report. Approval of the oversize agreement is also recommended.

There was discussion on the traffic, possible use of barriers for certain access points and preventative methods for those areas. Discussion ensued on traffic enforcement, signage, the wetlands, the pond and reasoning behind related improvements.

Motion by Commissioner Sharman to approve SITE PLAN and Reuse Main Extension Oversizing Agreement for 1200 Daniels Road and 1211 Winter Garden Vineland Road (Daniels Road Business Park), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 5-0.

F. **CODE ENFORCEMENT:**

Recommendation to approve CONDEMNATION of building located at 15 S. Main Street
Community Development Director Stephen Pash stated that the building located at 15 S. Main Street is in a dilapidated state and creates a safety hazard for surrounding properties and citizens walking on the sidewalk. Staff received notification from a neighboring owner that the roof on this property collapsed. Mr. Pash displayed photos taken of the building and noted that it is not known exactly what is wrong without gaining access. He informed that a contractor and structural engineer would be hired for this assessment. This building is in the historic district and is considered a contributing structure. Staff would do everything to save the façade at a minimum, but would like to come in and sure up the roof and lien the property for that amount. Staff recommends approval of the condemnation of 15 S. Main Street, authorization to hire engineers and contractors to access this building and get a recommendation on how to stabilize the property to make it safe and then lien the property for that amount.

Mayor Rees inquired if it would be brought back to the City Commission for a decision after inspection by the engineers and contractors. Mr. Pash noted that it is not known what the costs would be and City Manager Jon C. Williams noted that staff requests some flexibility after the engineer does the structural integrity analysis on the building. There could be the need for decision making in the event of an emergency situation in which staff would need to proceed. However, it would be brought back as to the expense. Once a determination is done and there is not the danger of a collapse, then any costs would be brought back to the City Commission for review.

There was discussion on the façade, potentially saving the building, if possible, and associated costs. Mr. Pash disclosed that the owner has hired an attorney who was in attendance.

Commissioner Bennett noted her concern being the issue of safety and a possible collapse impacting a neighboring owner.

Mayor Rees opened this item for public comment.

Don Gervase, Provision Law, 310 S. Dillard Street, Suite 140, Winter Garden, Florida, stated that he was very recently retained by the property owner. He shared that Mr. and Mrs. Crocker purchased the property in 1976 and owned it since that time. He shared that Mr. Crocker passed away in 2016 and Mrs. Crocker is currently in a medical care facility, which is why he was attending as representative. He noted the possibility of significant damage to the building, but also noted that this is not known. He has been working with Mr. Pash and received explanation of the process. Mr. Gervase voiced concerns of starting the condemnation process and difficulties associated with trying to back away from it once labelled as a condemnation. He offered gaining access to the building for the City to immediately inspect without the condemnation. He indicated knowing of interested buyers that could potentially step in and be willing to help.

Mr. Gervase stated that he is being told that at the time this occurred, a recent roof repair or replacement had been done and may have still been under warranty. Mrs. Crocker was unable to force the roofing company to comply and he has been told that the roofing company backed away from repairing the roof.

Mr. Gervase pleaded for an inspection before proceeding with the condemnation. He shared that this property is Mrs. Crocker's income going forward and selling it without a lien and this process would be of great benefit to her. He used a scenario of someone coming to the City to demolish such a property, the alternatives the City would require in such a case and he requested that this type of option be made available now.

City Manager Jon C. Williams noted that this is a new turn of events and up until the presence of Mr. Gervase, there was no interaction from the property owner. He expressed that there is still the public safety concern. He addressed gaining access, engaging engineers, and necessary inspection and certification that there is not an imminent public safety concern of a collapse. He expressed that this would be reviewed, but the timeframe of having these items done and the difficulty in the past with contacting the property owner would be his concern with granting a delay.

Commissioner Sharman inquired if the City Commission could grant the City Manager permission to condemn after inspection. City Attorney Ardaman suggested, if the City Commission believes it is appropriate based on evidence heard tonight, that the condemnation be approved, subject to authorizing the City Manager to commence the demolition after he has been satisfied that there is not a risk to citizens and surrounding property owners.

Motion by Commissioner Sharman to approve CONDEMNATION of the building located at 15 S. Main Street, subject to delay and/or abatement as determined by the City Manager. Seconded by Commissioner Bennett.

Attorney Don Gervase sought clarification on the process. City Attorney Ardaman responded that the motion is for condemnation of the structure, authorizing the City Manager to abate or delay, depending upon what he or his client can provide to the City to justify or not justify the abatement. Mr. Ardaman advised that Mr. Gervase or his client meet with the City Manager as soon as they can.

There was discussion on working with the property owner as to not have this property labelled as a condemnation, if it could be avoided. It was noted that the City does work with property owners in these cases and there is only an issue when the owner does not respond or communicate with the City.

Motion carried unanimously 5-0.

- G. Recommendation to approve Professional Services Agreement for Building Permit Inspection with M.T. Causley LLC utilizing piggyback agreement of the Town of Astatula Community Development Director Stephen Pash stated that staff requests permission to piggyback a contract used by the Town of Astatula. He indicated that this agreement is for the building department to use a private provider to assist in inspections and/or plan review. He disclosed that this provider has been utilized by the City of Winter Garden for many years. He explained current difficulty in finding licensed and certified inspectors. He shared details on fees, electrical inspectors, and added services. He informed that these fees are paid by the building department and would not come from the general fund. Staff recommends approval.

Commissioner Mueller expressed being fine with this approval, but addressed the need for a moratorium on this issue; suggesting aggressively working to bring in people that could be trained in this area. He feels efforts should be made to break the reliance on perpetual utilization of an outside source. Commissioner Sharman responded by noting the process for these types of positions. Discussion ensued on the difficulty in finding those that are qualified and efforts of the City towards this issue for the future.

Motion by Commissioner Mueller to approve Professional Services Agreement for Building Permit Inspection with M.T. Causley LLC utilizing piggyback agreement of the Town of Astatula. Seconded by Commissioner Sharman and carried unanimously 5-0.

- H. Recommendation to approve Agreement for **ACQUISITION** of Right-of-Way for 160 E. Plant Street from Winter Garden Gateway Corporation Planning Consultant Ed Williams spoke of the acquisition of property for the right-of-way for roads, the City's process of not following strict eminent domain rules, and the proven benefits shown from other roads. He noted this one being a little unusual in that it is 200 square feet of land, located at the southwest corner of Dillard Street and Plant Street. He indicated that this is the same group as that of the Edgewater Hotel. He noted that they are offering to donate the property and he spoke of the delays

involved. He mentioned the current project for the parking lot on the north side, and removal of that area's buildings producing the need for cosmetic repairs to the Edgewater Hotel. He indicated availability of façade grants to assist with working toward those improvements and the driveway. The request is to take funds that the City would have used in the taking and apply it towards the grant to allow for more repairs to the rear of the Edgewater Hotel and the driveway. The cost would be approximately \$10,000 additional, plus the funds for the façade grant. The funds would go to beautify the Hotel where the parking lot would go and they would donate the land to the City.

Motion by Commissioner Bennett to approve Agreement for ACQUISITION of Right-of-Way for 160 E. Plant Street from Winter Garden Gateway Corporation. Seconded by Commissioner Sharman and carried unanimously 5-0.

I. Recommendation to approve Agreement for ACQUISITION of Right-of-Way for 210 S. Dillard Street from Toole Asma LLC

Planning Consultant Ed Williams stated that this involves two properties and described the location as the southwest corner of Smith Street and Dillard Street. He described current businesses in this location and indicated that the City would take quite a bit of their parking, impacting signage and taking a great portion of their property. He explained that they have been working with the City to find a way to make it work. He noted suggested changes and the needed access easements from the adjoining property owner. He expressed that there is no compelling reason for the property owner to sell to the City, but they have agreed to sell the City an easement so the parking could be restored to a workable condition for the other business. He recommended the City Commission approve the City Manager sign the agreements and the easement and then finalization of the corner parcel would be completed once the City has the easement. He noted difficulty in finding a surveyor for the related drawings.

There was discussion on the remaining properties needed for the Dillard Street project.

Motion by Commissioner Bennett to approve Agreement for ACQUISITION of Right-of-Way for 210 S. Dillard Street from Toole Asma LLC. Seconded by Commissioner Mueller and carried unanimously 5-0.

J. Recommendation to approve SPECIAL EVENT for American Legion – Memorial Day Special Event at Veterans Park – Monday, May 30, 2022 from 8:15 – 9:30 a.m.

Community Development Director Stephen Pash stated that this is the special event request by the American Legion to hold their Memorial Day Special Event at Veterans Park on Monday, May 30, 2022 from 8:15 to 9:30 a.m. He described the reason for the event being the recognition of Winter Garden citizens who have lost their lives during war. Staff recommends approval.

Motion by Commissioner Bennett to approve SPECIAL EVENT for American Legion Memorial Day Special Event at Veterans Park, Monday, May 30, 2022 from 8:15 – 9:30 a.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- K. Recommendation to approve SPECIAL EVENT for Polis Institute - Strong Family Fun Day at Maple Street Park, Saturday, May 7, 2022 from 10:00 a.m. – 3:00 p.m.

Community Development Director Stephen Pash stated that this request is from the Polis Institute, who have been working with the City of Winter Garden. He noted that they promote strong families and he provided details of the event, family activities and efforts to address parking issues. Staff recommends approval.

Motion by Commissioner Maciel to approve SPECIAL EVENT for Polis Institute - Strong Family Fun Day at Maple Street Park, Saturday, May 7, 2022 from 10:00 a.m. – 3:00 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, noted previously requesting that the City Commission consider making a statement regarding the City's LGBT citizens. He noted this not being in support or in opposition to the "Don't Say Gay" bill, which he disclosed has now become a law and he read a related story.

There was discussion that should the City make a statement related to this issue it would be all-inclusive and he encouraged each City Commission address this issue with the City Manager.

Mark Cressman, 2341 Baronsmede Court, Winter Garden, Florida, stated that he is the President of the Windtree Professional Center Condominium Association and referenced agenda Item 4.E, relating to the empty lot behind the Burger King. He noted that his question, comment or concern is related to a shared dry pond and to their parking lot, which periodically floods. He spoke of the drainage issues, the current direction of the water flow and the effect the new development would have on where this water would go.

City Engineer Jim Monahan explained the directional flow of the water mentioned by Mr. Cressman and predevelopment analysis completed before any development. He described calculations done to address these issues and how they should match the analysis done in predevelopment state.

6. MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman

- A. City Manager Contract for Jon C. Williams

City Attorney Ardaman stated that the proposed City Manager contract between the City of Winter Garden and Jon C. Williams was included in the agenda packet. He shared that the agreement includes the duties as stated under the City Charter and replicates a lot of what was in place for former City Manager Michael Bollhoefer and

what was in the contract with Mr. Williams as Interim City Manager. He noted that the contract has been reviewed by Mr. Williams and is now available to the City Commission for consideration and/or any changes, provided Mr. Williams agrees. He addressed the three-year term and potential renewals, and noted that the City Charter does allow for four-year terms. He noted compensation at \$220,000, plus a \$10,000 moving benefit, and other benefits such as use of a City car. Mr. Ardaman addressed the City requirement of becoming a resident of the City within 90 days of becoming the City Manager, unless extended for good cause by the City Commission.

Commissioner Mueller thanked Assistant City Manager Frank Gilbert and City Attorney Ardaman for their efforts on this agreement. He suggested a March 2023 ballot initiative to remove the residency requirement for the City Manager and noted that the City has 368 staff members, and none have this requirement that they must live in the City. He noted that this is a relic from the past, from which many cities are moving away. Mayor Rees noted that this item was on the ballot two years ago. Commissioner Mueller confirmed that it was and noted that he would later address the issue. He noted that the previous City Manager always mentioned the issues of living in the City and separating his work from his personal life. Commissioner Mueller noted that the second part of this would be to extend the residency requirement for the City Manager, pending a vote in March of 2023 on that initiative. Commissioner Mueller addressed past Charter Review questions, the selected committee, ballot questions and how it was advertised.

Commissioner Bennett noted that she did not think that the people understood that staff does not normally have to live in the City limits. There was discussion on staff not being required to live in the city limits, educating the electorate in these matters and easy passing of the issue the second time around.

City Attorney Ardaman noted that the Charter does provide that the City Commission may provide an extension to the residency requirement at any time for good cause shown.

Commissioner Sharman inquired of Mr. Williams regarding this matter, noting that this is not the market in which to buy a home, but to sell. Mr. Williams responded that as the contract is written today, he has no problem meeting the requirement as currently provided by the City Charter. However, he noted having a significant other with a 27-year career in a school system, who has to finish out the school year, and determine whether she would make the transition here or not. He noted she was thinking about it, she loves Winter Garden, and is supportive of his compliance with the City Charter. He expressed that if the City Commission wanted to provide him with that flexibility, he would be favorable to it. Discussion ensued, Mr. Williams expressed being good with either decision, Mayor Rees expressed not wanting to see the City dividing the City Manager and his spouse in this way.

Mayor Rees voiced struggling with bringing an issue back to the ballot in three years, after having just voted on it.

There was discussion on whether the City Manager could perform his duties living away, as well as living in the City. City Manager Williams stated that he has hopefully demonstrated that through this process.

Motion by Commissioner Mueller to approve City Manager Contract for Jon C. Williams, place the exception for the City Manager not to have a residency requirement on the March 2023 ballot, and extend the residency requirement, pending the outcome of the March 2023 election. Seconded by Commissioner Sharman and carried unanimously 5-0.

7. MATTERS FROM CITY MANAGER – Jon C. Williams

City Manager Thank You

City Manager Williams thanked the Mayor and City Commissioners for their support. He expressed that he is humbled and honored to have the opportunity to serve as their City Manager and looks forward to being here for a very long time.

Moratorium Draft Ordinance – New Businesses alcohol sale or use

City Manager Williams stated that he has distributed a draft ordinance, which would place a one-year moratorium on the acceptance, processing and consideration for any new approval of uses or businesses selling alcoholic beverages within the downtown. He requested that the City Commission review this item and provide any comments. He informed that the plans are to have the ordinance placed on the May 2, 2022, Planning and Zoning Board agenda, followed by a first reading and public hearing on the May 12, 2022 of the City Commission agenda, with an adoption hearing proposed for May 26, 2022.

Moratorium of Special Events

City Manager Williams stated that over the last few months, the City has received a number of requests for new events. He requested an approval for a six-month moratorium on any new special events occurring in public spaces, which would involve City staff. He noted that the City is faced with some staffing shortages. He indicated that this time would be used in providing a break for staff, review of the number of events occurring within the City, and review for any adjustments that may be needed.

Commissioner Sharman stated that he always wondered if there would come a point when the City would need to rotate events and choose. Discussion ensued about staff needing time off, the same staff working these events and doing it with a smile, as well as maintaining their day-to-day activities.

Motion by Commissioner Bennett to approve a six-month moratorium on any new special events in the City of Winter Garden downtown area. Seconded by Commissioner Maciel.

Commissioner Sharman noted that the City might want to allow the event holders provide their own staffing for security and cleanup. There was discussion that this would be reviewed. Mayor Rees commented that most events are for fundraising purposes and they may not want that expenditure.

Motion carried unanimously 5-0.

North Boyd Parking Lot

City Manager Williams announced that on Monday, the paving of the new North Boyd Parking Lot would begin, he explained the process, noted the good progress and spoke of some of the barricading.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Bennett thanked staff and the Bloom N Grow ladies for their efforts in the wonderful event downtown, noting it had been greatly missed.

Commissioner Mueller stated he echoes Commissioner Bennett's comments on the Bloom N Grow, stating that it was great event, a lot of fun and had a great turnout. He also commented on adjustments made because of the storm.

Commissioner Mueller inquired of the status for approved fencing located at Park Avenue and State Road 50. City Manager Williams responded that the fence is here. The challenge now faced is that of getting a surveyor for the installation before beginning of construction. He noted a distance requirement due to transmission lines, but reiterated that the fence is here, is in storage and ready to go after the surveyor.

Commissioner Mueller spoke of the Edgewater Hotel and them moving along with some of their activities and inquired of the incoming boutique hotel's status. City Manager Williams responded by noting internal meetings held to discuss where they are in the process. He indicated that they have incurred delays due to COVID-19, the current inflationary environment, and supply chain issues that are driving up some of the costs. He noted that the next steps are being discussed and any modifications to the agreement, if necessary, would come back to the City Commission.

Commissioner Mueller addressed the draft ordinance, distributed for City Commission review, and noted hearing from constituents that businesses should police themselves better in serving people. He stated that there are hopes that the City would not have to move forward if people would realize that they are intoxicated to the point of creating a public nuisance. He wants everyone to have good time, but be safe.

