



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

April 27, 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 3 - Mark A. Maciel
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney Dan Langley
City Clerk Angee Grimmage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of April 13, 2023 as submitted. Seconded by Commissioner Bennett and Sharman simultaneously and carried unanimously 5-0.

2. **PRESENTATION:**

A. **Proclamation 23-02:** Proclaiming World Autism Month and Awareness Day was read by Mayor Rees and presented by the City Commission.

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

A. **Ordinance 22-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE COUNTRY CLUB DRIVE, AND EAST OF TINY 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

B. **Ordinance 22-41:** 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 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE COUNTRY CLUB DRIVE, AND EAST OF TINY ROAD; FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 22-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 30.24 ± ACRES LOCATED ON TILDEN ROAD; SOUTH OF TILDEN ROAD, WEST OF WEST ORANGE

COUNTRY CLUB DRIVE, AND EAST OF TINY ROAD; FROM ORANGE COUNTY A-1 (CITRUS RURAL DISTRICT) TO CITY PUD (PLANNED UNIT DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE TILDEN CLUB PUD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Mayor Rees stated that a motion is needed to postpone this item.

Motion by Commissioner Mueller to POSTPONE Ordinances 22-40, 22-41 and 22-42 to a date uncertain. Seconded by Commissioner Bennett and carried unanimously 5-0.

- D. **Ordinance 23-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, GRANTING TO DUKE ENERGY FLORIDA, LLC d/b/a DUKE ENERGY, AN ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

City Attorney Dan Langley read Ordinance 23-12 by title only. Senior Business Analyst Marc Hutchinson stated that within Ordinance 23-12 is a franchise agreement renewal between Duke Energy Florida, LLC and the City of Winter Garden. He noted that the term of this agreement is 10 years and replaces the current 30-year Franchise Agreement, which expired on December 12, 2022. Ordinance 23-12 grants Duke Energy continued permission and authorization to use and occupy the rights of way. This is for the purposes of operating and distributing electric services to the City's residents and businesses. Mr. Hutchinson described the six percent franchise fee and payment. Staff and the legal counsel for both parties reviewed this item and recommend approval.

Commissioner Mueller addressed concerns about Duke Energy's service during the storms, redundant power systems and repair times as well as power poles. He asked that there be discussions with Duke Energy on how to improve the quality of services, especially during critical times, burial of power lines and other service agreements.

Mayor Rees noted the discussions related to this item and thanked City Manager Jon C. Williams and Senior Business Analyst Marc Hutchinson for their efforts in this matter. Mr. Williams noted past history, open dialogue with Duke Energy and items discussed. He expressed that there has been improvement over time, with efforts being made towards underground installations and tree trimming.

Commissioner Maciel agreed with City Manager Jon C. Williams that things with Duke Energy were pretty bad in the past and have improved; they are making efforts to work with the City.

There was discussion on electric service being the only service the City does not currently offer, how it was offered by the City in the 1960s and that there were citizens on both sides of the issue and would come with its own challenges.

Motion by Commissioner Maciel to approve Ordinance 23-12 with a second reading and public hearing May 11, 2023. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. Recommendation to approve contract with Central Florida Liftstations, Inc. for repairs to Lift Station 47 in the amount of \$61,860

Assistant City Manager of Public Services Stephen Pash stated that this item is for Lift Station 47 and noted items in need of replacement. He shared that this is a 25-year-old lift station and informed that Central Florida Liftstations, Inc. provided a quote to do the work. This work would include bypass pumping so that it remains functional while the work is being done. Staff recommends approval.

Motion by Commissioner Sharman to approve the contract with Central Florida Liftstations, Inc. for repairs to Lift Station 47 in the amount of \$61,860. Seconded by Commissioner Maciel and carried unanimously 5-0.

B. Recommendation to approve Crowd Strike Falcon Complete and related services in the amount of \$80,636.47

Information Technology Director David Livingston stated that the Florida House Bill 7055 mandates government agencies implement cybersecurity policies and procedures to ensure the protection of confidential data. These practices are crucial for the City of Winter Garden to protect its digital infrastructure and sensitive information from cyber threats and cyberattacks. He noted that staff has identified a fully managed cyber security platform known as Falcon Complete provided by Crowd Strike. He shared information on some of the services the company offers. He informed that by the implementation of Crowd Strike, City IT staff would be able to improve the security posture of the City and comply with some of the cybersecurity as laid out in House Bill 7055. Staff recommends approval of the purchase of Crowd Strike Falcon Complete and related services in the amount of \$80,636.47 per year.

Commissioner Mueller stated that this is a great step forward and shared some of his history in this related field.

Motion by Commissioner Mueller to approve Crowd Strike Falcon Complete and related services in the amount of \$80,636.47. Seconded by Commissioner Bennett and carried unanimously 5-0.

C. Recommendation to award purchase order to Cathcart Construction Company (CCC) to replace asphalt on Plant Street in the amount of \$173,726

City Engineer Jim Monahan stated that the asphalt on Plant Street between west Story Road and Lakeview Road is in need of repair. The work will require a full closure of the roadway with detours set up to reroute traffic. He noted that access to properties in the area would not be blocked. It is anticipated that the work would take up to five business days, if weather permits, and would be scheduled during the summer when schools are closed. Staff recommends the City award a purchase order in the amount of \$173,726 to Cathcart Construction Company (CCC) to replace the asphalt on Plant Street.

Mayor Rees sought clarification on the five-day timeframe and Mr. Monahan noted that it included additional days just in case.

Motion by Commissioner Mueller to award purchase order to Cathcart Construction Company (CCC) to replace asphalt on Plant Street in the amount of \$173,726. Seconded by Commissioner Bennett and carried unanimously 5-0

D. Recommendation to approve SITE PLAN for 12920 & 12921 Reaves Road (Stoneybrook Place Senior Living)

Planning Director Kelly Carson stated that this is a request for site plan approval for property located at 12920 and 12921 Reaves Road. She stated that this project includes construction of a two and three story senior living facility with 65 assisted living units and 101 independent living units. The proposal is consistent with the property's PUD zoning ordinance, which includes a condition that the applicant record a 146 wide conservation easement. This would be on the north side of the property and would maintain the existing vegetation in this area in perpetuity. She noted that the majority of the site, which is wetlands, would likewise be preserved with easements and buffers per code. She spoke of the roof elevation not exceeding that of the plan. Staff recommends approval of the site plan, subject to staff conditions.

There was discussion on the groundbreaking for this item being late summer or early fall after the site plan approval.

Commissioner Mueller inquired of the number of senior living facilities that are in Winter Garden and discussion ensued. Commissioner Mueller then voiced concerns on the number of current senior living facilities, noting that we need to build for the young as well. Mayor Rees noted the history of Winter Garden and the progression of young families moving into the area. Commissioner Bennett noted that the City is seeing a lot of this now because it is a profitable business model, but she noted that development for Winter Garden is approximately 80 percent residential. Ms. Carson affirmed, noting that it is much more skewed toward single-family residences.

Motion by Commissioner Maciel to approve SITE PLAN for 12920 & 12921 Reaves Road (Stoneybrook Place Senior Living). Seconded by Commissioner Sharman and carried 4-1; Commissioner Mueller opposed.

- E. Recommendation to approve EVENT CALENDAR for Summer 2023 through Spring 2024 to commence planning, marketing and coordination efforts

Planning Director Kelly Carson stated that the event calendar was distributed to the City Commission. She informed that staff receives a large number of event applications throughout the year. These involve a lot of planning, marketing and coordination for the City. Oftentimes, these applications are received very close to the date of the event leaving little to no time for the coordination. To help streamline this process, staff requests approval of the event calendar, which lays out all the events for Summer 2023 through Spring 2024. She noted that application submittal would still be required and that the item would still need to be brought before the City Commission no later than 60 days prior to the event. Staff recommends approval.

City Manager Jon C. Williams noted that this is a tentative list and is subject to change. He spoke of the current temporary moratorium, staffing issues, and the possibility of opening up this list to more events in the future. He emphasized that this is tentative.

There was discussion on it being nice to see it all up front and it shows how busy staff is.

Motion by Commissioner Bennett to approve the EVENT CALENDAR for Summer 2023 through Spring 2024 to commence planning, marketing and coordination efforts. Seconded by Commissioner Maciel and carried 4-1; Commissioner Mueller opposed.

- F. Recommendation to approve the COMMUNITY EVENT for the Winter Garden Masonic Lodge Annual All American Kids Parade and Pancake Breakfast July 4, 2023, with temporary street closure

Planning Director Kelly Carson stated that the Winter Garden Masonic Lodge is requesting to hold their annual Kids Parade and Pancake Breakfast from 9:00 a.m. to 11:00 a.m. on July 4, 2023. She noted that attendance would be approximately 1,000 people and described the set up and break down for the event. Staff recommends approval.

Motion by Commissioner Bennett to approve the Winter Garden Masonic Lodge Annual All American Kids Parade and Pancake Breakfast July 4, 2023, with temporary street closure. Seconded by Commissioner Mueller and carried unanimously 5-0.

- G. Recommendation to approve SPECIAL EVENT Party in the Park 4th of July from 6:00 to 10:00 p.m.

Planning Director Kelly Carson stated that the City is requesting to hold the annual Fourth of July Party in Newton Park on Monday, July 4, 2023 from 6:00 p.m. to 10:00

p.m. She noted that anticipated attendance would be approximately 15,000 people. There would be food and snack vendors, live music, kid's activities and fireworks. She described the event set up and break down. Staff recommends approval.

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

5. MATTERS FROM PUBLIC

Robert Visser, 14706 Tullamore Loop, Winter Garden, Florida, commented on the postponed ordinances voicing that it would be great if they just went away. He noted a major livability issue occurring in the Tilden corridor. He spoke of it being too busy, loud, congested and unsafe. He expressed that he nor his neighbors wish to see any additional residential development in that area and urged the City Commission to vote no should the issue come back.

Julie Visser, 14706 Tullamore Loop, Winter Garden, Florida, noted that she also wanted to comment on the postponed agenda items. She shared history of their move to the Emerald Ridge neighborhood 15 years ago, noting that the Tilden Road corridor was quiet, pastoral, charming and unique. She noted that fast forwarding to today, it is a textbook definition of urban sprawl, with it being loud, congested, over capacity and unsafe. She encouraged the City Commission to vote no on these items.

6. MATTERS FROM CITY ATTORNEY – There were no items.

7. MATTERS FROM CITY MANAGER

Upcoming Events

City Manager Jon C. Williams reminded of the Arts in April VIP Night, Saturday, from 6:30 p.m. to 10:30 p.m. and requested City Commission attendance confirmation for the event. He also announced other events such as the Sen'ya Later downtown parade and the Downtown Boutique Spring Stroll events of May 11, 2023.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Maciel thanked staff for everything they have done in East Winter Garden. He shared that they held two stakeholder meetings and anticipates that the City will see thing accelerate in that area. He specifically recognized the Police Department and noted measurable differences noticed by the residents. He expressed how it is not an easy job to make everyone happy, but the majority are seeing a very positive change and giving great feedback.

Commissioner Sharman noted that he attended the Foundation Academy groundbreaking for their new building and noted that Orange County presented a plan to install a light.

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There was discussion on the installation of a roundabout and possibly having Orange County's assistance or funding for the project. Communications with Orange County regarding certain targeted roads and the City's interest in controlling what goes on at those locations were also discussed.

Mayor Rees noted that Mark Anthony is requesting to do a food giveaway, needs a location and he suggested that it could possibly be at Veteran's Park. He noted that a food giveaway was done in Ocoee, but this would not be as large as they were near a major highway. He noted that he would like to do this at some time in May and requested that staff contact Mr. Anthony.

The meeting adjourned at 7:06 p.m.

APPROVED:

/S/

Mayor John Rees

ATTEST:

/S/

City Clerk Angee Grimage, CMC