



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

June 23, 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 Dan Langley
City Clerk Angee Grimmage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of June 9, 2022 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

- A. **Ordinance 22-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF MULTIPLE PARCELS OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 48.07 ± ACRES LOCATED EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF STATE ROAD 429, NORTH OF EAST MAPLE STREET, AND SOUTH OF EAST PLANT STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Dan Langley read Ordinance 22-14 by title only. Community Development Director Stephen Pash stated that Ordinance 22-14 is part of the area recently annexed as part of an interlocal agreement and amends the future land use map to low density residential. Staff recommends approval of Ordinance 22-14.

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

Motion by Commissioner Maciel to adopt Ordinance 22-14. Seconded by Commissioner Bennett and carried 5-0.

- B. **Ordinance 22-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING MULTIPLE PARCELS OF LAND BEING APPROXIMATELY 48.07 ± ACRES LOCATED EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF STATE ROAD 429,

NORTH OF EAST MAPLE STREET, AND SOUTH OF EAST PLANT STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-4 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Dan Langley read Ordinance 22-15 by title only. Community Development Director Stephen Pash stated that this is the same area recently annexed through an interlocal agreement. Staff recommends approval of rezoning this property to R-4.

Commissioner Mueller noted that decisions made in the 1980s are now impacting these lots today. He feels this area should be zoned R-2 for the improvement of the lot sizes over time as opposed to keeping them in the very restrictive boundaries they are in today. He stated that he applauds staff's work and is not trying to counter against their recommendations, but feels that an R-2 zoning would make more sense for future use.

There was discussion on R-4 zoning allowing for 50-foot wide lots, added layers of bureaucracy for R-2 zoning, cost and expense related to combining lots, there being validity to both points and it was stressed that people's property rights would not be taken away.

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

Motion by Commissioner Maciel to adopt Ordinance 22-15. Seconded by Commissioner Sharman and carried 4-1; Commissioner Mueller opposed.

- C. **Ordinance 22-16:** 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 0.525 ± ACRES LOCATED AT 1351 EAST BAY STREET, EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF BETHUNE AVENUE, NORTH OF EAST BAY STREET, AND SOUTH OF EDGEWAY DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 22-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.525 ± ACRES LOCATED AT 1351 EAST BAY STREET, EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF BETHUNE AVENUE, NORTH OF EAST BAY STREET, AND SOUTH OF EDGEWAY DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE

City Attorney Dan Langley read Ordinances 22-16 and 22-17 by title only. Community Development Director Stephen Pash stated that these ordinances apply a future land use designation of residential neighborhood commercial and zoning of RNC to property

located at 1351 East Bay Street. Staff recommends approval of Ordinances 22-16 and 22-17.

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

Motion by Commissioner Bennett to adopt Ordinances 22-16 and 22-17. Seconded by Commissioner Mueller and carried 5-0.

3. REGULAR BUSINESS

A. Recommendation to approve Agreement for Acquisition of Right-Of-Way from Dillard Street from Property Investment Specialist Inc.

Planning Consultant Ed Williams stated that this property is at the southwest corner of Smith Street and Dillard Street. He described the area of acquisition, the impact to the site, and items that would need replacement due to damages to the property. He detailed the costs and items to be covered. The total cost was noted as \$59,436 and discussed were the challenges with the small site and its location. There was discussion on an estimate of \$8,000 given by the attorney and it was noted how instrumental they were in helping solve the problem.

Commissioner Sharman requested that Planning Consultant Ed Williams expound on how much the City was able to save by this approach as opposed to that of eminent domain. Mr. Williams responded by noting that several million dollars were saved by not going through the eminent domain process. He spoke of some purchased properties, amounts offered and City control now being given regarding what happens at those properties.

Motion by Commissioner Bennett to approve Agreement for Acquisition of Right-Of-Way from Dillard Street from Property Investment Specialist Inc. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve Agreement for Acquisition of Right-Of-Way from Dillard Street from Story Road Investment LLC

Planning Consultant Ed Williams stated that this is the Winter Garden Diner parcel at the southeast corner of Dillard Street and Plant Street. He spoke of two and half years of negotiations for this item and the challenges and impact. He noted that the resolve with the property owner was for the City to repave and restripe the front and back parking lot and the potential recapture of some parking space. He described some of the required improvements and stated that the City would pay \$50,000 to resolve this particular case and spoke of some of the negotiations involved.

Mayor Rees inquired about the roundabout helping or making it worse for the East Bay Street area. Planning Consultant Williams indicated that he does not think it would

make a difference one way or the other. He described that part of this parking encroaches on the right-of-way for East Bay Street and the City believes that this can stay and still be able to handle traffic. The roundabout being there would provide for a lot less traffic using Bay Street.

Motion by Commissioner Bennett to approve Agreement for Acquisition of Right-Of-Way from Dillard Street from Story Road Investment LLC. Seconded by Commissioner Maciel and carried unanimously 5-0.

C. Recommendation to waive formal procurement process and award Purchase Order to Advantage Courts, LLC. in the amount of \$59,885

City Manager Jon C. Williams stated that this is a request to waive the formal procurement process and award a purchase order to Advantage Courts, LLC to convert one of the Veterans Park tennis courts to three additional pickleball courts. Also, resurface and reline the entire court area of the existing pickleball and tennis courts. In addition to adding fencing/sport barriers and the replacement of aging windscreen. He noted the inclusion of the funds in this year's operating budget. He shared some of the challenges with getting the contractor and stressed the need to capitalize on the work being done during the summer months. Staff recommends approval.

There was discussion regarding the number of courts and this addressing the pickleball issue as an interim solution until further review.

Motion by Commissioner Mueller to waive formal procurement process and award Purchase Order to Advantage Courts, LLC. in the amount of \$59,885. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **MATTERS FROM PUBLIC**

Laura Loomer, shared that she is a Republican and Americas first candidate for the United States Congress District 11. She announced that August 23, 2022 is the primary. She shared her campaign platform with the City Commission and spoke of goals and vision she has on issues such as rebuilding the economy, lowering inflation, stopping suppression of free speech, ending tax on social security, immigration, energy independence and support for veterans and law enforcement. Ms. Loomer then distributed flyers with contact information and additional platform details.

Stephanie Elliott, 14708 Masthead Landing Circle, Winter Garden, Florida shared that she is part of the Garden Theatre and noted their work in diversity and inclusion. She noted involvement in the Winter Garden events and thanked the City Commission for their support of the Winter Garden Theatre and its impact on a positive future for the children.

5. **MATTERS FROM CITY ATTORNEY** – There were no items.

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

Budget Hearing Dates

City Manager Williams noted alternative dates are needed for the budget hearings. He shared that the City of Winter Garden cannot hold budget hearings on the same dates as the Orange County Public Schools or the Orange County Board of County Commissioners. Staff recommends option 4, which is Thursday, September 15 and 29 as the alternative dates. There was discussion that this would be reviewed by the City Commission and confirmed later with the City Manager.

Resolution 22-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A STATEMENT RECOGNIZING DIVERSITY, EQUITY, AND INCLUSION

City Attorney Langley read Resolution 22-08 by title only. City Manager Williams stated that Resolution 22-08 recognizes diversity as an integral part of our culture, history and identity and is essential to a thriving community. He noted that it further recognizes the invaluable benefits that different people and perspectives have on our future. Staff recommends approval of Resolution 22-08.

Commissioner Maciel noted that the Mayor and City Manager worked on this item and expressed that the work is appreciated.

Commissioner Bennett requested that the word equity be changed to equality. She explained that she feels equity is hard to quantify and equality more clearly defines our objective. There were no noted objections.

Motion by Commissioner Mueller to approve Resolution 22-08, with the change of equity to equality. Seconded by Commissioner Sharman and carried unanimously 5-0.

Residential Overlay Draft Ordinance

City Manager Jon C. Williams noted that he distributed a draft ordinance establishing residential overlay to place size restrictions on residential buildings and the plan is to have this on the August Planning and Zoning agenda.

Mayor Rees inquired and it was confirmed that this ordinance was the same as presented in the past, addressing square footage per lot and per house.

Orange County Representative for the CRA Advisory Board

City Manager Jon C. Williams informed that Orange County recently appointed Charlie Mae Wilder to be their appointee to the Community Redevelopment Agency Advisory Board.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Maciel stated that Charlie Mae Wilder wanted to thank everyone for the Juneteenth event and expressed appreciating the City's support.

Commissioner Maciel noted that Wendell Coates had a good meeting with Orange County concerning the Magic Gym and them allowing the children from East Winter Garden to have a safe place to play. He spoke of more involvement there and more events with the community.

Commissioner Mueller welcomed the new business The Orange Crate Café to Winter Garden.

Mayor Rees thanked Bloom & Grow Garden Society and Duke Energy for a pink trumpet tree-planting project in Winter Garden. He thanked City staff for setting this up and the Bloom & Grow Garden Society for all that they do for the community.

The meeting adjourned at 7:03 p.m.

APPROVED:

/s/

Mayor John Rees

ATTEST:

/s/

City Clerk Angee Grimmage, CMC