



# CITY OF WINTER GARDEN

## City Commission REGULAR MEETING MINUTES

October 27, 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 October 13, 2022 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

2. **PRESENTATIONS**

- A. **Proclamation 22-08:** Proclaiming National Family Literacy Day was read by Mayor Rees.
- B. **Proclamation 22-11:** Proclaiming Week of the Family was read by Mayor Rees and presented by the City Commission to Victoria Laney, who expressed appreciation to the City of Winter Garden. Ms. Laney informed of some of the planned events and activities and voiced her thank to the City for everything that they do.
- C. **Proclamation 22-12:** Proclaiming City of Winter Garden First Responders Day was preceded by the marching of the Winter Garden Police Color Guard. Mayor Rees and the City Commission read and presented the proclamation and thanked all of our first responders for all that they do for the citizens of Winter Garden.

*Item 5.D was addressed at this point in the meeting.*

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

- A. **Ordinance 22-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.71 ± ACRES LOCATED AT 958 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, EAST OF LAKE BRIM DRIVE, SOUTH OF CIVITAS WAY, 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
- B. **Ordinance 22-38:** 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 0.71 ± ACRES LOCATED AT 958 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, EAST OF LAKE BRIM DRIVE, SOUTH OF CIVITAS WAY, AND NORTH OF BRICK ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 22-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.71 ± ACRES LOCATED AT 958 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, EAST OF LAKE BRIM DRIVE, SOUTH OF CIVITAS WAY, 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 Ordinance 22-37, 22-38 and 22-39 by title only. Community Development Director Pash stated that this is a voluntary annexation for property located at 958 Tildenville School Road. The application request changes the future land use from Orange County low density residential to City low density residential. He noted that the zoning would change from Orange County A-1 to City R-1. He shared some history, such as it having been an orange grove on the edge of town and developed as a homestead for many years. He noted that it had fallen into disrepair and demolished in 2020. The property was purchased by a new owner, who applied to Orange County to rezone the property in order to build two new homes. They were informed that they would need to annex into the City in order to obtain City services such as sewer and water.

Mr. Pash spoke of the current state of the property having one home, a future variance request to change lot sizes, setbacks, and how flooding concerns would be addressed. He noted some of the area lots and stated that staff believes this to be consistent with the surrounding area and recommends approval of Ordinance 22-37, 22-38 and 22-39.

Mayor Rees inquired if staff felt confident that this would keep from flooding their neighbors, noting that the land in the past filled with water, which spilled over. Mr. Pash noted that the pond and the swale on Oakland Park spilled over when it was under construction and has since been repaired. He indicated where the water drains, the water holding areas and past water issues in the area.

Commissioner Mueller noted his approval with this item moving forward to a second reading, however, he noted that he would not be in favor of a lot split and feels this would need addressing prior to the second reading. Mr. Pash noted that a lot split would not be allowed until after the annexation, but noted that they could go back to the County and apply for the rezoning and lot split prior to annexation.

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

**Motion by Commissioner Mueller to approve Ordinance 22-37, 22-38 and 22-39 with the second reading and public hearing November 10, 2022. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 22-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER GARDEN A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF WINTER GARDEN REMOVING THE RESIDENCY REQUIREMENT FOR THE CITY MANAGER; PROVIDING A BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; AND PROVIDING FOR CONFLICTS AND SEVERABILITY, AN EFFECTIVE DATE FOR THE AMENDMENT IF APPROVED, AND AN EFFECTIVE DATE FOR THE ORDINANCE

There was discussion that this item would be postponed to a date uncertain.

**Motion by Commissioner Mueller to POSTPONE Ordinance 22-44 to a date uncertain. Seconded by Commissioner Sharman and carried unanimously 5-0.**

#### 4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 22-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING PORTIONS OF ARTICLE II AND ARTICLE IV OF CHAPTER 78, THE WINTER GARDEN CODE OF ORDINANCES CONCERNING UTILITIES AND THE CITY'S WATER AND WASTEWATER SYSTEMS; CREATING PROVISIONS CONCERNING WATER AND SANITARY SEWER SYSTEMS, INDUSTRIAL WASTE, AND CONNECTIONS AND SERVICES TO INDUSTRIAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-43 by title only. Community Development Director Pash stated that this is the second reading and adoption hearing for this Ordinance, which amends Article II and IV of Chapter 78. He referred to an overview given at the last hearing. Staff recommends approval of Ordinance 22-43.

**Motion by Commissioner Mueller to adopt Ordinance 22-43. Seconded by Commissioner Sharman and carried unanimously 5-0.**

#### 5. **REGULAR BUSINESS**

- A. Recommendation to approve Drainage System Repair Partial Reimbursement Agreement with Townhomes of Winter Garden Condominium Association, Inc. and award stormwater system repair work to TD Thomson Construction, Inc. in the amount of \$144,588.52

City Engineer Monahan stated that the existing private stormwater system for the Townhomes of Winter Garden is in need of repair. The City has determined that there is a public purpose to ensure that the repair work is performed. He noted this was in order to minimize adverse impacts to infrastructure in the City right of way. The City of Winter

Garden would permit and oversee the construction of the private improvements based on the proposal provided by TD Thomson Construction, Inc. The partial reimbursement to the City from the Townhomes of Winter Garden is \$40,000. Staff recommends signing the agreement and awarding the stormwater system repair work to TD Thomson Construction, Inc. for a total of \$144,588.52.

There was discussion and clarification on the amount of \$40,000, which is to be received from Townhomes of Winter Garden.

Commissioner Bennett noted that this had become a safety issue, which was close to the intersection.

**Motion by Commissioner Bennett to approve Drainage System Repair Partial Reimbursement Agreement with Townhomes of Winter Garden Condominium Association, Inc. and award stormwater system repair work to TD Thomson Construction, Inc. in the amount of \$144,588.52. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Recommendation to approve Contract Proposal for Continued use of Thioguard Solution (magnesium hydroxide) to control odors and corrosivity of wastewater in the amount of \$141,255

City Engineer Monahan stated that this is a request to approve the contract proposal for the continued use of Thioguard (magnesium hydroxide) for Odor Control at Lift Station 23. He indicated that the City of Winter Garden performed a trial program to reduce the amount of hydrogen sulfide gas in Lift Station 23 and he described its location. Two lift stations were selected upstream to apply the Thioguard solution into the waste stream. The addition of the Thioguard solution raises the pH of the wastewater, which keeps the Hydrogen Sulfide in a liquid state, therefore reducing odors and corrosion of the manholes. The City measured before the chemical addition and after, determining that the trial achieved a 71% reduction in Hydrogen Sulfide gas at Lift Station 23. Staff recommends approving the use of the Thioguard solution for this fiscal year for the control of odors and corrosivity of the wastewater in the amount of \$141,255.

There was discussion on the solutions, chemical combinations, effect and benefit to the systems.

**Motion by Commissioner Bennett to approve Contract Proposal for Continued use of Thioguard Solution (magnesium hydroxide) to control odors and corrosivity of wastewater in the amount of \$141,255. Seconded by Commissioner Sharman and carried unanimously 5-0.**

C. Recommendation to approve proposal from Seminole Masonry to build precast wall along a portion of Twinwaters Subdivision in the amount of \$78,446

City Engineer Monahan stated that this a request to approve a precast wall along a portion of the Twinwaters Subdivision. The City of Winter Garden is currently constructing the improvements for Marsh Road and a once wooded area along the roadway, which is now a cleared tract for the stormwater retention pond. A community meeting was held with the residents of Twinwaters on September 6, 2022. A request was made that the existing 435 linear feet of aluminum fence on the southeast side of the community be replaced with a wall similar to the rest of the community. He noted that the concern was noise and headlights from Marsh Road being noticeable with the removal of the trees. The wall would block the sound and light. Staff received two bids for the construction of the wall and recommends approving the proposal from Seminole Masonry in the amount of \$78,446.00 to build 435 linear feet of precast wall.

**Motion by Commissioner Sharman to approve proposal from Seminole Masonry to build precast wall along a portion of Twinwaters Subdivision in the amount of \$78,446. Seconded by Commissioner Mueller and carried unanimously 5-0.**

D. Recommendation to approve retirement of Canine "Stitch" and award custody of him to Officer Jeff Doyle

Police Chief Graham shared history of Officer Jeff Doyle, his instrumental efforts with training the K-9 Unit, and acknowledged his retirement. He noted that staff requests also retiring his K-9 partner "Stitch", who had been on the road in the K-9 Unit for five years.

Mayor Rees thanked Officer Doyle and Officer Stitch for their dedicated service given to our community and he wished them the best in their retirement.

**Motion by Commissioner Mueller to accept the retirement of Officer Jeff Doyle and approve the retirement of Canine "Stitch" and award custody of him to Officer Doyle. Seconded by Commissioner Bennett and carried unanimously 5-0.**

E. Recommendation to approve lease of (3) three new Automated Side Load Garbage Trucks from RDK Assets Inc. at a monthly rate of \$6,775.51

Fleet and Facilities Division Manager Caines stated that this is a request for approval of the lease of (3) three new automated side-load garbage trucks from RDK Assets Inc. He noted that the term of the lease is 36 months; the monthly rate would be \$6,775.51 per truck. He explained that this is a straight lease and trucks would be turned in at the end of the lease. The anticipated delivery of the trucks is now late December or early January. He explained that a study was completed in 2021 and the funding was included in that budget, but he explained the challenges with supply chain issues, increases in costs and the effect on future purchases.

There was discussion on the cost amounts, penalties for mileage and 60-hour per week allotment for hours, which Mr. Caines noted are never met.

**Motion by Commissioner Sharman to approve lease of (3) three new automated side-load garbage trucks from RDK Assets Inc. at a monthly rate of \$6,775.51. Seconded by Commissioner Mueller and carried unanimously 5-0.**

F. Recommendation to approve Collective Bargaining Agreement between the City of Winter Garden and the Florida State Lodge, Fraternal Order of Police, Inc., from October 1, 2022 to September 30, 2025

Assistant City Manager for Administrative Services Frank Gilbert noted that he would highlight some items noted in the agreement. He stated that this is the union ratified Collective Bargaining Agreement between the City of Winter Garden and the Fraternal Order of Police, Inc. requesting ratification of the agreement by the City Commission. He noted that the union voted on the proposed contract on October 25 and 26<sup>th</sup>, of the 68 bargaining unit employees, 47 voted unanimously to approve the contract. He shared that these sessions were cordial, lively, and helped those at the bargaining table better understand some of the officer's and City's issues. Mr. Gilbert recognized Union President, Master Police Officer Thomas Resko to answer any City Commission questions.

Commissioner Sharman inquired if Master Police Officer Resko and the members of the union feel that this is a good deal for them. Master Police Officer Resko responded yes Sir, very pleased and noted that 100 percent of the people that turned out for the vote voted unanimously. He expressed that this is a great deal for everyone. Commissioner Sharman responded that they needed the pay raise. Mayor Rees commented that he appreciates them coming to the table and working this out as they are an integral part of our community and he voiced his appreciation.

Mr. Gilbert thanked City Manager Jon C. Williams, Police Chief Steve Graham, Finance Director Laura Zielonka, and Labor Counsel Mark Levitt for their input and support during this entire process. Mr. Gilbert gave a special thanks to Cheryl Jones for co-chairing the City's bargaining negotiations and indicated that she would take the lead on future rounds of union negotiations. Staff recommends approval.

Commissioner Mueller voiced his thanks for a job well done.

**Motion by Commissioner Sharman to approve Collective Bargaining Agreement between the City of Winter Garden and the Florida State Lodge, Fraternal Order of Police, Inc., from October 1, 2022 to September 30, 2025. Seconded by Commissioner Bennett and carried unanimously 5-0.**

**6. MATTERS FROM PUBLIC**

Allison Painter, 393 N. Lakeview Avenue, Winter Garden, Florida, addressed speeding on North Lakeview and requested that something be done. She spoke of the speed limit, suggested stop sign solutions for Roper Drive and Division Street, and provided other traffic calming ideas.

Later in this meeting, Ms. Painter requested that the parking at the downtown post office also be addressed. There was discussion that it would be covered under matters from the City Manager.

Larry Guest, 417 S. Main Street, Winter Garden, Florida, addressed speeding on south Main Street, noting the recent installation of stop signs and voiced his appreciation. He distributed a picture of signage and suggested that something similar could provide his area with an additional measure of traffic calming.

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

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

- City Manager Jon C. Williams noted that it was good to see everyone in person tonight and thanked everyone for their thoughts and prayers while he was out. He thanked Laura Zielonka and staff for their efforts during the budget hearings, thanked staff for their coverage during the hurricane, and thanked Parks and Recreation Director Laura Coar and her staff for the outstanding decorations. Mr. Williams especially thanked Assistant City Manager Frank Gilbert for a job well done as City Manager in his absence.

**A. Recommendation to cancel regular City Commission meetings for November 24, 2022 and December 22, 2022**

City Manager Jon C. Williams recommended cancellation of the November 24 meeting and the December 22 meeting for 2022.

**Motion by Commissioner Maciel to cancel regular City Commission meetings for November 24, 2022 and December 22, 2022. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- Post Office Signage

City Manager Jon C. Williams informed that there would be the installation of dedicated post office signage at the first five parking spaces. These would be restricted and exclusively used for the post office.

- Speeding Concerns

City Manager Jon C. Williams addressed speeding concerns, noting that it has been an issue, which has been recognized throughout the City. He indicated that there are efforts being made to have a traffic consultant provide a citywide traffic-calming plan.

He shared that this meeting was held October 20 and a plan proposal would be forthcoming. He noted that it would appear that stop signs would be an easy traffic calming solution, but is uncertain that this would be something the City would recommend going forward. He indicated that other suggested solutions would be brought back to the City Commission for consideration.

## 9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** echoed that the speeding issue is citywide and expressed that although there are not enough officers today, the newly ratified contract with the Police Officers would offer the Police Chief the ability to offer better starting pay and potentially hire more officers to help alleviate this issue. He informed that speeding has been noted as the number one issue across the City.

**Commissioner Maciel** requested that the City Manager inquire of the traffic engineers the availability and effectiveness of “no thru traffic” signs, noting that they are available for trucks, but he is not sure if this would be an option for cars. He especially noted issues on Boyd Street and Main Street.

Commissioner Maciel noted the passing of a key member of our community Pastor Anthony Hodge. He stated that details would be made available regarding services on Saturday, and that he would be sorely missed.

**Commissioner Mueller** echoed comments regarding Pastor Anthony Hodge noting that he was a pillar of our community who would be sorely missed.

Commissioner Mueller thanked specific staff regarding the purchase of new trucks, ratification of the Police contract, efforts at the Traditions subdivision, and signage at the Sunoco station. Commissioner Mueller also welcomed Jon C. Williams back, recognizing him to be in good health and expressed that he was glad that thoughts and prayers were heard.

**Commissioner Bennett** expressed that it is a huge loss regarding Pastor Anthony Hodge and expressed that he would be missed.

Commissioner Bennett thanked staff for stepping up and filling in in the absence of the City Manager, and especially recognized Assistant City Manager Frank Gilbert. She noted that she is glad City Manager Jon C. Williams is back and healthy.

Commissioner Bennett thanked everyone for the Police bargaining and noted that all the hard work was appreciated. She feels that the City would now be able to hire and retain more police officers.

**Mayor Rees** echoed comments relating to the passing of Pastor Anthony Hodge, expressing that he was a blessing, a good godly man and would be missed in this community.



