



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

July 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 June 23, 2022 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **PRESENTATION**

A. Police Chief Graham introduced and administered the oath of office to Officers Justin Inabnet, Derek Prum and Andrew Davis. Mayor Rees and the City Commission welcomed the new officers.

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

A. **Ordinance 22-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2021-2022 BUDGET; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-18 by title and an excerpt of the proposed appropriated revenues and their matching expenditures. Finance Director Laura Zielonka stated that this ordinance is the interim budget, which amends the current budget to account for changes since approval of the original budget. She indicated that Exhibit 1 lists amendments, which are recommended by City staff.

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

Motion by Commissioner Mueller to approve Ordinance 22-18 with a second reading and public hearing July 28, 2022 at 6:30 p.m. Seconded by Commissioner Sharman and carried 5-0.

- B. **Ordinance 22-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.11 ± ACRES LOCATED AT 12950 WEST COLONIAL DRIVE, 648 MAGNOLIA STREET, AND A PORTION OF THE MAGNOLIA STREET RIGHT OF WAY; SOUTH OF WEST COLONIAL DRIVE, WEST OF BEULAH ROAD, NORTH OF PALM AVENUE, AND EAST OF 9TH STREET INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 22-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.11 ± ACRES LOCATED AT 12950 WEST COLONIAL DRIVE, 648 MAGNOLIA STREET, AND A PORTION OF THE MAGNOLIA STREET RIGHT OF WAY; SOUTH OF WEST COLONIAL DRIVE, WEST OF BEULAH ROAD, NORTH OF PALM AVENUE, AND EAST OF 9TH STREET FROM ORANGE COUNTY COMMERCIAL AND ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 22-20 and 22-21 by title only. Community Development Director Stephen Pash stated that these ordinances are for the annexation of 12950 West Colonial Drive and 648 Magnolia Street. They are also for a portion of the right-of-way as well as the assignment of a future land use. He noted that this is consistent with the surrounding area and staff recommends approval.

Mayor Rees inquired about the demolition of the buildings on the property. Mr. Pash confirmed that these would be demolished. Mayor Rees expressed that it needs to be done sooner than later, noting the dilapidation of the buildings. There was discussion on how to legally ensure that the demolitions are addressed.

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

Motion by Commissioner Bennett to approve Ordinances 22-20 and 22-21 with a second reading and public hearing July 28, 2022 at 6:30 p.m. Seconded by Commissioner Maciel and carried 5-0.

- D. **Ordinance 22-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.88 +/- ACRES OF LAND GENERALLY LOCATED AT 12950 & 12962 WEST COLONIAL DRIVE, 648 MAGNOLIA STREET, AND A PORTION OF THE MAGNOLIA STREET RIGHT OF WAY; ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND 9TH STREET; FROM CITY C-2 (ARTERIAL COMMERCIAL DISTRICT), ORANGE COUNTY C-3 (WHOLESALE COMMERCIAL DISTRICT), AND ORANGE COUNTY R-1 (SINGLE-FAMILY DWELLING DISTRICT) TO PC

(PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE MAINSTREET PCD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-22 by title only. Community Development Director Stephen Pash stated that this ordinance includes 12950, 12962 West Colonial Drive and 648 Magnolia Street, and a portion of the Magnolia Street right-of-way. He noted that the applicant is proposing to rezone these properties to Planned Commercial Development (PCD) to build a bank, office building, as well as landscaping and other site improvements. Staff recommends approval.

Commissioner Mueller thanked staff for their progress of this item, noting past efforts.

Mayor Rees inquired of possibly tying this property into an existing pond as opposed to the creation of a new pond. There was discussion on approaching the Florida Department of Transportation (FDOT) on reviewing some options.

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

Motion by Commissioner Maciel to approve Ordinance 22-22 with a second reading and public hearing July 28, 2022 at 6:30 p.m. Seconded by Commissioner Sharman and carried 5-0.

4. **REGULAR BUSINESS**

- A. Recommendation to approve setting proposed MILLAGE RATE for fiscal year 2022/2023 at the current rate of 4.5000 mills and schedule budget public hearing dates for September 15, 2022 and September 29, 2022 at 6:30 p.m.

City Manager Jon C. Williams stated that the Truth-in-Millage (TRIM) timetable requires that the City advise the Property Appraiser of the proposed millage rate by June 30, 2022. He read projections for the current gross taxable value, noted its increase of 12.05 percent in taxable value over fiscal year 2021/2022, and noted the current year rolled-back rate at 4.2255. He noted that the proposed millage rate of 4.5000 is greater than the rolled back rate of 4.2255 mills by 6.50 percent. He shared what the one mill would generate in revenue and spoke of the past and projected Ad Valorem Tax Revenue. Staff recommends adopting the current tax rate of 4.5000 percent. He disclosed that the TRIM rate could be decreased after approval, but not increased.

Commissioner Mueller voiced his amazement at how the City has been able to manage its funds, in light of inflation and the job market, and hold the millage rate steady.

City Manager Williams also mentioned that the City would like to hold its budget hearings on September 15 and 29th.

Motion by Commissioner Mueller to approve setting the proposed MILLAGE RATE for fiscal year 2022/2023 at the current rate of 4.5000 mills and schedule budget public hearing dates for September 15 and September 29, 2022 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. Recommendation to approve sole source Purchase Order to Alfa Laval Inc. for belt filter press reconditioning at Wastewater Treatment Facility (WWTF) in the amount of \$55,478

City Engineer Jim Monahan stated that this is a request for an approval of a sole source purchase order to Alfa Laval Inc. for reconditioning the belt filter press at the Wastewater Treatment Facility (WWTF). He stated that the Wastewater Treatment Facility is currently operating with one of two belt filter presses, which does not allow the facility redundancy. The belt filter press is a crucial component of the treatment process where the press removes water from the wastewater residual to produce a non-liquid material. This item has been added in the interim budget. Staff recommends approval of a sole source purchase order to Alfa Laval Inc. in the amount of \$55,478 for the reconditioning of the belt filter press.

Motion by Commissioner Bennett to approve sole source Purchase Order to Alfa Laval Inc. for belt filter press reconditioning at the Wastewater Treatment Facility (WWTF) in the amount of \$55,478. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. Recommendation to approve Purchase Order for Mead & Hunt to analyze stormwater collection system on Roper Drive in the amount of \$59,344

City Engineer Jim Monahan stated that this request is to approve a purchase order for Mead & Hunt to analyze the stormwater collection system on Roper Drive and provide alternatives to alleviate constriction in the system. The existing stormwater infrastructure that discharges to Dr. Bradford Park on Roper Drive during intense storm events, appears to be overcapacity. This analysis will generate a model to determine where the constriction(s) occur and possible solutions with cost estimates to minimize the impact of intense storm events to the residents along Roper Drive. This analysis will generate a future capital project that would be budgeted separately. Staff recommends approval of the purchase order in the amount of \$59,344.

There was discussion on the location of the issues and how manhole covers would lift during the storm, providing a clear indication of those areas that need addressing.

Motion by Commissioner Bennett to approve the Purchase Order for Mead & Hunt to analyze the stormwater collection system on Roper Drive in the amount of \$59,344. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to approve 60-month lease of (4) vehicles from Doering Fleet Management for the Police Department in the amount of \$46,080

Fleet and Facilities Division Manager Mike Caines stated approval is being requested for the lease of four vehicles from Doering Fleet Management. The vehicles would be used by the Police Department for undercover deployments. The lease would be a 60-month open-end lease with a \$1.00 buyout. The impact to the budget would be \$46,080. Mr. Caines noted that short term leasing would have been used in the past, but spoke of Enterprise not having new units available. He addressed decisions related to short term leasing versus long term use.

There was discussion on the vehicles availability and the interest rate of 5.25 percent.

Motion by Commissioner Sharman to approve a 60-month lease of four vehicles from Doering Fleet Management for the Police Department in the amount of \$46,080. Seconded by Commissioner Maciel and carried unanimously 5-0.

E. BOARD APPOINTMENT: Code Enforcement Board

Community Development Director Pash stated that one member of the Code Enforcement Board has resigned for personal reasons. He noted that there are no district requirements for this board and staff recommends approval of appointing one new member.

Commissioner Mueller thanked Ms. Izaguirre for her service on this board. He then expressed his desire to nominate Dr. Linette Coleman and read her brief biography.

Motion by Commissioner Mueller to appoint Dr. Linette M. Coleman (District 2) to the Code Enforcement Board. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida addressed a diversity resolution passed at the last City Commission meeting. He stated that he assumes it was in relation to his March request for a statement confirming the full citizenship of the LGBTQ community in Winter Garden. He spoke of a "Don't Say Gay Bill" and how it has now become law. Mr. Richardson also requested ending religious discrimination by ending the invocation at City Commission meetings.

Gretchen Tope, 512 N. Lakeview Avenue, Winter Garden, Florida thanked the City Commission on their handling of the request, noting that the law says nothing about "Don't

Say Gay". She expressed feeling that every resident of Winter Garden is treated with fairness and dignity.

Tevin Morris, noted that he was attending the meeting on behalf of Grow Orlando. He inquired of Commissioner Maciel the status of a Community Liaison position and also the status of the Polis Institute and how Grow Orlando could assist. It was noted that staff would meet separately with him after the meeting.

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

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

Resolution 22-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES, WITH ORANGE COUNTY; PROVIDING FOR FINDINGS THAT A CONFLICT EXISTS BETWEEN THE CITY AND THE COUNTY REGARDING A USE OF LAND CONTAINED WITHIN AN ENCLAVE IN ORANGE COUNTY; AND DIRECTING THE CITY MANAGER TO PREPARE AND FORWARD A CERTIFIED COPY OF THIS RESOLUTION AND A CERTIFIED LETTER TO THE MAYOR OF ORANGE COUNTY PURSUANT TO SECTION 164.1052, FLORIDA STATUTES; AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION.

City Attorney Ardaman read Resolution 22-09 by title only. City Manager Jon C. Williams reminded the City Commission of their request in May, directing the City Attorney and staff to file an appeal relating to prevention of the operation of PureCycle Technologies at 851 East Maple Street. Also, if necessary, filing a lawsuit until the City has a dispute resolution in place. He noted that since that time, the Orange County Zoning refused the City's request for an appeal. He and staff met with PureCycle on June 6th and 28th and they informed the City of their plans to modify the use initially presented to the County. Mr. Williams noted that the City went back to the County, requested they review the modification and were advised that there would not be any change in the use determination. He expressed that the City does not agree with the County's determination. He emphasized that the City's original concerns are with PureCycle's environmental impacts, their use, impact on the City's water supply, public access reuse, Lake Apopka, and most importantly impact on the residents in East Winter Garden. Staff recommends approval of Resolution 22-09.

City Attorney Ardaman elaborated on some of the events as relayed by City Manager Williams, noting that this resolution is an attempt to resolve the matter. He shared that in the meantime, PureCycle is moving ahead, expending funds and could use the expending of those funds as a means for the County to not later reverse their decision.

Commissioner Maciel inquired of PureCycle's water use needs, pressure flow requirements and how they would be able to move forward, if denied a Certificate of Occupancy (CO). City Manager Williams expressed that staff had the same question and noted that PureCycle

has not been provided any guarantees from the City that they would be granted any necessary fire flows, potable water or an annexation.

Commissioner Mueller expressed that the City needs to have annexation as a primary focus and spoke about issues with companies purchasing these parcels of lands. He feels that the PureCycle operation is a threat to the community and addressed the water demand that would be required and the issue of plastic waste. He also mentioned current efforts related to community redevelopment in that area.

There was discussion on the resolution and the locations PureCycle intended to have materials shipped from for processing in Winter Garden.

Commissioner Bennett sought clarification on the property being in unincorporated Orange County, being leased, and County approval not binding the City to provide water. City Attorney Ardaman noted that this is correct, but the City could expect a lawsuit with the City being the only source for water. There was discussion of an agreement the City has with the County to provide water in these situations, but such properties would require annexation. Mayor Rees asked if the City could change the requirement to be reviewed by the business as opposed to the location so that City approval would be required. City Attorney Ardaman noted that this option could be researched.

Commissioner Bennett noted that this seemingly is a landlord versus lease problem.

City Manager Williams noted that PureCycle has not been promised any water since initially starting their due diligence. Concerns were raised with the amount of water they would consume as well as the wastewater characteristics and he noted that they have not been able to provide the City with these details. Mr. Williams spoke of the City currently having a wastewater treatment plant under design and questioned what these plastics could potentially do to this technology.

Commissioner Mueller questioned the logic of a facility in Georgia shipping product to Winter Garden for processing only to ship it back to Georgia. City Attorney Ardaman noted a continual change in the PureCycle business model and noted that their intent is not actually known.

There was discussion on PureCycle getting the flow from a well, their proposed consumption, consumptive use permit, and required communication from the Saint John's Water Management District (SJWMD). It was noted that the City intends to fight, if a request is made.

Motion by Commissioner Maciel to approve Resolution 22-09. Seconded by Commissioners Bennett and Sharman simultaneously and carried unanimously 5-0.

