CALL TO ORDER
Determination of a Quorum
Opening Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES
   Regular Meeting Minutes – January 24, 2019

2. OATH OF OFFICE OF NEW FIREFIGHTER, ASSISTANT CHIEF AND PROMOTIONAL
   ACKNOWLEDGEMENTS – Fire Chief McGrew

3. FIRST READING AND PUBLIC HEARING OF ORDINANCES
   A. Ordinance 19-10: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA,
      AMENDING ORDINANCE 18-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2018-2019
      BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR
      SEVERABILITY AND AN EFFECTIVE DATE (Staff requests postponement) – Finance Director
      Zielonka

   B. Ordinance 19-11: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER
      GARDEN, FLORIDA AMENDING CHAPTER 38, ARTICLE II, DIVISION III OF THE CODE OF
      ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LOT CLEARING TO CREATE
      PROVISIONS RELATING TO LOT MAINTENANCE REQUIREMENTS FOR RECREATIONAL
      FACILITIES, INCLUDING, WITHOUT LIMITATION, GOLF COURSES AND OPEN SPACE;
      PROVIDING FOR STANDARDIZED UPKEEP AND PROPERTY RELATED NUISANCE
      ABATEMENT REQUIREMENTS FOR RECREATIONAL FACILITIES, INCLUDING, WITHOUT
      LIMITATION, GOLF COURSES AND OPEN SPACE; PROVIDING FOR CODIFICATION,
      SEVERABILITY, AND AN EFFECTIVE DATE with the second reading and public hearing
      February 28, 2019 – Community Development Director Pash

4. SECOND READING AND PUBLIC HEARING OF ORDINANCES
   A. Ordinance 19-08: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA,
      AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN
      FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY
      OF WINTER GARDEN; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION
      54-202, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-213, REEMPLOYMENT
      AFTER RETIREMENT; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION
      PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS;
      REPEALING ALL ORDINANCES IN CONFLICT HERE WITH AND PROVIDING AN EFFECTIVE
      DATE – Assistant City Manager – Administrative Services Gilbert

   B. Ordinance 19-09: AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING
      CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL
      EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN;
      AMENDING SECTION 54-33, DISABILITY; AMENDING SECTION 54-41, MISCELLANEOUS
      PROVISIONS; AMENDING SECTION 54-49, DEFERRED RETIREMENT OPTION PLAN;
      AMENDING SECTION 54-52, RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR
      CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL
      ORDINANCES IN CONFLICT HERE WITH AND PROVIDING AN EFFECTIVE DATE – Assistant
      City Manager – Administrative Services Gilbert
5. **REGULAR BUSINESS**
   A. Recommendation to approve authorization to dispose of Surplus Vehicles, Equipment and Materials – Fleet and Facilities Division Manager Caines
   B. Recommendation to deny a Site Plan for 1200 Daniels Road (Daniels Road Business Park) which did not meet all code requirements – Community Development Director Pash
   C. Recommendation to approve SPECIAL EVENT - Annual Evening at the Pops by The Rotary Club of Winter Garden at Newton Park on March 2, 2019 – Community Development Director Pash
   D. Recommendation to approve SPECIAL EVENT - American Legion Post 63 “Ruck Walk” – at Plant Street Market (426 W. Plant Street) November 16, 2019 - 7:30 a.m. to 11:00 p.m., with street closure and subject to conditions – Community Development Director Pash

6. **MATTERS FROM PUBLIC** *(Limited to 3 minutes per speaker)*

7. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on Thursday, **February 28, 2019** at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor
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 and Commissioners
- Lisa Bennett – District 1
- Bob Buchanan – District 2
- Mark A. Maciel – District 3
- Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**
   Motion by Commissioner Buchanan to approve regular meeting minutes of January 10, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **OATH OF OFFICE – NEW POLICE OFFICER**
   Police Chief Graham introduced and administered the oath of office to Officer Ellis Schoen. Mayor Rees and the City Commission greeted and welcomed the new officer to the City.

3. **PRESENTATION**
   The Lake Apopka Natural Gas District’s Director of Marketing and Business Development, Monica Marlow, gave a presentation providing information about this municipality-owned agency. She thanked Mayor Rees, who serves as a member of the Board of Directors, and Fred Crabtree, who serves as their Board President, and she noted that both serve as representatives for Winter Garden. Ms. Marlow shared that public utilities are community owned and this agency is owned by the City of Winter Garden, City of Clermont, and City of Apopka. They are governed by a local board of directors and she described their function. Ms. Marlow also shared that the district is recognized by the American Public Gas Association with the SOAR award, which stands for System Operational Achievement Recognition. She then shared some detailed information about the agencies growth.

   Mayor Rees noted that Ms. Marlow has done a great job with Lake Apopka Natural Gas and he spoke of its growth as well its ownership being 40 percent Winter Garden, 40 percent Apopka, and 20 percent Clermont. He addressed the capital expenditures needed to support that growth and how it builds a good investment for the future, but the main reason is the service to its customers. He shared that Mr. Fred Crabtree, a former City Commissioner for the City of Winter Garden, also serves as the President of the Lake
Apopka Natural Gas and brings a lot of knowledge and insight to that position for the City of Winter Garden. Mayor Rees again thanked Ms. Marlow for her presentation.

4. **FIRST READING AND PUBLIC HEARING OF ORDINANCES**

   **A. Ordinance 19-08:** An ordinance of the City of Winter Garden, Florida, amending Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden; amending Section 54-193, Disability; amending Section 54-202, Miscellaneous Provisions; amending Section 54-213, Reemployment After Retirement; amending Section 54-214, Deferred Retirement Option Plan; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date

   City Attorney Ardaman read Ordinance 19-08 by title only. Assistant City Manager of Administrative Services Gilbert stated that the proposed Ordinance 19-08 has been drafted by the Police and Firefighters’ Pension Board Attorney. It addresses changes to the Internal Revenue Code, as well as recent litigation that has resulted in pension ordinance language changes. He noted that the Firefighter and Police Pension Board has approved these changes as shown in the proposed ordinance. In addition, the Pension Board’s Actuary has submitted a letter stating that there will be no financial impact to the City as a result of these changes. Staff recommends approval of Ordinance 19-08 with a second reading and public hearing on February 14, 2019.

   Commissioner Buchanan inquired as to whether any of these changes were mandated by the State. Mr. Gilbert responded that these changes are from legislative, Internal Revenue Services (IRS), and also from the court declarations addressing the need to clarify certain language.

   **Motion by Commissioner Sharman to approve Ordinance 19-08 with the second reading and public hearing February 14, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.**

   **B. Ordinance 19-09:** An ordinance of the City of Winter Garden amending Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden; amending Section 54-33, Disability; amending Section 54-41, Miscellaneous Provisions; amending Section 54-49, Deferred Retirement Option Plan; amending Section 54-52, Re-employment After Retirement; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date
City Attorney Ardaman read Ordinance 19-09 by title only. Assistant City Manager of Administrative Services Gilbert stated that the proposed Ordinance 19-09 has been drafted by the General Employees’ Pension Board Attorney. It addresses changes to the Internal Revenue Code, as well as recent litigation that has resulted in pension ordinance language changes. He noted that the General Employees’ Pension Board has approved these changes as shown in the proposed ordinance. In addition, the Pension Board’s Actuary has determined that there will be no financial impact to the City as a result of these changes. Staff recommends approval of Ordinance 19-09 with a second reading and public hearing on February 14, 2019.

Motion by Commissioner Buchanan to approve Ordinance 19-09 with the second reading and public hearing February 14, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. SECOND READING AND PUBLIC HEARING OF ORDINANCE
   A. Ordinance 18-36: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.7, POLICY 1-1.2.8, POLICY 1-1.2.10, POLICY 1-1.2.14 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-36 by title only. Community Development Director Pash stated that this is an amendment to the comprehensive plan. This adds the zoning district character area planned unit development (CAPUD) to several future land use designations. It increases the maximum density allowed in the commercial future land use designation. This amendment makes the future land use consistent with several overlays recently completed on Plant Street as by Ordinance 17-06. Staff recommends approval of Ordinance 18-36.

Mayor Rees addressed Policy 1-1.2.7 that notes up to 30 dwelling units, and asked where this was being allowed. Mr. Pash responded that it is on Plant Street from the 7-11 business to the east and there was discussion on this area. Mayor Rees also addressed the 40-foot height limitation as noted in Policy 1-1.2.10 and how it compares to other height limitations in other areas of the City of Winter Garden. Mr. Pash listed the limitations in some City subdivisions and Mayor Rees noted that this is compatible to those other areas.

Commissioner Sharman noted that there was a notation that commercial can be up to five stories. There was discussion on the allowed maximum heights. City Manager Bollhoefer stated that there is a general rule of thumb that people are open to having a three-story building, four-stories are questionable, and with five-stories there is really no chance. He stated that this City Commission controls any height of any building based on the density and parking needs. He noted that in order to exceed a certain height,
requires a process of obtaining a special exception and although it is not codified, there is no way to build any taller without this City Commission agreeing to the changes.

Commissioner Maciel inquired as to whether this approval would affect any applications currently in process. Mr. Pash responded that there is one application that will come before the board and is for the Holland property.

Commissioner Bennett inquired as to whether this matches the future land use map. City Manager Bollhoefer responded that the zoning has already been changed. This makes the comprehensive plan match the existing zoning.

**Motion by Commissioner Sharman to adopt Ordinance 18-36. Seconded by Commissioner Maciel and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

A. **Resolution 19-01**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA INFORMING THE OFFICE OF GREENWAYS & TRAILS THAT THE WEST ORANGE TRAIL DOWNTOWN REALIGNMENT PROJECT PHASE 1 WILL BE ADDED TO THE CAPITAL EXPENDITURES FISCAL YEAR 2019 SHOULD THE CITY RECEIVE PROGRAM FUNDS; PROVIDING FOR DELIVERY TO THE OFFICE OF GREENWAYS & TRAILS AT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 19-01 by title only. City Manager Bollhoefer stated that this resolution allows the City to qualify for the grant with the deadline being January 31st. This in no way requires the City to build, which is a separate issue that would come before the City Commission for review. He noted that this was done quickly to at least qualify should the opportunity arise.

Commissioner Sharman inquired as to the trail options available, should the City receive this grant. City Manager Bollhoefer described the proposed trail area, its realignment for a safer, more attractive and useable area.

Commissioner Maciel inquired as to the chances of getting this grant. Mr. Bollhoefer noted that the chances are very good noting that the State likes this project.

**Motion by Commissioner Maciel to approve Resolution 19-01. Seconded by Commissioner Bennett and carried unanimously 5-0.**
B. **Recommendation to waive the formal procurement process and award a contract for removal and replacement of fabriform erosion control system to Division 2, Inc. in the amount of $164,925**  
Assistant City Manager of Public Services Williams stated that this is a request to waive formal procurement process and award the contract to Division 2, Inc. He noted that this is based on the fact that they are a preferred manufacturer and recommended to the City of Winter Garden. This company also assisted the City with a portion that was previously replaced after the damage of Hurricane Irma. This project removes and replaces approximately 29,000 square feet of the fabriform and completes the embankment stabilization along the entire length of the canal behind the Regal Pointe Subdivision. Staff recommends approval.

**Motion by Commissioner Buchanan to approve waive the formal procurement process and award a contract for removal and replacement of fabriform erosion control system to Division 2, Inc. in the amount of $164,925. Seconded by Commissioner Maciel and carried unanimously 5-0.**

C. **Recommendation to approve and award the Orange County Piggy-Back Contract with Middlesex Corporation for the 2019 Street Resurfacing Projects for a total amount of $1,844,810**

Assistant City Manager of Public Services Williams stated that staff is recommending a piggy-back off of the Orange County contract with Middlesex Corporation to accomplish the city-wide street resurfacing projects as identified in the agenda packet. He noted that a piggy-back allows the City to take advantage of a lower cost per square yardage. He noted that the City has had previous work experience with Middlesex Corporation and have found them to be satisfactory. Staff recommends approval of the piggy-back contract with Orange County in the total amount of $1,844,810.

City Manager Bollhoefer noted that during the budget process there was discussion on this item in an effort to resurface all main roads. He named some major roads to be addressed and noted that this would free up local option gas tax funds moving forward.

Mayor Rees requested a list of the priority order and their anticipated dates when this information becomes available.

Commissioner Bennett noted her gratefulness that Hennis Road was also included.

**Motion by Commissioner Buchanan to approve and award the Orange County Piggy-Back Contract with Middlesex Corporation for the 2019 Street Resurfacing Projects for a total amount of $1,844,810. Seconded by Commissioner Bennett and carried unanimously 5-0.**
D. **Recommendation to approve a Final plat, Termination of Developer’s Agreement, and Termination of Stormwater Pond Maintenance Agreement for the West Market**

Community Development Director Pash stated that this a final plat for West Market to subdivide an 18-acre property located on West Colonial Drive into six lots, with a pond and access tracts. The plat is consistent with the existing PCD zoning. This will also terminate the previously approved developer’s agreement and a stormwater pond maintenance agreement. The plat has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Commissioner Maciel advised that he would recuse himself from this vote due to a conflict of interest.

Mayor Rees inquired as to the plans for this location. Mr. Pash noted that there is currently an application for the Goodwill office and store, a Grill and Chill restaurant and the rest are unknown at this point.

**Motion by Commissioner Sharman to approve a Final plat, Termination of Developer’s Agreement, and Termination of Stormwater Pond Maintenance Agreement for the West Market. Seconded by Commissioner Bennett and carried 4-0-1; Commissioner Maciel abstained.**

E. **Recommendation to approve site plan for Ranger Construction at 1185 Elboc Way, subject to conditions**

Community Development Director Pash stated that this site plan is for Ranger Construction. The plan replaces eight 45-foot tall existing storage tanks, adds three new 65-foot tall asphalt silos, and relocates the existing pile of millings further south away from State Road 50; maximizing the height at 40 feet. He also noted that there will be the installation of an earth and berm with substantial landscaping. Staff recommends approval, subject to conditions as noted in the DRC report.

**Motion by Commissioner Buchanan to approve site plan for Ranger Construction at 1185 Elboc Way, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.**

F. **Recommendation to approve the Annual Winter Garden Blues & BBQ City special event for Saturday, February 9, 2019 at the downtown Pavilion with the sale of beer in designated areas**

Community Development Director Pash noted that this special event application is for the Winter Garden Blues & BBQ event, February 9, 2019 from 4:00 p.m. to 10:30 p.m. at the Pavilion along South Lakeview Avenue; Tremaine Street will be closed, as well as a portion of West Plant Street. He noted that there are approximately 10,000 attendees. This event will have live music and beer sales in that area. Staff recommends approval.
There was discussion on how best to handle the crowd and it was noted that no advertisement is ever needed for this popular event. Also discussed was the use of portable toilets for these events.

**Motion by Commission Maciel to approve the Annual Winter Garden Blues & BBQ City special event - Saturday, February 9, 2019 at the downtown Pavilion with the sale of beer in designated areas from 4:00 p.m. to 10:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

G. **Recommendation to approve the Celtic Festival by the Crooked Can Brewery (Plant Street Market) special event - March 15, 16, and 17, 2019 with street closure, subject to conditions**

Community Development Director Pash stated that this event is 4:00 p.m. to 11:00 p.m. on Friday, 11:00 a.m. to 11:00 p.m. on Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday. This is a special event request for Plant Street Market to hold their annual Celtic Festival on March 15, 16, and 17. It includes closing South Central Avenue, allowing beer and wine sales, and will have live music. Staff recommends approval, subject to conditions.

Mayor Rees inquired as to whether there were any past issues that would cause a concern. Mr. Pash responded no.

**Motion by Commissioner Sharman to approve Celtic Festival by the Crooked Can Brewery (Plant Street Market) special event - March 15, 16, and 17, 2019 with street closure, subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.**

H. **Recommendation to approve the Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) special event - October 18, 19 and 20, 2019 with street closure and subject to conditions**

Community Development Director Pash stated that this is another event in the same location for the Oktoberfest on October 18, 19, and 20, 2019 at the same hours. It also includes closing South Central Avenue, allowing beer and wine sales, and will have live music. Staff recommends approval, subject to conditions.

Mayor Rees noted a correction to the time for Sunday as being 12:00 p.m. to 6:00 p.m. which was confirmed by Mr. Pash as being correct.

**Motion by Commissioner Buchanan to approve Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) special event - October 18, 19 and 20, 2019 with street closure, subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.**
I. **Board appointments: Architectural Review and Historic Preservation Board**

Community Development Director Pash stated that the Architectural Review and Historic Preservation Board has two members whose terms have expired. He noted that the code has very specific requirements for this board. One of the vacancies must be filled by someone who owns commercial property in the district, and the other vacancy can be filled by a City resident. He informed that there are no requirements for districts and staff recommends the appointment of two new members.

There was discussion that only one applicant qualified for the position requiring that they own commercial property in the district. It was noted that this applicant, Jared Czachorowski, owner of the Crooked Can Brewery (Plant Street Market) was in the audience.

Commissioner Maciel noted that he also had a recommendation for Mark Hide, an owner of a real estate agency here in Winter Garden. He shared that Mr. Hide approached him with a willingness to serve on one of the boards. Commissioner Maciel feels that Mr. Hide would be a great candidate who cares a lot about Winter Garden. It was noted that this recommendation would fill the vacant seat of a City resident.

**Motion by Commissioner Maciel to appoint Mark Hide as the City Resident and Jared Czachorowski as the owner of commercial property in the district to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Bennett and carried unanimously 5-0.**

7. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 North Highland Avenue, Winter Garden, Florida noted that he was pleased to learn more about the Lake Apopka Natural Gas agency of which he is a customer and also did not realize that they are owned by municipalities.

Mr. Richardson noted last year’s discussions regarding the City of Winter Garden taking action towards its own internet access and he inquired as to the status of this issue. City Manager Bollhoefer noted that the City has reviewed this and have found that it is not very feasible at this time but is an item that is still being reviewed.

8. **MATTERS FROM CITY ATTORNEY** – There were none.

9. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer informed the City Commission that a notice would be sent to all residents in the Windermere Roberson area regarding the roundabouts. He noted that the work is reaching a phase where there will be interference with traffic. He shared that it is preferred that this work be done at night as to not to interrupt traffic, but the final decision will be determined by resident feedback.
10. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman shared that he was able to represent the City of Winter Garden in the MLK Parade held for the first time in the downtown area and was notably a great turnout. He shared that the only feedback received was that it was held at a similar time as the City of Ocoee and this may need reviewing.

Commissioner Buchanan inquired as to the required paperwork for beer and wine sales for the Pops event and where these documents need to be submitted. There was discussion of possible online submission for these types of permits. City Attorney Ardaman noted that the State requires an approval from the City, which would be the approval of the special event.

Mayor Rees announced that City Manager Bollhoefer is being awarded the Chairman’s Award by the West Orange Chamber of Commerce and offered his congratulations.

The meeting adjourned at 7:19 p.m.

APPROVED:

______________________________
Mayor John Rees

ATTEST:

______________________________
City Clerk Angee Grimmage, CMC
From: Matt McGrew, Fire Chief

Via: Mike Bollhoefer, City Manager

Date: February 7, 2019  
Meeting Date: February 14, 2019

Subject: Introduction and Oath of Office of New Firefighter, Assistant Chief and Promotional Acknowledgements

Issue: Fire Chief McGrew requests to introduce and administer the oath of office to new Firefighter – Angel Rivera and to new Assistant Fire Chief – Carollee Burrell. Chief McGrew also requests to acknowledge the promotions of Brandon Sabat to Fire Lieutenant and Landon McPherson to Fire Engineer.

Recommended action: Authorize Chief McGrew to do this after the approval of minutes portion of the agenda.

Attachment:
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Laura Zielonka, Finance Director
Via: Michael Bollhoefer, City Manager

Date: February 8, 2019  Meeting Date: February 14, 2019

Subject: Ordinance 19-10: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 18-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2018-2019 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Issue: Ordinance 19-10 amends the current year budget to carry forward prior year appropriations for projects, machinery and equipment and other items budgeted but not purchased and projects budgeted but not completed by fiscal year ending FY 2018. This will ensure that there is adequate funding to purchase those items and complete those projects that were not completed by year-end.

Recommended action: Motion to approve Ordinance 19-10 with second reading and public hearing scheduled for February 28, 2019.

Attachments/References: Ordinance 19-10
ORDINANCE 19-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 18-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2018-2019 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 27, 2018, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 18-32 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2018 and ending September 30, 2019;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2018 and ending September 30, 2019 to provide for budget carryovers from the preceding budget year;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of $31,566,395 to be appropriated as follows:

REVENUES

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SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

**READ FIRST TIME:**

**READ SECOND TIME AND PUBLIC HEARING HELD:**

APPROVED:

________________________
Mayor/Commissioner John Rees

ATTEST:

________________________
Angela Grimmage, City Clerk
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### City of Winter Garden
### Carry Forward Budget
### Ordinance 19-10

#### Exhibit 1

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### Utilities Operating Fund

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**Total Revenues**  
9,812,587

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**Total Expenditures**  
9,812,587

### Utilities Impact Fee Fund

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**Total Revenues**  
2,557,965

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<td>Reclaim/Reuse/Aquifer Projects</td>
</tr>
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</table>

**Total Expenditures**  
2,557,965

### Utilities Renewal & Replacement Fund

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project</th>
<th>Account Description</th>
<th>Amount</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>412-2116-399.99-99</td>
<td>Use of Fund Balance</td>
<td>3,588,080</td>
<td></td>
<td>To balance revenues/expenditures</td>
</tr>
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</table>

**Total Revenues**  
3,588,080

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project</th>
<th>Account Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>412-2126-533.63-00</td>
<td>15013</td>
<td>Improvements Other Than Buildings</td>
<td>485,663</td>
<td>Gravity Sewer Rehab</td>
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<tr>
<td>412-2126-533.63-00</td>
<td>16020</td>
<td>Improvements Other Than Buildings</td>
<td>3,102,417</td>
<td>9th Street Sewer Upgrades</td>
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**Total Expenditures**  
3,588,080

### Stormwater Fund

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project</th>
<th>Account Description</th>
<th>Amount</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420-2218-399.99-99</td>
<td>Use of Fund Balance</td>
<td>369,566</td>
<td></td>
<td>To balance revenues/expenditures</td>
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</table>

**Total Revenues**  
369,566

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project</th>
<th>Account Description</th>
<th>Amount</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420-2618-538.63-00</td>
<td>14011</td>
<td>Improvements Other Than Buildings</td>
<td>99,893</td>
<td>Stormwater R&amp;R Improvements</td>
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<td>420-2618-538.63-00</td>
<td>15015</td>
<td>Improvements Other Than Buildings</td>
<td>118,645</td>
<td>Bradford Park Erosion Control</td>
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<tr>
<td>420-2618-538.63-00</td>
<td>15019</td>
<td>Improvements Other Than Buildings</td>
<td>16,570</td>
<td>Stormwater R&amp;R Improvements</td>
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<td>420-2618-538.63-00</td>
<td>16027</td>
<td>Improvements Other Than Buildings</td>
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<td>Lakeview Reserve HOA</td>
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<tr>
<td>420-2618-538.63-00</td>
<td>17028</td>
<td>Improvements Other Than Buildings</td>
<td>74,500</td>
<td>Stormwater Pollution Control</td>
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<tr>
<td>420-2618-538.63-00</td>
<td>18002</td>
<td>Improvements Other Than Buildings</td>
<td>2,476</td>
<td>Stormwater Sampling NPDES</td>
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<td>420-2618-538.63-00</td>
<td>18035</td>
<td>Improvements Other Than Buildings</td>
<td>49,150</td>
<td>Stormwater Master Plan</td>
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**Total Expenditures**  
369,566

### Solid Waste Fund

<table>
<thead>
<tr>
<th>Account Number</th>
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<th>Account Description</th>
<th>Amount</th>
<th>Item Description</th>
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</thead>
<tbody>
<tr>
<td>430-3134-399.99-99</td>
<td>Use of Fund Balance</td>
<td>104,306</td>
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<td>To balance revenues/expenditures</td>
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**Total Revenues**  
104,306

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<th>Account Number</th>
<th>Project</th>
<th>Account Description</th>
<th>Amount</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>430-3134-534-62-00</td>
<td>17054</td>
<td>Building</td>
<td>104,306</td>
<td>Fleet Shop Addn for Heavy Solid Waste Trucks</td>
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<tr>
<td>Account Number</td>
<td>Project</td>
<td>Account Description</td>
<td>Amount</td>
<td>Item Description</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>---------------------------</td>
<td>---------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>450-3657-399.99-99</td>
<td></td>
<td>Use of Fund Balance</td>
<td>186,000</td>
<td>To balance revenues/expenditures</td>
</tr>
<tr>
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<td><strong>Total Revenues</strong></td>
<td><strong>186,000</strong></td>
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</tr>
<tr>
<td>450-3657-539.62-00</td>
<td>17032</td>
<td>Buildings</td>
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<td>17033</td>
<td>Buildings</td>
<td>30,000</td>
<td>Orange Dr Laundry/RR Renovations</td>
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<tr>
<td>450-3657-539.62-00</td>
<td>17034</td>
<td>Buildings</td>
<td>85,000</td>
<td>Laurel St Laundry/RR Renovations</td>
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<td>450-3657-539.63-00</td>
<td>16018</td>
<td>Improvement Other Than Bldg</td>
<td>4,000</td>
<td>Upgrade city owned lots</td>
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<td></td>
<td></td>
<td><strong>Total Expenditures</strong></td>
<td><strong>186,000</strong></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td><strong>Grand Total</strong></td>
<td><strong>31,566,395</strong></td>
<td></td>
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</tbody>
</table>
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: February 8, 2019 Meeting Date: February 14, 2019

Subject: Code Amendment Ordinance 19-11

Issue: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 38, ARTICLE II, DIVISION III OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LOT CLEARING TO CREATE PROVISIONS RELATING TO LOT MAINTENANCE REQUIREMENTS FOR RECREATIONAL FACILITIES, INCLUDING, WITHOUT LIMITATION, GOLF COURSES AND OPEN SPACE; PROVIDING FOR STANDARDIZED UPKEEP AND PROPERTY RELATED NUISANCE ABATEMENT REQUIREMENTS FOR RECREATIONAL FACILITIES, INCLUDING, WITHOUT LIMITATION, GOLF COURSES AND OPEN SPACE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Discussion:

The City is proposing to amend certain Sections of Chapter 38 concerning lot maintenance of recreational facilities.

Recommended Action:

Staff recommends approval of Ordinance 19-11.

Attachment(s)/References:

Ordinance 19-11
ORDINANCE 19-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 38, ARTICLE II, DIVISION III OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LOT CLEARING TO CREATE PROVISIONS RELATING TO LOT MAINTENANCE REQUIREMENTS FOR RECREATIONAL FACILITIES, INCLUDING, WITHOUT LIMITATION, GOLF COURSES AND OPEN SPACE; PROVIDING FOR STANDARDIZED UPKEEP AND PROPERTY RELATED NUISANCE ABATEMENT REQUIREMENTS FOR RECREATIONAL FACILITIES, INCLUDING, WITHOUT LIMITATION, GOLF COURSES AND OPEN SPACE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden ("City") recognizes that recreational facilities, including, without limitation, golf courses and open space, are susceptible to harboring or becoming nuisances due to the failure to adequately or properly maintain such facilities in a manner that does not endanger or threaten the public health, safety, and welfare; and

WHEREAS, the City acknowledges that many regulations and standards currently apply to properties utilized or zoned for residential, commercial, professional office, or industrial uses relating to lot cleanliness and maintenance; and

WHEREAS, the City recognizes that the same regulations and standards should unequivocally apply to recreational facilities, including, without limitation, golf courses and open space, given the expansive scope of such facilities and their potential impact upon property values, aesthetics, and human health and safety.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section 1: Recitals. The above recitals are hereby incorporated by reference and shall constitute the legislative findings of the City Commission of the City of Winter Garden.

Section 2: Adoption: Chapter 38 regarding Lot Clearing is hereby amended to read as follows (words that are underlined are additions; words that are stricken are deletions; and all other provisions of Chapter 38 shall remain unchanged):

DIVISION 3. – LOT CLEANING.

* * *

Sec. 38-92. – Purpose and intent.
The purpose and intent of this article is to prohibit the accumulation of junk, trash, debris, and nonliving plant material upon any residential, professional office, recreational facility, commercial, planned development zoned, or industrial lot, tract, or parcel of land, whether improved or unimproved, and the excessive growth of grass, weeds, brush or branches upon any residential, professional office, recreational facility, commercial, planned development zoned, or industrial lot, tract or parcel of land, whether improved or unimproved, and the keeping of fill on any developed or zoned residential lot, tract or parcel of land, whether improved or unimproved, where, as a result of any such conditions, such lot, tract or parcel of land becomes inhabited by, or provides a habitat for rodents, vermin, reptiles or other wild animals, is or provides a breeding place for mosquitoes, or such lot, tract or parcel is a place or is reasonably conductive to serving as a place for illegal or illicit activity to occur, or otherwise threatens or endangers the public health, safety or welfare, reasonably causes sickness or disease, or adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.

Sec. 38-93. – Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively assigned:

* * *

Excessive growth shall mean, grass, weeds or brush that has reached a height of at least 48 8” inches or bushes or shrubs that have reached a height of at least 36”.

* * *

Property shall mean any lot, tract or parcel of land, or portion thereof, whether improved or unimproved, that is utilized or zoned for residential, commercial, recreational, open space, professional office or industrial use, planned development zoning, or any lot, tract or parcel of land, or portion thereof, whether improved or unimproved, that is zoned agricultural but is being utilized, as determined by the code enforcement division manager, for residential, nonagricultural commercial, nonagricultural recreational, open space, professional office, or nonagricultural industrial, or planned development zoned use.

* * *

Sec. 38-94. – Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, recreational, commercial, open space, or industrial, or planned development zoned use.

(a) Subject to subsection (b), no owner, agent, custodian, lessee or occupant of property utilized or zoned for residential, professional office, recreational, commercial, or industrial, or planned development zoned use shall permit the accumulation of trash, junk, debris, or nonliving plant material on any exterior portion of the property, including the exterior portion of any building located thereon. Accordingly, such owner, agent, custodian or occupant shall maintain and keep the property free of accumulation of trash, junk, debris, and nonliving plant material.
Sec. 38-95. –Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, recreational, commercial, or industrial, or planned development zoned use.

(a) Subject to subsection (b), no owner, agent, custodian, lessee or occupant of property utilized or zoned for residential, professional office, recreational, commercial, or industrial, or planned development zoned use shall permit the excessive growth of grass, weeds, or brush on any exterior portion of the property. Accordingly, such owner, agent, custodian, lessee or occupant shall cut, trim or remove such vegetation, and keep such vegetation cut, trimmed or removed, so that it is not in a state of excessive growth.

Sec. 38-96. –Compost bins.

Accumulations of nonliving plant material may be permitted to remain on property utilized or zoned for residential, professional office, recreational, commercial, or industrial, or planned development zoned use provided that such debris is stored in a compost bin. No more than two compost bins per primary structure shall be allowed to remain on any particular lot, tract or parcel of property. In addition, the area surrounding any compost bin shall be kept free of excessive growths of grass or weeds in order to prevent rodents, vermin, reptiles or other wild animals from living and breeding around the base of or inside the bin. Compost bins shall be adequately screened. A compost bin shall not be located in the front yard in front of the principal structure and shall not be located within ten feet of any side or rear property lien. In addition, for purposes of reverse corner lots and side street yard lots, compost bins shall be treated as structures and shall comply with applicable regulations.

Sec. 38-102. –No liability for reasonable, good-faith trespass by code inspector.

Any code inspector shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon property utilized or zoned for residential, professional office, recreational, commercial, or industrial, or planned development zoned use while in the discharge of duties imposed by this article.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.
SECTION 4: **Conflicts:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls to the extent of the conflict.

SECTION 5: **Severability:** If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 6: **Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING:** ____________, 2019.

**SECOND READING AND PUBLIC HEARING:** ____________, 2019.

ADOPTED this _____ day of ________________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

__________________________
John Rees, Mayor/Commissioner

ATTEST:

__________________________
Angela Grismage, City Clerk
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Frank Gilbert
Asst. City Manager – Admin. Services

Via: Mike Bollhoefer
City Manager

Date: January 16, 2019  Meeting Date: January 24, 2019

Subject: First Reading of ORDINANCE NO. 19-08 Implementing Changes Required by Internal Revenue Codes to the Police and Fire Pension Plan

Issue: Discussion and approval of Ordinance 19-08 for a second reading and public hearing.

Recommended Action: Motion to approve Ordinance 19-08 for a second reading and public hearing on February 14, 2019

Attachments/References:

- Ordinance 19-08
- Letter – Christiansen to Pita
- Letter – Foster & Foster No Impact Statement
ORDINANCE NO. 19-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-202, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-193, Disability, subsection (a), Disability Benefits In-Line of Duty, and subsection (c), Disability Benefits Not-in-Line of Duty, and adding subsection (g), Eligibility for Disability Benefits, to read as follows:

* * * * *

(a) Disability benefits in-line of duty. Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter or police officer, which disability was directly caused by the performance of his duty as a firefighter or police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension calculated as for normal retirement as set forth in Section 54-191(b), but in any event the minimum amount paid to the member shall be 42 percent of the average final compensation of the member, provided, however, that the monthly benefit shall not exceed 95 percent of average final compensation. Notwithstanding the previous sentence, in the event a member is determined by the board to be disabled in-line of duty and the disability resulted from the perpetration of an intentional act of violence directed toward the firefighter or police officer and the board reasonably believes the perpetrator intended to cause great bodily harm or permanent disfigurement of the firefighter or police officer, the minimum amount paid to the member shall be 80 percent of the average final compensation of the member. Terminated persons, either vested or nonvested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above. Eligibility requirements for disability benefits are set forth in subsection (g), below.

* * * * *

(c) Disability benefits not-in-line of duty. Any member with ten years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter or police officer, which disability is not directly caused by the performance of his duties as a firefighter or police officer shall, upon establishing the same to the satisfaction of the board, be
entitled to a monthly pension calculated as for normal retirement as set forth in Section 54-191(b), however, that the monthly benefit shall not exceed 95 percent of average final compensation. Terminated persons, either vested or nonvested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above. Eligibility requirements for disability benefits are set forth in subsection (g), below.

** * * * *

(g) Eligibility for Disability Benefits. Subject to (g)(4) below, only active members of the system on the date the board determines entitlement to a disability benefit are eligible for disability benefits.

(1) Terminated persons, either vested or non-vested, are not eligible for disability benefits.

(2) If a member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.

(3) If a member is terminated by the City for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.

(4) The only exception to (1) above is:

a. If the member is terminated by the City for medical reasons and he has already applied for disability benefits before the medical termination, or;

b. If the member is terminated by the City for medical reasons and he applies within 30 days after the medical termination date.

If either (4)a., or (4)b. above applies, the member's application will be processed and fully considered by the board.

SECTION 2: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-202, Miscellaneous Provisions, to add subsection (j), to read as follows:

** * * * *

(j) Missing Benefit Recipients. The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

** * * * **
SECTION 3: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-213, Reemployment After Retirement, to read as follows:

Sec. 54-213. - Reemployment after retirement.

(a) [Reemployment by public or private employer.] Any retiree under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, reemployment by the city shall be subject to the limitations set forth in this section.

(b) After normal retirement. Any retiree who is retired under normal (or early) retirement pursuant to this system and who is reemployed as a police officer or firefighter and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed, discontinue receipt of benefits. Upon reemployment, the member shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service (and early retirement reduction factor, if applicable) as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate equal to three percent of average final compensation for the first 25 years of credited service and two percent of average final compensation for all years of credited service in excess of 25, average final compensation (based only on the subsequent employment period), and credited service (and early retirement reduction factor, if applicable) as of the date of subsequent retirement. The benefit accrual rate to be used for calculating the benefit for initial retirement and any subsequent employment period shall be three percent of average final compensation for the first 25 years of credited service and two percent for all years of credited service in excess of 25 years, determined by utilizing all credited service (all periods of employment) under the system. The amount of any death or disability benefit received during a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the retiree may select a different optional form and joint pensioner applicable only to the subsequent retirement benefit.

(c) [Reemployment by the city.] Any retiree who is retired under normal retirement pursuant to this system who is reemployed by the city in a position other than as a police officer or firefighter, shall upon being reemployed, continue receipt of benefits for the period of any subsequent employment period.

(d) After early retirement. Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity, shall discontinue receipt of benefits from the system. If the reemployed person, by virtue of his reemployment, is eligible to participate in this system, that person shall accrue a second benefit as provided for in subsection (b) above and benefit payments shall remain suspended during any such subsequent employment period. If the reemployed person is not eligible to participate in this system, that person's pension benefit payments shall be suspended until the earlier of termination of employment or such time as the reemployed retiree reaches the date that he would have been eligible for normal retirement under this system had he continued employment and not elected early retirement. "Normal retirement" as used in this subsection shall be the current normal retirement date provided for under this system.
After disability retirement.

(1) Subject to paragraph (2) below, any retiree who is retired under Section 54-193, Disability (“disability retiree”), may, subject to subsection (e), physical examination requirement, of that section, be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way, the retirement benefits payable under this system.

(2) Any disability retiree who subsequently becomes an employee of the City in any capacity, except as a police officer or firefighter, shall discontinue receipt of disability benefits from the system for the period of any such employment.

(3) If a disability retiree is reemployed as a police officer or firefighter for the City, his disability benefit shall cease and Section 54-193(e) shall apply.

Reemployment of terminated vested persons. Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

DROP Participants. Members or retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for re-employment.

SECTION 4: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-214, Deferred Retirement Option Plan, subsections (f)(8) through (f)(13), to read as follows:

Prevention of escheat. If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three (3) years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three (3) months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the system, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the system. Upon such cancellation, the system shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

Written elections, notification.

a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right
to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

b. Each member or Retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or Retiree notifies the board of his address.

(10.9) Benefits not guaranteed. All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(11.10) Construction.

a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.

b. The titles and headings of the subsections in this section 54-214 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

(12.11) Forfeiture of retirement benefits. Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(13.12) Effect of DROP participation on employment. Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

SECTION 5: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Garden, Florida.

SECTION 6: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 8: That this Ordinance shall become effective upon adoption.
PASSED ON FIRST READING, this 24th day of January, 2019.

PASSED AND ADOPTED ON SECOND READING, this 14th day of February, 2019.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

ANGEE GRIMMAGE, CITY CLERK
September 5, 2018

VIA EMAIL

Ms. Susy Pita, Plan Administrator
22233 Drawbridge Drive
Leesburg, Florida 34748

Re: City of Winter Garden
Pension Plan for Firefighters and Police Officers

Dear Susy:

In response to the letter from Scott Christiansen dated August 10, 2018, we have reviewed the proposed Ordinance (identified on page 6 as dm/wtg/pf/08-08-18.ord) modifying the language to comply with changes in the Internal Revenue Code and have determined that its adoption will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to the following office:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Mr. Steven Bardin
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

Douglas H. Lozen, EA, MAAA

cc: Scott R. Christiansen, Plan Attorney
August 10, 2018

Ms. Susy Pita, Administrator
Winter Garden Pension Plan
for Firefighters and Police Officers
22233 Drawbridge Drive
Leesburg, Florida 34748

Re: City of Winter Garden Pension Plan for Firefighters and Police Officers - Proposed Ordinance

Dear Susy:

As previously discussed with the Board, enclosed please find a proposed ordinance amending the City of Winter Garden Pension Plan for Firefighters and Police Officers. With changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS) and recent litigation, the following amendments to the pension plan are proposed:

1. Section 54-193, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension in the event that they have resigned or their employment is terminated. This clarification does not change the way in which this provision has been applied or interpreted in the past. This change is being made because the current language has been challenged in litigation as being unclear and has resulted in unintended application of the language. The recommended change clarifies the language with no change in the intended application.

2. Section 54-202, Miscellaneous Provisions, is being amended to add subsection (j), Missing Benefit Recipients. This provision is in accordance with a recent IRS Programs Compliance Memorandum that requires plans to have an approved method for locating terminated individuals who are due benefits from the plan.

3. Section 54-213, Reemployment After Retirement, is being amended to make several changes as required by the Internal Revenue Code to satisfy the qualification requirements applicable to the reemployment of a disability retiree.
4. Section 54-214, Deferred Retirement Option Plan, is being amended to remove subsection (f)(8), Prevention of Escheat and re-number the remaining subsections. The information contained in this subsection is being expanded in accordance with IRS guidance and moved to a more appropriate Section of the Plan where it will apply to all benefit recipients rather than just DROP recipients.

By copy of this letter to the Board's actuary, Foster & Foster, Inc., I am requesting that they provide you with a letter indicating that there is no cost associated with the adoption of this ordinance.

Please provide copies of these documents to each member of the Board for review at the next meeting.

Yours very truly,

Scott R. Christiansen

SRC/dm
enclosure
cc: Doug Lozen, with enclosure
THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Frank Gilbert
Asst. City Manager – Admin. Services

Via: Mike Bollhoefer
City Manager

Date: January 16, 2019    Meeting Date: January 24, 2019

Subject: First Reading of ORDINANCE NO. 19-09 Implementing Changes Required by Internal Revenue Codes to the General Employee Pension Plan

Issue: Discussion and approval of Ordinance 19-09 for a second reading and public hearing.

Recommended Action: Motion to approve Ordinance 19-09 for a second reading and public hearing on February 14, 2019

Attachments/References: Ordinance 19-09
Letter – Christiansen to Bollhoefer
Letter – Foster & Foster No Impact Statement
ORDINANCE NO. 19-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN
AMENDING CHAPTER 54, PENSIONS AND RETIREMENT,
ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES,
OF THE CODE OF ORDINANCES OF THE CITY OF
WINTER GARDEN; AMENDING SECTION 54-33,
DISABILITY; AMENDING SECTION 54-41,
MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-
49, DEFERRED RETIREMENT OPTION PLAN; AMENDING
SECTION 54-52, RE-EMPLOYMENT AFTER RETIREMENT;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY OF PROVISIONS; REPEALING ALL
ORDINANCES IN CONFLICT HEREWITH AND PROVIDING
AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for
General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by
amending Section 54-33, Disability, subsection (a), Disability Benefits, to read as follows:

** **

(a) Disability benefits. Any member with ten years or more credited service who shall
become totally and permanently disabled to the extent that he is unable, by reason of a medically
determinable physical or mental impairment, to satisfactorily perform the duties required in his
regular position or the duties of any other position which the city makes available to him shall, upon
establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to:

(1) For member's employed prior to June 28, 1979, two percent of average final
compensation for the first 25 years of credited service and one percent of average
final compensation for all years of credited service in excess of 25.

(2) For members employed on or after June 28, 1979, two percent of average final
compensation for the first 20 years of credited service and one percent of average
final compensation for all years of credited service in excess of 20.

In any event, the minimum monthly disability benefit shall be the greater of 40
percent of average final compensation and $100.00.

Terminated persons, either vested or nonvested, are not eligible for disability benefits.
Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons,
the terminated person may apply for a disability benefit if the application is filed with the board
within thirty (30) days from the date of termination. If a timely application is received, it shall be
processed and the terminated person shall be eligible to receive a disability benefit if the board
otherwise determines that he is totally and permanently disabled as provided for above.
Eligibility for Disability Benefits. Subject to (4) below, only active members of the system on the date the board determines entitlement to a disability benefit are eligible for disability benefits.

(1) Terminated persons, either vested or non-vested, are not eligible for disability benefits.

(2) If a member voluntarily terminates his employment, either before or after filing an application for disability benefits, he is not eligible for disability benefits.

(3) If a member is terminated by the City for any reason other than for medical reasons, either before or after he files an application for disability benefits, he is not eligible for disability benefits.

(4) The only exception to (1) above is:
   a. If the member is terminated by the City for medical reasons and he has already applied for disability benefits before the medical termination, or;
   b. If the member is terminated by the City for medical reasons and he applies within 30 days after the medical termination date.

If either (4)a., or (4)b. above applies, the member's application will be processed and fully considered by the board.

* * * * *

SECTION 2: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-41, Miscellaneous Provisions, to add subsection (i), to read as follows:

* * * * *

(i) Missing Benefit Recipients. The System shall follow the procedures outlined in the IRS Employee Plans Compliance Resolution System (EPCRS) Program and other applicable IRS guidance to locate any missing individuals to whom a full unreduced benefit payment is due and if, at the conclusion of such efforts, the individual cannot be located, the existing procedure of cancelling payments otherwise due (provided that, if the individual is later located, the benefits due shall be paid) will apply.

* * * * *

SECTION 3: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-49, Deferred Retirement Option Plan, subsections (f)(8) through (f)(12), to read as follows:

* * * * *

(f)(8) Prevention of escheat. If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the
board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the DROP, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the DROP. Upon such cancellation, the DROP shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

(9 8) Written elections, notification.

a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

b. Each member or retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or retiree notifies the board of his address.

(10 9) Benefits not guaranteed. All benefits payable to a member from the DROP shall be paid only from the assets of the member’s DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(1110) Forfeiture of retirement benefits. Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(1211) Effect of DROP participation on employment. Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.
SECTION 4: That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-52, Reemployment After Retirement, to read as follows:

Sec. 54-52. Reemployment after retirement.

(a) Reemployment by public or private employer. Any retiree who is retired under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, reemployment by the city shall be subject to the limitations set forth in this section.

(b) After normal retirement. Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a general employee after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed select one of the following options:

(1) The retiree may elect to discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon initial retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date (not including any period of DROP participation) and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation and credited service as of the date of the subsequent retirement (based only on the subsequent employment period). The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit; or

(2) The retiree may continue to receive retirement benefits previously earned if he is at least age sixty-two (62), otherwise the system shall discontinue receipt of benefits until the retiree reaches age sixty-two (62) and not be an active member of the system. If this option is selected, the subsequent employment period shall have no effect upon average final compensation, years of credited service or retirement benefits. Regardless of any other provision of this system, any reemployed retiree electing to continue to receive retirement benefits shall not be reinstated as an active member of the system.

(c) Reemployment by the city. Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue to receive retirement benefits previously earned if he is at least age sixty-two (62), otherwise the system shall discontinue receipt of benefits until he reaches age sixty-two (62). Former DROP participants shall begin receipt of benefits under these circumstances.
(d) After early or disability retirement. Any retiree who is retired under early or disability retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity, shall discontinue receipt of benefits from the system until the earlier of termination of employment or such time as the reemployed retiree reaches age sixty-two. A retiree who returns to work under the provisions of this section shall not be eligible for membership in the system, and, therefore, shall not accumulate additional credited service for subsequent periods of employment described in this section, shall not be required to make contributions to the system, nor shall he be eligible for any other benefit other than the retiree's early retirement benefit when he again becomes eligible as provided herein. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.

(e) Reemployment of terminated vested persons. Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

(f) DROP participants. Members or retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

SECTION 5: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Garden.

SECTION 6: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 8: That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 24th day of January, 2019.

PASSED AND ADOPTED ON SECOND READING, this 14th day of February, 2019.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

ANGEE GRIMMAGE, CITY CLERK
September 5, 2018

VIA EMAIL

Mr. Ariel Kenon  
Winter Garden Pension Plan for General Employees  
300 West Plant Street  
Winter Garden, FL 34787

Re: City of Winter Garden  
Pension Plan for General Employees

Dear Ariel:

In response to the letter from Scott Christiansen dated August 9, 2018, we have reviewed the proposed Ordinance (identified on page 5 as dm/wtg/gen/08-08-18.ORD) modifying the language to comply with changes in the Internal Revenue Code and have determined that its adoption will have no impact on the assumptions used in determining the funding requirements of the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to the following office:

Mr. Keith Brinkman  
Bureau of Local Retirement Systems  
Division of Retirement  
P. O. Box 9000  
Tallahassee, FL 32315-9000

If you have any questions, please let me know.

Sincerely,

Douglas H. Lozen, EA, MAAA

cc: Scott R. Christiansen, Plan Attorney
December 13, 2018

Mr. Mike Bollhoefer
City Manager
City of Winter Garden
300 West Plant Street
Winter Garden, Florida 34787

Re: City of Winter Garden Pension Plan for General Employees- Proposed Ordinance

Dear Mr. Bollhoefer:

As you know, I represent the Board of Trustees of your City of Winter Garden Pension Plan for General Employees. Enclosed please find a proposed ordinance amending the City of Winter Garden Pension Plan for General Employees, which has been approved by the Board for consideration by the City Commission. With changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS) and recent litigation, the following amendments to the pension plan are proposed:

1. Section 54-33, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension in the event that they have resigned or their employment is terminated. This clarification does not change the way in which this provision has been applied or interpreted in the past. This change is being made because the current language has been challenged in litigation as being unclear and has resulted in unintended application of the language. The recommended change clarifies the language with no change in the intended application.

2. Section 54-41, Miscellaneous Provisions, is being amended to add subsection (i), Missing Benefit Recipients. This provision is in accordance with a recent IRS Programs Compliance Memorandum that requires plans to have an approved method for locating terminated individuals who are due benefits from the plan.

3. Section 49, Deferred Retirement Option Plan, is being amended to remove subsection (f)(8), Prevention of Escheat and re-number the remaining subsections. The information contained in this subsection is being expanded in accordance with IRS guidance and moved to a more appropriate Section of the Plan where it will apply to all benefit recipients rather than just DROP recipients.
4. Section 52, Reemployment After Retirement, is being amended to make several changes as required by the Internal Revenue Code to satisfy the qualification requirements applicable to the reemployment of a disability retiree.

I am enclosing a copy of a letter from the Board's actuary, Foster & Foster, Inc., indicating that there is no cost associated with the adoption of this ordinance.

If you or any member of your staff have any questions with regard to this ordinance, please feel free to give me a call. In addition, if you feel it would be appropriate for me to be present at the meeting at which this ordinance is considered by the City Commission, please contact my office to advise me of the date that the ordinance would be considered.

Yours very truly,

[Signature]
Scott R. Christiansen

SRC/dm
enclosure

cc: Doug Lozen, with enclosure
Ariel Kenon, with enclosure
From: Michael Caines  
Fleet and Facilities Division Manager

Via: Mike Bollhoefer  
City Manager

Frank Gilbert  
Assistant City Manager – Administrative Services

Date: January 31, 2019  
Meeting Date: February 14, 2019

Subject: Authorization to Dispose of Surplus Vehicles, Equipment and Materials

Issue: The disposal of vehicles, equipment and property that are no longer functional, usable or have become obsolete and the disposal of scrap items and materials belonging to or collected by the city. Attached is a list of vehicles, equipment and property that is no longer usable as of 1/7/2019 to be disposed of. Also attached is a scrap acceptance agreement (3yr term) between Trademark Metals Recycling and the City for the disposal of scrap items.

Recommended Action: Motion to approve the disposal of the attached list of surplus vehicles and equipment in a manner to be determined by the City Manager and approve execution of the Scrap Acceptance Agreement by City Manager.

Attachments/References: List of Surplus Items  
Scrap Acceptance Agreement
For additional material regarding this agenda item, please contact the City of Winter Garden's City Clerk agrimmage@cwgdn.com or 407.656.4111 x2297
From: Steve Pash, Community Development Director
Via: City Manager Mike Bollhoefer
Date: February 8, 2019  Meeting Date: February 14, 2019
Subject: 1200 Daniels Road – Daniels Road Business Park
Site Plan Approval
PARCEL ID# 26-22-27-1998-00-030, 26-22-27-1998-00-001

Issue: The applicant is requesting Site Plan approval to construct five (5) commercial buildings with associated site improvements on the property located at 1200 Daniels Road.

Discussion: The subject property is a 6.25 +/- acre parcel that is zoned C-2 (Arterial Commercial District). The applicant is requesting site plan approval to allow the construction of five new commercial buildings including two single-story, 8,240 square foot retail buildings; a single-story, 8,000 square foot retail/office building; and two two-story, 24,100 square foot office buildings. The proposed project also includes associated site elements such as walkways, parking areas, and landscaping. The proposal would require the removal of four +/- acres of existing wetlands.

Recommended Action: The plans submitted and reviewed by the Development Review Committee do not meet all Code Requirements and are not consistent with the policies listed in the Winter Garden Comprehensive Plan, specifically as they relate to development within environmentally sensitive land (wetlands). The Development Review Committee has recommended denial of the proposed Site Plan.

Attachment(s)/References:
Location Map
DRC Staff Reports
Site Plans
Building Elevations
For additional material regarding this agenda item, please contact the City of Winter Garden’s City Clerk agrimmage@cwgdn.com or 407.656.4111 x2297
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director
Via: Mike Bollhoefer, City Manager
Date: February 7, 2019  Meeting Date: February 14, 2019
Subject: Request to approve Rotary Club “Evening at the Pops” concert event

Background Summary and Discussion:

The Rotary Club of Winter Garden is requesting approval to hold their annual Evening at the Pops event at Newton Park on Saturday, March 2, 2019 with a rain date of Sunday, March 3, 2019. Event set up and activities will be the same as previous years.

Recommendation:
City Staff recommend approval of this event.

Attachment:
Application
Event Site Map
For additional material regarding this agenda item, please contact the City of Winter Garden’s City Clerk agrimmage@cwgdn.com or 407.656.4111 x2297
From: Steve Pash, Community Development Director
Via: City Manager, Mike Bollhoefer
Date: February 7, 2019  
Meeting Date: February 14, 2018
Subject: 426 West Plant Street.
AMERICAN LEGION (PLANT STREET MARKET)
PARCEL ID# 23-22-27-2888-05-021

Issue: Special Event approval for the American Legion Post 63 “Ruck Walk” at Plant Street Market to close South Central Avenue from Plant Street to Smith Street to proceed with their event to be held at the Plant Street Market and on South Central Avenue on November 16, 2019.

Discussion:
The owner of the property has granted permission to the American Legion Post 63 to hold their 3rd “Ruck Walk” special event on November 16, 2019. The event is proposed to be from 7:30 AM to 11:00 PM on Saturday. This event proposes to close South Central Avenue from Friday November 15 at 5:00 PM to Sunday November 17 at 10:00 AM. They will have several tents with food, a stage with live music on South Central Avenue, and would allow the consumption of alcohol on the closed street on Saturday from 11:00 AM to 11:00 PM.

Recommended Action:
Staff recommends approval of the event with conditions outlined in the attachment.

Attachment(s)/References:
- Permit Application/Description of Event
- Site Plan
- Conditions of Approval
For additional material regarding this agenda item, please contact the City of Winter Garden’s City Clerk agrimmage@cwgdncom or 407.656.4111 x2297