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

1. APPROVAL OF MINUTES
   Regular Meeting Minutes – March 14, 2019

2. PRESENTATIONS
   A. OATH OF OFFICE – NEW POLICE OFFICERS – Police Chief Graham
   B. PROCLAMATION 19-03: Proclaiming April as Water Conservation Month – Mayor Rees

3. FIRST READING OF PROPOSED ORDINANCE
   A. Ordinance 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE with a second reading and public hearing April 11, 2019 – Community Development Director Pash

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES
   A. Ordinance 19-15: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Staff Requests Postponement to April 11, 2019) – Community Development Director Pash
   B. Ordinance 19-16: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 “NATURAL RESOURCE PROTECTION” TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE – Assistant City Manager – Public Services Williams

5. **REGULAR BUSINESS**
   A. Recommendation to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case No. 07-981) - Community Development Director Pash
   B. Recommendation to approve second amendment to Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. and authorize the City Manager to add $300,000.00 to the spending limit - Community Development Director Pash
   C. Recommendation to approve SPECIAL EVENT – Annual Downtown Sidewalk Sale - June 8, 2019 - 11:00 a.m. to 7:00 p.m. in Downtown Winter Garden – Community Development Director Pash
   D. Recommendation to approve SPECIAL EVENT – Annual Winter Garden Choir Wine Walk - April 25, 2019 - 6:00 p.m. to 9:00 p.m. in Downtown Winter Garden – Community Development Director Pash
   E. BOARD APPOINTMENT: Canvassing Board – 4 Members (Staff Requests Postponement) – City Clerk Grimmage

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

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

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
   A. Purchase property located at 902 Avalon Road

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

   ADJOURN to a Regular Meeting on Thursday, **April 11, 2019** at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

**NOTICES:**
In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolutions 15-04 and 16-02)

**Those needing assistance to participate in any of these proceedings should contact the City Clerk’s Office at least 48 hours in advance of the meeting (407) 656-4111 x2297.**

**Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 x5455.**
REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:33 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 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 February 28, 2019 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

2. PRESENTATION
   A. Promotional Acknowledgments
      Fire Chief McGrew introduced and acknowledged Fire Engineer promotions to James Anderson, Frank Genua, Jeffrey Justice, Jordan Sabat, Arthur Vogler. He then introduced and acknowledged Fire Lieutenant promotions to Frederick Davis, and Michael Gurney.

      (Commissioner Sharman arrived during this portion of the meeting at 6:40 p.m.)

3. FIRST READING AND PUBLIC HEARING OF ORDINANCES
   A. Ordinance 19-15: An Ordinance of the City of Winter Garden, Florida, Rezoning certain real property generally described as approximately 0.54 +/- acres of land generally located at 43 1st Street, East of 1st Street, South of E Bay Street, and West of 2nd Street, from C-2 (Arterial Commercial District) to PCD (Planned Commercial Development); Providing for certain PCD requirements and describing the development as the VMG Office PCD; Providing for severability; Providing for an effective date

      City Attorney Ardaman read Ordinance 19-15 by title only. Community Development Director Pash stated that this Ordinance is to rezone the property located at 43 1st Street from C-2 to PCD. The owners plan to develop this property with a 3,200 square foot office building, expanding their existing construction business. They have received approval from the Architectural Review and Historic Preservation Board (ARHPB) for the elevations. Staff recommends approval of Ordinance 19-15.
Mayor Rees commented on how the 1920’s building fits in and noted how nice it looks.

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

**Motion by Commissioner Buchanan to approve Ordinance 19-15 with the second reading and public hearing March 28, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.**

B. **Ordinance 19-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 “NATURAL RESOURCE PROTECTION” TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-16 by title only. Assistant City Manager of Public Services Williams stated that the Florida Department of Environmental Protection (FDEP) recently conducted and annual review and found the City’s code addressing the fertilizer use issue to be deficient. He noted Ordinance 19-16 amends Chapter 94 “Natural Resource Protection” and adds new section 94-1, incorporating Orange County’s code which covers fertilizer use. The City is co-permitting with Orange County, together sharing the responsibilities regarding stormwater discharges to major water bodies. Staff recommends approval.

Commissioner Sharman inquired as to any changes to fertilizer usage that may restrict anything that is currently allowed, or if this is to simply comply with Orange County. Mr. Williams responded that this complies with Orange County as the City has been complying with this article for some time. When the City Code was reviewed it was noted that it does not give the City the enforceability. There is a section in this ordinance establishing fines and also requiring certification by staff to do annual inspections.

Mayor Rees noted there would be some challenges, expressing that it would be tough to enforce. He expressed that if the City really does not want them to do it, he is in favor of increasing the fines.

Mayor Rees opened the public hearing.

James L. Hall, 375 Grove Court, Winter Garden, Florida, stated after reading information on this item, he could not determine definitively how it applies to him. He questioned how this would be measured and enforced for the average person. City Manager Bollhoefer responded that the enforcement is very difficult and noted how a complaint
would lead to an investigation. City Attorney Ardaman noted that as City Manager Bollhoefer mentioned, this will not get a lot of attention unless there is an egregious up use of the rule. There was further discussion on this issue and it was noted that this is being done statewide to protect our natural bodies of water.

Mayor Rees closed the public hearing.

**Motion by Commissioner Sharman to approve Ordinance 19-16 with the second reading and public hearing March 28, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

City Attorney Ardaman read Ordinance 19-10 by title only. Finance Director Zielonka stated that this is the second reading for this Ordinance which carries forward prior year appropriations. She noted that nothing has changed since the first hearing.

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

**Motion by Commissioner Buchanan to adopt Ordinance 19-10. Seconded by Commissioner Maciel and carried unanimously 5-0.**

5. **REGULAR BUSINESS**
   A. Recommendation to approve and award the City of Orlando Piggyback Agreement with American Grinding Company, LLC for Citywide Sidewalk Inspection and Grinding Services

   Assistant City Manager of Public Services Williams stated that this agenda item requests piggybacking the City of Orlando’s bid for sidewalk inspection and grinding services. Under the terms of the agreement the contractor is to document all hazards in an electronic format and differentiate between those that can and cannot be removed by grinding. He noted that they are to remove trip hazards in accordance to ADA standards and pedestrian safety. They are also to provide self-containing grinding equipment with integral debris and dust recovery systems that produces minimal noise. Staff recommends approval.

   Commissioner Maciel inquired as to if this is the same contractor currently providing the City’s services. Mr. Williams responded yes; but corrected by stating that this is the current contractor the City of Orlando uses and is a new contractor for us, the City of Winter Garden.
Commissioner Sharman noted that grinding is cheaper than replacement, but inquired as to what point does replacement of the sidewalk become an option. City Manager Bollhoefer responded that it is very subjective, noting that if it looks bad it is removed, but if grinding gets us by, we will leave it. It was noted that this will be done either by people reporting issues or discovered by staff inspections. Commissioner Buchanan inquired as to the alternative of staining. Mr. Williams noted that he was not aware of anything currently on the Market. Commissioner Maciel surmised that he has never actually seen anyone providing this service but has seen the results. Commissioner Bennett inquired as to whether there was a survey of all City sidewalks. Mr. Williams explained the current selection process and inspection for determining the need for the grinding process. There was also discussion on trees in the right-of-way. City Manager Bollhoefer noted that it was determined long ago that the value of trees is so important that there is a willingness to have this happen to the sidewalks.

Motion by Commissioner Sharman to approve and award the City of Orlando Piggyback Agreement with American Grinding Company, LLC for citywide sidewalk inspection and grinding services. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. Recommendation to approve RFQ rankings and award contracts for continuing professional surveying services to Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin
Assistant City Manager of Public Services Williams stated that the City received six request for qualification (RFQ) submittals to provide professional surveying services relating to engineering design and property boundaries for water, wastewater, stormwater, and roadway projects to be performed on an as-needed basis. A selection committee evaluated and ranked the qualified respondents. They selected the top three respondents for City Commission consideration; Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin. Staff recommends approving the RFQ ranking and awarding the contracts for continuing professional surveying services to the aforementioned firms.

Commissioner Sharman inquired as to if once approved, the City would be able to use any of these selected. Mr. Williams responded that this is correct. It was noted that the City already has experience with two of the selected firms.

Motion by Commissioner Sharman to approve RFQ rankings and award contracts for continuing professional surveying services to Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin. Seconded by Commissioner Maciel and carried unanimously 5-0.
C. **Recommendation to waive formal procurement process and award contract to Cathcart Construction Company, LLC in the amount of $71,770 for installation of underdrains within Traditions Subdivision**

Assistant City Manager of Public Services Williams explained how this project extends the underdrains along Traditions Drive. It controls subsurface water and dries the road base as to accommodate the street resurfacing project. He informed that residents would be notified prior to proceeding with construction. Staff requests waiving the formal procurement process and awarding the contract to Cathcart for the installation of the underdrains in the amount of $71,770.

**Motion by Commissioner Buchanan to waive formal procurement process and award contract to Cathcart Construction Company, LLC in the amount of $71,770 for installation of underdrains within the Traditions Subdivision. Seconded by Commissioner Sharman and carried unanimously 5-0.**

D. **Recommendation to reduce Code Liens for 226 6th Street**

Community Development Director Pash stated that the property located at 226 6th Street has had Code Enforcement problems and fines dating back to 2007. He shared some of the history of the violations and fines of $250 per day, which he stated now total $1,049,230. He also noted two Code Enforcement cases from 2008 where the City mowed the property at $115 each time. He shared that in 2015 new owners purchased the property and hired a licensed contractor. Mr. Pash referred to photos in the agenda packet showing the work that had been done. He informed that they pulled the proper permits and had required inspections by City staff; the owners are awaiting that last inspection. Mr. Pash stated that staff recommends the fines be reduced to $230 to cover the mowing and that the remainder of the liens be forgiven if the payment is received by next Friday, March 22, 2019.

Mayor Rees noted that this property had been in disrepair for a long time and expressed how good it now looks.

**Motion by Commissioner Bennett to reduce Code liens for 226 6th Street to $230 to cover City expenses and release the liens if paid by March 22, 2019. Seconded by Commissioner Sharman and carried unanimously 5-0.**

E. **Recommendation to approve seventh amendment to the restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden**

Community Development Director Pash stated that this is an amendment to the Joint Planning Area with Orange County. The developer had already started working with Orange County on two parcels located on the south side of Tilden Road. These two properties are within the City of Winter Garden service area, where the City services sewer and water. The City has worked with Orange County to amend the JPA to include these two properties so the owners can begin the process of annexing the property into
the City of Winter Garden; continuing forward with PUD zoning afterwards. Staff recommends approval to amend the JPA to include those two parcels so that it can then move forward to the Orange County Board of Commissioners.

There was discussion on the number of units per acre and the reduced density. There was discussion on the annexation of the property versus including it in the JPA, then annexing, and the involved challenges.

**Motion by Commissioner Sharman to approve Seventh Amendment to the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**F. Recommendation to approve SPECIAL EVENT – Annual Spring Fever in the Garden by Bloom ‘N Grow Garden Society - April 6 - 7, 2019 in Downtown Winter Garden**

Community Development Director Pash stated that this is the special event application for the annual Spring Fever in the Garden. The event is proposed for April 6 – 7 and is the same as previous years.

**Motion by Commissioner Buchanan to approve special event - Annual Spring Fever in the Garden by Bloom ‘N Grow Garden Society on April 6 - 7, 2019 in Downtown Winter Garden. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- **Roundabout Completion**

Planning Consultant Ed Williams shared that the roundabout is about finished and encouraged everyone to go through it. He noted that the City of Winter Garden lead the charge and paid a greater share of the cost during its construction and it is fantastic.

**G. Recommendation to approve Agreement for Acquisition of Property and authorize City Manager to execute documents for property located at East Crown Point Road and Fullers Cross Road**

Planning Consultant Williams stated that this started about three years ago, has been challenging, and was not considered by the owners until the City passed a resolution to consider condemnation. He noted that it was not until then, that one of the owners came forth in an effort to try and work this out. Staff recommends approval of both contracts. There was discussion on this including traffic signals, drainage and turn lanes.

**Motion by Commissioner Buchanan to approve Agreement for Acquisition of Property and authorize City Manager to execute documents for property located at East Crown Point Road and Fullers Cross Road. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

8. **MATTERS FROM CITY MANAGER** – There were no items.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**
   
   Commissioner Buchanan noted seeing several posts on FaceBook and wanted to send a round of applause to City staff; noting that the City is really looking beautiful.

   Commissioner Buchanan brought to attention a dip in the road off of State Road 50 and described its location. It was noted that the Florida Department of Transportation (FDOT) would be notified.

   Commissioner Sharman noted good weather and a good show at the Evening at the Pops event. He shared he had been approached at this event by one of the City Commissioners from Oakland who addressed the City of Winter Garden not being a part of the Tri-County League of Cities. He feels we may want to rejoin in order to be involved with our fellow cities.

   Mayor Rees echoed comments about the Evening at the Pops having been a great event; noting it was because of the assistance of City staff and the Winter Garden Rotary Club.

   The meeting adjourned at 7:20 p.m.

   APPROVED:

   ____________________________________________  
   Mayor John Rees

   ATTEST:

   ____________________________________________  
   City Clerk Angee Grimmage, CMC
From: Steve Graham, Police Chief
Via: City Manager Mike Bollhoefer
Date: March 21, 2019

Meeting Date: March 28, 2019

Subject: Oath of Office and Introduction of New Officers

Issue: Chief Graham requests to introduce and administer the oath of office to four new officers.

Recommended action: Authorize Chief Graham to do this after the APPROVAL OF MINUTES portion of the agenda.
Whereas, water is a basic and essential need of every living creature; and

Whereas, the State of Florida, Water Management Districts and the City of Winter Garden are working together to increase awareness about the importance of water conservation; and

Whereas, the City of Winter Garden and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida’s Water Conservation Month, to educate citizens about how they can help save Florida’s precious water resources; and

Whereas, the City of Winter Garden has always encouraged and supported water conservation, through various educational programs and special events; and

Whereas, every business, industry, school and citizen can make a difference when it comes to conserving water; and

Whereas, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

Therefore, be it resolved that by virtue of the authority vested in me as Mayor of the City of Winter Garden and the City Commissioners do hereby proclaim the month of April as

Water Conservation Month

The City of Winter Garden, Florida, calls upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

In witness whereof, I have hereunto set my hand and caused the City Seal to be affixed this 28th day of March, 2019.

Mayor John Rees

Attest:
Angela Grimmage, City Clerk
From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: March 22, 2019  
Meeting Date: March 28, 2019

Subject: Code Amendment – Section 98-189
Ordinance 19-18

Issue:
The City is proposing to amend Section 98-189 concerning the quorum and voting requirements of the Architectural Review and Historic Preservation Board.

Discussion:
The City is proposing to change the Code concerning the quorum and voting requirements of the Architectural Review and Historic Preservation Board to establish what makes a quorum.

Recommended Action:
Staff recommends approval of Ordinance 19-18 with the second reading and adoption scheduled for the April 11, 2019 City Commission meeting.

Attachment(s)/References:
Ordinance 19-18
ORDINANCE NO. 19-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the quorum and voting requirements of the Architectural Review and Historic Preservation Board ("Board") in order to make it easier to transaction business of the Board.

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

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption: Section 98-189(2)g. of the Winter Garden Code of Ordinances is hereby amended to read as follows (struckout text indicates deletions while underlined text indicates additions; provisions not included are not being amended):

Sec. 98-189. – Architectural review and historic preservation board (board).

***

(2) Board membership, officers, etc.

***

g. Quorum. Four members of the architectural review and historical preservation board shall constitute a quorum for the purposes of holding meetings and transacting business. However, no action on an item before the board shall be final or binding unless such action is approved or disapproved by a majority of the members of the board present once a quorum is established in its entirety. A member of the board who is physically present for a board meeting shall be counted for the purposes of establishing a quorum regardless if such member abstains from voting on one or more items considered during the meeting.

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: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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 GRIMMAGE, City Clerk
From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: March 7, 2019  
Meeting Date: April 11, 2019

Subject: 43 1st Street
VMG Office PCD
Ordinance 19-15
PARCEL ID # 23-22-27-8816-02-050; 23-22-27-8816-02-070

Issue: The applicant is requesting to rezone the property located at 43 1st Street to Planned Commercial Development (PCD).

Discussion: The applicant is requesting to rezone the +/- 0.54 acre property located at 43 1st St to PCD to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The project also includes associated site elements such as parking areas, sidewalks, drive aisles, and landscaping (see attached Staff Report). The proposed rezoning is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances.

Recommended Action: 
Staff recommends approval of Ordinance 19-15 with the second reading and adoption hearing anticipated to be on April 11, 2019.

Attachment(s)/References:
Location Map
Staff Report
Ordinance 19-15
LOCATION MAP

43 1st Street

PCD Rezoning
INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street and is approximately 0.54 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting to rezone 0.54 ± acres of land to Planned Commercial Development (PCD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2 (Arterial Commercial District) in the City of Winter Garden. The subject property is designated TD Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

The subject property is located within the City of Winter Garden’s Historic Downtown District overlay area.

**EXISTING USE**
The subject property is composed of two parcels that the applicant is proposing to combine as part of the development process. The subject property currently contains an 1,800 +/- square foot masonry commercial office building that was constructed in 1920 and a 1,500 +/- square foot warehouse building constructed in 2016. The south side of the property also currently features an asphalt-paved parking area that is in poor condition.

**ADJACENT LAND USE AND ZONING**
The property located to the west of the subject property is developed with a two-story mixed-use commercial and residential building. The property is zoned C-2 and is located with the City of Winter Garden’s municipal limits. The property to the north of the subject property contains a single-story warehouse building, is zoned C-2, and is located in the City. The property to the east is developed with several commercial and industrial buildings that are associated with the Winter Garden Citrus Growers Association. This property is zoned C-2 and is located in the City. The property to the south contains a segment of CSX railroad tracks. This property does not have a zoning designation and is located in Unincorporated Orange County.

**PROPOSED USE**
The applicant is requesting PCD rezoning to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The new building will house VMG’s office headquarters as well as other office uses. The development also includes associated site development such as new parking areas, sidewalks, drive aisles, and landscaping. Proposed permitted uses for the property include professional office, personal services, and light industrial uses that are accessory to a primary office use.

The proposed architectural elevations received approval from the City’s Architectural Review and Historic Preservation Board on August 21, 2018.

**PUBLIC FACILITY ANALYSIS**
The property will have two vehicular access points onto 1st Street, which is the same number that currently exist on site. The northern driveway will be maintained, while the access point to the south will be developed as a one-way exit only driveway.

Water, sewer, and reclaimed utilities by the City of Winter Garden will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department.
under the First Response System.

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

**SUMMARY**

The proposed development is a reasonable use of the land. The proposed development will not generate a significant increase in traffic volume beyond that which is currently generated by other developments in the area. This type of development is consistent with other commercial and light industrial developments that exist in this area of Historic Downtown.

Staff has coordinated with the applicant, who has received approval from the Architectural Review and Historic Preservation Board to ensure that the development of the property will be consistent with the Historic Downtown District in terms of the building architecture, site design, and permitted uses.

The proposed rezoning from C-2 to PCD is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from C-2 to PCD subject to the conditions outlined in Ordinance 19-15.
AERIAL PHOTO
43 1st Street
Change from C-2 to PCD
FUTURE LAND USE MAP
43 1st Street

END OF STAFF REPORT
ORDINANCE 19-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of that certain real property generally described as approximately 0.54 ± acres of certain real property generally located at 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City C-2 (Arterial Commercial District) to City PCD (Planned Commercial Development), and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, and

WHEREAS, the City Commission finds bases on competent substantial evidence in the record that the rezoning approved by this Ordinance meets all applicable criteria for rezoning under the Comprehensive Plan and the Code of Ordinances, therefore;

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on Exhibit “A,” is hereby rezoned from (C-2) Arterial Commercial District to (PCD) Planned Commercial Development in the City of Winter Garden, Florida subject to the following conditions provisions and restrictions:

a. Applicability/Conflict. All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance. Unless specifically identified in this Ordinance, all development on the
Property identified in Exhibit “A” must comply with the general development standards of the C-1 (Central Commercial District) Zoning district and comply with the standards outlined in Chapter 98, Article VII regarding the City of Winter Garden Historic Downtown District Overlay Requirements. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict.

b. **Intent.** This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote a commercial development that provides an aesthetically pleasing and pedestrian oriented development within the context of Historic Downtown Winter Garden. Permitted and special exception uses will be established to maintain a safe, well developed project that enhances and supports the City and its citizens without causing distress on the nearby residents, local businesses, and roads.

c. **Development Plans.** The Property shall be developed in substantial conformance with the Preliminary Development Plans attached hereto as Exhibit “B”. Should any conflict exist between this Ordinance and the Preliminary Development Plans attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control to the extent of the conflict.

d. **Design Criteria / Architectural Standards.**

1. **Architecture** - All new buildings and accessory structures within the Property shall adhere to the architectural character exhibited by the VMG Office Building Elevations, attached hereto as Exhibit “C”.

2. **Landscape Design** – Unless precluded by existing overhead power lines, landscaping located adjacent to public rights-of-way shall include canopy trees planted at a maximum of 50’ on center along the road frontage. These trees may be located within a landscape bed or within tree grates installed along the frontage sidewalk. All other areas shall be required to adhere to the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.

3. **Site Furnishings** – Bicycle parking spaces shall be provided in a
quantity commensurate with the proposed uses. Benches and trash receptacles shall be provided near the main building entrances.

4. **Impervious Surface Area Ratio**- The maximum impervious surface area ratio for the Property shall not exceed 80% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is designated and permitted for by Saint John's River Water Management District.

5. **Dark Skies**- all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.

6. **Building Height**- The maximum building height shall not exceed 40 feet.

7. **Setbacks and Required Yards**-
   i. Front: 6’
   ii. Side: 5’
   iii. Rear: 5’

e. **Permitted Uses**- The permitted uses allowed on the Property are as follows:
   1. Professional Office Uses.
   2. Warehousing & Light Industrial Uses if they are accessory to a primary office use.

f. **Special Exception Uses**- The special exception uses for this Property are as follows:
   1. Other uses which the Planning and Zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses.

g. **Prohibited Uses**- Any use not specifically set forth in this Ordinance as a Permitted or Special Exception Use is prohibited. Without limiting the foregoing, the following are expressly prohibited:
   1. Any use prohibited in the C-1 Zoning District not specifically outlined under the Permitted or Special Exception Uses.
   2. Automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof.
   3. Daycares.
4. Nursing homes or assisted living facilities.
5. Dry cleaners.
7. Manufacturing and heavy industrial uses, transportation terminals, large-scale storage warehousing and other activities of a similar nature.
10. Churches, temples, synagogues, mosques, or other religious gathering places.
12. Crematories/Funeral Homes.
13. Adult entertainment.
14. Adult or pornographic book, magazine, video, and novelty stores or sales.
15. Any use not in keeping with a pedestrian-oriented, mixed-use, historic downtown character.

SECTION 2: Staff Conditions.

1. Plans and supporting calculations shall be signed and sealed by the appropriate design professional as required by statute and administrative code.

2. The Applicant shall submit plans and documentation showing adherence to Section 118-68, requirements for site plans, as required by the City Code.

3. General Requirements:
   a) All gravity sanitary pipe and fittings shall be SDR 26.
   b) All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
   c) As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
   d) All Storm (>12”) and Sanitary lines (>6”) shall be inspected by CCTV prior to completion.

4. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water (if available) and sanitary sewer. 100% of all required water,
irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.

5. Sanitary lines for commercial buildings shall be 6” minimum.

6. A binding lot agreement will be required to combine the parcels. City Commission Approval is required.

7. Final plans shall show drainage for the site (to be supported by the soil report).

8. If existing buildings are to be demolished, a demolition permit will be required.

9. Four 9’ X 18’ parking spaces with no overhang are permitted as shown on the Preliminary Development Plans (Exhibit “B”). These spaces shall be labeled “Compact”.

10. Minimum 5’ wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Any damaged, broken or cracked sections (including existing curbs and pavement) shall be replaced prior to issuance of certificate of occupancy.

11. The use of HDPE pipe shall meet all City material and installation requirements as specified in the City’s Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).

12. A geotechnical report is required for review and as the basis for the site and stormwater design.

13. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. Irrigation system shall include a building-mounted weather station.

14. A separate tree removal permit is required to remove any trees.

15. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.

16. Permit from SJRWMD is required as well as permits or exemptions from FDEP for water, wastewater and NPDES. FDOT drainage, utility, and driveway permits required (if applicable).

17. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

18. All work shall conform to City of Winter Garden standards and specifications.
19. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.

20. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

21. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

22. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 3: General Requirements.

a. Land Development Approvals and Permits- This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City’s Code of Ordinances and subject to this Ordinance.
b. **Amendments**- Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

c. **Expiration/Extension**- Expiration of this PCD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 4: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**SECTION 5: Non-Severability.** Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

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

**FIRST READING AND PUBLIC HEARING:** ________________________, 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 GRIMMAGE, City Clerk
Exhibit “A”


Legal Description:
Lots 5, 6, 7 and 8 BLOCK 2, of TWIN CITY DEVELOPMENT Subdivision, according to the Plat thereof, recorded in Plat Book E, Page 26, Public Records of Orange County, Florida, LESS that portions lying within the railroad right-of-way
Exhibit “B”

COVER PAGE

VMG OFFICE
PRELIMINARY DEVELOPMENT PLANS

(6 PAGES - ATTACHED)
VMGC OFFICE PCD
WINTER GARDEN, FLORIDA
JANUARY 2019

PARCEL ID:
23-02-27-8816-02-050 AND
23-02-27-8816-02-070

DRAINAGE STATEMENT:
1. ON-SITE STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED TO MEET ST.
JONES OFFER STORMWATER MANAGEMENT DISTRICT (JULAWA) AND CITY OF WINTER GARDEN
REQUIREMENTS.
2. STORMWATER MANAGEMENT SYSTEM WILL COMPLY WITH SURFACE LAKE APODAZONIA
CRITERIA. "WEEDS RECHARGE PROFESSIONAL BAND RECHARGE STANDARD DOES NOT
APPLY AS ON-SITE SOILS ARE NOT 이번 TYPE A" SOILS PER THE IDS SOILS MAP.

ZONING INFORMATION:
SITE:
C-2
FRONT/WEST:
1ST ST./C-2
SIDE/NORTH:
C-2
SIDE/SOUTH:
C-2
REAR/EAST:
C-2

CONTACT INFORMATION:
OWNER/OWNER:
ARMOUR SANDS LTD.
WINTER GARDEN, FL. 34787
PHONE: 407-269-9028
E-MAIL:

ARCHITECT:
KRAMER ARCHITECTURE
1364-W. Main St.
WINTER GARDEN, FL. 34787
PHONE: 407-586-5555
E-MAIL:

ENGINEER:
WALTER WIZZ;
ENGINEERING, INC.
157-157 W. Washington St.
WINTER GARDEN, FL 34787
PHONE: 407-562-6730
E-MAIL:

LANDSCAPING:
EAST VENICE, INC.
157-157 W. Washington St.
WINTER GARDEN, FL. 34787
PHONE: 407-562-6730
E-MAIL:

VICTINITY & EXISTING ZONING MAP

PROPERTY DESCRIPTION:
Lot 3, 4, 9, 10 & 11 BLOCK 1, IN REPEAL CITY DEVELOPMENT, According to the Plat
Plat recorded in Book 2, Page 27, Public Records of Orange County, Florida, 2012, and
parcels shown on the said Plat for the said property.

ALLOWABLE USES:
HIGH RESIDENTIAL USES, OFFICE, WAREHOUSE AND LIGHT MANUFACTURING

FLOOD ZONE:
BOEY PROPERTY AND HIGH ELEVATION ARE DETERMINED TO BE ABOVE THE 1% ANNUAL
FLOOD HAZARD AS SHOWN IN THE LAND USE AND FLOOD PLANNING BASE MAP.

(Signed) RECORDS COMMISSIONER, DATED SEPTEMBER 23, 2019.
Exhibit “C”

COVER PAGE

VMG OFFICE
ARCHITECTURAL ELEVATIONS

(1 PAGE - ATTACHED)
From: Jon Williams, Assistant City Manager – Public Services

Via: Mike Bollhoefer, City Manager

Date: March 7, 2019  Meeting Date: March 28, 2019

Subject: Ordinance No. 19-16 Amending Chapter 94 “Natural Resource Protection” To Add a New Section 94-1 Governing Fertilizer Use Within the City.

Issue: The Winter Garden City Code currently contains no comprehensive regulations pertaining to fertilizer use within the City. It is in the best interests of the health, safety, and welfare of the residents of Winter Garden and the general public that the City adopt and authorize enforcement of the fertilizer regulations contained within the Orange County Code, Chapter 15, Article XVII, within the boundaries of the City.

The City enforcement is a requirement of the stormwater element of National Pollutant Discharge Elimination System (NPDES) Permit governed by the Florida Department of Environmental Protection. The City is a co-permittee with Orange County responsible for monitoring the stormwater discharges to major water bodies.

A copy of the Orange County Code, Chapter 15, Article XVII is attached hereto as Exhibit “A.”

Recommended Action:

Staff recommends adoption of Ordinance 19-16

Attachments/References:

Exhibit “A” – Article XVII – Fertilizer Management Ordinance
ORDINANCE NO. 19-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 “NATURAL RESOURCE PROTECTION” TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Winter Garden City Code currently contains no comprehensive regulations pertaining to fertilizer use within the City; and

WHEREAS, the City finds that it is in the best interests of the health, safety, and welfare of the residents of Winter Garden and the general public that the City adopt and authorize enforcement of the fertilizer regulations contained within the Orange County Code, Chapter 15, Article XVII, within the boundaries of the City; and

WHEREAS, a copy of the Orange County Code, Chapter 15, Article XVII is attached hereto as Exhibit “A.”

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

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Article I of Chapter 94 of the City Code is hereby amended to add a new Section 94-1 thereof, to read as follows:

Sec. 94-1. – Fertilizer Regulations. Chapter 15, Article XVII of the Orange County Code governing fertilizer use shall apply within the boundaries of the City. Orange County and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the City. The City and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the City using any enforcement mechanism available under the City Code, County Code, or by law.

SECTION 3. Codification. This Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.
SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. **Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. **Effective date.** This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: , 2019

SECOND READING: , 2019

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

CITY COMMISSION
CITY OF WINTER GARDEN

/S/
John Rees, Mayor/Commissioner

ATTEST:
/S/
Angela Grimmage, City Clerk
ARTICLE XVII. - FERTILIZER MANAGEMENT ORDINANCE

Sec. 15-800. - Findings and purpose.

As a result of impairment to the county's surface waters, groundwater, and springs caused by excessive nutrients, the county has determined that the improper use of fertilizers on land creates a risk of contributing to adverse effects on surface and groundwater. This ordinance regulates the proper use and application of fertilizer, training requirements, and restricted application periods in the county.

Orange County's Environmental Protection Division will provide to the board of county commissioners a summary of data collected and current research related to excessive nutrients for evaluation and consideration of ordinance revisions on or before December 31, 2019.

(Ord. No. 2017-14, § 2, 6-20-17)

Sec. 15-801. - Definitions.

Apply or application means the physical deposit, placement, or release of fertilizer upon soil, turf, or landscape plants.

Applicator means any person who applies fertilizer.

Article means chapter 15, article XVII, of the Orange County Code of Ordinances, as amended, unless otherwise specified.

Best management practices (BMPs) means the practice or combination of practices based on research, field testing and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Commercial applicator means any person who applies fertilizer in exchange for money, goods, services or other valuable consideration and who is required by law, ordinance, or regulation to obtain an Orange County local business tax certificate.

Fertilizer means any substance or mixture of substances, excluding pesticides, organic composts, and fertilizer derived from biosolids, that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Golf course means any public or private area of land designed and used exclusively for playing or practicing golf, including tees, fairways, greens, rough areas, hazards and driving ranges (stand-alone ranges or those associated with a golf course). A golf course shall also include the following uses if they are accessory to the above uses: clubhouses, and all facilities adjacent to and associated with the daily operations of the above-referenced areas. Golf-related structures or features on residentially zoned private land shall not constitute a golf course.

Groundcover means plants used in mass as alternative to turf or lawn and/or to create variety in landscape; usually not having a mature height over two (2) feet tall.

Landscape plants means any shrub, tree, or groundcover, excluding turf and vegetable gardens.

Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the State of Florida and all political subdivisions, regions, districts, municipalities, and public agencies.

Restricted season means the period from June 1 through September 30.
**Slow release** means nitrogen in a form which delays its availability for plant uptake and use for an extended period after application, or which extends its availability to the plant longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "timed release," "slowly available," and "water insoluble."

*Turf, sod, or lawn* means a mat layer of monocotyledonous plants, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, or Zoysia.

(Ord. No. 2009-26, § 1, 10-6-09; Ord. No. 2017-14, § 3, 6-20-17)

Sec. 15-802. - Applicability.

(a) Consistent with section 704 of the Orange County Charter, this ordinance shall be applicable throughout all of Orange County, except in municipalities that have minimum standards for the regulation of fertilizer application that are no less strict than those in this article.

(b) Any business that sells fertilizer shall post a notice provided by the county stating that the use of lawn and landscape fertilizers in the county is restricted in accordance with this chapter.

(Ord. No. 2009-26, § 1, 10-6-09; Ord. No. 2017-14, § 4, 6-20-17)

Sec. 15-803. - Weather and seasonal restrictions.

(a) No fertilizer containing nitrogen or phosphorus shall be applied to turf or landscape plants during a period for which the National Weather Service has issued any of the following advisories for any portion of the county: a severe thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch, or hurricane warning or watch.

(b) No person, except applicators certified pursuant to section 15-809 herein, shall apply fertilizer containing nitrogen or phosphorus to turf or landscape plants during the restricted season from June 1 through September 30.

(Ord. No. 2009-26, § 1, 10-6-09; Ord. No. 2017-14, § 5, 6-20-17)

Sec. 15-804. - Fertilizer content; application rate.

(a) No fertilizer shall be used unless labeled in accordance with state law.

(b) No fertilizer containing phosphorus shall be applied to turf or landscape plants. Provided, however, where phosphorus deficiency has been demonstrated in the soil by a soil analysis test performed by a laboratory using University of Florida’s Institute of Food and Agricultural Sciences ("UF/IFAS") approved methodology, phosphorus may then be applied at a rate no greater than one-quarter (0.25) of one (1) pound of phosphorus per one thousand (1,000) square feet per application, not to exceed one-half (0.5) pound of phosphorus per one thousand (1,000) square feet per year. Any person who obtains such a soil analysis test showing a phosphorus deficiency may apply phosphorus and shall provide the test results to the Orange County Environmental Protection Division, Attention: Manager within thirty (30) days of receipt of results.

(c) No fertilizer containing nitrogen shall be applied unless at least fifty (50) percent of its nitrogen content is slow release as indicated on the Guaranteed Analysis label, with no more than one (1) pound total nitrogen per one thousand (1,000) square feet of area per application. This requirement shall change to at least sixty-five (65) percent slow release if the product is readily available on the local commercial market by July 1, 2020.

(d) Notwithstanding subsection 15-804(c), commercial applicators may apply fertilizer at a rate that does not exceed one-half (0.5) of one (1) pound of readily available nitrogen per one thousand
(1,000) square feet of area, provided, however, that any application that exceeds one-half (0.5) of one (1) pound of nitrogen shall conform to subsection 15-804(c).

(e) Notwithstanding any other provision of this section 15-804, fertilizers applied to turf must follow the guidelines found in Rule 5E-1.003, F.A.C., as it may be amended.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 6, 6-20-17)

Sec. 15-805. - Fertilizer-free zones.

(a) No fertilizer shall be applied within fifteen (15) feet of any wetland or surface waters, including but not limited to a lake, pond, stream, water body, water course, or canal.

(b) No fertilizer shall be deposited, washed, swept, or blown off, intentionally or inadvertently, onto any impervious surface, public right-of-way, public property, stormwater drain, ditch, conveyance, or water body. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or landscape plants or any other legal site, or returned to the original or other appropriate container.

(c) A low-maintenance zone is strongly recommended, though not required, for all areas within ten (10) feet of the normal high water elevation of any lake, pond, stream, water body, water course or canal, or any wetland, excluding permitted stormwater ponds. Low-maintenance zones should be planted and managed in such a way as to minimize the need for watering, mowing, and other active maintenance. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent over-spray of aquatic weed control products in this zone.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 7, 6-20-17)

Sec. 15-806. - Mode of application.

Broadcast spreaders applying fertilizers must be equipped with deflector shields positioned to deflect fertilizer from all impervious surfaces, rights-of-way, stormwater drains, ditches, conveyances, and water bodies.

(Ord. No. 2009-26 , § 1, 10-6-09)

Sec. 15-807. - Grass clippings and vegetative material/debris.

Grass clippings and/or vegetative material/debris shall not be deposited, washed, swept, or blown off, intentionally or inadvertently, onto any impervious surface, public right-of-way, stormwater drain, ditch, conveyance, or water body.

(Ord. No. 2009-26 , § 1, 10-6-09)

Sec. 15-808. - Exemptions; exceptions.

(a) Sections 15-805 through 15-810 of this article shall not apply to golf courses; provided, however, fertilizer shall not be applied to golf courses in excess of the provisions set forth in Rule 5E-1.003(3), F.A.C., as it may be amended.
(b) This article shall not apply to any bona fide farm operation that the county is without authority to regulate with regard to fertilizer application pursuant to the Florida Right to Farm Act, F.S. (2016) § 823.14 et seq., or other applicable state law.

(c) This article shall not apply to sports turf areas at parks and athletic fields.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 10, 6-20-17)

Sec. 15-809. - Training requirements; proof of compliance.

(a) No commercial applicator shall cause fertilizer to be applied, except at his or her own residence, without a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services, as specified in section 15-809(c).

(b) Each commercial applicator shall ensure that each applicator he or she employs has a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services prior to the application of fertilizer.

(c) Possession of a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services or the Florida Department of Environmental Protection's Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries training by UF/IFAS shall suffice as evidence of completion of a county-approved best management practices training program.

(d) Non-commercial applicators shall provide proof on an annual basis of successful completion of the online training "Orange County Fertilizer Application Education Course for Citizens" on the Orange County fertilizer web page.

(e) Certified applicators must show proof of training on all vehicles used during applications.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 11, 6-20-17)

Editor's note—Ord. No. 2017-14 , § 11, adopted June 20, 2017, amended § 15-809 and in so doing changed the title of said section from "Commercial training requirements; proof of compliance" to "Training requirements; proof of compliance," as set out herein.

Sec. 15-810. - Commercial applicators; business tax certificate.

Prior to obtaining or renewing an Orange County local business tax certificate for a business that provides landscape services, each commercial applicator shall provide proof of successful completion from county-approved best management practices training programs within the previous three (3) years. Possession of a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services or the Florida Department of Environmental Protection's Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries training by UF/IFAS shall suffice as evidence of completion of a county-approved best management practices training program.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 11, 6-20-17)

Sec. 15-811. - Variances.

(a) All requests for a variance(s) from the requirements of this article shall be made in writing to the Manager of the Orange County Environmental Protection Division. The manager may require the applicant for a variance to provide such information as necessary to carry out the purpose of this article. The manager may approve, approve with conditions or deny requests for variances. A
variance may be granted if strict application of the Orange County Fertilizer Management Ordinance would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant.

(b) Variances may be issued by the manager only upon satisfaction of the following:

(1) A showing of good and sufficient cause by the applicant and that the cause is not self-imposed, and

(2) A determination by the manager that the variance is the minimum necessary to afford relief, and

(3) A determination by the manager that failure to grant the variance would result in a practical difficulty or a physical hardship affecting the applicant's economic use of the property, and

(4) A determination by the manager that the granting of the variance will not result in threats to the health, safety and welfare of the residents of the county or conflict with existing local laws or ordinances.

(c) Any person aggrieved by the decision of the manager may appeal pursuant to the provisions of section 15-38.

(Ord. No. 2009-26, § 1, 10-6-09)

Sec. 15-812. - Enforcement and penalty.

(a) It shall be unlawful for any person to violate any provision of this article, except section 15-802(b), or any provision of any resolution enacted pursuant to the authority of this article. Every code enforcement officer is authorized to enforce the provisions of this article. Any person who violates any provision of this article, except section 15-802(b), or any provision of any resolution enacted pursuant to the authority of this article, shall be subject to the following penalties:

(1) First violation: Written notice.

(2) Second violation: Fine of fifty dollars ($50.00), except for commercial applicators it shall be five hundred dollars ($500.00).

(3) Third and subsequent violations: Fine of one hundred dollars ($100.00), except for commercial applicators it shall be seven hundred fifty dollars ($750.00).

(b) In addition to the enforcement provisions provided, the county may avail itself of any other legal or equitable remedy available to it including, without limitation, injunctive relief, in the enforcement of any provision of this article or any provision of any resolution enacted pursuant to the authority of this article. Any person violating this article shall be held liable for all costs incurred by the county in connection with enforcing this article, or any resolution enacted pursuant to the authority of this article including, but not limited to, attorney's fees.

(Ord. No. 2009-26, § 1, 10-6-09; Ord. No. 2017-14, § 14, 6-20-17)

Secs. 15-813—15-819. - Reserved.
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director
Via: City Manager Mike Bollhoefer
Date: March 21, 2019 Meeting Date: March 28, 2019

Subject: Reduce and remove Code Enforcement liens for 1080 Lincoln Terrace
(PARCEL ID# 24-22-27-0546-02-090)
CODE CASE 07-981 – Building Permit $1,052, 250.00

Issue:

The owners of this property incurred Code Enforcement liens in 2007 for an unfit structure and are unpaid utility fees.

Discussion:

The law firm representing the estate of the owner is requesting a reduction in the liens so they can sell the property to an investor who will pull permits to repair the home and then sell the house. Staff has spent a considerable amount of time working on this property over the years and the utility bills have not been paid since January 2006 ($7,266.22).

Recommended Action:

Staff recommends that City Commission reduce the lien to $10,000.00 to cover City expenses and the unpaid utility bills subject to the following conditions:

1. The $10,000.00 be paid by April 5, 2019 and is nonrefundable if all conditions are not met;
2. Permits shall be pulled by licensed contractors for the building, plumbing, electrical, and mechanical work;
3. All work shall be completed within 6 months (by September 28, 2019) or the Code Enforcement Lien shall be placed back on the property including all fines and what would have accumulated during the 6-month time frame.

Attachment(s)/References:

Letter from attorney requesting reduction
February 26, 2019

VIA EMAIL

Steve Pash
Code Enforcement
City of Winter Garden
Email: spash@cwgdn.com

Dear Mr. Pash:

Our law firm represents the interest of the Estate of Jacinto Gutierrez. The estate would like to sell the property known as 1080 Lincoln Terrace in Winter Garden. We are requesting a reduction in the fines to a total of Two Thousand and 00/100 ($2,000.00) with the following stipulation:

Buyer will pull all permits and have all work completed within six months to ensure full code enforcement compliance.

The buyer intends on reselling the property upon completion of all her repair and renovations. Should you need any further information, please do not hesitate to contact me.

Sincerely,

/s/ Desiree Sanchez

Desiree Sanchez, Esq.
From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: March 21, 2019  Meeting Date: March 28, 2019

Subject: Building Services Contract

Issue:
Due to the amount of construction activities in the City, the Building Department sometimes needs assistance to complete all of the plan review, inspections, and other building related items.

Discussion:
We entered into an agreement with Bureau Veritas North America, Inc. in April of 2018 and extended the agreement in September 2018. We would like to extend the contract amount up an additional $300,000.00 and continue with the agreement. This will be completely funded by the Building Department budget which is funded by building permit revenues and does not come from the general fund.

Recommended Action:
Staff requests that the board make a motion to approve and ratify Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. previously executed by the City Manager and authorize the City Manager to add $300,000.00 to the spending limit.

Attachment(s)/References:
Agreement
SECOND AMENDMENT TO BUILDING PERMIT INSPECTION AND PLAN REVIEW SERVICES AGREEMENT
PIGGY BACK AGREEMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT BETWEEN
CITY OF NAPLES AND BUREAU VERITAS NORTH AMERICA, INC.

THIS SECOND AMENDMENT TO BUILDING PERMIT INSPECTION AND PLAN REVIEW SERVICES AGREEMENT (this “Amendment”) is entered into by and between the CITY OF NAPLES, a Florida municipal corporation, whose address is 300 West Plant Street, Winter Garden, Florida 34787 (hereinafter referred to as “City”), and Bureau Veritas North America, Inc., a foreign profit corporation, authorized to do business in the State of Florida, whose business address is 1601 Sawgrass Corporate Way, Suite 400, Fort Lauderdale, Florida 33323 (hereinafter referred to as “CONSULTANT”).

WHEREAS, on April 11, 2018 the City and CONSULTANT entered into that certain Building Permit Inspection and Plan Review Services Agreement (“Agreement”); and

WHEREAS, in September 2018 the City and CONSULTANT previously amended the Agreement to extend the Term of the Agreement and to increase the not to exceed compensation; and

WHEREAS, the City and CONSULTANT desire to further extend the Term of the Agreement for one additional City fiscal year period and to increase the not to exceed sum for compensation to Consultant for an additional $300,000 beyond the $150,000 previously approved by the City Commission.

NOW THEREFORE, for good and valuable consideration, which the parties acknowledge, the City and CONSULTANT agrees to enter into and does hereby enter into this Amendment as set forth herein:

1. TERM EXTENSION. In accordance with Paragraph 3 of the Agreement (as previously amended), the City and CONSULTANT hereby agree to extend the Term of the Agreement until September 30, 2020.

2. AMENDMENT. Paragraph 2 of the Agreement (as previously amended) is hereby amended to increase the not to exceed compensation to CONSULTANT under the Agreement to from $150,000.00 to $450,000.00. In accordance with Paragraph 2 of the Agreement, this increase is being authorized by the City Commission.

3. NO FURTHER AMENDMENT. Except as modified by this Amendment, the terms and conditions of the Agreement shall remain in full force and effect.

4. EFFECTIVE DATE. The Effective Date of this Amendment shall be the date when the last of the parties has executed this Amendment.

[SIGNATURE PAGE ON NEXT PAGE]
IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment as of the day and year entered by the last party executing this Amendment as written below.

Bureau Veritas North America, Inc.

By: Joseph S. Whitworth
Its: Director of Operations

Date: ________________

CITY OF WINTER GARDEN, a Florida municipal corporation

By: Michael Bollhoefer
Its: City Manager

Date ________________
THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director
Via: Mike Bollhoefer, City Manager
Date: March 21, 2019  Meeting Date: March 28, 2019

Subject: Request to approve the Downtown Sidewalk Sale Special Event.

Background Summary and Discussion:

The City in partnership with the downtown merchants is requesting to host a one-day Summer Sidewalk Sale on Saturday, June 8, 2019 from 11:00 am to 7:00 pm. There will be outdoor racks and in-store specials, live music at the gazebo, and SOBO Art Gallery will host a free Children’s Art Project. To help provide extra space for clothing racks, several parking spaces will be closed for the event.

Recommendation:
City Staff recommend approval of this event as per the application.
special event application

per city code 27.1.3 “special events” are defined as any public assembly of 100 or more people in any park, sidewalk, alley, lake or other publicly owned area. completed applications should be submitted no less than 30 days prior to the first date of the proposed event. events that require closure of any city street or are anticipated having more than 500 people in attendance will require approval of the city commission.

special events on city property where 500 or more people are reasonably anticipated to be in attendance or where there are requests for street closures will require prior approval by the city commission, at least four weeks prior to the scheduled event. the applicant must complete all of the following information.

date of application: march 8, 2019
organization/group: downtown merchants
name of event: summer sidewalk sale
contact/representative: lanie gershatz
alt. phone #: 104 s. oakley
email: tgeershatz@comcast.com
phone #: 407.947.1720

event location: downtown sidewalks
proposed dates:
hours: 11 am - 7 pm
estimated daily attendance:

set up: 9:00 am
breakdown: 7:30 pm

please check all of the following that apply:

- festival
- exhibit(s)
- carnival/circus/fair
- general meeting
- parade
- block party or picnic
- sporting event/competition
- wedding/reception
- revival
- other (explain)

summer sidewalk sale

admission charge/ticket sales
alcohol served
alcohol sales
fireworks/pyrotechnics
food trucks
merch. vendors # of:
open to public
street/sidewalk closure

hours of:

- city water used
- event help previously
- city electric used

- amplified speaking/music
  hours of: 11 am - 7 pm

- portable restrooms
- sports equipment
- stage/props/production
- tents # & size of:
- temporary event signage
- dumpsters/receptacles
- cooking equipment used
- gas
- open flame
- other (explain):

* outdoor merchandise
  on sidewalk

a few parking spaces 3-4
will be used for
adjectives
to set up for the day.

revised 02/23/2016
SPECIAL EVENTS POLICIES AND PROCEDURES

FOOD VENDING
The Dept. of Business and Professional Regulation of the State of Florida requires that you notify their Division of Hotels and Restaurants no later than three days prior to any temporary event where food will be sold. All food vendors must meet minimum safety and sanitation requirements and pay a temporary event licensing fee if they do not already hold an annual license with the State of Florida. The Division of Hotels and Restaurants can be reached at 850-487-1395 or visit http://www.myfloridalicense.com/dbpr/hr/licensing/GT_tempevents.html for more information.

EVENT INSURANCE
Limits will in most instances be required in the following amounts:
- General Aggregate $1,000,000
- Products Aggregate $1,000,000
- Personal & Advertising Injury $250,000 Each Occurrence $250,000
- Fire Legal Liability $50,000
- Medical Payments $2,000

City Staff reserves the right to request increased limits deemed necessary for certain high-risk activities. Individuals, groups without insurance, or groups that do not produce an appropriate certificate of insurance two weeks prior to the event date will be required to purchase individual event policies through the City Insurance carrier at limits deemed necessary by City Staff. Prices for appropriate policies are established by the insurance broker and are non-negotiable. If proper insurance is not obtained or paid for at least two weeks prior to the scheduled event, the City reserves the right to cancel the event request.

PERMIT FEES
- Events with less than 25 in attendance: $25.00
- Events with 25 - 200 people in attendance: $150.00
- Events with over 200 people in attendance: $1,000.00

FEES
Other fees will be assessed if deemed necessary by certain applicable departments. Although not an exhaustive list, fees may be assessed for police officers, police supervisors, fire protection, EMT personnel, street barricading, electric usage, necessary maintenance staff, trash receptacles & collection, other necessary staff on-site during event hours, etc. Bonds of up to $5,000,000 may be required at the discretion of City Staff for events with attendance over 500 people and events hosting certain high-risk activities. All fees must be paid in full in cash, certified check or money order at least two weeks prior to the event date to avoid cancellation.

MISCELLANEOUS POLICIES
- Bounce houses, inflatables, and any type of rides are not allowed on City property.
- Event advertising will not include any reference of endorsement by the City of Winter Garden.
- Temporary event signage must meet city code requirements. Contact W.G. code enforcement for info.
- There are other special requirements for Motion Photography Production.
- There are special requirements for fireworks.
- Any event utilizing Plant St. and effectively closing the West Orange Trail must notify Orange County Parks and Recreation at 407-654-1108.
- If any portion of a state road is to be closed, a state D.O.T. request form must be obtained from the Winter Garden Police Dept., completed and returned to the WGPD to be filed with the State of Florida. Such requests should be submitted at least six weeks prior to the event date.
- May be required to meet with City to present details of event.

APPROVAL PROCESS
Community Development, Economic Development, City Manager and Parks & Recreation Departments will review all requests and forward to additional departments as needed. You may be contacted to provide further information. You will be notified of initial approval, additional fee requirements and if further commission approval will be required in 2 to 4 weeks. Conditions of approval document may be included as part of final approval.

REVISED 02/23/2016
SPECIAL EVENTS

PLEASE PROVIDE A GENERAL DESCRIPTION OF THE EVENT THAT INCLUDES ALL FEATURES BEING PROPOSED TO TAKE PLACE. ELABORATE ON ANY OF THE ABOVE CHECKED ITEMS, IF NECESSARY: (USE BACK IF NEEDED)

Please see attached

NO APPLICATION WILL BE ACCEPTED UNLESS THE FOLLOWING ITEMS ARE INCLUDED.

(APPROVAL PROCESS WILL NOT BEGIN UNTIL THE FOLLOWING IS SUBMITTED):

• COPY OF 501C-3 FORM SIGNIFYING NON-PROFIT STATUS (IF APPLICABLE)
• SITE PLAN INDICATING ALL AFFECTED AREAS, STREETS PROPOSING TO BE CLOSED, TEMPORARY POWER SOURCES TO BE INSTALLED, PORTABLE RESTROOM LOCATIONS, VENDOR PLACEMENT, PARADE ROUTE OR ANY OTHER SIGNIFICANT FEATURES.
• COPY OF APPLICANT’S INSURANCE CERTIFICATE NAMING THE CITY OF WINTER GARDEN AS ADDITIONALLY INSURED.
• IF ATTENDANCE IS REASONABLY ANTICIPATED TO BE GREATER THAN 100 PEOPLE, YOU SHOULD ALSO INCLUDE A PLAN FOR:
  • SANITATION — Restroom, port-o-let placement, potable water, trash receptacles & collection plan, etc.
  • PARKING AND TRAFFIC — Rerouting traffic around blocked streets, parking for event patrons, etc.
  • MEDICAL CARE — First aid stations, EMS services, ambulance on site, etc.
  • SECURITY — Off-Duty Officers schedules, security service utilized, # of event staff in attendance, etc.
• IF YOU WANT TO HAVE ANY SIGNAGE, PLEASE PROVIDE A SITE PLAN SHOWING WHERE SIGNS ARE PROPOSED (THE CITY PROHIBITS SNIPING SIGNS).

TECHNICIAN INITIAL: M DATE RECEIVED: 3/8/19 ☐ Fee paid

CITY MANAGER/DESIGNEE: ___________________________ DATE: ____________________ APPROVED: ☐ Yes / ☐ No

CONDITIONS:

REVISED 02/23/2016
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager, Mike Bollhoefer

Date: March 21, 2019

Meeting Date: March 28, 2019

Subject: Winter Garden Choir Wine Walk

Issue: Winter Garden Choir is planning their annual wine walk through downtown Winter Garden on April 25, 2019.

Discussion:
The Winter Garden Choir is requesting approval to hold their annual Wine Walk through downtown Winter Garden where guests will visit 15 different merchants and taste wine and food. They are requesting to use the Pavilion for registration to sign in and pick up wine glasses. All wine tasting will be inside the merchant building and no alcohol is allowed outside. The event is proposed to start setting up at 4:00 PM and will break down by 10:00 PM, with the wine walk happening between 6:00 PM and 9:00 PM.

Recommended Action:
Staff recommends approval of the Wine Walk.

Attachment(s)/References:
Permit Application
Sample Map from Previous Event
PER CITY CODE 27.1.3 “Special Events” are defined as any public assembly of 100 or more people in any park, sidewalk, alley, lake or other publicly owned area. Completed applications should be submitted no less than 30 days prior to the first date of the proposed event. Events that require closure of any city street or are anticipated having more than 500 people in attendance will require approval of the City Commission.

Special events on City property where 500 or more people are reasonably anticipated to be in attendance or where there are requests for street closures will require prior approval by the City Commission, at least four weeks prior to the scheduled event. The applicant must complete all of the following information.

DATE OF APPLICATION: 02/25/2019
ORGANIZATION/GROUP: Garden Community Choir, Inc.
NAME OF EVENT: Wine Walk
CONTACT/REPRESENTATIVE: Chad McClellan
PHONE#: (407) 202-0527
EMAIL: boardchair@gardencommunitychoir.org

EVENT LOCATION: 104 S LAKEVIEW AVE
PROPOSED DATES: 04/25/2019 (with 04/11/2019 as a back up)
ESTIMATED DAILY ATTENDANCE: 425
HOURS: 6pm to 9pm up and down Plant St with Pavilion check-in

DATES & TIMES OF EVENT SETUP & BREAKDOWN:
SET UP: 4pm set up
BREAKDOWN: cleared out by 10pm

PLEASE CHECK ALL OF THE FOLLOWING THAT APPLY:

TYPE OF EVENT
☐ FESTIVALE
☐ EXHIBIT(S)
☐ CARNIVAL/CIRCUS/FAIRE
☐ GENERAL MEETING
☐ PARADE
☐ BLOCK PARTY OR PICNICE
☐ SPORTING EVENT/COMPETITIONE
☐ WEDDING/RECEPTION
☐ REVIVALE
☐ OTHER (EXPLAIN)

EVENT DETAILS
☐ ADMISSION CHARGE/TICKET SALES
☐ ALCOHOL SERVED
☐ ALCOHOL SALES
☐ FIREWORKS/Pyrotechnic
☐ FOOD TRUCKS
☐ MERCH. VENDORS # OF:
☐ OPEN TO PUBLIC
☐ STREET/SIDWALK CLOSURE
☐ CITY WATER USE
☐ EVENT HELP PREVIOUSLY
☐ CITY ELECTRIC USED
☐ ACCESS TO PLUG IN MUSIC AT THE PAVILION

EQUIPMENT AT EVENT
☐ AMPLIFIED SPEAKING/MUSICE
☐ HOURS OF:
☐ PORTABLE RESTROOMS
☐ SPORTS EQUIPMENT
☐ STAGE/PROPS/PRODUCTIONE
☐ TENTS & SIZE OF:
☐ TEMPORARY EVENT SIGNAGE
☐ DUMPSTERS/RECEPTACLES
☐ COOKING EQUIPMENT USED
☐ GAS☐ OPEN FLAME
☐ OTHER (EXPLAIN)

Access to plug in music at the Pavilion

REVISED 02/23/2016
SPECIAL EVENTS POLICIES AND PROCEDURES

FOOD VENDING
The Dept. of Business and Professional Regulation of the State of Florida requires that you notify their Division of Hotels and Restaurants no later than three days prior to any temporary event where food will be sold. All food vendors must meet minimum safety and sanitation requirements and pay a temporary event licensing fee if they do not already hold an annual license with the State of Florida. The Division of Hotels and Restaurants can be reached at 850-487-1395 or visit http://www.myfloridalicense.com/dbpr/hr/licensing/GT_tempevents.html for more information.

EVENT INSURANCE
Limits will in most instances be required in the following amounts:
- General Aggregate $1,000,000
- Products Aggregate $1,000,000
- Personal & Advertising Injury $250,000
- Each Occurrence $250,000
- Fire Legal Liability $50,000
- Medical Payments $2,000

City Staff reserves the right to request increased limits deemed necessary for certain high-risk activities. Individuals, groups without insurance, or groups that do not produce an appropriate certificate of insurance two weeks prior to the event date will be required to purchase individual event policies through the City insurance carrier at limits deemed necessary by City staff. Prices for appropriate policies are established by the insurance broker and are non-negotiable. If proper insurance is not obtained or paid for at least two weeks prior to the scheduled event, the City reserves the right to cancel the event request.

PERMIT FEES
- Events with less than 25 in attendance: $25.00
- Events with 25 - 200 people in attendance: $150.00
- Events with over 200 people in attendance: $1,000.00

Fees
Other fees will be assessed if deemed necessary by certain applicable departments. Although not an exhaustive list, fees may be assessed for police officers, police supervisors, fire protection, EMT personnel, street barricading, electric usage, necessary maintenance staff, trash receptacles & collection, other necessary staff on-site during event hours, etc. Bonds of up to $5,000,000 may be required at the discretion of City staff for events with attendance over 500 people and events hosting certain high-risk activities. All fees must be paid in full in cash, certified check or money order at least two weeks prior to the event date to avoid cancellation.

MISCELLANEOUS POLICIES
- Bounce houses, inflatables, and any type of rides are not allowed on City property.
- Event advertising will not include any reference of endorsement by the City of Winter Garden.
- Temporary event signage must meet City code requirements. Contact W.G. code enforcement for info.
- There are other special requirements for Motion Photography production.
- There are special requirements for Fireworks.
- Any event utilizing Plant St. and effectively closing the West Orange Trail must notify Orange County Parks and Recreation at 407-654-1108.
- If any portion of a state road is to be closed, a state D.O.T. Request Form must be obtained from the Winter Garden Police Dept., completed and returned to the WGPD to be filed with the State of Florida. Such requests should be submitted at least six weeks prior to the event date.
- May be required to meet with City to present details of event.

APPROVAL PROCESS
Community Development, Economic Development, City Manager and Parks & Recreation Departments will review all requests and forward to additional departments as needed. You may be contacted to provide further information. You will be notified of initial approval, additional fee requirements and if further Commission approval will be required in 2 to 4 weeks. Conditions of approval document may be included as part of final approval.
SPECIAL EVENTS

PLEASE PROVIDE A GENERAL DESCRIPTION OF THE EVENT THAT INCLUDES ALL FEATURES BEING PROPOSED TO TAKE PLACE. ELABORATE ON ANY OF THE ABOVE CHECKED ITEMS, IF NECESSARY: (USE BACK IF NEEDED)

Guests stroll Plant St. at 15 different merchant locations to taste various wines and food bites. Check-in would be at the Farmer's Market Pavilion. We strictly enforce that alcohol can only be consumed inside each participating merchant location only and we always hire two additional off-duty Winter Garden Police Officers to ensure safety. For check-in at the pavilion, we would use existing restrooms, lighting, two additional trash bins (if possible) and access to the sound systems to play music (if possible).

NO APPLICATION WILL BE ACCEPTED UNLESS THE FOLLOWING ITEMS ARE INCLUDED.

(APPROVAL PROCESS WILL NOT BEGIN UNTIL THE FOLLOWING IS SUBMITTED):

- COPY OF 501C-3 FORM SIGNIFYING NON-PROFIT STATUS (IF APPLICABLE)
- SITE PLAN INDICATING ALL AFFECTED AREAS, STREETS PROPOSING TO BE CLOSED, TEMPORARY POWER SOURCES TO BE INSTALLED, PORTABLE RESTROOM LOCATIONS, VENDOR PLACEMENT, PARADE ROUTE OR ANY OTHER SIGNIFICANT FEATURES.
- COPY OF APPLICANT’S INSURANCE CERTIFICATE NAMING THE CITY OF WINTER GARDEN AS ADDITIONALLY INSURED.
- IF ATTENDANCE IS REASONABLY ANTICIPATED TO BE GREATER THAN 100 PEOPLE, YOU SHOULD ALSO INCLUDE A PLAN FOR:
  - Sanitation – Restroom, Port-o-Let Placement, Potable Water, Trash Receptacles & Collection Plan, etc.
  - Parking and Traffic – Rerouting Traffic Around Blocked Streets, Parking for Event Patrons, etc.
  - Medical Care – First Aid Stations, EMS Services, Ambulance on Site, etc.
  - Security – Off-Duty Officers Schedules, Security Service Utilized, # of Event Staff in Attendance, etc.
- IF YOU WANT TO HAVE ANY SIGNAGE, PLEASE PROVIDE A SITE PLAN SHOWING WHERE SIGNS ARE PROPOSED (THE CITY PROHIBITS SNIPED SIGNS).

FOR OFFICIAL USE ONLY

TECHNICIAN INITIAL: ________________________ DATE RECEIVED: ________________________ ☐ Fee paid

CITY MANAGER/DESIGNEE: ________________________ DATE: ________________________ APPROVED: ☐ Yes / ☐ No

CONDITIONS:

__________________________________________

__________________________________________

__________________________________________

__________________________________________

REVISED 02/23/2016
Welcome! Tonight's proceeds benefit the Garden Choir, a not-for-profit organization, building community through song in West Orange County and beyond. We welcome all singers! Find out more about the choir, including upcoming concerts or how to join, at gardenchoir.com.
The Boutique on Plant
VENETO, ITALY
La Luca Prosecco
RAPEL VALLEY, CHILE
Santa Carolina Reserva Chardonnay

Victor Russell
SAVOIE, FRANCE
Les Rocailles Apremont
MARLBOROUGH, NEW ZEALAND
Babich Black Label Sauvignon Blanc

The Sacred Olive
BORDEAUX, FRANCE
Roc des Moulins Bordeaux
MENDOZA, ARGENTINA
Nieto Senetiner Camila Malbec

10th Anniversary Spring Concert
Get swept away by some of the greatest vocal pieces ever written, from Haydn to Handel, to new spiritual works! Enjoy a beautiful, uplifting choral concert featuring over 100 voices of the Garden Choir and other special guests! Secure your tickets at gardenchoir.com.
MAY 12 at 6PM
OCOEE OAKS METHODIST CHURCH

Printing Provided By
Minuteman Press Ocoee
We Design, Print & Promote... YOU!

Tim's wine market
timswine.com
1223 North Orange Avenue
Orlando

YOU DO NOT NEED TO VISIT IN ANY ORDER! Empty your glass before moving to the next location. Always drink responsibly.
From: City Manager, Mike Bollhoefer

Date: 03/22/19  Meeting Date: 03/28/19

Subject: Purchase of Property Located at 902 Avalon Road

Issue: The property located at 902 Avalon Road (.45 acres) is currently for sale. This property is adjacent to the 3.6 acres the City owns (see map). Combining the two properties will make the site more suitable for future uses such as a park or a sub-station. The price for the property is $240,000 which is comparable to similar properties in the area.

Recommended action: Approve the purchase of the property at 902 Avalon Road.