

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue**

REGULAR MEETING

February 22, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of February 8, 2007

Special presentation on February 13, 2007 by the Orange County Property Appraiser

2. **PRESENTATION**

Plaques to Kenneth Moisan for military service in Iraq by Mayor and Commissioners and American Legion Post 63 Commander

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

A. **Ordinance 07-04:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.44 ACRES OF LAND LOCATED AT 186 SOUTH MAIN STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for March 16, 2007** – City Planner Williams

B. **Ordinance 07-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.44 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 186 SOUTH MAIN STREET FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for March 16, 2007** – City Planner Williams

C. **Ordinance 06-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545 FROM ORANGE COUNTY AGRICULTURE TO CITY PUBLIC FACILITY AND EDUCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions OPCS Property LSCPA) **with the second reading and public hearing being scheduled for March 16, 2007** – City Planner Williams

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

A. **Ordinance 07-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-43, THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – Finance Director Strobeck

5. **REGULAR BUSINESS**

- A. Request for donation by the West Orange High School Drama Department – Phyllis Eury
- B. Appointment of two Code Enforcement Board seats scheduled to expire March 1, 2007 (Goodwin and Sherron)– City Clerk Golden
- C. Appointment to fill the unexpired term of Planning and Zoning Board member Bea Deariso – City Clerk Golden
- D. Recommendation to approve Amendment #2, Task Orders #2 and #2007-1 to the Engineering Services Contract with Boyle Engineering for Phase 1, Public Access Reuse Improvements – Public Services Director Don Cochran
- E. Recommendation to approve a proposed contract with Spies Pools, LLC to complete renovations to Boulder Pool – Recreation Director Conn
- F. Recommendation to approve an agreement with Orange County regarding a Community Development Block Grant for Zanders Park - Assistant City Manager Robertson
- G. Recommendation to approve City of Winter Garden City Hall Site Plan – City Manager Bollhoefer

PUBLIC HEARINGS

- H. Interlocal Agreement with Orange County to establish a water, wastewater and reclaimed water territorial agreement – Planning Director Williams
- I. Interlocal Agreement with Orange County and the City of Orlando for production and use of reclaimed water within the Joint Territorial Agreement – Planning Director Williams

6. **MATTERS FROM CITIZENS**

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

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

- A. Financial Statement for January 2007

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

10. **ADJOURN** to a regular City Commission meeting on March 8, 2007

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 07-04

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.44 ± ACRES OF LAND LOCATED AT 186 SOUTH MAIN STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 0.44 acres located at 186 SOUTH MAIN STRET have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by including said property as Commercial , and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT A.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Ord. 07-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.44 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 186 SOUTH MAIN STREET FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as 0.44 acres located at 186 SOUTH MAIN STREET and legally described in Section 1 of this ordinance has petitioned the City to zone said property from CITY R-2 to the CITY C-1 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-2 to City C-1 in the City of Winter Garden, Florida.

SECTION 2: 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 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

(186 South Main Street rezone)

ORDINANCE 06-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545 FROM ORANGE COUNTY AGRICULTURE TO CITY PUBLIC FACILITY AND EDUCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions OCPS Property LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Agriculture to City Public Facility and Education.

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to Winter Garden Public Facility and Education as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or

when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

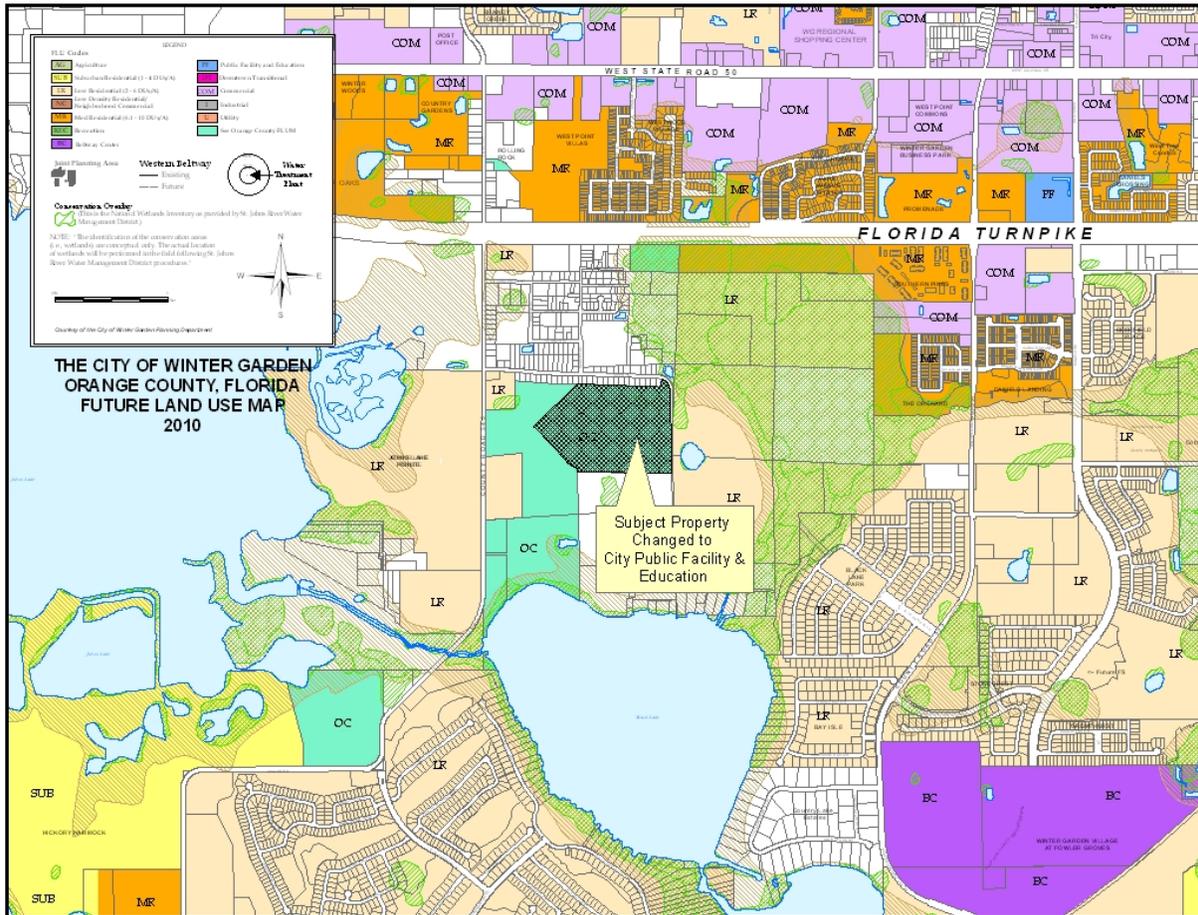
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

ATTACHMENT "B"



ORDINANCE 07-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-43, THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 28, 2006, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 06-43 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2006 and ending September 30, 2007 to provide for budget carryovers from the preceding budget year;

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

SECTION 1: That the sum of \$17,050,294 to be appropriated as follows:

REVENUES

General Fund	\$ 993,929
Local Option Gas Tax Fund	200,355
General Impact Fee Fund	1,935,723
New City Hall Fund	12,802,758
Utilities Operating Fund	39,896
Utilities Impact Fee Fund	509,238
Utilities Renewal & Replacement	178,579
Stormwater Fund	<u>389,816</u>
	\$17,050,294

EXPENSES

General Fund	\$ 993,929
Local Option Gas Tax Fund	200,355
General Impact Fee Fund	1,935,723
New City Hall Fund	12,802,758
Utilities Operating Fund	39,896
Utilities Impact Fee Fund	509,238
Utilities Renewal & Replacement	178,579
Stormwater Fund	<u>389,816</u>
	\$17,050,294

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

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

READ FIRST TIME AND PUBLIC HEARING HELD: February 8, 2007

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack Quesinberry

ATTEST:

Kathy Golden, City Clerk