

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

**REGULAR MEETING**

**September 27, 2007**

**6:30 P.M.**

**CALL TO ORDER**

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

**1. SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2007-2008**

- A. **Ordinance 07-44:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008
- B. **Ordinance 07-45:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008
- C. **Ordinance 07-46:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008
- D. **Ordinance 07-47:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2007-2008 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

**REGULAR CITY COMMISSION MEETING AGENDA**

**2. APPROVAL OF MINUTES**

Regular meeting of September 13, 2007

**3. PRESENTATION**

Introduction of the City's newest State Certified Paramedics – Fire Chief Williamson

**4. FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 07-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; (A) NORMAL RETIREMENT DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing date being advertised after the actuarial impact statement is received** – Human Resources Director Gilbert

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

- A. **Ordinance 07-42:** 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 0.67 ACRES OF LAND LOCATED AT 227 NORTH DILLARD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - SSCPA **with the second reading and public hearing being scheduled for October 25, 2007** – City Planner Williams
- B. **Ordinance 07-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.67 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 227 NORTH DILLARD STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (227 N. Dillard Street Rezoning) **with the second reading and public hearing being scheduled for October 25, 2007** – City Planner Williams

6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 07-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cantero) - City Planner William
- B. **Ordinance 07-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Assaf) – City Planner Williams
- C. **Ordinance 07-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar) – City Planner Williams
- D. **Ordinance 07-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 596 ACRES OF LAND LOCATED NORTH OF LAKE AVALON, EAST OF THE LAKE COUNTY BOUNDARY, AND SOUTH OF JOHN'S LAKE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (McKinnon) – City Planner Williams
- E. **Ordinance 07-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, FROM CITY C-2 AND TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams

7. **REGULAR BUSINESS**

- A. Recommendation to approve and execution of a construction contract in the amount of \$928,000 to Wharton Smith, Inc. and a 5% contingency for the construction of improvements to Zanders Park and a restroom facility at Walker Field – Assistant City Manager Robertson
- B. Recommendation to approve Interlocal Agreement for Fire Dispatch Services between Orange County, Florida and City of Winter Garden – Fire Chief Williamson
- C. Recommendation to approve negotiation of an incentive package of up to \$30,000 of impact fee reductions, drainage and parking fee reductions to support an emerging target industry for its attraction of related business and employment to the City of Winter Garden – City Planner Williams
- D. Request utilization of \$4,000 from the Federal Law Enforcement Trust Fund to purchase the Xtra Duty software from Jivasoft Corporation – Police Chief Brennan
- E. **Resolution 07-07:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE SPECIAL MAIL BALLOT CHARTER ELECTION HELD SEPTEMBER 25, 2007 – City Clerk Golden
- F. **Resolution 07-08:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, IN SUPPORT OF THE DEVELOPMENT OF AN ECOLOGICALLY, ECONOMICALLY, AND SOCIALLY HEALTHY COMMUNITY – City Manager Bollhoefer

**8. MATTERS FROM CITIZENS**

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

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

- A. Financial Statement for August 2007

**11. MATTERS FROM MAYOR AND COMMISSIONERS**

**12. ADJOURN** to a regular City Commission meeting on October 11, 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 07-44**

**AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008**

**WHEREAS**, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2007 and ending September 30, 2008, the City Commission of the City of Winter Garden has determined the rate of ad valorem tax levy that must be assessed for the year 2007; and

**WHEREAS**, the provisions of Chapter 200 of the Florida Statutes prescribing the method of fixing millage has been complied with.

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

**SECTION 1:** The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2007 and ending on September 30, 2008, at the rate of 3.4296 mills (\$3.4296 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is less than the rolled back rate of 3.7688 mills by 9.00 percent.

**SECTION 2:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner Jack L. Quesinberry

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE 07-45**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements of the municipal government of said City for the Tax Collection Year which begins October 1, 2007 and which ends on September 30, 2008 is the sum of \$27,338,359; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said City is necessary to be made in the total amount of 3.4296 mills (\$3.4296 for every \$1,000 of assessed valuation) to be allocated to the General Fund; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,303,452
Revenue other than Ad Valorem	<u>19,034,907</u>
TOTAL REVENUES	\$27,338,359

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

**SECTION 1:** That the sum of \$27,338,359 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the General Fund of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner Jack L. Quesinberry

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE 07-46**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements and appropriations to Fund Balance of the CRA of said City for the Tax Collection Year which begins October 1, 2007 and which ends on September 30, 2008 is the sum of \$859,918; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1991 taxable value of \$23,063,944 is necessary to be allocated to the CRA for Area I; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1996 taxable value of \$548,114 is necessary to be allocated to the CRA for Area II; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$350,498
Revenue other than Ad Valorem	<u>509,420</u>
TOTAL REVENUES	\$859,918

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

**SECTION 1:** That the sum of \$859,918 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the CRA of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner Jack L. Quesinberry

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**ORDINANCE 07-47**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2007-08 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY**

**WHEREAS**, the City Manager of the City of Winter Garden, Florida has submitted an estimate of the expenditures necessary to carry on the City government for the Fiscal Year beginning October 1, 2007 and ending September 30, 2008; and

**WHEREAS**, the estimated revenues to be received by the City during said period from ad valorem taxes and other sources has been submitted to the City Commission; and

**WHEREAS**, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this Ordinance; and

**WHEREAS**, the City Commission has examined and carefully considered the proposed budget;

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

**SECTION 1. Authority.** The City Commission of 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 Chapters 166 and 200, Florida Statutes.

**SECTION 2. Adoption of Final Budget.** Attached hereto as Exhibit "A" and incorporated herein by reference is the final budget for the City of Winter Garden for the Fiscal Year beginning October 1, 2007 and ending September 30, 2008, said final budget being hereby confirmed, adopted and approved in all respects by the City Commission of the City of Winter Garden.

**SECTION 3. Appropriations.** There are hereby expressly appropriated out of anticipated revenues all funds and monies necessary to meet the appropriations stipulated by and in said final budget.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon it becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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

**APPROVED:**

**CITY OF WINTER GARDEN, FLORIDA**

\_\_\_\_\_  
Commissioner H. Gerald Jowers

\_\_\_\_\_  
Mayor/Commissioner Jack L. Quesinberry

\_\_\_\_\_  
Commissioner James R. Buchanan

\_\_\_\_\_  
Commissioner Harold L. Bouler

\_\_\_\_\_  
Commissioner Colin P. Sharman

ATTEST:

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Kathy Golden, City Clerk

**ORDINANCE NO. 07- 54**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; (A) NORMAL RETIREMENT DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden wishes to recruit and retain the best available personnel for its Police and Fire Departments; and

**WHEREAS**, the City does provide a separate pension plan for the benefit and welfare of all certified police and fire personnel; and

**WHEREAS**, the City has determined that it would be in the best interests of the City and its' certified police and fire personnel to offer retirement benefits to those personnel with 25 years creditable service regardless of their age; and

**WHEREAS**, the City's Police and Fire Pension Fund Board has met and considered such change and concurs with its intent and purpose;

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

**SECTION 1:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-191, Benefit Amounts Eligibility (a) Normal retirement date, is hereby amended as follows:

**Sec. 54-191. Benefit amounts and eligibility.**

(a) *Normal retirement date.* A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of ten years of credited service or ~~attainment of age 52 and~~ the completion of 25 years of credited service regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.

**SECTION 2. Codification.** It is the intention of the City Commission of the City that the provisions of Section 54 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or lettering changed and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such is included in the code, Sections of this Ordinance may be renumbered or lettering changed and the correction of obvious typographical errors that do not affect the meaning of the provisions corrected may be authorized and made by the City Manager by filing a corrected copy of the Ordinance with the City Clerk.

**SECTION 3. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: \_\_\_\_\_, 200\_\_.

SECOND READING, PUBLIC HEARING HELD: \_\_\_\_\_, 200\_\_.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, CITY CLERK

ORDINANCE 07-42

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 0.67 ACRES OF LAND LOCATED AT 227 NORTH DILLARD 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 0.67 acres located at 227 NORTH DILLARD STREET 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  
(07- sccpa ord 9/24/2007)

ORDINANCE 07-43

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.67 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 227 NORTH DILLARD STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (227 N. Dillard Street Rezoning)

WHEREAS, the owner of real property generally described as approximately 0.67 acres located at 227 N. Dillard Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-2 to the City's 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 R-2 to 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  
(227 North Dillard Street rezoning 9/24/2007)

ORDINANCE 07-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 38 ± acres located south of Avalon Road and North of Davenport Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

READ FIRST TIME: \_\_\_\_\_, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

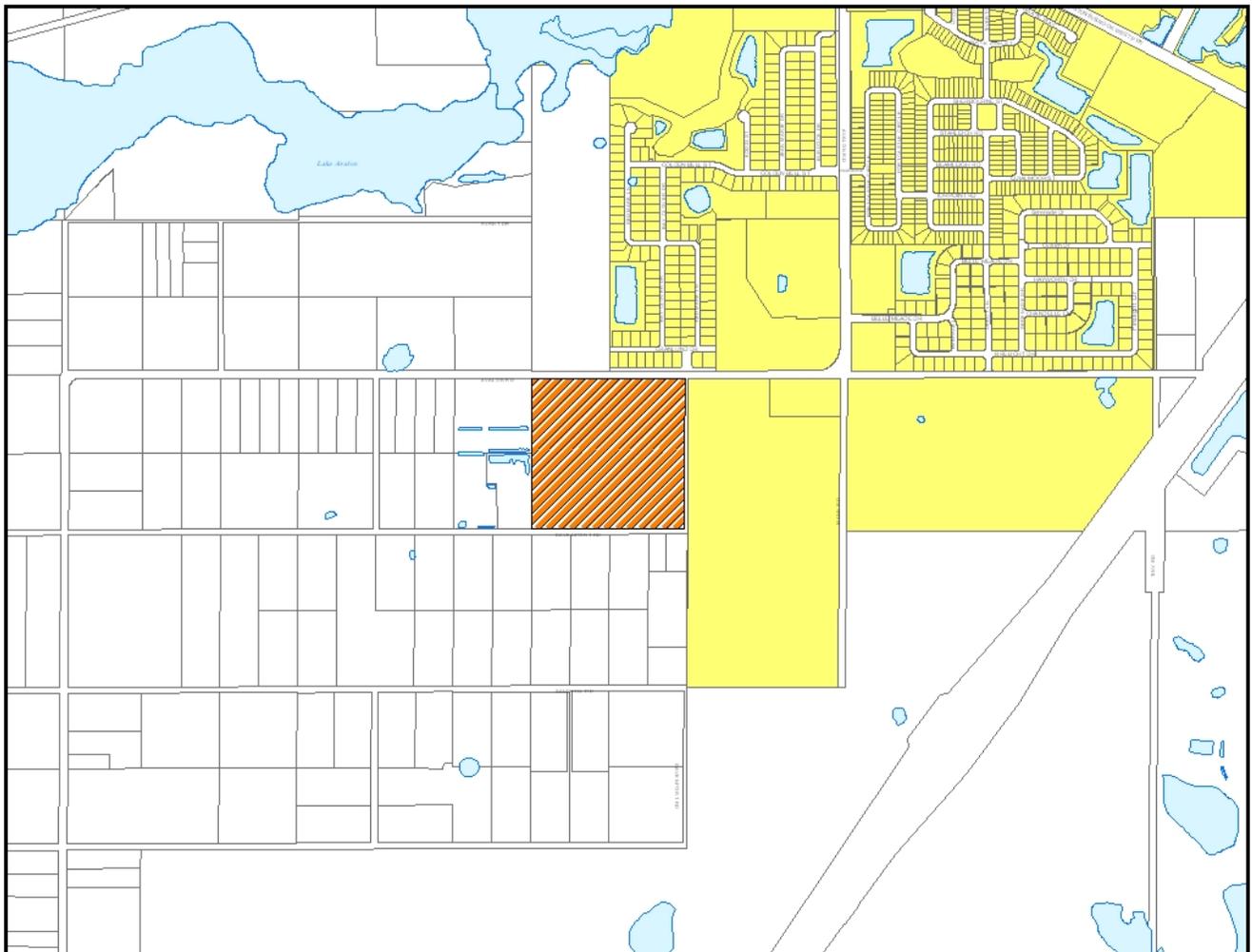
\_\_\_\_\_  
KATHY GOLDEN, City Clerk

Attachment "A"

Legal Description for Carlos & Carmen Cantero Property  
2911 Avalon Rd. Winter Garden, Fl.

LAND DESCRIPTION:

Tracts One-D, Two-d, Fifteen-d and Sixteen-D of LAKE AVALON GROVES, according to the plat thereof, recorded in Plat Book "H", Page 24, Public Records of Orange County, Florida.



ORDINANCE 07-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 40 ± acres located south of Lake Avalon and North of Avalon Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

READ FIRST TIME: \_\_\_\_\_, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

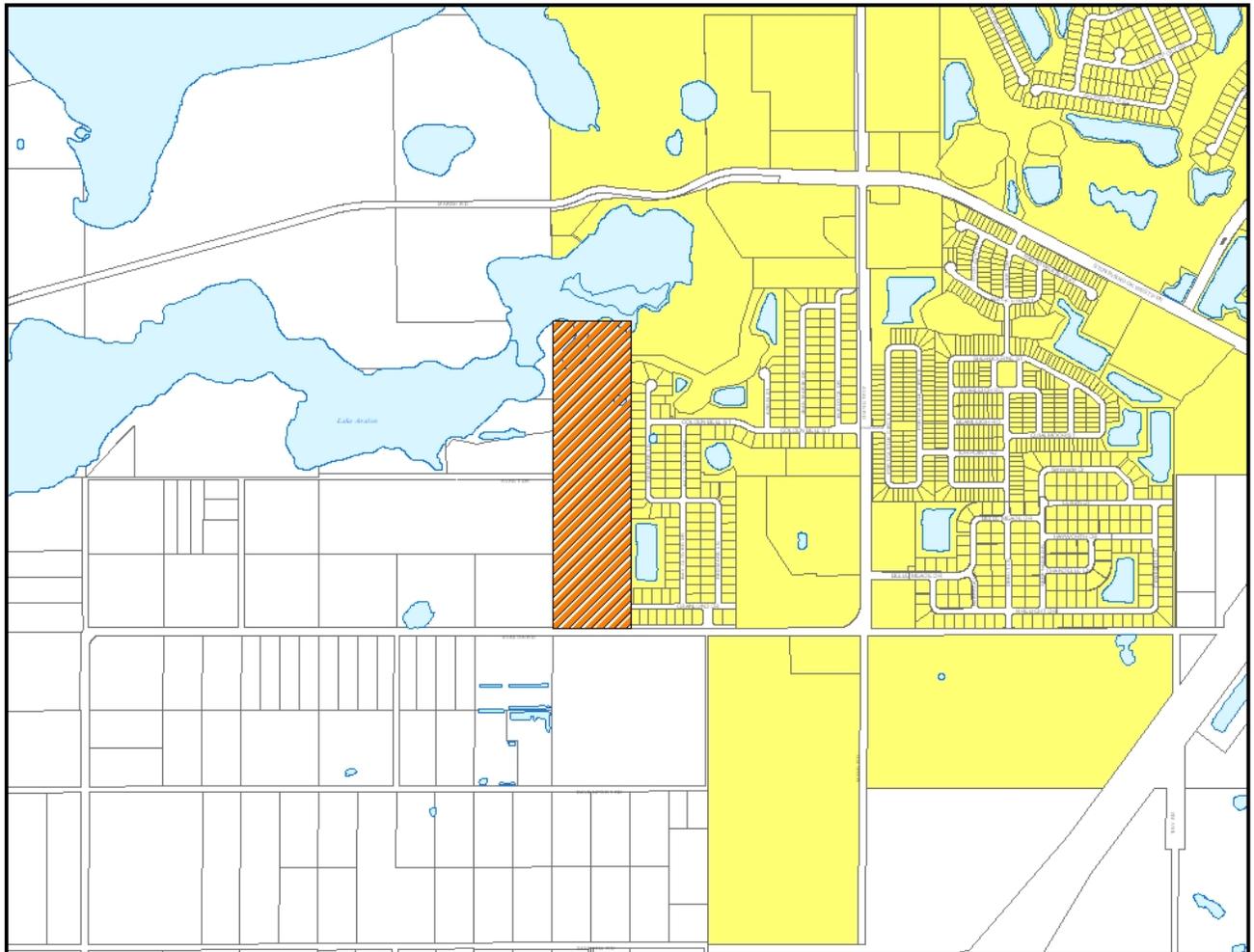
\_\_\_\_\_  
KATHY GOLDEN, City Clerk

Attachment "A"

**LEGAL DESCRIPTION—ASSAF PROPERTY**

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST ¼ OF SECTION 5,  
TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS  
AVALON ROAD ON SOUTH.

CONTAINS 39.595 ACRES MORE OR LESS.



ORDINANCE 07-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 63 ± acres located south of John's Lake and North of Marsh Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

READ FIRST TIME: \_\_\_\_\_, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

Attachment "A"

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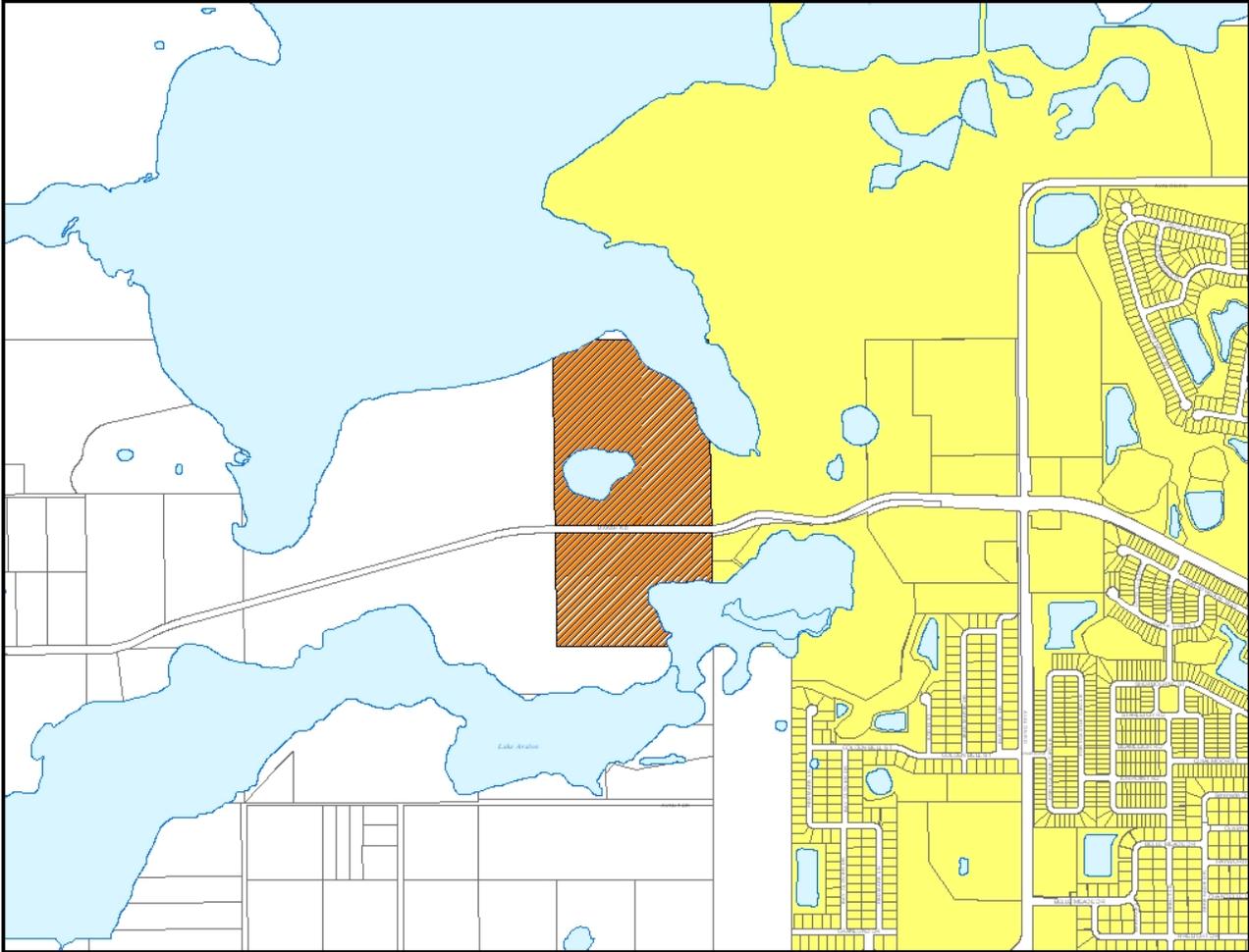
**Legal Description**

**Parcel ID: 05-23-27-0000-00-005**

*That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying North of Marsh Road (2495/1118 thru 1121 2733/1008 & 1952 3004/1484)<sup>1</sup>*

**Parcel ID: 05-23-27-0000-00-008**

*That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying South of Marsh Road<sup>2</sup>*



ORDINANCE 07-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 596 ACRES OF LAND LOCATED NORTH OF LAKE AVALON, EAST OF THE LAKE COUNTY BOUNDARY, AND SOUTH OF JOHN'S LAKE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 596 ± acres located north of Lake Avalon, east of the Lake County Boundary, and south of John's Lake, and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

READ FIRST TIME: \_\_\_\_\_, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

Attachment "A"

PARCEL 1: (Williamson Property)

Government Lots 1, 2 and 3 of Section 31, Township 22 South, Range 27 East, together with all lands in Section 31 adjacent to said Lots 1, 2 and 3 lying East, West and North of said Lots and above the Ordinary high water mark of Johns Lake in Orange County, Florida, together with the East 1/2 of vacated Williams Road.

LESS AND EXCEPT the following described land:

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

ALSO LESS (10.00 ACRE FAMILY PARCEL)

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" East, for a distance of 2140.18 feet; thence run South 90°00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence continue South 90°00'00" East, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line:

South 09°54'23" West, for a distance of 71.25 feet; thence run South 07°01'22" West, for a distance of 99.41 feet; thence run South 17°11'37" West, for a distance of 63.17 feet; thence run South 18°05'32" West, for a distance of 47.37 feet; thence run South 21°33'58" West, for a distance of 55.98 feet; thence run South 13°53'53" West, for a distance of 75.40 feet; thence run South 07°51'44" West, for a distance of 56.11 feet; thence run South 09°36'03" West, for a distance of 98.64 feet; thence run South 10°20'36" West, for a distance of 60.05 feet; thence run South 18°27'57" West, for a distance of 75.16 feet; thence run South 46°53'39" West, for a distance of 56.50 feet; thence run South 66°33'56" West, for a distance of 74.48 feet; thence run South 76°25'41" West, for a distance of 65.68 feet; thence run South 79°24'42" West, for a distance of 56.05 feet; thence run South 86°31'40" West, for a distance of 68.43 feet; thence run South 88°09'44" West, for a distance of 45.19 feet; thence run North 89°20'58" West, for a distance of 56.41 feet; thence run South 86°33'59" West, for a distance of 76.03 feet; thence run South 85°18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00°00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

Containing 186.32 acres, more or less.

PARCEL 2: (Wild, Cutler, Knight Property)

PARCEL 06-23-27-0000-00-002

Beginning 30 feet North of the Southwest corner of Fractional East 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East on the North boundary of County, Road; run thence North to the Southeast corner of the

Northwest 1/4 of the Northeast 1/4 of said Section 6; thence East 660 feet; thence South to the North Boundary of County Road; thence Southwesterly and Westerly along said North boundary of County Road to the Point of Beginning, Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-211

The East 1/2 of Lot 21H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-321

The East 1/2 of Lot 32H, LAKE AVALON GROVES REPLAT, as shown by Plat Book H, page 81, Public Records of Orange County, Florida, LESS the South 15 feet for road right of way.

Containing 28.23 acres, more or less.

PARCEL 3: (Shop, Comstock, Avalon Property)

PARCEL 06-23-27-4288-08-302:

The East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof and also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

The West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof, AND also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 3.87 acres, more or less.

AND

PARCEL 06-23-27-4288-08-310

The West 4.37 acres of Lot 31H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, LESS: Begin at the Northwest corner of Lot 31 H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, of the Public Records of Orange County, Florida, then run South along the Western boundary of said Lot 31H, a distance of 148 feet, then run East and parallel to the Northern boundary of said Lot 31H, a distance of 295 feet, then run North and parallel to the Western boundary of said lot a distance of 148 feet to the North line of said lot, then run West along said North line 295 feet, more or less to the point of beginning, and also less the South 15 feet for road right of way.

Containing 3.26 acres, more or less.

AND

PARCEL 06-23-27-4288-08-330

Lot 33H, LAKE AVALON GROVES REPLAT, as shown in Plat Book H, page 81, Public Records of Orange County, Florida, LESS the North 15 feet for road right of way

Containing 9.38 acres, more or less.)

PARCEL 5: (Avalon 123 Property)

PARCEL 06-23-27-4288-08-302:

The North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, less the South 24 feet thereof.

Containing 2.65 acres, more or less.

PARCEL 6: (Johns Lake Valencia, Johns Lake Temples and Red Barn Navels)

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, Page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND

PARCEL 06-23-27-0000-00-001

The North 1/2 of the Northwest 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said

PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND ALSO LESS

BUFFER PARCEL (1.10 ACRES):

A portion of Section 6, Township 23 South, Range 27 East, and a portion of Section 31, Township 22 South, Range 27 East, all in Orange County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°17'17" West, along the West line of Section 6, Township 23 South, Range 27 East, for a distance of 46.66 feet to a point on the South line of that property described in Official Records Book 6030, page 356 of the Public Records of Orange County, Florida, also being the POINT OF BEGINNING; thence departing said West line, run South 89°43'32" East, along said South line, for a distance of 202.96 feet; thence departing said South line run North 00°14'00" East, along the East line of said property described in Official Records Book 6030, page 356, for a distance of 187.86 feet to a point on the Normal High Water line of Johns Lake, being elevation 98.4 feet, according to Orange County, Florida; thence run the following 2 courses and distances along said Normal High Water Level: South 75°15'11" East, for a distance of 61.45 feet; thence run South 85°22'10" East, for a distance of 40.63 feet to a point on a line 100 feet East of, and parallel with the aforesaid East line of the property described in Official Records Book 6030, page 356; thence departing said Normal High Water Level, run South 00°14'00" West, along said parallel line, for a distance of 269.41 feet to a point on a line 100 feet South of, and parallel with the aforesaid South line of the property described in Official Records Book 6030, page 356; thence run North 89°43'32" West, along said parallel line, for a distance of 303.05 feet to a point on the aforesaid West line of Section 6; thence run North 00°17'17" East, along said West line, for a distance of 100.00 feet to the POINT OF BEGINNING.

PARCEL 06-23-27-0000-00-004

The North 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida

LESS AND EXCEPT the following:

Begin at a point 56.75 feet West of the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, said point being the point of curvature of a curve to the left, running Northeasterly with a radius of 167.36 feet, then along said curve 281.09 feet to the point of reverse curvature of a curve to right with a radius of 162 feet, thence along said curve a length of 114.76 feet to point of reverse curvature of a curve to left with a radius of 285 feet, thence along said curve a length of 310.60 feet to a point, thence North 77°11" East 1188.82 feet to East line of said Section, thence South 00°38' East along said East line 852.40 feet to Southeast corner of the Northeast 1/4 of the Northeast 1/4, thence West 1382.95 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at a point 60 feet North of the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 473 feet, thence North 196.5 feet, thence West 473 feet thence South 196.5 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 816 feet thence North 256.5 feet thence West 343 feet thence South 196.5 feet thence West 473 feet thence South 60 feet to the Point of Beginning.

AND ALSO LESS (NELSON 5.00 ACRE OUTPARCEL):

COMMENCE at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence run South 89°50'03" West, along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 6 to a point on a curve, concave Easterly, having a radius of 167.36 feet, a chord bearing of North 21°43'23" West, and a chord distance of 123.89 feet; thence departing said South line, run Northwesterly along the arc of said curve through a central angle of 43°26'46" for an arc distance of 126.91 feet to the POINT OF BEGINNING; thence continue along the arc of said curve through a central angle of 52°47'07" for an arc distance of 154.18 feet to the point of reverse curvature of a curve, concave Northwesterly, having a radius of 162.00 feet, a chord bearing of North 32°29'28" East, and a chord distance of 114.76 feet; thence run Northeasterly along the arc of said curve through a central angle of 40°35'17" for an arc distance of 114.76 feet to the point of reverse curvature of a curve, concave Southeasterly, having a radius of 285.00 feet, a chord bearing of North 43°25'06" East, and a chord distance of 295.46 feet; thence run Northeasterly along the arc of said curve through a central angle of 62°26'32" for an arc distance of 310.60 feet to the point of tangency; thence run North 74°38'22" East, for a distance of 581.02 feet to a point on the Normal High Water Elevation of John's Lake, said Normal High Water Elevation being 98.4', according to Orange County, Florida; thence run along said Normal High Water Elevation the following courses and distances: North 45°27'06" West, for a distance of 21.35 feet; thence run North 25°21'31" West, for a distance of 23.03 feet; thence run North 02°28'39" East, for a distance of 36.04 feet; thence run North 86°58'09" East, for a distance of 34.53 feet; thence run South 37°22'10" East, for a distance of 26.73 feet; thence run North 45°40'37" East, for a distance of 14.05 feet; thence run North 22°17'46" West, for a distance of 32.96 feet; thence run North 45°51'33" West, for a distance of 62.91 feet; thence run North 42°42'45" West, for a distance of 70.27 feet; thence departing said Normal High Water Elevation, run South 74°38'22" West, for a distance of 840.65 feet; thence run South 00°00'00" West, for a distance of 557.76 feet to the POINT OF BEGINNING.

together containing 154.43 acres, more or less.

PARCEL 7: (Avalon Groves)

The North 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida. Less the North 25 feet for right of way by virtue of the Quit-Claim Deed recorded in Deed Book 345, page 45, Public Records of Lake County, Florida.

AND

The South 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida.

Containing 159.76 acres, more or less.

PARCEL 7: (Avalon Groves)

A parcel of land being a portion of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 23 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of the Northeast 1/4 of said Section 12; thence run South 89°35'26" East, along the North line of said Northeast 1/4 for a distance of 1317.76 feet; thence South 00°33'16" West along the East line of said Northwest 1/4 of the Northeast 1/4 for a distance of 1247.62 feet; thence North 89°31'05" West along a line 75.00 feet North of and parallel to the South line of said Northwest 1/4 of the Northeast 1/4 for a distance of 686.27 feet; thence North 00°34'59" East for a distance of 1221.76 feet; thence North 89°35'26" West along a line 25.00 feet South of and parallel to the North line of said Northeast 1/4 for a distance of 632.12 feet; thence North 00°36'42" East along the West line of said Northeast 1/4 for a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 20.00 acres, more or less.

PARCEL 8: (Joyce C Hibdon Property)

PARCEL 06-23-27-4288-08-242:

The North 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-243

The South 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 4.91 acres, more or less.

10.00 ACRE FAMILY PARCEL:

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00'00'00" East, for a distance of 2140.18 feet; thence run South 90'00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence, continue South 90\*00'001DE ast, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line: South 09'54'23" West, for a distance of 71.25 feet; thence run South 07'01'22" West, for a distance of 99.41 feet; thence run South 17'11'37" West, for a distance of 63.17 feet; thence run South 18'05'32" West, for a distance of 47.37 feet; thence run South 21'33'58" West, for a distance of 55.98 feet; thence run South 13'53'53" West, for a distance of 75.40 feet; thence run South 07'51'44" West, for a distance of 56.11 feet; thence run South 09'36'03" West, for a distance of 98.64 feet; thence run South 10'20'36" West, for a distance of 60.05 feet; thence run South 18'27'57" West, for a distance of 75.16 feet; thence run South 46'53'39" West, for a distance of 56.50 feet; thence run South 66'33'56" West, for a distance of 74.48 feet; thence run South 76'25'41" West, for a distance of 65.68 feet; thence run South 79'24'42" West, for a distance of 56.05 feet; thence run South 86'31'40" West, for a distance of 68.43 feet; thence run South 88'09'44" West, for a distance of 45.19 feet; thence run North 89'20'58" West, for a distance of 56.41 feet; thence run South 86'33'59" West, for a distance of 76.03 feet; thence run South 85'18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00'00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

05-23-27-0000-00-001

Legal Description:

THAT PORTION OF FRACTIONAL NW1/4 LYING N OF MARSH RD IN SEC 05-23-27

06-23-27-0000-00-003

Legal Description:

S1/2 OF FRACTIONAL E1/4 OF NE1/4 LYING N OF MARSH RD IN SEC 06-23-27 3577/2340 & 4144/3088 OR B&P 5548/2833, ON 06-03-98, INST TM

06-23-27-4272-00-030

Legal Description:

LAKE AVALON ESTATES R/52 LOT 3 (LESS N 15 FT FOR RD) & THAT PT OF NW1/4 OF SE1/4 6 23 27 NOT PLATTED

06-23-27-0000-00-008

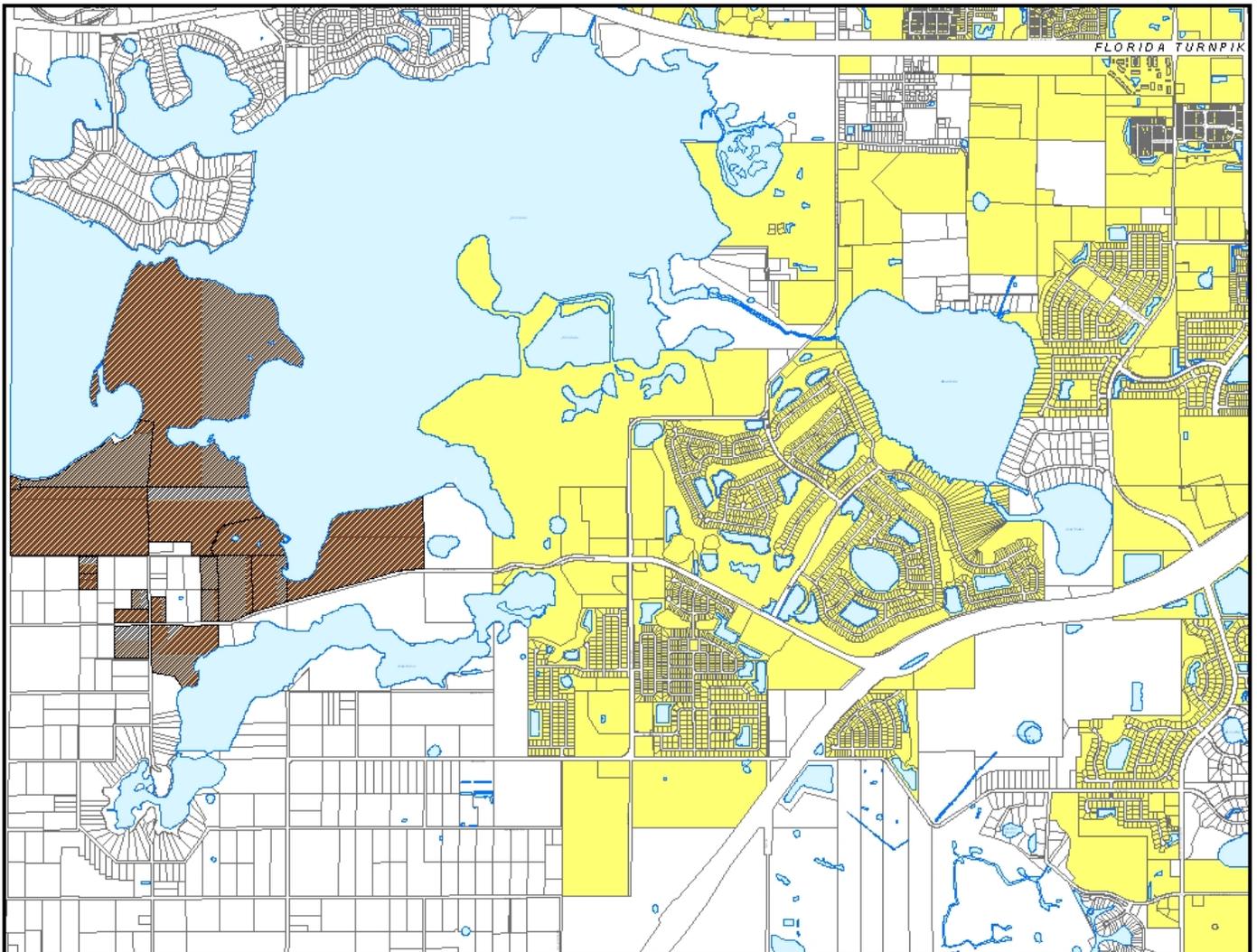
Legal Description:

BEG SW COR SEC 31-22-27 TH RUN N 204.96 FT TO JOHN'S LAKE SHORELINE TH S 66 DEG E 91.68 FT S 76 DEG E 121.85 FT S 258.61 FT W 203 FT TO W LINE OF SEC 06-23-27 TH N 116.71 FT TO POB (LESS S 70 FT THEREOF) OR B&P 6044/3477, ON 07-14-00, INST WD

Nelson Property:

Begin at a point 56.75 feet West of the SW corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6, Township 23 South, Range 27 East, said point being the P.C. of a curve to the left, running Northeasterly with a radius of 167.36 feet, run thence along said curve a length of 281.09 feet to the P.R.C. of a curve to the right with a radius of 162 feet, thence along said curve a length of 114.76 feet to the P.R.C. of a curve to the left with a radius of 285 feet, thence along said curve a length of 310.60 feet to a point, thence North 77° 11' East 1188.82 feet to the East line of said Section, thence South 0° 38' East along said East line 852.40 feet to the SE corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , thence West 1382.95 feet to the point of beginning. Containing 19.7 acres.

3.0  
3.30



ORDINANCE 07-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, FROM CITY C-2 AND TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owners of real property generally described as APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, (hereinafter known as the Owners) desire to rezone their property from City C-2 to City PCD, and

WHEREAS, said property is identified in the Future Land Use Map of the Comprehensive Plan as Commercial, and

WHEREAS, the City desires to rezone said property to PCD with certain restrictions, then

WHEREAS, the City and the property owner have agreed to the specific PCD requirements identified herein, therefore;

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

**Section I – PCD Rezoning**

After due notice and public hearing, the zoning classification of real property legally described in Exhibit “A” is hereby rezoned from City C-2 to City PCD in the City of Winter Garden, Florida with the following provisions and restrictions:

**Section II – General Requirements**

- (1) **Concept Plan** – All development on the subject property must substantially conform to ATTACHMENT “A” (the conceptual site plan) and the architectural rendering depicted on the conceptual site plan.
- (2) **Setbacks & Height Restrictions** - The setbacks for the subject property will be:
  - 50 feet in the front yard
  - 20 feet on each side yard (20 feet when adjacent to a public street)
  - 20 feet in the rear yardThe maximum height of any building will be 40 feet.
- (3) **Zoning** - Unless specifically noted otherwise within this ordinance, all development must comply with the general zoning requirements of the PCD zoning district. These requirements include any approval procedure of the PCD zoning district.
- (4) **Permitted Uses** - The permitted uses allowed on the subject property are as follows:

- Retail
- Eating and drinking establishments
- Offices
- Studios
- Financial, Banking and Investment institutions
- Hotels
- Personal services.
- Public buildings and Government.
- Churches.
- Recreation and Entertainment
- Doctor/Dentist
- Laboratory/ Clinic
- Veterinary without door runs
- Cat and Dog Grooming
- Furniture Store
- Toy/Sporting Goods
- Courier Service
- Hardware/Paint/Wallpaper Stores
- Pharmacy
- Liquor Store
- Office Supply
- Florist
- Insurance
- Health/Fitness
- Retail Laundry/Dry Cleaning
- Beauty/barber shop
- Dance Studio
- Computer sales/service

(5) **Prohibited Uses:** - The prohibited uses on the subject property are as follows:

- Service Stations
- Vehicle Sales and Service
- Outdoor Storage
- Industrial
- Warehouse
- Communication towers/antennas
- Day Care Center
- Veterinary Hospital
- Manufacturing
- Junk/salvage yard
- Temporary sales/open air markets
- Truck Stop
- Laundry/dry cleaning plant
- Adult entertainment
- Vehicle Rental/Leasing
- Paint/Body Shop
- Car Wash
- Arcades

- (6) **Vehicular Connections** – Principal access to the property will be from West State Road 50 and a rear connection in the north-east through a dedicated cross access easement to Tildenville School Road.
- (7) **Pedestrian Connections** – Bicycle and pedestrian connections must be provided to adjacent properties including vehicular walkways, and pedestrian access and circulations. Trash receptacles, bike racks and benches must be provided. A 5 foot sidewalk is required to provide internal access from West State Road 50.
- (8) **Utilities and equipment** - All utilities must be underground. All utility equipment (i.e. transformers, etc.) must be properly screened with landscaping or hidden from public view if on top of a roof.
- (9) **Retention Ponds** – All retention ponds must comply with State Road 50 Overlay Commercial Development Standards, ordinance 03-30, City Code Section 118.400.
- (10) **Impervious Surface Ratio**- The maximum impervious surface ratio shall not exceed 80% per PCD approval. .
- (11) **Design Criteria** – **The following design criteria shall be applicable to the entire subject site. The predominant architectural character is to be Mediterranean with allowable exceptions for the Coastal and/or Florida Vernacular Style. No more than (3) of the buildings would be different than Mediterranean. All office buildings will be Mediterranean and create a pedestrian friendly and uniquely designed office environment sensitively placed among large oak trees. All other design criteria must comply with the West State Road 50 Overlay Commercial Development Standards; Ordinance 03-30, City Code Section 118.400 which includes lighting, buffers, fencing, architectural details, curbing, dumpsters, and signage.**

The Planning and Zoning Board shall approve the specific architectural details at the time the site plan is approved.

- (12) **Recording** - The Developer will pay for the recording of this ordinance.
- (13) **Outdoor Storage** – Outdoor storage of materials or equipment is a prohibited use.
- (14) **Amendments** – Minor amendments to this ordinance will be achieved by Resolution of the City Commission. Major amendments will need to be approved by the City Commission by Ordinances.

**Section VI** The City Clerk and the City Manager are hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**Section VII** The restrictions in this ordinance may be amended via a resolution approved by the City Commission.

**Section VIII** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section IX** This Ordinance shall become effective upon approval by the City Commission.

FIRST READING: \_\_\_\_\_ 2007.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk  
{Oakland Commons PCD ord/ 09/24/2007}

**RESOLUTION 07-07**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE SPECIAL MAIL BALLOT CHARTER ELECTION HELD SEPTEMBER 25, 2007**

**WHEREAS**, on September 25, 2007, a special election was declared by Ordinance 07-25 and was conducted in accordance with the Charter, and Ordinances of the City of Winter Garden and with the State of Florida Election and Administrative Codes; and

**WHEREAS**, the Registration Book closing for the special election reflected that the total Registered Voters in the City of Winter Garden as 13,089; and

**WHEREAS**, the City Clerk for Winter Garden has transmitted to the City Commission the County Canvassing Board endorsed Certificate of Special Election Results, which is hereby made a part of this Resolution (Exhibit A) for the purpose of amending the City's Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA**, that we do hereby declare that:

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**TITLE:** CHARTER AMENDMENT INCORPORATING PREAMBLE AND TECHNICAL REVISIONS, REMOVING INEFFECTIVE LANGUAGE, AND PROVIDING REORGANIZATION AND CONSOLIDATION.

**SUMMARY:** A vote of "yes" would approve an amendment revising the City Charter to provide a Preamble, remove ineffective, redundant, or otherwise preempted language, clarify existing provisions, substitute gender neutral language, provide technical revisions to the Charter, and reorganize and renumber charter provisions to consolidate subject matter and account for other changes as may be adopted at this referendum.

\*\*\*\*\*

**TITLE:** AMENDMENT CHANGING TERMS OF OFFICE FOR COMMISSIONERS AND MAYOR-COMMISSIONER FROM 2 YEARS TO 3 YEARS.

**SUMMARY:** A vote of "yes" would approve an amendment changing the terms of office of the mayor commissioner and city commissioners from the current two (2) years to terms of three (3) years and providing technical changes to accommodate such.

\*\*\*\*\*

**TITLE:** CHARTER AMENDMENT REQUIRING COMMISSIONERS TO RESIDE IN THE DISTRICT THAT THEY REPRESENT.

**SUMMARY:** A vote of "yes" approves an amendment to the charter requiring city commissioners representing a district and commission candidates qualifying for a district election to reside within such district, excepting sitting commissioners and qualified candidates from such rule until completion of their terms if such candidate or commissioner ceases to reside in a district solely as a result of redistricting, and requiring commissioners to generally maintain their candidacy qualifications while in office.

\*\*\*\*\*

**TITLE:** CHARTER AMENDMENT PROVIDING THAT THE CITY MANAGER BE HIRED PURSUANT TO AN EMPLOYMENT CONTRACT.

**SUMMARY:** A vote of “yes” would approve an amendment requiring the city commission to hire the city manager pursuant to an employment contract not exceeding four years and subject to renewal upon approval, empowering the city commission to terminate the city manager by resolution and 3 member affirmative vote prior to contract expiration and, and requiring the City to continue paying the city manager’s full salary until final removal or contract expiration, whichever occurs first.

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**TITLE:** CHARTER AMENDMENT PROVIDING NEW PROCEDURE FOR FILLING COMMISSION VACANCIES.

**SUMMARY:** A vote of “yes” replaces the charter’s current system for filling commission vacancies, which current system allows the governor to fill a vacancy if the commission fails to appoint a replacement within 15 days, with a system whereby, if six months or less remain in the unexpired commissioner’s term, the commission fills the vacancy by appointment, or, if more than six months remain in the unexpired term, a special election is called to fill the vacancy.

\*\*\*\*\*

**TITLE:** CHARTER AMENDMENT REVISING RULES FOR CALLING SPECIAL AND EMERGENCY COMMISSION MEETINGS AND PASSING EMERGENCY ORDINANCES.

**SUMMARY:** A vote of “yes” reduces the number of commission members required to call special commission meetings, adjusts the notice requirements for special meetings, provides new procedures for calling emergency meetings, reduces the required vote for enactment of emergency ordinances from unanimous to an affirmative two-thirds vote, and permits emergency ordinances to expend funds in excess of the contingent fund.

\*\*\*\*\*

**TITLE:** CHARTER AMENDMENT PROVIDING FOR REDISTRICTING, A REDISTRICTING COMMITTEE AND ADOPTION OF REDISTRICTING ORDINANCES.

**SUMMARY:** A vote of “yes” establishes events triggering the redistricting process and formation of a redistricting commission, provides for the appointment of a redistricting commission by the city commission, sets forth deadlines and standards that the redistricting commission must follow in preparing and submitting a redistricting report, and provides for the adoption of a redistricting ordinance by the city commission.

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**TITLE:** AMENDMENT REVISING CHARTER ELECTION PROVISIONS, RECONSTITUTING THE CANVASSING BOARD, AND PERMITTING DELEGATION OF CANVASSING DUTIES.

**SUMMARY:** A vote of “yes” revises and reorganizes the current charter’s election provisions to remove ineffective or preempted language, permits the dates for run-off elections and candidate registration to be determined by ordinance, clarifies procedures for tied run-off elections and single-candidate races, replaces the current canvassing board comprised of the city commission with a canvassing board comprised of the city clerk and two citizens, and permits canvassing duties to be delegated to the County Canvassing Board.

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**TITLE:** AMENDMENT ESTABLISHING A CHARTER PROCESS FOR CITIZEN INITIATIVES AND REFERENDUM.

**SUMMARY:** A vote of “yes” creates a citizen initiative and referendum process to challenge existing ordinances and propose new ordinances whereby initiative petitions meeting certain criteria are first submitted to the city commission for adoption, and, if such petition is not adopted by the commission as an ordinance, the petition is then referred to a citywide referendum for approval or rejection.

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**TITLE:** AMENDMENT REVISING POWERS OF THE CITY COMMISSION AND GROUNDS AND PROCEDURES FOR REMOVAL OF COMMISSIONERS.

**SUMMARY:** Voting “yes” reorganizes charter provisions concerning the City Commission, reduces residency period for Commission candidates to 1 year, substitutes a general statement of the Commission’s power in lieu of enumerated powers, provides mayor-commissioner with additional duties, reduces allowable unexcused commissioner absences from commission meetings from 4 to 3, provides commissioners facing forfeiture with the right to a public hearing, and requires the selection of a mayor pro-tem at the commission meeting following an election.

\*\*\*\*\*

**TITLE:** AMENDMENT ADJUSTING THE RESPECTIVE DUTIES OF APPOINTED OFFICERS AND PROVIDING FOR AN INDEPENDENT CITY CLERK.

**SUMMARY:** Voting “yes” requires all city officers to be appointed by the city manager, except the city clerk and city attorney who would both be appointed and removed by the city commission; adjusts, revises and clarifies the duties of appointed charter officers; names the city clerk the supervisor of municipal elections; permits such clerk to act independently of the city manager while exercising certain enumerated duties; and removes the city engineer office from the charter.

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**TITLE:** AMENDMENT ALIGNING THE CITY’S PROCEDURES FOR ADOPTING ORDINANCES WITH STATE LAW.

**SUMMARY:** A vote of “yes” removes preempted language concerning the City’s adoption of ordinances, eliminates the requirement that ordinances and resolutions may be passed only by entry of “yeas” and “nays” into a journal, establishes a default date for the effectiveness of an ordinance to be 10 days following adoption, and makes notice requirements for publishing and amending ordinances consistent with state law.

\*\*\*\*\*

**TITLE:** AMENDMENT PROVIDING FOR CHARTER REVIEW ONCE EVERY 8 YEARS.

**SUMMARY:** A vote of “yes” requires that a charter review committee be appointed by the city commission at least once every 8 years to review the city charter and report any proposed changes to the city commission.

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**TITLE:** AMENDMENT REVISING AND CONSOLIDATING CHARTER FISCAL PROVISIONS AND PROVIDING FOR FISCAL MANAGEMENT.

**SUMMARY:** Voting “yes” deletes Articles VIII, IX, X, and XI, titled respectively “Tax Administration,” “Special Assessments,” “Board of Equalization,” and “Finance” in favor of statutory requirements for such and consolidates remaining fiscal provisions into new Article VIII, “Fiscal Management,” which permits the city commission to

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reduce, transfer, or make additional appropriations or emergency notes, requires the city manager to monitor fiscal matters, and allows such manager to transfer funds among programs within a department or unit.

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This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 27<sup>th</sup> day of September 2007.

\_\_\_\_\_  
JACK QUESINBERRY, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Golden, CMC, City Clerk

**RESOLUTION 07-08**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, IN SUPPORT OF THE DEVELOPMENT OF AN ECOLOGICALLY, ECONOMICALLY, AND SOCIALLY HEALTHY COMMUNITY**

**WHEREAS** the earth sustains all life and ensuring that the resources to sustain life are protected is everyone's responsibility; and

**WHEREAS** the results of the early efforts are having a positive effect; however, much more needs to be accomplished; and

**WHEREAS** federal, state and local governments are beginning to take steps in implementing measures to protect our fragile environment; and

**WHEREAS** this Commission supports becoming an eco-friendly municipality and thus desires to adopt a set of principles to guide our city in protecting our environment and the resources necessary to sustain life; and

**WHEREAS** the Commission agrees to involve the City staff, citizens and the business community to make the changes that will ultimately benefit the entire community and the world; and

**WHEREAS** the City recognizes that developments within our community also have the opportunity to participate by being certified as environmentally friendly "green" communities such as Oakland Park, the first development in Central Florida to earn the certification; and

**WHEREAS** the City desires to implement policies and improvements that will have a positive effect on the environment and create more awareness within our community regarding the importance of protecting our fragile natural resources.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Winter Garden, Florida:

**SECTION 1.** The City will draft a "Green Community Plan".

**SECTION 2.** The City of Winter Garden will champion the effort throughout the community and select a member(s) of staff to champion the effort.

**SECTION 3.** The City will involve the elected body, city staff, citizens, the business community and developers to ensure that the City does indeed become a "green" community.

PASSED AND RESOLVED this 27th day of September, 2007, by the City Commission of the City of Winter Garden, Florida.

\_\_\_\_\_  
Jack Quesinberry, Mayor / Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk