



**CITY COMMISSION AGENDA
CITY HALL CHAMBERS
251 W. Plant Street**

REGULAR MEETING

APRIL 24, 2008

6:30 P.M.

CALL TO ORDER

Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of April 10, 2008

2. PRESENTATIONS, OATHS, AND PROCLAMATION

- A. Annual Drop Savers awards – Water Conservationist Dennis Jones / Mayor Rees
- B. Oaths administered to new police officers - Police Chief Brennan
- C. [Proclamation 08-03](#) declaring the week of June 2-6, 2008 as Code Enforcement Officers' Appreciation Week – Mayor Rees
- D. Consideration of a special assessment for fire fees – Jason Bucholz with Government Services Group

3. PUBLIC HEARINGS:

- A. STIPULATED SETTLEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN DOAH Case No. 07-4414GM – City Planner Williams
- B. [ORDINANCE 08-31](#): AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 05-56 CONCERNING THE AMENDMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR REMEDIAL AMENDMENT OF ORDINANCE 05-56 PURSUANT TO A COMPLIANCE AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE – City Planner Williams

4. REGULAR BUSINESS

- A. [Resolution 08-09](#): A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE – Public Services Director Cochran
- B. [Resolution 08-10](#): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO WEST STATE ROAD 50 COMMERCIAL; CREATING THE WEST STATE ROAD 50 COMMERCIAL CORRIDOR REVIEW BOARD; DEFINING THE PURPOSE OF THE BOARD; ESTABLISHING THE PROCEDURES FOR

SELECTION OF BOARD MEMBERS AND THE TERMS OF BOARD MEMBERS;
ESTABLISHING A SUNSET DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
AN EFFECTIVE DATE – City Manager Bollhoefer

- C. Recommendation to approve an Environmental Contamination Hold Harmless and Indemnity Agreement with MPG Avamar, Ltd. – Planning Director Williams
- D. Recommendation to approve the final plat for Avamar Crossing as part of the Avalon Reserve PUD located on the west side of CR 545 south of Marsh Road with conditions – Planning Director Williams
- E. Recommendation to approve the site plan for Roper YMCA located at Marshall Farms/Windermere Roads with conditions and subject to receiving a special exception permit from the Planning and Zoning Board on May 5, 2008 – Planning Director Williams
- F. Recommendation to approve an Emergency Medical Services Agreement with Orange County to allow the City to receive four (4) Wisperflows and related equipment through grant funds – Fire Chief Williamson

5. **MATTERS FROM CITIZENS** *(Limited to 3 minutes per speaker)*

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

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

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on May 8, 2008 in City Hall Chambers

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.

Proclamation

08-03

Whereas, Code Enforcement Officers provide for the health, safety and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; and

Whereas, Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and

Whereas, every day, assisted by support and program staff, they attempt to provide quality customer service to the public for the betterment of the community; and

Whereas, too many times their efforts go unnoticed, even after code compliance has been accomplished due to their efforts and expertise; and

Whereas, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; and

Whereas, the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers;

Now, therefore, be it resolved that *I, John Rees, Mayor of the City of Winter Garden* do hereby proclaim the week of June 2 through 6, 2008 as

“Code Enforcement Officers’ Appreciation Week”

in the City of Winter Garden, Florida, in accordance with the statewide observance of the same and encourage citizens of Winter Garden to join this Commission in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.

In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 24th day of April, 2008.

Mayor John Rees

Attest:

Kathy Golden, City Clerk

ORDINANCE 08-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ORDINANCE 05-56 CONCERNING THE AMENDMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR REMEDIAL AMENDMENT OF ORDINANCE 05-56 PURSUANT TO A COMPLIANCE AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden, Florida desires to amend the City of Winter Garden Comprehensive Plan adopted by Ordinance No. 91-16, as amended in accordance with this Ordinance; and

WHEREAS, on June 29, 2004, the State of Florida enacted the Wekiva Parkway and Protection Act (herein referred to as the "Act") which requires local governments within the Wekiva Study Area to amend their Comprehensive Plans by establishing land use strategies that protect recharge areas, establish a 10 year potable water plan and to development a Master Stormwater Plan; and

WHEREAS, the City of Winter Garden is within the Wekiva Study Area and thus subject to certain requirements of the Act; and

WHEREAS, the City of Winter Garden Local Planning Agency and City Commission conducted the prerequisite advertised public hearings regarding the adoption of Ordinance 05-56 amending the Comprehensive Plan in accordance with the Act; and

WHEREAS, on June 14, 2007, the City Commission held a second reading public hearing on Ordinance 05-56 and adopted Ordinance 05-56 amending the Comprehensive Plan in accordance with the Act; and

WHEREAS, on September 5, 2007, the Department of Community Affairs ("DCA") issued its Statement of Intent to find portions of Ordinance 05-56 Not In Compliance with Chapter 163, Fla. Stat, Fla. Admin. Code 9J-5 and the Wekiva Parkway and Protection Act; and

WHEREAS, DCA filed a formal administrative hearing proceeding challenging Ordinance 05-56, which the City of Winter Garden disputes the allegations of DCA's petition; and

WHEREAS, DCA and the City of Winter Garden have entered into a Stipulated Settlement Agreement ("Compliance Agreement") pursuant to Section 163.3184(16), Florida Statutes concerning the comprehensive plan amendment adopted by Ordinance 05-56 and the

City Commission has approved such Compliance Agreement in accordance with Section 163.3184(16), Florida Statutes; and

WHEREAS, the Compliance Agreement requires the remedial amendment of the comprehensive plan amendment adopted pursuant to Ordinance 05-56 to revise Comprehensive Plan Policies 5.6.6 and 5.6.7 concerning Wekiva Study Area Open Space requirements; and

WHEREAS, pursuant to this Ordinance, the City Commission desires to implement and adopt the remedial amendment required by the Compliance Agreement and amend Ordinance 05-56 as provided herein; and

WHEREAS, this Ordinance is being adopted as a remedial amendment in accordance with Section 163.3184(16), Florida Statutes, and City Commission conducted the prerequisite advertised public hearing on the Compliance Agreement and this Ordinance.

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

SECTION 1 Remedial Plan Amendment. Except as amended herein, Ordinance 05-56 shall remain in full force and effect. Ordinance 05-56 is hereby amended to revise Comprehensive Plan Policies 5.6.6 and 5.6.7 to reads as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Policy 5.6.6. All new development and redevelopment within the Resource Protection Overlay shall be required to meet the following standards:

- (1) All rezoning shall be to the appropriate Planned Development Zoning District.
- (2) Minimum open space shall be 25% for both residential and non residential development consisting of WSA Open Space. WSA Open Space will be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association. Open Space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.
- (3) Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.
- (4) To discourage development of the Resource Protection Overlay areas development may be clustered on or transferred to other areas of a development site outside the Resource Protection Overlay areas. The land development code shall provide for reduced lot size and increased ISR in Resource Protection Overlay areas to maximize WSA open space.
- (5) The City of Winter Garden does not contain any identified sensitive natural habitat. A development that creates sensitive natural habitat of five acres or

greater will receive density and intensity bonuses or other development incentives.

Policy 5.6.7. Wekiva Study Area (WSA) Open Space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Restrictions concerning WSA Open Space shall be included in the City's Wekiva Land Development Code requirements. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.

SECTION 2 Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

SECTION 3 Severability. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 4. Transmittal. Within ten (10) working days after adoption of this Ordinance, the City Planning Department is directed to transmit this remedial comprehensive plan amendment to the Department of Community Affairs in accordance with Section 163.3184(16), Florida Statutes and the Compliance Agreement.

SECTION 5 Effective Date. This Ordinance and Ordinance 05-56, as amended by this Ordinance shall become effective 21 days after the State of Florida Department of Community Affairs issues a final order determining that the adopted comprehensive plan amendment is in compliance in accordance with Section 163.3184(9), Florida Statutes or when the Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(9), Florida Statutes, whichever occurs first.

READING AND ADOPTION PUBLIC HEARING: April _____ 2008.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

City of Winter Garden Regular Commission meeting
April 24, 2008

KATHY GOLDEN, City Clerk

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RESOLUTION 08-09

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Winter Garden City Commission adopted Ordinance 01-14 (the Solid Waste/Recycling Ordinance) which included a provision in Section 58-75 providing for the City Commission's adoption of an amended fee schedule for the services related to the collection of solid waste and recycling by Resolution; and

WHEREAS, the City Commission and City Staff have considered the increase based on the costs of providing services and the Consumer Price Index (CPI) of 2.2%, which is needed for the City to protect the City's financial resources and the resources of the citizens of the City of Winter Garden; and

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

Section 1: The applicable rates for the collection of residential and commercial solid waste as specified on the attached Exhibit "A" are hereby adopted and approved by the City Commission of the City of Winter Garden.

Section 2: That all Resolutions or parts thereof that are in conflict with this Resolution are hereby rescinded and repealed to the extent of said conflict.

Section 3: That this Resolution shall take effect on, May 1st, 2008.

PASSED AND ADOPTED this _____ day of April 24th, 2008.

APPROVED:

JOHN REES, MAYOR

ATTEST:

KATHY GOLDEN, City Clerk

RESOLUTION 08-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO WEST STATE ROAD 50 COMMERCIAL; CREATING THE WEST STATE ROAD 50 COMMERCIAL CORRIDOR REVIEW BOARD; DEFINING THE PURPOSE OF THE BOARD; ESTABLISHING THE PROCEDURES FOR SELECTION OF BOARD MEMBERS AND THE TERMS OF BOARD MEMBERS; ESTABLISHING A SUNSET DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission created the West State Road 50 overlay commercial development standards; and

WHEREAS, the standards were created without consideration of the costs of implementation; and

WHEREAS, the standards and other factors have hindered development and redevelopment in the West State Road 50 Commercial Corridor; and

WHEREAS, the City Commission believes it is important that development standards must be financially feasible; and

WHEREAS, the Commission believes that any plan to clean up State Road 50 should provide funding mechanisms where possible; and

WHEREAS, the City Commission desires to create a volunteer board to work with City staff and the Commission to recommend amendments to the existing standards and create a financially feasible plan to ensure that the State Road 50 Corridor is developed and redeveloped in an aesthetically pleasing manner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, as follows:

Section 1. Creation of the West State Road 50 Commercial Corridor Review Board.

(a) The West State Road 50 Commercial Corridor Review Board ("Board") is hereby created by the city commission. The Board shall be comprised of seven voting members as follows:

- i. Two members shall own a business located in the West State Road 50 Commercial Corridor as defined in Section 118, Article IX of the City Code.
- ii. One member shall own property and a business located in West State Road 50 Commercial Corridor in unincorporated Orange County.

- iii. One member shall own undeveloped—or soon to be redeveloped—property in the West State Road 50 Commercial Corridor.
- iv. Two members shall be residents of Winter Garden who do not own a business or property in the West State Road 50 Commercial Corridor.
- v. One member shall be a professional urban planner or similar professional.

(b) The Board shall have two non-voting members.

- i. The Planning Director or his/her designee.
- ii. The Economic Development Director or his/her designee.

(c) In addition to the members listed above, the City Engineer, Finance Director, and city attorney shall be available to the Board as needed to facilitate the goals and objectives of the Board.

Section 2. West State Road 50 Commercial Corridor Review Board – Terms of office, vacancies, removal.

(a) The voting members shall be appointed for a term of two years.

(b) All vacancies on the review board shall be filled by the city commission for the unexpired portion of the term.

(c) Any member of the review board may be removed, with or without cause, by the city commission at any time. Any member failing to attend 75 percent or more of the board's meeting in any one calendar year shall be subject to removal by the city commission.

Section 3. West State Road 50 Commercial Corridor Review Board – Election of officers, bylaws, meetings

(a) The review board shall elect annually a chairman and vice-chairman from among its voting members. In addition, a member of City staff shall serve as recording secretary of the board.

(b) The review board shall establish and adopt a set of bylaws and procedures consistent with the State of Florida sunshine laws. A quorum shall consist of five (5) voting members.

(c) The review board shall hold, at a minimum, regular monthly meetings on such days and as such hours as are set by the review board.

Section 4. West State Road 50 Commercial Corridor Review Board - Purpose

(a) The review board shall review the current West State Road 50 Development Standards to determine if and where amendments should be made.

(b) The review board will explore the possibility of creating a Community Redevelopment District for the West State Road 50 Commercial Corridor.

(c) The review board will research other sources of funding for financing improvements in the West State Road 50 Commercial Corridor.

- (d) The review board will compile all the above elements and provide a recommendation to the City Commission for a West State Road 50 Commercial Corridor Improvement Plan.
- (e) The Board may request funding from the City Commission to conduct any needed studies.
- (f) The Board will hold public meetings to receive input from the citizens and owners of property and businesses within the West State Road 50 Commercial Corridor.
- (g) The Board shall make its recommendations to the City Commission prior to the sunset of the Board.

Section 5. West State Road 50 Commercial Corridor Review Board – Sunset

The Board shall sunset two years after inception, which is the same as two years from the adoption of this Resolution.

PASSED AND RESOLVED this ____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk