



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

**BUDGET HEARING AND
REGULAR MEETING**

SEPTEMBER 25, 2008

6:30 P.M.

CALL TO ORDER

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 2008-2009**

- A. **Ordinance 08-47:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009 – City Manager Bollhoefer
- B. **Ordinance 08-48:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009 – City Manager Bollhoefer
- C. **Ordinance 08-49:** 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, 2008 AND ENDING ON SEPTEMBER 30, 2009 – City Manager Bollhoefer
- D. **Ordinance 08-50:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2008-2009 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 – City Manager Bollhoefer

REGULAR CITY COMMISSION MEETING AGENDA

2. APPROVAL OF MINUTES

Regular Meeting Minutes of August 28, 2008, Budget Workshop minutes of August 28, 2008, Budget Workshop minutes of September 8, 2008, Budget Hearings and Regular Meeting minutes of September 10, 2008

3. FIRST READING OF PROPOSED ORDINANCES

- A. **Ordinance 08-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 (1) OF CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY AMENDING THE PROCEDURES AND FEES OF THE CITY OF WINTER GARDEN WATER AND SEWER ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for October 9, 2008** – Public Services Director Cochran
- B. **Ordinance 08-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTION 78-243 RECLAIMED WATER RATES AND CHARGES; PROVIDING FOR A WATER CONSERVATION RATE STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing scheduled for October 9, 2008** – Public Services Director Cochran
- C. **Ordinance 08-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.50 ACRES LOCATED AT 422

MAGNOLIA STREET, 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 **with the second reading and public hearing on October 23, 2008** - Planning Director Williams

- D. **Ordinance 08-45:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL; TO CITY COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.50 ACRES OF LAND LOCATED AT 422 MAGNOLIA STREET: PROVIDING FOR AN EFFECTIVE DATE (SSCPA) **with the second reading and public hearing on October 23, 2008** - Planning Director Williams
- E. **Ordinance 08-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.50 ACRE PROPERTY LOCATED AT 422 MAGNOLIA STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing on October 23, 2008** - Planning Director Williams

4. **REGULAR BUSINESS**

- A. Discussion regarding names for new park and recreation facilities as recommended by the facility naming committee - Parks and Recreation Director Conn
- B. Appointments to the Planning and Zoning Board for three expiring terms (Balderrama, Gentry and Snell) – City Clerk Golden
- C. Recommendation to approve the final plat for the Winter Garden Commerce Center located on Story Road – Planning Director Williams
- D. Recommendation to approve the Developer's Agreement for the Winter Garden Commerce Center – Planning Director Williams
- E. Recommendation to approve an agreement for acquisition of right-of-way on Plant Street and West Crown Point Road – Planning Director Williams
- F. Recommendation to approve an Interlocal Agreement for Fire Dispatch Services between Orange County and the City of Winter Garden – 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

- A. Utility Billing New Hours – Beginning September 29, 2008, Monday through Friday, 8:00 a.m. to 6:00 p.m.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on October 9, 2008 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 08-47

**AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY
WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX
YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON
SEPTEMBER 30, 2009**

WHEREAS, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2008 and ending September 30, 2009, 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 2008; 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, 2008 and ending on September 30, 2009, at the rate of 3.3866 mills (\$3.3866 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 3.6554 mills by 7.35 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 John Rees

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 08-48

AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009

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, 2008 and which ends on September 30, 2009 is the sum of \$25,441,160; 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 3.3866 mills (\$3.3866 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	\$ 8,653,952
Revenue other than Ad Valorem	<u>16,787,208</u>
TOTAL REVENUES	\$25,441,160

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

SECTION 1: That the sum of \$25,441,160 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 John Rees

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 08-49

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, 2008 AND ENDING ON SEPTEMBER 30, 2009

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, 2008 and which ends on September 30, 2009 is the sum of \$864,549; 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	\$362,900
Revenue other than Ad Valorem	<u>501,649</u>
TOTAL REVENUES	\$864,549

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

SECTION 1: That the sum of \$864,549 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 John Rees

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 08-50

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2008-09 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) 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, 2008 and ending September 30, 2009; 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, 2008 and ending September 30, 2009, 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 John Rees

Commissioner James R. Buchanan

Commissioner Harold L. Bouler

Commissioner Colin P. Sharman

ATTEST:

Kathy Golden, City Clerk

ORDINANCE NO. 08-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 (1) OF CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY AMENDING THE PROCEDURES AND FEES OF THE CITY OF WINTER GARDEN WATER AND SEWER ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Winter Garden finds that it is essential to the economic success of the community to sustain a safe, reliable water supply; and

WHEREAS, The St. Johns River Water Management District has strongly encouraged the City of Winter Garden to develop an effective water conservation program; and

WHEREAS, The City of Winter Garden City Commission finds that water conservation user rates have been determined to be the most effective means of encouraging water conservation

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

Section 1. The City of Winter Garden hereby amends the following sections of Chapter 78, Utilities, of the Code of Ordinances:

Section 2. Adoption. Division 1, Article V of Chapter 2 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-57. Charges for water on separate meter used for irrigation only.

(a) *Application for irrigation system or irrigation meter.* All users of the city water system within the corporate limits of the city shall request a permit for the installation of an irrigation system and irrigation meter. An application must be completed and submitted to the utilities department for the installation of an irrigation system and irrigation meter prior to the issuance of a permit. The utilities department director may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.

(b) *Basic rate for separate meter, used for irrigation only.* The monthly charges for a separate meter, used for irrigation only, shall be as follows:

(1) A minimum monthly service charge per month for those billings where an irrigation meter is the only water meter installed shall apply in addition to the consumption charge indicated below. Outside the city limits, customers will be charged the monthly service charge at 125 percent.

~~Bills rendered on or after April 1, 2000:~~

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
—	—	0-10,000	\$ 1.07
5/8" x 3/4"	\$ 5.25	Above 10,000	1.28
1"	13.13		
1 1/2"	26.25		
2"	42.00		
3"	78.75		
4"	131.25		
6"	262.50		
8"	420.00		

~~Bills rendered on or after April 1, 2001:~~

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
—	—	0-10,000	\$ 1.20
5/8" x 3/4"	\$ 5.80	Above 10,000	1.44
1"	14.50		
1 1/2"	29.00		
2"	46.40		

3" —	87.00 —	
4" —	145.00 —	
6" —	290.00 —	
8" —	464.00 —	

Bills rendered on or after October 1, 2008:

Monthly Service Charge by Rate Class and Meter Size

<u>Residential Single Family</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>Residential Multi-Family</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>General Service or Commercial</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>General Service or Commercial</u>	<u>1" meter</u>	<u>\$15.43</u>
<u>General Service or Commercial</u>	<u>2" meter</u>	<u>\$49.39</u>
<u>General Service or Commercial</u>	<u>3" meter</u>	<u>\$92.60</u>

Usage Volume Charges by Meter Size and Consumption

Residential Single Family 5/8" x 3/4" and 1" meters

<u>Usage per 1,000 Gallons</u>	
<u>0 – 5,000</u>	<u>\$ 1.2730</u>
<u>5,001 – 25,000</u>	<u>\$ 1.5339</u>
<u>25,001 and Above</u>	<u>\$ 1.8840</u>

Residential Multi-Family

General Service or Commercial 5/8" x 3/4" meter

<u>Usage per 1,000 Gallons</u>	
<u>0 – 5,000</u>	<u>\$ 1.2730</u>
<u>5,001 – 25,000</u>	<u>\$ 1.5339</u>
<u>25,001 and Above</u>	<u>\$ 1.8840</u>

Residential Multi-Family

General Service or Commercial 1" meter

<u>Usage per 1,000 Gallons</u>	
<u>0 – 12,500</u>	<u>\$ 1.2730</u>
<u>12,501 – 62,500</u>	<u>\$ 1.5339</u>
<u>62,501 and Above</u>	<u>\$ 1.8840</u>

Residential Multi-Family

General Service or Commercial 2" meter

<u>Usage per 1,000 Gallons</u>	
<u>0 – 40,000</u>	<u>\$ 1.2730</u>
<u>40,001 – 200,000</u>	<u>\$ 1.5339</u>
<u>201,000 and Above</u>	<u>\$ 1.8840</u>

Residential Multi-Family

General Service or Commercial 3" meter

<u>Usage per 1,000 Gallons</u>	
<u>0 – 75,000</u>	<u>\$ 1.2730</u>
<u>75,001 – 375,000</u>	<u>\$ 1.5339</u>
<u>375,001 and Above</u>	<u>\$ 1.8840</u>

Effective ~~October 1, 2001~~, October 1, 2008 the rates shall be indexed by the Consumer Price Index, or two percent, whichever is greater, annually for the next three years. ~~All rates shall have a 25 percent surcharge for customers outside of the city limits.~~

Section 3. CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

Section 4. **SEVERABILITY.** If any Section or portion of the Section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force, or effect of any other Section or part of a Section of this Ordinance.

Section 5. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon its passage and adoption.

READ FIRST TIME: September 25, 2008.

READ SECOND TIME AND PUBLIC HEARING HELD: October 9, 2008.

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

CITY OF WINTER GARDEN, FLORIDA, a Florida Municipality

By: _____
JOHN REES, Mayor/Commissioner

ATTEST:

By: _____
KATHY GOLDEN, City Clerk

ORDINANCE NO. 08-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTION 78-243 RECLAIMED WATER RATES AND CHARGES; PROVIDING FOR A WATER CONSERVATION RATE STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden finds that by encouraging the use of reclaimed water while assuring the health and safety of the citizens of Winter Garden and the protection of the environment, Winter Garden will continue to use water in the best interest of present and future generations; and

WHEREAS, conservation of all available water resources requires the maximum reuse of reclaimed water for beneficial uses of water and such reuse of reclaimed water is of vital interest to the public health and safety; and

WHEREAS, the City Commission of the City of Winter Garden, Florida finds that water conservation and the enforcement of water conservation by the citizens of the City of Winter Garden is of direct benefit to the health and welfare of such citizens and encourages water conservation through water conservation user rates; and

WHEREAS, the City Commission of the City of Winter Garden, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida.

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

Section 1. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

Section 2. Article VII of Chapter 78, Utilities, of the Code of Ordinances of the City of Winter Garden is hereby created:

ARTICLE VII. RECLAIMED WATER

Division 1. General Provisions

Sec. 78-243. Reclaimed water rates and charges

A. Connection Charges. The connection charges for reclaimed water service will consist of the tap fee and meter set fee for metered connections.

(1) Tap Fee. The reclaimed water tap fee shall be as follows:

<u>Reclaimed Water Service Size</u>	<u>In City</u>	<u>Out of City</u>
1.0"	\$ 662.00	\$ 827.50
1.5"	\$1,199.00	\$1,498.75
2.0"	\$1,272.00	\$1,590.00

<u>Reclaimed Water Service Size</u>	<u>Rate</u>
<u>3/4"</u>	<u>\$ 542.95</u>
<u>1.0"</u>	<u>\$ 709.16</u>
<u>2.0"</u>	<u>\$1,362.92</u>

(2) Backflow devices shall be installed and maintained by the customer on the potable water services as required by City Code of Ordinances, Chapter 78, Article V, cross connection control.

(3) Meter Set Fee. The meter set fee shall be as follows:

<u>Reclaimed Water Service Size</u>	<u>In City</u>	<u>Out of City</u>
.75"	\$258.00	\$323.13
1.0"	\$331.00	\$413.75
1.5"	\$713.00	\$891.25

2.0" \$734.00 \$917.50

<u>Reclaimed Water Service Size</u>	<u>Rate</u>
<u>3/4"</u>	<u>\$277.02</u>
<u>1.0"</u>	<u>\$354.58</u>
<u>2.0"</u>	<u>\$786.73</u>

All reclaimed water connections larger than two inches (2") or involving potable water service larger than two inches (2") will be charged for at actual cost plus twenty percent (20%). The connection charge shall be waived for development activities that will furnish and install taps in accordance with this article.

B. Reuse Charges. The following shall be the schedule of monthly rates and charges for reuse provided by the City:

~~(1) The charges for service shall be based upon the greater of 150 percent of the charge incurred by the city for delivered reclaimed water pursuant to the Water Conservation II Agreement for the Delivery and Use of Reclaimed Water ("Water Conservation II Agreement") or as set by resolution or monthly amount of reuse consumed as follows:~~

- a. A minimum monthly charge of \$4.58 which will include 10,000 gallons of reuse.
- b. A charge of \$0.60 for each 1,000 gallons over 10,000 gallons of reuse.

Monthly Service Charge by Rate Class and Meter Size

<u>Residential Single Family</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>Residential Multi-Family</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>General Service or Commercial</u>	<u>5/8" x 3/4" meter</u>	<u>\$ 6.18</u>
<u>General Service or Commercial</u>	<u>1" meter</u>	<u>\$15.43</u>
<u>General Service or Commercial</u>	<u>2" meter</u>	<u>\$49.39</u>
<u>General Service or Commercial</u>	<u>3" meter</u>	<u>\$92.60</u>

Usage Volume Charges by Meter Size and Consumption

<u>Residential Single Family</u>	<u>5/8" x 3/4" and 1" meters</u>
<u>Usage per 1,000 Gallons</u>	
<u>0 – 5,000</u>	<u>\$ 1.2730</u>
<u>5,001 – 25,000</u>	<u>\$ 1.5339</u>
<u>25,001 and Above</u>	<u>\$ 1.8840</u>
<u>Residential Multi-Family</u>	
<u>General Service or Commercial</u>	<u>5/8" x 3/4" meter</u>
<u>Usage per 1,000 Gallons</u>	
<u>0 – 5,000</u>	<u>\$ 1.2730</u>
<u>5,001 – 25,000</u>	<u>\$ 1.5339</u>
<u>25,001 and Above</u>	<u>\$ 1.8840</u>
<u>Residential Multi-Family</u>	
<u>General Service or Commercial</u>	<u>1" meter</u>
<u>Usage per 1,000 Gallons</u>	
<u>0 – 12,500</u>	<u>\$ 1.2730</u>
<u>12,501 – 62,500</u>	<u>\$ 1.5339</u>
<u>62,501 and Above</u>	<u>\$ 1.8840</u>
<u>Residential Multi-Family</u>	
<u>General Service or Commercial</u>	<u>2" meter</u>
<u>Usage per 1,000 Gallons</u>	
<u>0 – 40,000</u>	<u>\$ 1.2730</u>
<u>40,001 – 200,000</u>	<u>\$ 1.5339</u>
<u>201,000 and Above</u>	<u>\$ 1.8840</u>

Residential Multi-Family
General Service or Commercial 3" meter

<u>Usage per 1,000 Gallons</u>	
<u>0 – 75,000</u>	<u>\$ 1.2730</u>
<u>75,001 – 375,000</u>	<u>\$ 1.5339</u>
<u>375,001 and Above</u>	<u>\$ 1.8840</u>

- (2) ~~Consumptive use rate for contract and bulk users will be based upon the greater of one hundred fifty percent (150%) of the charge incurred by the City for delivered reclaimed water as \$0.36 per 1,000 gallons. At no time should a bulk user be charged less than \$360.00 per month. 100,000 gallons or greater per day, at a rate of \$1.18 per 1,000 gallons.~~
- (3) ~~Contracts for bulk users who use less than 100,000 gallons per day may be negotiated with the approval of the City Commission. shall be defined as another public entity.~~
- (4) ~~County customers will be charged a twenty five percent (25%) surcharge. This surcharge will continue to be twenty five percent (25%) after each rate adjustment.~~
- (5) (4) The City Manager or his/her designee may adjust or waive reuse charges to bulk users willing to take reuse for storage at the request of the City.

C. A customer whose service has been discontinued may resume reclaimed water service by payment of past due amounts and a reconnection fee of twenty-five dollars (\$25.00); provided, however, that where service has been discontinued for violation of the policies and regulations relating to the use of the reclaimed water system, service will not be reconnected until the City receives, in its opinion, reasonable and sufficient guaranty that the violation will not reoccur.

D. Where these rates and charges result in inequitable and/or undue hardship on the property owner, the Director shall have the authority to adjust the rates and charges based upon the following considerations:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings similarly situated.
- (2) The special conditions and circumstances do not result from the actions of the property owner.
- (3) Making the adjustment will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The decision of the Director to grant or deny a rate adjustment shall be deemed final unless a request for review by the City Manager is filed by the aggrieved party with the City Clerk within fifteen (15) days from the date of such decision. The City Manager may either affirm, modify or reverse the decision, and such action by the City Manager shall be considered final administrative action. Unless the aggrieved party files an appeal to the City Commission with the City Clerk within fifteen (15) days of such decision. In which instance, the action of the City Commission shall constitute final administrative action.

F. **Rate Adjustments.** The rates and charges by class for the use and availability of the City's reclaimed water system inside or outside the City may be adjusted annually by the City Commission by modification of the charges provided herein by resolution or by a price index escalator adopted by resolution or by both.

Section 3. **CODIFICATION.** Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

Section 4. **SEVERABILITY.** If any Section or portion of the Section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force, or effect of any other Section or part of a Section of this Ordinance.

Section 5. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

READ FIRST TIME: September 25, 2008.

READ SECOND TIME AND PUBLIC HEARING HELD: October 9, 2008.

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

**CITY OF WINTER
GARDEN, FLORIDA, a Florida Municipality**

By: _____
JOHN REES, Mayor/Commissioner

ATTEST:

By: _____
KATHY GOLDEN, City Clerk

ORDINANCE 08-44

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.50 ACRES LOCATED AT 422 MAGNOLIA STREET, 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 lands generally described as 0.50 acres located at 422 Magnolia Street 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: _____, 2008.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2008.

APPROVED:

JOHN REES, Mayor/Commissioner

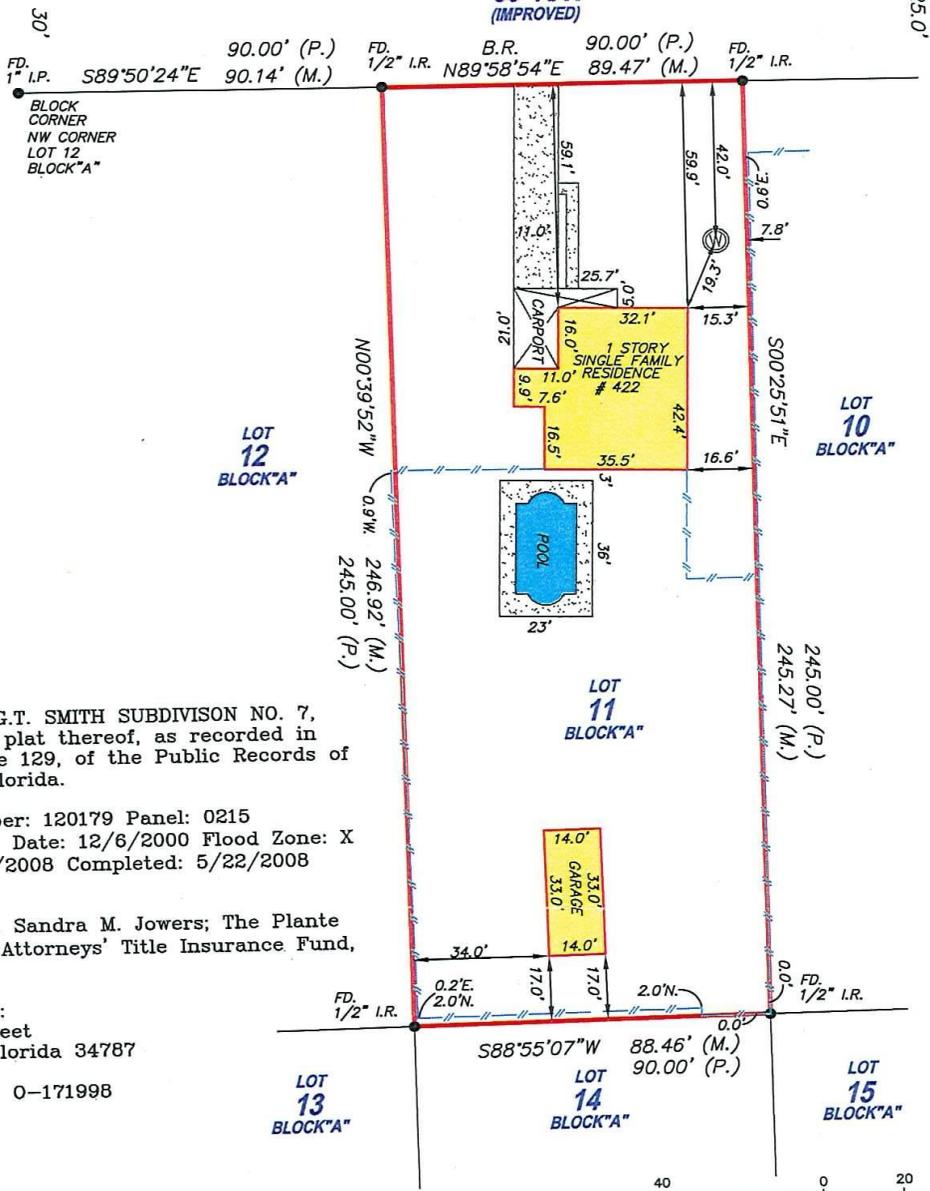
ATTEST:

KATHY GOLDEN, City Clerk
(422 magnolia street annex ord)

BOUNDARY SURVEY

MAGNOLIA STREET

60' RW
(IMPROVED)



Legal Description

Lot 11, Block A, G.T. SMITH SUBDIVISION NO. 7, according to the plat thereof, as recorded in Plat Book Q, Page 129, of the Public Records of Orange County, Florida.

Community Number: 120179 Panel: 0215
 Suffix: E F.I.R.M. Date: 12/6/2000 Flood Zone: X
 Field Work: 5/21/2008 Completed: 5/22/2008

Certified To:
 H. Gerald Jowers; Sandra M. Jowers; The Plante Law Group, PLC; Attorneys' Title Insurance Fund, Inc.

Property Address:
 422 Magnolia Street
 Winter Garden, Florida 34787

Survey Number: 0-171998

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND FEATURES, SUCH AS, IMPROVEMENTS, ENCROACHMENTS, FOUNDATIONS OR UTILITIES, IF EXISTENT, WERE NOT LOCATED AS A PART OF THIS SURVEY.
- 4) BUILDING TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) BEARINGS REFERENCED TO LINE NOTED B.R.
- 9) THE SURVEY DEPICTED HEREON FORMS A CLOSED GEOMETRIC FIGURE. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- 10) THIS DRAWING MAY NOT BE TO SCALE DUE TO ELECTRONIC TRANSFER TO RECONSTRUCT BOUNDARY LINES.
- 11) THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- 12) SUBJECT TO ANY DEDICATION, LIMITATIONS, RESTRICTIONS, RESERVATIONS, AND/OR EASEMENTS OF RECORD. NO EXAMINATION OF TITLE MADE BY SURVEYOR.
- 13) THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
- 14) THIS SURVEY IS INTENDED FOR MORTGAGE OR REFINANCE PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF RESIDENTIAL SURVEYING SPECIALISTS, INC.
- 15) THIS IS NOT AN ALTA / ACSM LAND TITLE SURVEY.

NOTE:
 BEARINGS SHOWN ARE BASED UPON RECORD PLAT OR DEED DESCRIPTION

NOTE:
 IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE 61G17-6.004 (2) (d), IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

LEGEND
 ABBREVIATIONS

A/C	AIR CONDITIONER	M	FIELD MEASURED	S.B.L.	SET BACK LINE
B.R.	BEARING REFERENCE	M.E.	MAINTENANCE EASEMENT	SW	SIDEWALK
C	CALCULATED	N	NORTH	SEC	SECTION
C.M.	CONCRETE MONUMENT	N&D	NAIL & DISC	TEL	TELEPHONE FACILITIES
C.A.L.C.	CALCULATED	N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM	T.O.B.	TOP OF BANK
CATV	CABLE RISER	N.R.	NON RADIAL	TX	TYPICAL
CB	CHORD BEARING	N.T.S.	NOT TO SCALE	U.E.	UTILITY EASEMENT
CH	CHORD	O.H.L.	OVERHEAD LINES	W	WEST
COR.	CORNER	O.R.B.	OFFICIAL RECORDS BOOK	W.C.	WITNESS CORNER
D	DESCRIPTION OR DEED	P	PLAT	W.M.	WATER METER
D.E.	DRAINAGE EASEMENT	P.B.	PLAT BOOK	SYMBOLS	
E	EAST	P.C.	POINT OF CURVATURE	△	CENTERLINE
E.O.P.	EDGE OF PAVEMENT	P.C.C.	POINT OF COMPOUND CURVATURE	△	CENTRAL ANGLE/DELTA
E.O.W.	EDGE OF WATER	P.C.P.	PERMANENT CONTROL POINT	▬	CONC. BLOCK WALL TYP.
E.P.U.E.	ELECTRIC POWER	PG	PAGE	▬	COVERED AREA
E	EASEMENT	P.I.	POINT OF INTERSECTION	XXX	EXISTING ELEVATION
ESMT.	EASEMENT	P.K.	PARKER-KALON NAIL	—X—X—	P.V.C. VINYL FENCE
F.F.	FINISHED FLOOR	P.O.L.	POINT ON LINE	○	PROPERTY CORNER
FD.	FOUND	P.P.	POWER POLE	○	SITE BENCH MARK
I.P.	IRON PIPE	P.R.C.	POINT OF REVERSE CURVE	○	TRUE CORNER NOT RECOVERED
I.R.	IRON ROD	P.R.M.	PERMANENT REFERENCE MONUMENT	○	WELL
L	LENGTH	P.T.	POINT OF TANGENCY	○	WIRE FENCE
		R	RADIUS	○	WOOD DECK
		RAD.	RADIUS	○	WOOD FENCE
		R.W.	RIGHT OF WAY		
		S	SOUTH		

DRAWN BY: G.S.



CENTRAL FLORIDA
 927 FERN STREET
 SUITE 2200
 ALTAMONTE SPRINGS,
 FL 32701
 Phone: (321) 397-2221
 Fax: (321) 397-2222

Nationwide: 1-800-787-8266
 Nationwide: Fax: 1-800-787-8260

CERTIFICATE OF AUTHORIZATION LB 7516

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

 GARLAND L. HARMAN
 5-23-2008
 STATE OF FLORIDA
 LAND SURVEYOR & MAPPER NO. 3947

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ORDINANCE 08-45

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL; TO CITY COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.50 ACRES OF LAND LOCATED AT 422 MAGNOLIA STREET: PROVIDING FOR AN EFFECTIVE DATE.
(422 MAGNOLIA STREET SSCPA)

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

WHEREAS, the owners of land generally described as approximately 0.50 acres located at 422 Magnolia Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from Orange County Low Density Residential to City 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: _____, 2008.

READ SECOND TIME: _____, 2008.

APPROVED:

JOHN REES, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.50 ACRE PROPERTY LOCATED AT 422 MAGNOLIA STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (422 MAGNOLIA STREET REZONING)

WHEREAS, the owner of real property generally described as 0.50 acres located at 422 Magnolia Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Rural to the City's CF-2 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 Orange County Rural to C-2 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: _____ 2008.

SECOND READING AND PUBLIC HEARING: _____ 2008.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk