

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

**REGULAR MEETING**

**JUNE 11, 2009**

**6:30 P.M.**

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**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of May 28, 2009 and Special Meeting Minutes of June 4, 2009

2. **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

3. **PRESENTATIONS**

- A. Presentation by the East Winter Garden Economic Development Corporation regarding grant opportunities for their organization - Michelle McCormick
- B. Open-Air Vendors and Solicitors (*continued from May 28, 2009*) – Community Development Director Wilson

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

- A. **Ordinance 09-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 6.4 ± ACRES LOCATED AT 12403 WEST COLONIAL DRIVE, 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 being scheduled for July 9, 2009** - Community Development Director Wilson
- B. **Ordinance 09-28:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 6.4 ± ACRES LOCATED AT 12403 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 9, 2009** - Community Development Director Wilson
- C. **Ordinance 09-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 6.4 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 12403 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 9, 2009** - Community Development Director Wilson
- D. **Ordinance 09-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.49 ± ACRES LOCATED AT 700 9<sup>th</sup> 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 being scheduled for July 9, 2009** - Community Development Director Wilson

- E. **Ordinance 09-31:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.49 ± ACRES LOCATED AT 700 9<sup>th</sup> STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 9, 2009** - Community Development Director Wilson
- F. **Ordinance 09-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.49 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 700 9<sup>th</sup> STREET FROM ORANGE COUNTY C-2 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for July 9, 2009** - Community Development Director Wilson

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

- A. **Ordinance 09-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN ADOPTING THE EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR THE CITY'S INTENT TO AMEND THE COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS SET FORTH IN THE REPORT; APPROVING THE TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Wilson
- B. **Ordinance 09-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 78-55 AND 78-57 OF CHAPTER 78, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, REDUCING THE WATER AND SEWER SERVICES READINESS TO SERVE CHARGE FOR METERED ACCOUNTS DURING MONTHS OF ZERO CONSUMPTION; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE – Finance Director Hayes
- C. **Ordinance 09-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2008-2009 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – Finance Director Hayes

6. **REGULAR BUSINESS**

- A. **Resolution 09-10:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE REINSTATEMENT OF BUS LINES TWENTY-SEVEN AND FIFTY-THREE, OPPOSING THE INEQUITABLE ALLOCATION OF MASS TRANSIT SERVICES BY THE CENTRAL FLORIDA REGIONAL TRANSPORTATION SYSTEM, SUPPORTING THE IMPLEMENTATION OF A PICK UP LINE IN WINTER GARDEN, AND SUPPORTING INTERMODAL TRANSPORTATION SYSTEMS IN WINTER GARDEN AND CENTRAL FLORIDA – City Manager Bollhoefer
- B. Request to sell special fireworks June 24 to July 4, 2009 (10 days) and tent permit from June 15 to July 7, 2009 (22 days) by First American Fireworks Company to sell State approved sparklers in the K-Mart Shopping Center – Building Official Lukert

- D. Recommendation to approve bids for Tremaine Street and South Lakeview Avenue Improvements Project and to award the contract to DeWitt Construction in the amount of \$569,713.69, with a 10 percent contingency, for a total project amount of \$626,685.00 – Public Services Director Cochran
- E. Recommendation to approve a Design/Build Utility Agreement for State Road 50 from Avalon Road to State Road 429 with the Florida Department of Transportation – Public Services Director Cochran
- F. Recommendation to approve distribution of awarded grant funds to replace ten analog portable radios – Police Chief Brennan
- G. Appointments to the Architectural Review and Historical Preservation Board for expiring terms of Christopher Lee and Kent Makin – City Clerk Golden

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

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

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

- A. Golf cart criteria
- B. Signage workshop dates
- C. Government finance workshop date

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a regular City Commission meeting on June 25, 2009 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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 09-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 6.4 ± ACRES LOCATED AT 12403 WEST COLONIAL DRIVE, 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 6.4 ± acres located at 12403 West Colonial Drive 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: \_\_\_\_\_, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2009.

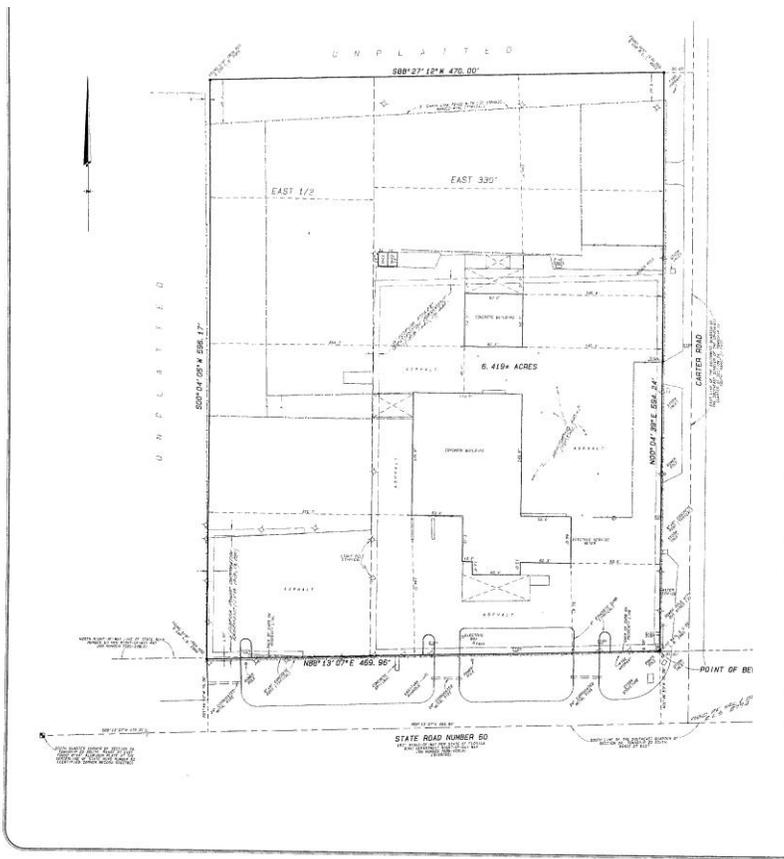
APPROVED:

ATTEST:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

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

## Attachment "A"



### DEED DESCRIPTION

THE EAST 330.0 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST. LESS THE EAST 30 FEET AND THE SOUTH 75 FEET FOR ROADS. AND THE EAST 1/2 OF THAT CERTAIN PROPERTY IN ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

THE SW 1/4 OF THE SW 1/4 OF THE SE 1/4 (LESS THE EAST 330 FEET THEREOF) AND SUBJECT TO A RIGHT OF WAY FOR STATE ROAD NO. 50 OVER THE SOUTH 75 FEET THEREOF; ALL IN SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST.

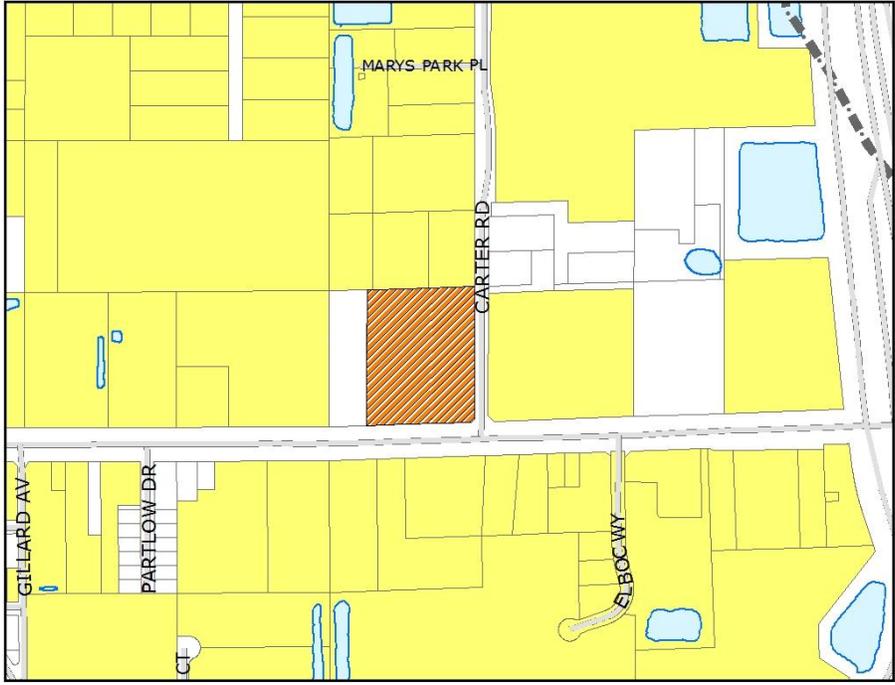
### LAND DESCRIPTION BY CCL CONSULTANTS

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE SOUTH 88°13'07" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 2036.84 FEET; THENCE NORTH 01°46'53" WEST, 75.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'39" EAST, 594.24 FEET, THENCE SOUTH 88°27'12" WEST, 470.00 FEET; THENCE SOUTH 00°04'05" WEST, 596.17 FEET TO A POINT ON A LINE 75.00 FEET NORTH OF AND PARALLEL WITH THE AFOREMENTIONED SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE NORTH 88°13'07" EAST ALONG SAID LINE 469.96 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN ORANGE COUNTY, FLORIDA AND CONTAINING 6.419 ACRES MORE OR LESS.

### SURVEY NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA, BEING NORTH 88°13'07" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST. THE "LAND DESCRIPTION" HEREON IS IN ACCORD WITH THE INSTRUMENT OF RECORD, AND WAS PROVIDED BY THE CLIENT.
3. THE METES AND BOUNDS DESCRIPTION SHOWN HEREON WAS CREATED BY CCL CONSULTANTS, INC. SUBSEQUENT TO THE COMPLETION OF THE BOUNDARY DETERMINATION AS BASED ON THE DESCRIPTION PROVIDED BY THE CLIENT.
4. NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
6. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE PER THE DESCRIPTION AND ARE CORRECT AND IN AGREEMENT WITH THE FOUND AND SET MONUMENTS AS MEASURED IN THE FIELD UNLESS OTHERWISE NOTED.
7. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 120179-0175C, EFFECTIVE DATE JUNE 15, 1984, THIS PROPERTY LIES IN ZONE C.



ORDINANCE 09-28

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 6.4 ± ACRES LOCATED AT 12403 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owners of land generally described as approximately 6.4 ± acres located at 12403 West Colonial Drive 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 COMMERCIAL" 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 Exhibit "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: \_\_\_\_\_, 2009.

READ SECOND TIME: \_\_\_\_\_, 2009.

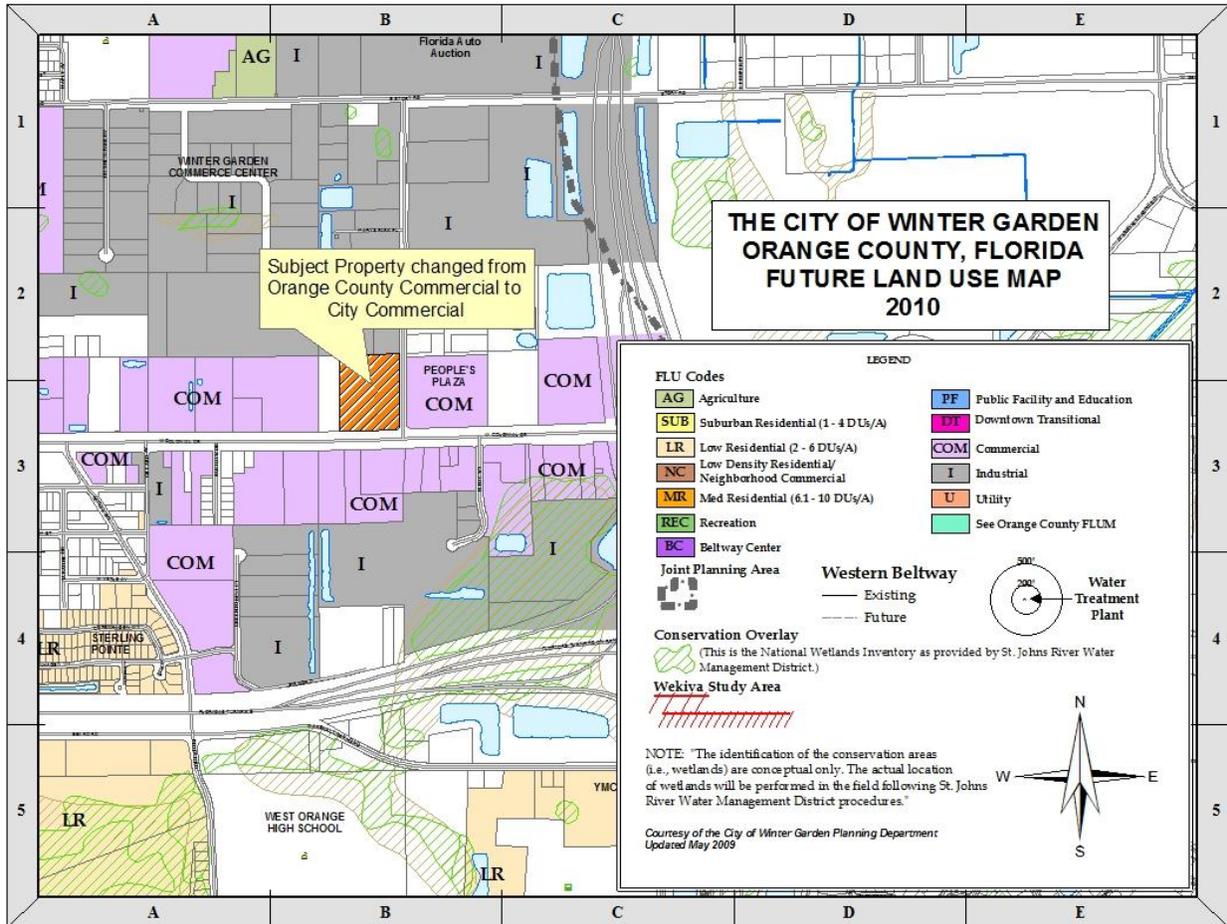
APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor /Commissioner

ATTEST:

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

# Exhibit "A"



ORDINANCE 09-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 6.4 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 12403 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 6.4 ± acres located at 12403 West Colonial Drive and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County C-3 to the City's C-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 C-3 to City 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: \_\_\_\_\_ 2009.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2009.

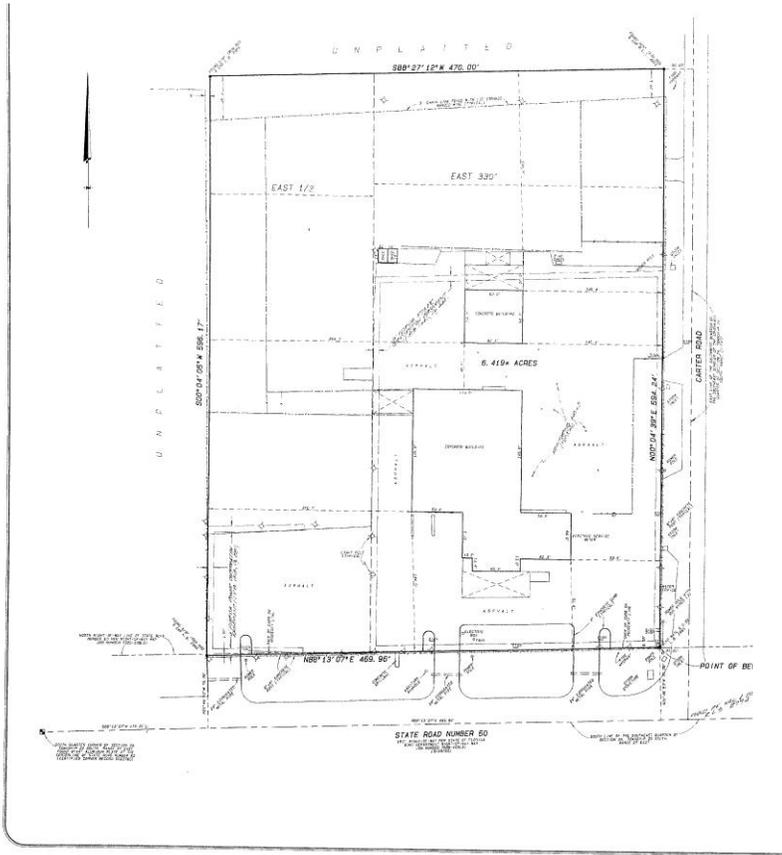
APPROVED:

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ATTEST:

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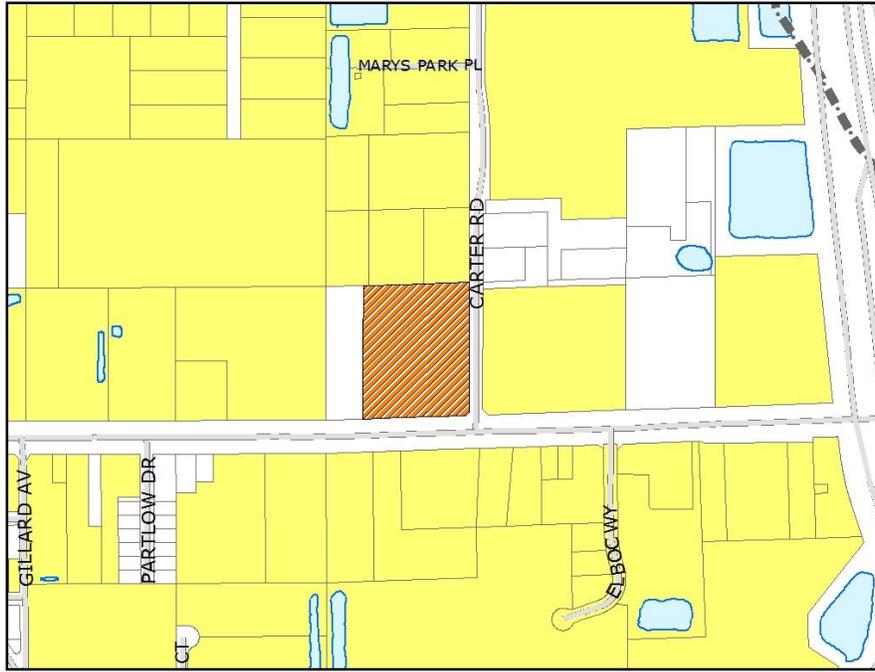
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ORDINANCE 09-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.49 ± ACRES LOCATED AT 700 9<sup>th</sup> 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 land generally described as 0.49 ± acres located at 700 9<sup>th</sup> 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.

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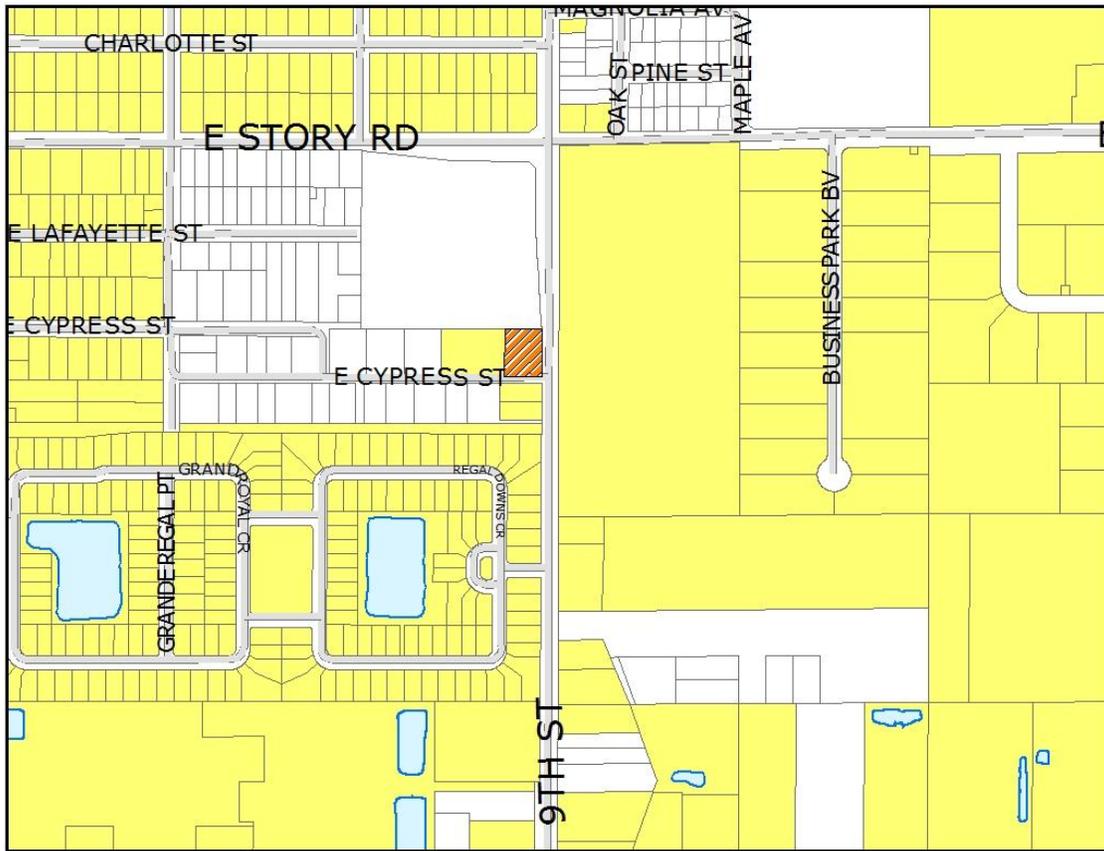
APPROVED:

ATTEST:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

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

Attachment "A"



ORDINANCE 09-31

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.49 ± ACRES LOCATED AT 700 9<sup>th</sup> STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owners of land generally described as approximately 0.49 ± acres located at 12403 West Colonial Drive 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 COMMERCIAL" 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 Exhibit "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
  - (iii) 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.

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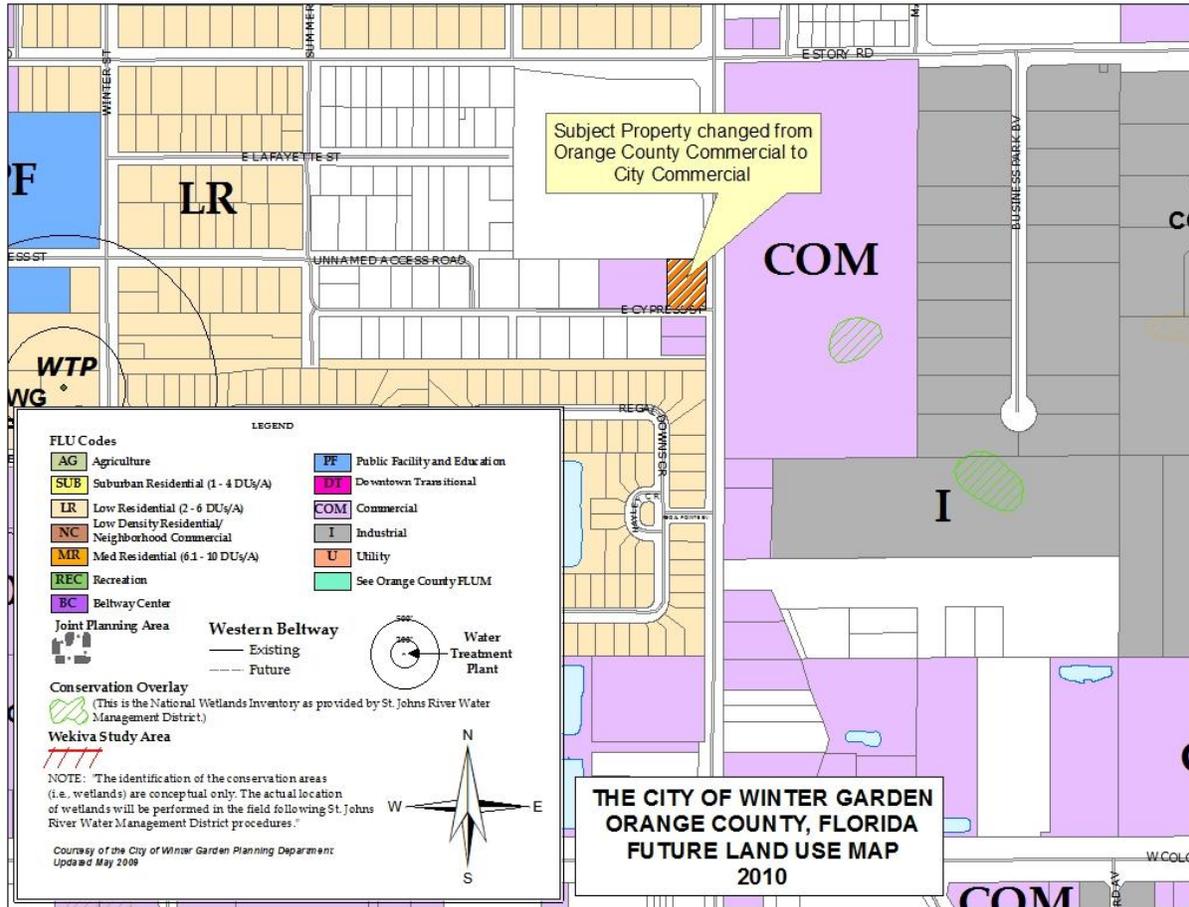
APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor /Commissioner

ATTEST:

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

Exhibit "A"



ORDINANCE 09-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.49 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 700 9<sup>th</sup> STREET FROM ORANGE COUNTY C-2 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.49 ± acres located at 700 9<sup>th</sup> Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County C-2 to the City's C-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 C-2 to City 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: \_\_\_\_\_ 2009.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2009.

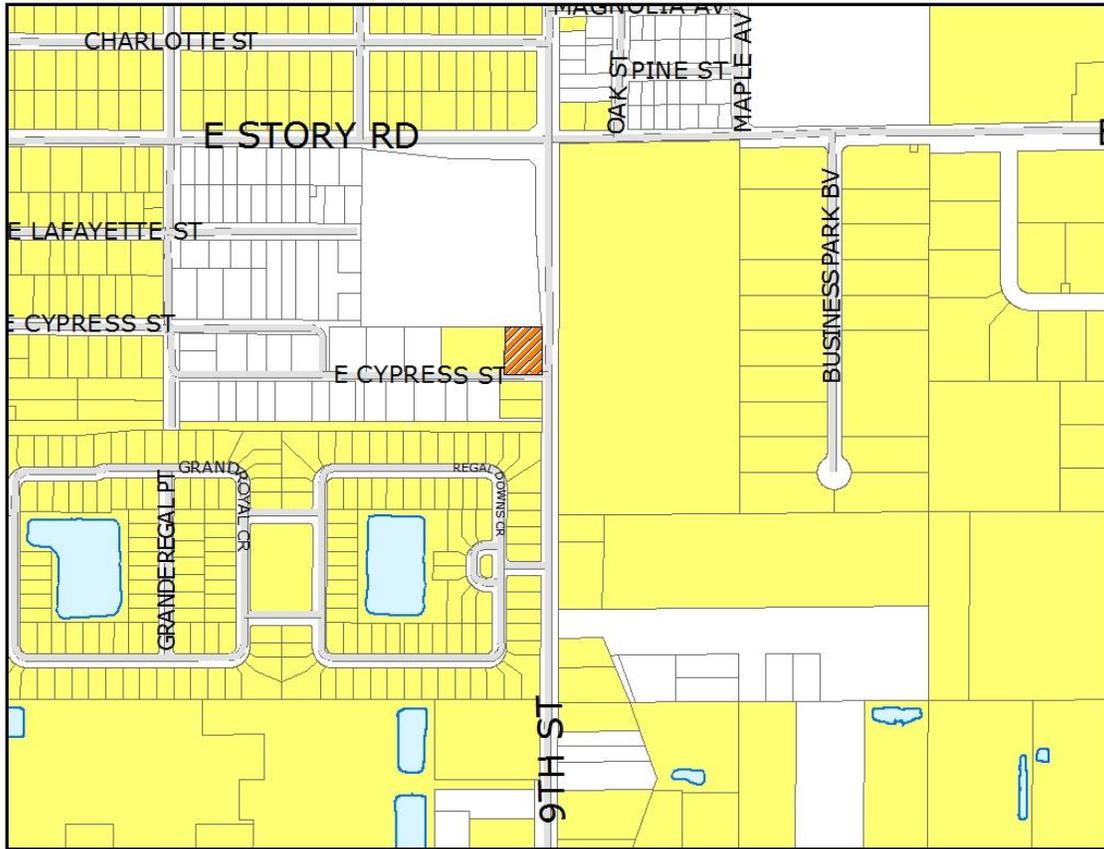
APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

ATTEST:

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

### Attachment "A"



**ORDINANCE 09-10**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN ADOPTING THE EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR THE CITY'S INTENT TO AMEND THE COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS SET FORTH IN THE REPORT; APPROVING THE TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, under section 163.3191 of the Local Government Comprehensive Planning and Development and Land Development Regulation Act, the City has the responsibility to adopt an Evaluation and Appraisal Report every seven years to assess the progress of implementing the City's Comprehensive Plan and evaluate the City's Comprehensive Plan in effect at the time the Evaluation and Appraisal Report process was initiated; and

**WHEREAS**, the Evaluation and Appraisal Report serves as the audit and critique of the actions the City has already undertaken and identifies changes that are needed for future comprehensive planning with the City; and

**WHEREAS**, the City's Planning and Zoning Commission serving as the City's Local Planning Agency prepared the report and recommended adoption of the report to the City Commission; and

**WHEREAS**, the City held a scoping a meeting regarding the report in April 2008 with local cities, the FDOT and the Regional Planning Council; and

**WHEREAS**, in May 2008, the City forwarded its list of major issues to, and received significant comments from, the Florida Department of Community Affairs; and

**WHEREAS**, the City has provided effective public notice of the Evaluation and Appraisal Report adoption process and at least two (2) public hearings to allow for public input; and

**WHEREAS**, the City transmitted the Evaluation and Appraisal Report to the Florida Department of Community Affairs prior to final adoption; and

**WHEREAS**, the City Commission intends to adopt the Evaluation and Appraisal Report dated February 2009 that is in compliance with Section 163.3191 of the Florida Statutes to allow for amendment to the Comprehensive Plan.

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

**Section I: Adoption:** The Evaluation and Appraisal Report (EAR) dated February 2009 is hereby adopted to allow for amendment to the City's Comprehensive Plan. A copy of the EAR is attached to this ordinance as Exhibit "A".

**Section II: Intent to Amend Comprehensive Plan:** The City Commission hereby states its intention to amend the City's Comprehensive Plan in accordance with the recommendations set forth in the EAR.

**Section III: Transmittal After Adoption:** The City Planning Department is directed to transmit this Evaluation and Appraisal Report within ten days to the Florida Department of Community Affairs in accordance with Section 163.3191, Florida Statutes, and Rule 9J-11.018, F.A.C. for a determination of sufficiency.

**Section IV: Conflicts:** In the event of a conflict or conflicts between this ordinance and any other ordinances, this Ordinance controls.

**Section V: 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 VI: Effective Date:** The effective date of this Evaluation and Appraisal Report shall be the date the Department of Community Affairs issues its written notice of final sufficiency determination. This Evaluation and Appraisal Report shall not be utilized as a basis for approving or issuing any development orders, development permits or land uses before plan amendments based upon the Report have become effective.

**FIRST READING AND PUBLIC HEARING**      March 26, 2009.

**SECOND READING AND PUBLIC HEARING**      June 11 2009.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

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

# **“EXHIBIT A”**

## **Evaluation and Appraisal Report (EAR)**

**See City Clerk’s Office to Review “Exhibit A”**

**ORDINANCE NO. 09-24**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 78-55 AND 78-57 OF CHAPTER 78, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, REDUCING THE WATER AND SEWER SERVICES READINESS TO SERVE CHARGE FOR METERED ACCOUNTS DURING MONTHS OF ZERO CONSUMPTION; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden imposes upon metered water and sewer accounts a readiness to serve charge on inactive accounts with no monthly consumption in order to off-set the costs of City maintenance of water and sewer capital improvements connected to metered properties; and

**WHEREAS**, the readiness to serve charge for water and sewer accounts was adopted on January 13, 2000 pursuant to Ordinance No. 99-64, as amended by Ordinance No. 00-21, and codified in Sections 78-55 and 78-57, Code of Ordinances of the City of Winter Garden; and

**WHEREAS**, due to the depressed economy and real estate market, the City desires to reduce the readiness to serve charge by fifty percent on water and sewer accounts in order to relieve part of the financial stress on metered account holders during months of no consumption.

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

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

**Section 2:** Section 78-55 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. 78-55. Basic rate schedule for water and sewer service.

(a) The basic rate for water service shall be as follows:

Bills rendered on or after April 1, 2000:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$5.25 per dwelling unit	0--10,000	\$0.86
		10,001--15,000	1.07
		Above 15,000	1.28
Residential Multi-Family Service	3.68 per dwelling unit	0--7,000 per unit	\$0.86
		7,001--10,000 per unit	1.07
		Above 10,000 per unit	1.28
General Service or Commercial			
<i>Meter size</i>			
5/8" × 3/4"	\$ 5.25	All usage	\$ 0.99
1"	13.13		

City of Winter Garden City Commission  
 Regular Meeting Agenda for June 11, 2009

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  
 TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$5.80 per dwelling unit	0--10,000	\$0.97
		10,001--15,000	1.20
		Above 15,000	1.44
Residential Multi-Family Service	4.06 per dwelling unit	0--7,000 per unit	\$0.97
		7,001--10,000 per unit	1.20
		Above 10,000 per unit	1.44
General Service or Commercial			
<i>Meter size</i>			
5/8" x 3/4"	\$ 5.80	All usage	\$ 1.11
1"	14.50		
1 1/2"	29.00		
2"	46.40		
3"	87.00		
4"	145.00		
6"	290.00		
8"	464.00		

Effective October 1, 2001, 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.

(1) *Readiness to serve charge.* ~~For any month that a metered account has zero water consumption, such account will be not charged a readiness to serve charge. There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge for all services provided.~~

(2) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge and all structures once connected to the city's sewer system shall incur a monthly sewer charge, unless such structure is destroyed, condemned or demolished.

City of Winter Garden City Commission  
 Regular Meeting Agenda for June 11, 2009

(b) The basic rate for sewer service shall be as follows:  
 Bills rendered on or after April 1, 2000:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$7.45 per dwelling unit	0--10,000	\$2.92
		Above 10,000	N/A
Residential Multi-Family Service	5.22 per dwelling unit	0--10,000 per unit	\$2.92
		Above 10,000 per unit	N/A
General Service or Commercial			
<i>Meter size</i>			
5/8" x 3/4"	\$ 7.45	All usage	\$ 2.92
1"	18.63		
1 1/2"	37.25		
2"	59.60		
3"	111.75		
4"	186.25		
6"	372.50		
8"	596.00		

Bills rendered on or after April 1, 2001:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$8.30 per dwelling unit	0--10,000	\$3.25
		Above 10,000	N/A
Residential Multi-Family Service	5.81 per dwelling unit	0--10,000 per unit	\$3.25
		Above 10,000 per unit	N/A
General Service or Commercial			
<i>Meter size</i>			
5/8" x 3/4"	\$ 8.30	All usage	\$ 3.25

1"	20.75	
1 1/2"	41.50	
2"	66.40	
3"	124.50	
4"	207.50	
6"	415.00	
8"	664.00	

Effective October 1, 2001, 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.

(1) *Readiness to serve charge.* ~~For any month that a metered account has zero sewer consumption, such account will not be charged a readiness to serve charge. There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge for all services provided.~~

(2) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge and all structures once connected to the city's sewer system shall incur a monthly sewer charge, unless such structure is destroyed, condemned or demolished.

(c) If a commercial or residential user receives sewer service from the city but does not receive water service from the city, the water meter used for such units shall be the measuring instrument, unless it shall be found to be faulty or inaccurate by a qualified representative of the city;

(1) *Commercial.* If a commercial user's meter proves to be faulty or inaccurate or if there is no meter, the director of the utilities department shall estimate the sewage rate by using a figure of water flow at 25 gallons per day, per employee, or the city may install a meter at its option and at the expense of the consumer. All expenses incurred for the purposes of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(2) *Residential.* If a residential user does not have a water meter, the residential user shall pay the maximum rate for sewer service. The maximum rates shall be assessed until the user installs at the user's expense a water or sewage meter that meets with the city's approval. All expenses incurred for the purpose of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(d) The city commission has the right to negotiate or authorize the city manager to negotiate the service charge, but not the user charge, for institutions, public agencies, nonprofit organizations and others not covered in this section, when it is deemed in the best interest of the city. In all such cases, due consideration shall be given to the number of persons using the facility, the size or purpose of the building, the number of rooms and the estimated amount of sewage discharged into the sanitary sewer system. The rates shall be established by contract entered into between the city commission and such user without amendment of this article.

(e) If all water entering a user's premises will not be discharged into the city sanitary sewer system, a separate meter may be installed on the user's line which discharges into the sewer. Such meters shall be installed and maintained at the expense of the user, and the city shall at all times have access to such meters for the purpose of inspecting, testing, repairing, replacing, or reading such meters.

(f) If any user by use of such meters can prove to the satisfaction of the city manager that substantial amounts do not enter the sanitary sewer system, the sewer bill will be reduced in accordance with a written agreement. Copies of any such agreement shall be furnished to members of the city commission.

(g) If any meter is damaged, destroyed or fails to register, the consumer will be billed for the period involved on a basis of the average water consumption for the preceding six months for all water and sewer services applicable.

(h) When a consumer has made application for water service and has paid the installation or meter charges, the city shall not be required to refund these charges if the consumer later decides not to desire service after a new service has been installed to his premises, but shall retain such payments as liquidated damages.

(i) Each commercial, industrial, business establishment or master-metered apartment user who discharges a waste with strength characteristics which exceed one or more of the strength characteristics of normal domestic waste shall pay an effluent charge. The effluent charge shall be proportional to the amount by which the waste characteristics exceed the levels for normal domestic waste. It shall be calculated as follows:

- (1) *BOD (biochemical oxygen demand)* . Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$55.43.
- (2) *Suspended solids*. Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$65.49.
- (3) *Total nitrogen*. Concentration in mg/l minus 30 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$383.71.
- (4) *Total phosphorus*. Concentration in mg/l minus 10 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$496.06.
- (5) *Total charge*. The total of subsections (i)(1) through (4) above, equals the total effluent charge.

**Section 3:** Section 78-57 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:

TABLE INSET:

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
5/8" × 3/4"	\$ 5.25	0--10,000	\$ 1.07
1"	13.13	Above 10,000	1.28
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:

TABLE INSET:

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
5/8" x 3/4"	\$ 5.80	0--10,000	\$ 1.20
1"	14.50	Above 10,000	1.44
1 1/2"	29.00		
2"	46.40		
3"	87.00		
4"	145.00		
6"	290.00		
8"	464.00		

Effective October 1, 2001, 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.

(1) *Users not within corporate limits.* Any irrigation meters installed for users who are not within the corporate limits of the city shall be assessed at 125 percent of the rates in this subsection.

(2) *Readiness to serve charge.* ~~For any month that a metered account has zero water consumption, such account will not be charged a readiness to serve charge. There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge.~~

(3) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge, unless such structure is destroyed, condemned or demolished.

(c) *Meter impact fee by meter size.* The meter impact fee by meter size shall be as follows:

TABLE INSET:

Meter Size (inches)	Impact Fees[1]
3/4	\$536.00
1	1,310.00
1 1/2	2,096.00
2	2,995.00

(d) *Meter installation charges.* Installation charges shall be the costs of labor and materials, including, but not limited to, the costs of the meters, meter boxes, corporation stops, valves, and appurtenances thereof, plus a surcharge of 20 percent to cover engineering and administration costs.

(e) *Residential use of irrigation meter installation.* Only three-quarter-inch size irrigation meters are authorized for installation on residential lots for irrigation purposes for those customers which receive both individually metered domestic and irrigation service from a single service connection.

**Section 4: Codification:** Sections 2 and 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

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

**Section 6: Effective Date:** This Ordinance shall become effective upon adoption; however the reduced water, sewer and irrigation readiness to serve charges will commence July 1, 2009.

**FIRST READING:** May 28, 2009  
**SECOND READING AND PUBLIC HEARING:** June 11, 2009

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

ATTEST:

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

**ORDINANCE 09-26**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2008-2009 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 25, 2008, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 08-48 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2008 and ending September 30, 2009;

**WHEREAS**, on January 22, 2009, the City of Winter Garden, Florida, adopted Ordinance 09-05 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2008 and ending September 30, 2009;

**WHEREAS**, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2008 and ending September 30, 2009 to provide for mid-year adjustments;

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

**SECTION 1:** That the sum of \$4,545,431 to be appropriated as follows:

**REVENUES**

General Fund	\$ 1,860,612
Downtown Parking District Fund	(233,500)
Community Redevelopment Agency Fund	(20,000)
Law Enforcement Trust Fund	182,715
Local Option Gas Tax Fund	0
General Impact Fee Fund	(1,697,324)
Transportation Impact Fee-South of Turnpike Fund	55,116
Transportation Impact Fee-CR545	
Special Benefit Area Fund	(201,160)
Transportation Impact Fee-General Fund	1,412,679
New City Hall Capital Project Fund	0
Utility Operating Fund	770,793
Utility Impact Fee Fund	1,625,463
Utility Renewal and Replacement Fund	551,500
Stormwater Fund	290,487
Solid Waste Fund	(51,950)
Trailer City Fund	<u>0</u>
	\$4,545,431

**EXPENSES**

General Fund	\$ 1,860,612
Downtown Parking District Fund	(233,500)
Community Redevelopment Agency Fund	(20,000)
Law Enforcement Trust Fund	182,715
Local Option Gas Tax Fund	0
General Impact Fee Fund	(1,697,324)
Transportation Impact Fee-South of Turnpike Fund	55,116
Transportation Impact Fee-CR545 Special Benefit Area Fund	(201,160)
Transportation Impact Fee-General Fund	1,412,679
New City Hall Capital Project Fund	0
Utility Operating Fund	770,793
Utility Impact Fee Fund	1,625,463
Utility Renewal and Replacement Fund	551,500
Stormwater Fund	290,487
Solid Waste Fund	(51,950)
Trailer City Fund	<u>0</u>
	\$4,545,431

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

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

**READ FIRST TIME:** May 28, 2009

**READ SECOND TIME AND PUBLIC HEARING HELD:** June 11, 2009

APPROVED:

\_\_\_\_\_  
Mayor/Commissioner John Rees

ATTEST:

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

**EXHIBIT 2**  
ORDINANCE 09-26

**City of Winter Garden  
Interim Budget  
FYE 2009**

**City of Winter Garden  
Interim Budget  
FYE 2009**

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**City of Winter Garden  
Interim Budget  
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Executive</b>					
001-0213-314.80-00	Utility Service Taxes-Propane	38,053	46,735	(14,000)	32,735
001-0213-335.12-00	State Revenue Proceeds	851,149	888,171	(53,967)	834,204
001-0213-335.15-00	Alcoholic Beverage Licenses	13,000	9,382	5,344	14,726
001-0213-335.18-00	Local Gov 1/2 Cent Sales Tax	3,779,419	3,568,358	(101,434)	3,466,924
001-0213-361.10-00	Interest	621,851	584,638	(265,000)	319,638
001-0213-361.13-00	Interest - County Tax Collection	22,127	29,122	(20,000)	9,122
001-0213-361.30-00	Increase in Fair Value of Invest	(64,259)	-	84,505	84,505
001-0213-366.00-00	Contributions	-	-	1,040	1,040
001-0213-367.00-00	Gain on Sale of Investments	80,204	-	70,993	70,993
<i>Items underbudgeted (overbudgeted)</i>					
001-0213-364.00-00	Disposition of fixed assets	-	-	1,000,000	1,000,000
<i>Sale of Old City Hall to Police Dept</i>					
001-0213-381.99-99	Use of Fund Balance	-	3,081,383	1,540,056	4,621,439
<i>To balance increase in budgeted expenditures</i>					
<b>Planning</b>					
001-0315-329.02-00	Plan Review Fees	33,684	41,472	(25,000)	16,472
001-0315-329.05-00	Plat Review Fees	10,730	13,500	(13,500)	-
001-0315-369.90-00	Miscellaneous Revenues	39,290	40,500	(20,000)	20,500
<b>Building</b>					
001-0324-322.02-00	Building Permits	779,118	745,205	(287,047)	458,158
001-0324-322.02-01	Reinspection Fee	58,640	79,434	(59,000)	20,434
001-0324-322.02-02	Driveway Inspections	10,470	8,802	(2,500)	6,302
001-0324-322.02-03	Administrative Service Fees	11,370	16,071	(5,000)	11,071
001-0324-322.02-04	Plan Review Fees	44,759	47,808	(27,808)	20,000
<i>Items underbudgeted (overbudgeted)</i>					
001-0324-389.99-99	Use of Fund Balance	-	253,042	309,855	562,897
<i>To balance decrease in budgeted revenues</i>					
<b>Police</b>					
001-0521-364.00-00	Disposition of Fixed Assets	7,199	5,264	29,855	35,119
<i>Insurance and extended warranty reimbursements for vehicle losses</i>					

City of Winter Garden  
Interim Budget  
General Fund

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Fire Department</b>					
001-0622-342.20-02	Plan Review	100,182	124,969	(80,350)	44,619
<i>Item overbudgeted</i>					
<b>Cemetery</b>					
001-0739-343.80-01	Cemetery Service Fees	80,700	97,800	(10,000)	87,800
001-0739-343.80-05	Cemetery Lots	99,950	108,790	(20,000)	88,790
<i>Items overbudgeted</i>					
<b>Recreation</b>					
001-0872-334.70-00	Recreation State grants	121,762	60,000	(60,000)	-
<i>FDOT grant not awarded re: Lulu Creek</i>					
001-0872-347.21-01	Day Camp fees	68,828	100,000	(25,000)	75,000
<i>Day camp enrollment down</i>					
001-0872-347.21-05	Swimming lesson fees	17,705	17,000	(5,000)	12,000
001-0872-347.21-06	Softball league fees	14,720	10,000	10,000	20,000
001-0872-347.21-13	Middle school dance fees	12,668	10,000	3,000	13,000
001-0872-347.21-14	Soccer fees	-	24,000	(9,000)	15,000
<i>Items over/underbudgeted</i>					
<b>Engineering</b>					
001-1016-329.03-00	Engineer Inspection Fees	79,843	100,000	(50,000)	50,000
001-1016-329.04-00	Review Fees	320,229	84,157	(42,000)	42,157
<i>Items overbudgeted</i>					
<b>Recreation-Newton Park Facilities</b>					
001-3658-362.01-00	Miscellaneous Rentals	3,300	2,000	1,570	3,570
<i>Item underbudgeted</i>					
<b>Total Revenues</b>				<b>\$ 1,860,612</b>	

City of Winter Garden  
Interim Budget  
General Fund

<u>Account Number</u>	<u>Description</u> <i>Expenditures</i>	<u>2008</u> <u>Actual</u>	<u>2009</u> <u>Current</u> <u>Budget</u>	<u>Budget</u> <u>Adjustments</u>	<u>2009</u> <u>Proposed</u> <u>Amended</u> <u>Budget</u>
<b>Legislative</b>					
001-0111-511.31-01	Professional Svcs-Misc <i>Federal lobbyist, est. cost for February through September</i> <i>(Commission approved 12/11/08)</i>	-	-	15,000	
001-0111-511.82-00	Aids to Private Organizations <i>Winter Garden Little League \$4k, Lion's Roar Charity Golf \$300</i> <i>WG Rotary Carter Bowling fund raiser \$400</i> <i>(Commission approved 3/12/09, 3/23/09, and 4/23/09, respectively)</i> <i>West Orange High School volunteer program \$500</i>	\$ 20,039	\$ -	\$ 5,200	\$ 5,200
<b>Executive</b>					
001-0213-512.61-00	Land <i>Natural Attenuation Monitoring at 848 E Plant PN 01076</i>	424,066	-	17,820	17,820
		17,820			
001-0213-512.81-00	Aids to Government Agencies <i>Obligations to Orange County - Magic Gym</i>	-	-	511,000	511,000
<b>Economic Development</b>					
001-0215-552.61-00	Land <i>Purchase of 104 Lakeview and 230 W Plant [Farmers' Mkt]</i> <i>Clearing/sodding lot [Farmers' Market]</i> <i>(Commission approved 11/13/08 and 4/23/09, respectively) PN 09026</i>	-	-	1,417,326	1,417,326
		1,410,696			
		6,630			
001-0215-552.63-00	Improvements <i>Fencing of cleared lot [Farmers' Market] PN 09026</i>	-	-	1,100	1,100
<b>Planning</b>					
001-0315-515.12-00	Regular Salaries & Wages	179,465	219,086	27,083	246,169
001-0315-515.21-00	FICA Taxes	13,823	17,748	2,080	19,828
001-0315-515.22-00	Retirement Contributions	31,940	43,708	5,000	48,708
001-0315-515.23-00	Life and Health Insurance	22,565	24,646	3,500	28,146
001-0315-515.24-00	Workers' Compensation	440	592	100	692
<i>Increase for added Principal Planner position</i>					
001-0315-554.61-00	Land <i>Purchase of 204 Center St</i> <i>(Commission approved 2/26/09)</i>	-	-	25,000	25,000
<b>Building</b>					
001-0324-524.12-00	Regular Salaries and Wages	614,123	558,359	(20,443)	537,916
001-0324-524.14-00	Overtime	3,987	5,000	-	5,000
001-0324-524.21-00	FICA Taxes	45,659	43,037	(1,485)	41,552
001-0324-524.22-00	Retirement Contributions	112,114	137,505	(3,859)	133,646
001-0324-524.23-00	Life and Health Insurance	90,133	74,266	(5,511)	68,755
001-0324-524.24-00	Workers' Compensation	25,756	32,765	(1,702)	31,063
<i>Reduction of staff</i>					
001-0324-524.47-02	Records management <i>Records retention and archiving reduced RFP contract</i>	-	162,000	(22,000)	140,000
001-0324-524.46-06	Repair/Maint svcs-hardware	-	3,600	(2,000)	1,600
001-0324-524.51-00	Office supplies	3,266	4,500	(2,000)	2,500
001-0324-524.52-01	Operating supplies	2,544	2,500	(500)	2,000
001-0324-524.52-03	Gas/Oil	16,215	17,500	(5,000)	12,500
001-0324-524.52-04	Uniforms	2,099	3,000	(1,000)	2,000
001-0324-524.54-01	Dues and subscriptions	3,480	3,400	(1,000)	2,400
001-0324-524.54-02	Seminars and courses	3,242	8,500	(5,000)	3,500
<i>Item overbudgeted</i>					

**City of Winter Garden  
Interim Budget  
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Sworn Police</b>					
001-0521-521.12-00	Regular Salaries and Wages	3,275,490	3,394,734	(50,000)	3,344,734
<i>Reduction will fund a portion of the City's obligation to Orange County for the Magic Gym</i>					
<b>Code Enforcement</b>					
001-0528-521.12-00	Regular Salaries & Wages	195,133	208,542	(54,175)	154,367
001-0528-521.21-00	FICA Taxes	14,177	15,953	(2,624)	13,329
001-0528-521.22-00	Retirement Contributions	35,679	41,604	(6,420)	35,184
001-0528-521.23-00	Life and Health Insurance	35,774	36,282	(6,256)	30,026
001-0528-521.24-00	Workers' Compensation	10,710	12,146	(927)	11,219
<i>Reducing due to reduction in staff</i>					
<b>Fire</b>					
001-0622-522.34-01	Contractual Services-misc	221,314	160,550	74,000	234,550
<i>FD Headquarters: IT, ADT, SSI, furniture - PN 08017</i>					
001-0622-522.40-00	Travel and Per Diem	2,606	3,950	(3,450)	500
001-0622-522.41-02	Telephone Services	15,876	22,650	(2,000)	20,650
001-0622-522.46-03	Vehicle Repair/Maint.	49,907	40,000	4,600	44,600
001-0622-522.51-00	Office Supplies	8,486	5,500	2,000	7,500
<i>FD Headquarters: computers - PN 08017</i>					
001-0622-522.52-01	Operating Supplies	186,693	96,250	36,000	132,250
<i>Life support and other necessary supplies</i>					
		<i>20,000</i>			
<i>FD Headquarters: furniture - PN 08017</i>					
		<i>16,000</i>			
001-0622-522.54-02	Seminars and Courses	5,105	4,300	(2,150)	2,150
<i>Item overbudgeted</i>					
001-0622-522.64-00	Machinery and Equipment	956,197	391,393	(92,550)	1,255,040
<i>Transferring radio funds to the Police Dept</i>					
		<i>(17,550)</i>			
<i>Used fire truck purchase cancelled</i>					
		<i>(75,000)</i>			

**City of Winter Garden  
Interim Budget  
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Streets Division</b>					
001-0741-541.34-01	Contractual Svcs-Misc	15,662	6,500	25,000	31,500
	<i>Community Garden</i>	<i>5,000</i>			
	<i>Detour signage/ads on CR 535 @ bridge PN 09033</i>	<i>20,000</i>			
	<i>(Commission approved 1/22/09 and 2/12/09, respectively)</i>				
001-0741-541.44-00	Rentals and leases	8,855	6,000	1,800	7,800
	<i>Rental of heavy equipment</i>				
001-0741-541.49-04	Other Chgs & Pmts-Traffic Signal	23,248	4,500	3,500	8,000
	<i>Reimb to County for traffic signal maintenance</i>				
001-0741-541.49-08	Other Chgs & Pmts-Street lights	281,181	130,181	175,000	305,181
	<i>Street lighting underbudgeted in error and unforeseen</i>				
	<i>street light inventory increase for neighborhoods</i>				
001-0741-541.52-02	Supplies-chemicals	1,751	900	1,000	1,900
	<i>Weed control chemicals</i>				
001-0741-541.64-00	Equipment	-	-	8,900	8,900
	<i>Replacement mower</i>	<i>8,900</i>			
<b>Building Maint.</b>					
001-0746-539.62-00	Building	-	-	6,000	6,000
	<i>Retrofit City Hall South entrance with automatic doors</i>				
001-0746-539.64-00	Equipment	749	-	10,000	10,000
	<i>Light towers and generators for emergencies and events</i>				
<b>Fleet Maint.</b>					
001-0747-539.62-00	Buildings	-	-	32,255	32,255
	<i>Oil Recovery System to comply with State mandate</i>				

City of Winter Garden  
Interim Budget  
General Fund

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Parks &amp; Landscaping</b>					
001-0775-572.43-00	Utility services	122,879	115,500	7,500	123,000
<i>Increase for Braddock Park</i>					
001-0775-572.63-00	Improv Other than Building	381,830	124,155	8,000	132,155
<i>Change orders for Braddock Park PN 06064</i>					
001-0775-572.64-00	Machinery & Equipment	48,907	-	21,900	21,900
<i>Tractor for Braddock Park</i>		<b>21,900</b>			
<b>Recreation</b>					
001-0872-572.62-00	Building	136,838	2,500,000	(250,000)	2,250,000
<i>Reduction will fund a portion of the City's obligation to Orange County for the Magic Gym</i>					
<b>Special Events</b>					
001-0874-574.34-01	Contractual Svcs-Misc	960	375	<u>5,000</u>	5,375
<i>W.O. School Consortium 'End of Summer' event</i>					
<b>Engineering</b>					
001-1016-541.34-01	Contractual Svcs-Misc	128,594	51,235	(50,000)	1,235
<i>Reducing; moving budget for tv inspections to utilities collection division</i>					
<b>Total Expenditures</b>				<b><u>\$ 1,860,612</u></b>	

**City of Winter Garden  
Interim Budget  
Downtown Parking District Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
110-0000-361.10-00	Interest	\$ 14,717	\$ 11,459	\$ (8,500)	\$ 2,959
110-0000-363.10-00	Special assessments	70,000	250,000	(225,000)	\$ 25,000
<i>Items overbudgeted</i>					
<b>Total Revenues</b>				<b><u>\$ (233,500)</u></b>	
<b>Expenditures</b>					
110-0741-590.90-00	Transfer to fund balance	\$ -	\$ 261,459	\$ (233,500)	\$ 27,959
<i>To balance decrease in budgeted revenues</i>					
<b>Total Expenditures</b>				<b><u>\$ (233,500)</u></b>	

**City of Winter Garden  
Interim Budget  
Community Redevelopment Agency Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
120-0213-338.00-00	Shared Revenues/Oth Local <i>Tax increment revenues overbudgeted</i>	\$ 457,599	\$ 481,236	\$ (3,463)	\$ 477,773
120-0213-361.10-00	Interest <i>Item overbudgeted</i>	22,279	20,413	<u>(16,537)</u>	3,876
<b>Total Revenues</b>				<b><u>\$ (20,000)</u></b>	
<b>Expenditures</b>					
120-0213-552.34-01	Contractual Svcs-Misc <i>Misc. special projects overbudgeted</i>	\$ -	\$ 40,000	\$ (10,000)	\$ 30,000
120-0213-552.82-00	<i>Downtown grants overbudgeted</i>	300,000	50,000	<u>(10,000)</u>	40,000
<b>Total Expenditures</b>				<b><u>\$ (20,000)</u></b>	

**City of Winter Garden  
Interim Budget  
Law Enforcement Trust Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
122-0021-331.21-00	Federal Grants <i>FY09 Byrne JAG Grant awards</i>	30,584	2,268	<u>182,715</u>	184,983
<b>Total Revenues</b>				<b><u>\$ 182,715</u></b>	
<b>Expenditures</b>					
122-0521-521.52-01	Operating Supplies-Misc <i>Driver license swipes and active shooters supplies</i>	\$ 1,960	\$ -	\$ 19,551	\$ 19,551
122-0521-521.64-00	Machinery and Equipment <i>Data Works Mug Shots software</i>	35,881	-	154,010	154,010
	<i>VeriPic evidence software</i>	8,545			
	<i>Fatal Vision &amp; SIDNE youth DUI program equip</i>	20,463			
	<i>In-Car fingerprint verification devices</i>	21,119			
	<i>Digital Ally server software and video system</i>	12,800			
	<i>Covert body audio recording system</i>	1,295			
	<i>Covert in-car video reording system</i>	10,140			
	<i>JAMAR radar recorder</i>	8,995			
	<i>(All items above approved by Commission on 4/9/09)</i>	4,423			
	<i>Motorola digital portable radios - Qty 10</i>	66,230			
122-0521-590.90-00	Transfer to fund balance <i>To balance increase in budgeted revenues/expenditures</i>	-	-	9,154	9,154
<b>Total Expenditures</b>				<b><u>\$ 182,715</u></b>	

**City of Winter Garden  
Interim Budget  
Local Option Gas Tax Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
		-	-	-	-
<b>Total Revenues</b>					
				<u>-</u>	
<b>Expenditures</b>					
<b>Streets Division</b>					
160-0741-541.63-00	Improv Other than Building	\$ 937,820	\$ 58,970	\$ 445,697	\$ 504,667
<i>The four street sections itemized below are in need of resurfacing to restore the surface of the pavement and prolong the life of the infrastructure by 20 years [estimated life]:</i>					
	Lakeview Av - Lafayette to Palmetto	20,069			
	North St - Plant to 11th	25,729			
	Warrior Rd - Beulah to Windermere Rd	111,877			
	Church of Christ cut-thru - Daniels to CR 535	28,022			
	Tremaine St improvements at Lakeview PN 06016 to include bricking, stormwater lines and replacement of water and wastewater mains	260,000			
160-0741-590.90-00	Transfer to fund balance	-	709,337	<u>(445,697)</u>	533,570
<i>To balance increase in budgeted expenditures</i>					
<b>Total Expenditures</b>					
				<u>-</u>	

**City of Winter Garden  
Interim Budget  
General Impact Fee Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Police</b>					
170-0021-363.22-00	Impact Fees	\$ 106,149	\$ 75,000	\$ (25,000)	\$ 50,000
<i>Item overbudgeted</i>					
170-0021-389.99-99	Use of Fund Balance	-	1,582,315	25,000	1,607,315
<i>To balance decrease in budgeted revenues/increase in budgeted expenditures</i>					
<b>Fire</b>					
170-0022-363.22-00	Impact Fees	137,107	100,000	(40,000)	60,000
<i>Item overbudgeted</i>					
170-0022-389.99-99	Use of Fund Balance	-	1,406,152	40,000	1,446,152
<i>To balance decrease in budgeted revenues</i>					
<b>Recreation</b>					
170-0072-363.27-00	Impact Fees	222,772	150,000	(75,000)	75,000
<i>Item overbudgeted</i>					
170-0072-389.99-00	Use of Fund Balance	-	2,609,642	90,000	2,699,642
<i>To balance decrease in budgeted revenues</i>					
<b>Administration</b>					
170-0213-361.10-00	Interest	499,604	498,727	(198,727)	300,000
170-0213-361.30-00	Increase/FV of Investments	(6,321)	-	104,458	104,458
170-0213-367.00-00	Gain on Sale of Investments	93,432	-	74,402	74,402
<i>Items underbudgeted (overbudgeted)</i>					
<b>Streets</b>					
170-0741-389.99-99	Use of Fund Balance	-	4,906,627	<u>(1,692,457)</u>	3,214,170
<i>To balance decrease in budgeted expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ (1,697,324)</u></b>	
<b>Expenditures</b>					
<b>Recreation</b>					
170-0072-572.63-00	Improvements	-	1,115,383	15,000	1,130,383
<i>Playground equipment increased for Braddock park children's play area</i>					
<b>Streets</b>					
170-0741-541.63-00	Improv Other than Building	757,231	5,405,354	<u>(1,712,324)</u>	3,693,030
<i>Plant St Widening project PN 07037</i>		<i>(2,888,768)</i>			
<b>Total Expenditures</b>				<b><u>\$ (1,697,324)</u></b>	

**City of Winter Garden  
Interim Budget  
Transportation Impact Fees-South of Turnpike**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Streets</b>					
171-0000-361.10-00	Interest	\$ 413,183	\$ 412,854	\$ (112,854)	\$ 300,000
171-0000-361.30-00	Increase in Fair Value of Invest	(2,843)	-	95,129	95,129
171-0000-367.00-00	Gain on Sale of Investments	75,488	-	72,841	72,841
<i>Items underbudgeted/(overbudgeted)</i>					
171-0741-389.99-99	Use of Fund Balance	-	-	-	-
<i>To balance increase in budgeted revenues/expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 55,116</u></b>	
<b>Expenditures</b>					
<b>Streets</b>					
171-0741-517.72-00	Interest-Debt Service	\$ -	\$ -	\$ 63,866	\$ 63,866
<i>Item underbudgeted</i>					
171-0741-590.90-00	Transfer to Fund Balance	-	-	(8,750)	(8,750)
<b>Total Expenditures</b>				<b><u>\$ 55,116</u></b>	

**City of Winter Garden  
Interim Budget  
Transportation Impact Fees-CR545 Special Benefit Area**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Administration</b>					
173-0213-361.10-00	Interest	\$ 79,210	\$ 98,007	\$ (23,007)	\$ 75,000
173-0213-361.30-00	Increase in Fair Value of Invest	(4,692)	-	21,847	21,847
<i>Items underbudgeted/ (overbudgeted)</i>					
<b>Streets</b>					
173-0741-363.24-00	Transportation Impact Fees	579,589	500,000	(200,000)	300,000
<i>Item overbudgeted</i>					
173-0741-389.99-99	Fund balance	-	-	-	-
<b>Total Revenues</b>				<b><u>\$ (201,160)</u></b>	
<b>Expenditures</b>					
<b>Streets</b>					
173-0741-590.90-00	Transfer to Fund Balance	\$ -	\$ -	<u>\$ (201,160)</u>	\$ (201,160)
<i>To balance decrease in budgeted revenues</i>					
<b>Total Expenditures</b>				<b><u>\$ (201,160)</u></b>	

**City of Winter Garden  
Interim Budget  
Transportation Impact Fees-General**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Streets</b>					
174-0741-363.24-00	Transportation Impact Fees	\$ -	\$ -	\$ -	\$ -
<i>Items ___erbudgeted</i>					
174-0741-389.99-99	Use of Fund Balance	-	1,906,187	<u>1,412,679</u>	3,318,866
<i>To balance increase in budgeted expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 1,412,679</u></b>	
<b>Expenditures</b>					
174-0741-541.63-00	Improv Other than Building	\$ 78,474	\$ 1,708,248	<u>1,412,679</u>	3,120,927
<i>SR 50 Concurrency Management PN 09005</i>		<i>(1,000,000)</i>			
<i>SR 50 Mast Arms PN 09040</i>		<i>495,463</i>			
<i>SR 50 Median Landscaping PN 09041</i>		<i>1,917,216</i>			
<b>Total Expenditures</b>				<b><u>\$ 1,412,679</u></b>	

Exhibit 2

**City of Winter Garden  
Interim Budget  
New City Hall Capital Project Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<i>Revenues</i>					
333-0213-361.10-00	Interest	\$ 179,565	\$ -	\$ 1,153	\$ 1,153
<i>Items underbudgeted</i>					
333-0213-389.99-99	Use of Fund Balance	-	282,358	<u>(1,153)</u>	281,205
<i>To balance increase in budgeted expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ -</u></b>	
<i>Expenditures</i>					
				<u>-</u>	-
<b>Total Expenditures</b>				<b><u>\$ -</u></b>	

**City of Winter Garden  
Interim Budget  
Utility Operating Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
410-2116-343.31-00	Meter Installations	\$ 229,479	\$ 175,000	\$ (75,000)	\$ 100,000
410-2116-361.10-00	Interest	381,610	432,808	(60,000)	372,808
410-2116-361.30-00	Increase in Fair Value of Invest	(291,691)	-	93,156	93,156
410-2116-367.00-00	Gain on Sale of Investments	74,876	-	114,758	114,758
410-2116-369.90-00	Other Miscellaneous Revenues	38,967	28,076	(28,076)	-
<i>Items (overbudgeted) underbudgeted</i>					
410-2116-389.99-99	Use of Fund Balance	-	4,530	<u>725,955</u>	730,485
<i>To balance increase in budgeted revenues</i>					
				<b><u>\$ 770,793</u></b>	
<b>Expenses</b>					
<b>Public Services-Administration</b>					
410-2113-536.12-00	Regular Salaries & Wages	\$ 151,579	\$ 180,871	\$ (22,000)	\$ 158,871
410-2113-536.21-00	FICA Taxes	12,043	13,837	\$ (3,600)	10,237
410-2113-536.22-00	Retirement Contributions	14,571	36,084	\$ (9,426)	26,658
410-2113-536.23-00	Life and Health Insurance	20,269	27,389	\$ (7,400)	19,989
410-2113-536.24-00	Workers' Compensation	393	461	\$ (100)	361
410-2113-536.25-00	Unemployment Compensation	-	181	\$ (50)	131
<i>Items overbudgeted</i>					
410-2113-581.91-00	Interfund transfers	-	-	700,000	700,000
<i>Transfer to Util Renewal/Replacement fund</i>					
<b>Water</b>					
410-2116-533.31-01	Professional Services-Misc	36,549	-	15,400	15,400
<i>Consultant services for CUP compliance [SJRWMD]</i>					
410-2116-533.46-01	Repair/Maint-Misc	3,294	10,000	8,996	18,996
<i>Automatic gate at Fullers Cross Water Plant</i>					
410-2116-533.46-03	Repair/Maint-Vehicles	11,302	6,997	4,000	10,997
<i>Item underbudgeted</i>					
410-2116-533.64-00	Equipment	-	-	3,798	3,798
<i>Mower (shared expense with Wastewater division)</i>					

**City of Winter Garden  
Interim Budget  
Utility Operating Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Wastewater</b>					
410-2117-535.12-00	Regular Salaries & Wages	250,514	271,711	(7,500)	264,211
410-2117-535.25-00	Unemployment Compensation	-	291	7,500	7,791
<i>Items (overbudgeted) underbudgeted</i>					
410-2117-535.31-04	Professional Svcs-Engineering	32,609	52,847	15,000	67,847
<i>Louis Dreyfus wastewater treatment facility evaluation for permitting</i>					
410-2117-535.34-01	Contractual Svcs-Misc	617,139	500,000	28,882	528,882
<i>Perc pond underdrain repairs</i>					
410-2117-535.64-00	Equipment	15,426	-	3,798	3,798
<i>Mower (shared expense with Wastewater division)</i>					
<b>Distribution</b>					
410-2126-533.12-00	Regular Salaries & Wages	225,761	292,840	(29,869)	262,971
410-2126-533.21-00	FICA Taxes	17,112	23,538	(2,506)	21,032
410-2126-533.22-00	Retirement Contributions	44,558	61,383	(6,535)	54,848
410-2126-533.23-00	Life and Health Insurance	66,105	76,907	(8,433)	68,474
410-2126-533.24-00	Workers' Compensation	5,748	8,175	(819)	7,356
410-2126-533.25-00	Unemployment Compensation	-	308	(32)	276
<i>Items overbudgeted</i>					
<b>Collection</b>					
410-2127-535.12-00	Regular Salaries & Wages	230,897	263,455	(49,899)	213,556
410-2127-535.21-00	FICA Taxes	18,717	20,930	(1,991)	18,939
410-2127-535.22-00	Retirement Contributions	47,369	54,582	(5,192)	49,390
410-2127-535.23-00	Life and Health Insurance	51,669	58,089	(5,472)	52,617
410-2127-535.24-00	Workers' Compensation	4,764	5,408	(484)	4,924
410-2127-535.25-00	Unemployment Compensation	-	274	(26)	248
<i>Items overbudgeted</i>					
410-2127-535.34-01	Contractual Svcs-Misc	3,071	4,500	50,000	54,500
<i>TV utility line inspections underbudgeted</i>					
410-2127-535.44-00	Rentals and leases	-	1,000	4,000	5,000
<i>Heavy equipment rentals</i>					
410-2127-535.46-03	Repair/Maint-Vehicles	53,130	40,000	15,000	55,000
<i>Item underbudgeted</i>					
410-2127-535.46-07	Repair/Maint-Utility lines	431,901	20,000	20,000	40,000
<i>Pipe replacements</i>					
410-2127-535.64-00	Improv Other than Building	-	-	87,490	87,490
<i>Farmers' Market restrooms</i>		<b>54,360</b>			
<i>Wastewater debris dewatering container</i>		<b>33,130</b>			
<b>Environmental Svcs</b>					
410-2132-537.12-00	Regular Salaries & Wages	134,182	142,489	(24,752)	117,737
410-2132-537.21-00	FICA Taxes	9,576	10,999	(1,894)	9,105
410-2132-537.22-00	Retirement Contributions	25,066	28,684	(4,938)	23,746
410-2132-537.23-00	Life and Health Insurance	17,571	19,958	(68)	19,890
410-2132-537.24-00	Workers' Compensation	676	367	(60)	307
410-2132-537.25-00	Unemployment Compensation	-	144	(25)	119
<i>Items overbudgeted</i>					
<b>Total Expenses</b>				<b>\$ 770,793</b>	

**City of Winter Garden  
Interim Budget  
Utility Impact Fee Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
411-2116-361.10-00	Interest	,033,371	\$ 962,904	\$ (262,904)	\$ 700,000
411-2116-361.30-00	Increase in Fair Value of Invest	39,521	-	133,694	133,694
411-2116-363.23.01	Impact Fees-Water	563,630	711,732	(400,000)	311,732
411-2116-363.23.02	Impact Fees-Sewer	614,472	735,800	(400,000)	335,800
<i>Items (overbudgeted) underbudgeted</i>					
411-2116-367.00-00	Gain on Sale of Investments	271,088	-	213,288	213,288
<i>Item underbudgeted</i>					
411-2116-389.99-17	Use of Fund Balance	-	711,061	2,209,239	2,920,300
<i>To balance decrease in budgeted revenues/increase in budgeted expenditures</i>					
411-2117-366.00-00	Contributions	85,978	-	78,949	78,949
<i>Birket Properties developer agreement</i>					
411-2117-369.90-00	Other Miscellaneous Revs	351,200	-	<u>53,197</u>	53,197
<i>St. Johns River Water Management District Cost Share</i>					
<b>Total Revenues</b>				<b><u>\$ 1,625,463</u></b>	
<b>Expenses</b>					
<b>Water</b>					
411-2116-590.90-00	Transfer to Fund Balance	\$ -	\$ 435,523	\$ (496,591)	\$ (61,068)
<i>To balance decrease in budgeted revenues/increase in budgeted expenditures</i>					
<b>Wastewater</b>					
411-2117-535.63-00	Improv Other Than Building	4,437,842	7,530,410	1,582,409	9,112,819
<i>Reclaimed water storage Ph II underbudget PN 08008</i>		<i>(1,233,591)</i>			
<i>Reclaimed water storage Ph III PN 09038</i>		<i>2,616,000</i>			
<i>Reclaimed water tie-ins</i>		<i>50,000</i>			
<i>Conserv II reclaimed water meter installations</i>		<i>150,000</i>			
<b>Distribution</b>					
411-2126-533.63-00	Improv Other Than Building	184,670	484,300	461,991	946,291
<i>Plant St widening project PN 07037</i>		<i>243,323</i>			
<i>Tremaine St improvements at Lakeview PN 06016</i>		<i>37,900</i>			
<i>SR 50 utility relocations PN 04055</i>		<i>18,750</i>			
<i>CR 535 utility relocations PN 08030</i>		<i>30,000</i>			
<i>Palmetto WTP generator upgrade</i>		<i>234,018</i>			
<i>Turnpike utility relocations-under budget PN 08040</i>		<i>(102,000)</i>			
<b>Collection</b>					
411-2127-535.63-00	Improv Other Than Building	1,595,869	5,433,040	<u>77,654</u>	5,510,694
<i>Plant St Widening Project PN 07037</i>		<i>142,904</i>			
<i>Turnpike utility relocations-under budget PN 08040</i>		<i>(160,000)</i>			
<i>Tremaine St improvements at Lakeview PN 06016</i>		<i>46,000</i>			
<i>SR 50 utility relocations PN 04055</i>		<i>18,750</i>			
<i>CR 535 Utility relocations PN 08030</i>		<i>30,000</i>			

Exhibit 2

City of Winter Garden  
Interim Budget  
Utility Impact Fee Fund

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<i>Total Expenses</i>				<u>\$ 1,625,463</u>	

**City of Winter Garden  
Interim Budget  
Utility Renewal and Replacement Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
412-2116-381.41-00	Interfund Transfer	\$ -	\$ -	\$ 700,000	\$ 700,000
<i>Item underbudgeted</i>					
412-2116-389.99-99	Use of Fund Balance	-	155,632	<u>(148,500)</u>	7,132
<i>To balance decrease in budgeted revenues/expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 551,500</u></b>	
<b>Expenses</b>					
<b>Distribution</b>					
412-2126-533.63-00	Improv Other Than Building	\$ 61,084	\$ -	\$ 18,750	\$ 18,750
<i>SR 50 utility relocations PN 04055</i>					
<b>Collection</b>					
412-2127-535.63-00	Improv Other Than Building	615,781	45,232	<u>532,750</u>	577,982
<i>9th Street sewer replacement PN 08043</i>		<b>514,000</b>			
<i>SR 50 utility relocations PN 04055</i>		<b>18,750</b>			
<b>Total Expenses</b>				<b><u>\$ 551,500</u></b>	

**City of Winter Garden  
Interim Budget  
Stormwater Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
420-2618-343.90-02	Service fees-TV Utility Lines <i>TV utility lines overbudgeted</i>	\$ 125,836	\$ 200,000	\$ (50,000)	\$ 150,000
420-2618-366.00-00	Contributions <i>HOA/Developer agreements for pond maintenance</i>	-	-	39,125	39,125
420-2618-389.99-99	Use of Fund Balance <i>To balance decrease in budgeted revenues/expenditures</i>	-	702,207	<u>301,362</u>	1,003,569
<b>Total Revenues</b>				<b><u>\$ 290,487</u></b>	
<b>Expenses</b>					
420-2618-538.34-01	Contractual Svcs-Misc <i>TV utility lines overbudgeted</i>	5,080	203,000	(50,000)	153,000
420-2618-538.44-00	Rentals and leases <i>Street sweeper and excavator budgeted in wrong account</i>	2,339	146,933	(146,933)	-
420-2618-538.46-01	Repair/Maint-Misc				-
420-2618-538.46-02	Repair/Maint-Equip <i>Items underbudgeted</i>				-
420-2618-538.63-00	Improv Other Than Building <i>Tremaine St improvements at Lakeview PN 06016</i>	672,963	762,207	111,500	873,707
	<i>W Crown Pt Rd Drainage PN 09012</i>	<i>28,500</i>			
	<i>Lake Cove Underdrains PN 09013</i>	<i>60,000</i>			
	<i>(Commission approved 3/12/09)</i>	<i>23,000</i>			
420-2618-538.64-00	<i>Street Sweeper</i>	-	-	<u>375,920</u>	375,920
	<i>Excavator</i>	<i>169,230</i>			
		<i>206,690</i>			
<b>Total Expenses</b>				<b><u>\$ 290,487</u></b>	

**City of Winter Garden  
Interim Budget  
Solid Waste Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<b>Revenues</b>					
430-3134-343.41-03	Residential Constr Roll-off	\$ 33,400	\$ 38,250	\$ (18,250)	\$ 20,000
430-3134-343.42-03	Res Poly Cart/Recycle Bins	33,400	37,500	(17,500)	20,000
430-3134-361.10-00	Interest	(17,022)	16,200	<u>(16,200)</u>	-
<i>Items overbudgeted</i>					
<b>Total Revenues</b>				<b><u>\$ (51,950)</u></b>	
<b>Expenses</b>					
430-3134-534.12-00	Regular Salaries & Wages	563,416	589,504	(3,000)	586,504
430-3134-534.25-00	Unemployment Compensation	15,073	645	3,000	3,645
<i>Items (overbudgeted) underbudgeted</i>					
430-3134-534.34-08	Contractual Services-Personnel	\$ 89,495	\$ 65,000	\$ 14,000	\$ 79,000
<i>Temporary workers exp underbudgeted</i>					
430-3134-534.46-03	Repairs/Maint - Vehicles	252,110	140,500	113,000	253,500
<i>During the initial budget process, staff was over optimistic about reducing expenses for vehicle repair and as a result this line item was underbudgeted. Additional funding is needed for solid waste vehicle repairs and tire replacements during the remaining budget year.</i>					
430-3134-534.52-01	Operating Supplies	97,637	72,200	35,000	107,200
<i>Trash container and parts replacement</i>					
430-3134-590.90-00	Transfer to Fund Balance	-	476,758	(213,950)	262,808
<i>To balance decrease in budgeted revenues/increase in budgeted expenditures</i>					
<b>Total Expenses</b>				<b><u>\$ (51,950)</u></b>	

**City of Winter Garden  
Interim Budget  
Trailer City Fund**

<u>Account Number</u>	<u>Description</u>	<u>2008 Actual</u>	<u>2009 Current Budget</u>	<u>Budget Adjustments</u>	<u>2009 Proposed Amended Budget</u>
<i>Revenues</i>					
450-3657-361.10-00	Interest	\$ 2,965	\$ 3,300	\$ (2,550)	\$ 750
<i>Item overbudgeted</i>					
450-3657-369.90-00	Other Miscellaneous Revenues	970	200	410	610
<i>Item underbudgeted</i>					
450-3657-389.99-99	Use of Fund Balance	-	-	<u>2,140</u>	2,140
<i>To balance decrease in budgeted revenues</i>					
<b>Total Revenues</b>				<b>\$ -</b>	
<i>Expenses</i>					
				<u>-</u>	-
<b>Total Expenses</b>				<b>\$ -</b>	

**RESOLUTION 09-10**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE REINSTATEMENT OF BUS LINES TWENTY-SEVEN AND FIFTY-THREE, OPPOSING THE INEQUITABLE ALLOCATION OF MASS TRANSIT SERVICES BY THE CENTRAL FLORIDA REGIONAL TRANSPORTATION SYSTEM, SUPPORTING THE IMPLEMENTATION OF A PICK UP LINE IN WINTER GARDEN, AND SUPPORTING INTERMODAL TRANSPORTATION SYSTEMS IN WINTER GARDEN AND CENTRAL FLORIDA**

**WHEREAS** the residents of Winter Garden pay property taxes to Orange County; and

**WHEREAS** property taxes are used to support the operation of the Central Florida Regional Transportation System (LYNX); and

**WHEREAS** LYNX recently eliminated the Twenty-Seven and Fifty-Three bus service lines in Winter Garden; and

**WHEREAS** LYNX stated that the Pick Up Line Six-Eleven would fill the void created by the elimination of the two aforementioned bus routes; and

**WHEREAS** Pick Up Line Six-Eleven provides service to the City of Ocoee and not to Winter Garden; and

**WHEREAS** the current bus service provided to the City of Winter Garden is insufficient to meet the needs of the residents of Winter Garden; and

**WHEREAS** mass transit will only succeed in Central Florida if the Central Florida Regional Transportation System and other transportation organizations allocate transportation resources equitably;

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

**SECTION 1.** The City will work with County Commissioner Scott Boyd and LYNX to restore the aforementioned lost bus routes and to provide a Pick Up Line to the City of Winter Garden.

**SECTION 2.** The City will work with County Commissioner Scott Boyd and LYNX to correct the deficiencies in the Twenty-Seven and Fifty-Three bus routes to ensure that ridership increases once the service is restored.

**SECTION 3.** The City supports intermodal transportation systems as long as transportation resources are allocated equitably.

**SECTION 4.** The City will forward this resolution to the Orange County Commissioner Scott Boyd and LYNX.

**PASSED AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the City Commission of the City of Winter Garden, Florida.

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John Rees, Mayor / Commissioner

ATTEST:

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Kathy Golden, City Clerk