



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

REGULAR MEETING

JULY 23, 2009

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of July 9, 2009 and Strategic Planning Workshop of July 11, 2009

2. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 09-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.96 ± ACRES LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY 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 August 27, 2009** – Community Development Director Wilson

B. **Ordinance 09-37:** 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 LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.96 ± ACRES LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 27, 2009** – Community Development Director Wilson

C. **Ordinance 09-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.96 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY DRIVE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 27, 2009** – Community Development Director Wilson

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 09-21:** 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 NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.17 ±

ACRES LOCATED AT 11 BROAD STREET; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Wilson

- B. **Ordinance 09-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.17 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 11 BROAD STREET FROM ORANGE COUNTY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Wilson
- C. **Ordinance 09-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 40.9 ACRES OF CERTAIN REAL PROPERTY LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545 FROM ORANGE COUNTY AGRICULTURAL TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Sessions) – Community Development Director Wilson

4. **REGULAR BUSINESS**

- A. Recommendation to approve setting the proposed tax millage rate at 3.8546 for Fiscal Year 2009/2010 – City Manager Bollhoefer
- B. City Manager’s contract – City Manager Bollhoefer

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. Discussion on golf carts (*continued from June 25 and July 9, 2009*)

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular meeting on Thursday, August 13, 2009 at 6:30 a.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.

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 09-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.96 ± ACRES LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY 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 1.96 ± acres located at 1301 East Bay Street and 1360 Edgeway 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 AND PUBLIC HEARING HELD: July 23, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2009.

APPROVED:

ATTEST:

JOHN REES, Mayor/Commissioner

KATHY GOLDEN, City Clerk

Attachment "A"

ORDINANCE 09-37

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 LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.96 ± ACRES LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY 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 1.96 ± acres located at 1301 East Bay Street and 1360 Edgeway Drive 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 LOW DENSITY RESIDENTIAL", 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 AND PUBLIC HEARING HELD: July 23, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2009.

APPROVED:

JOHN REES, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 09-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.96 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1301 EAST BAY STREET AND 1360 EDGEWAY DRIVE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.96 ± acres located at 1301 East Bay Street and 1360 Edgeway Drive and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 to the City's R-4 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 R-2 to City R-4 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.

READ FIRST TIME AND PUBLIC HEARING HELD: July 23, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2009.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"

ORDINANCE 09-21

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 NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.17 ± ACRES LOCATED AT 11 BROAD 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 0.17 ± acres located at 11 Broad 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 NEIGHBORHOOD 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.

READ FIRST TIME AND PUBLIC HEARING HELD: May 28, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: July 23, 2009.

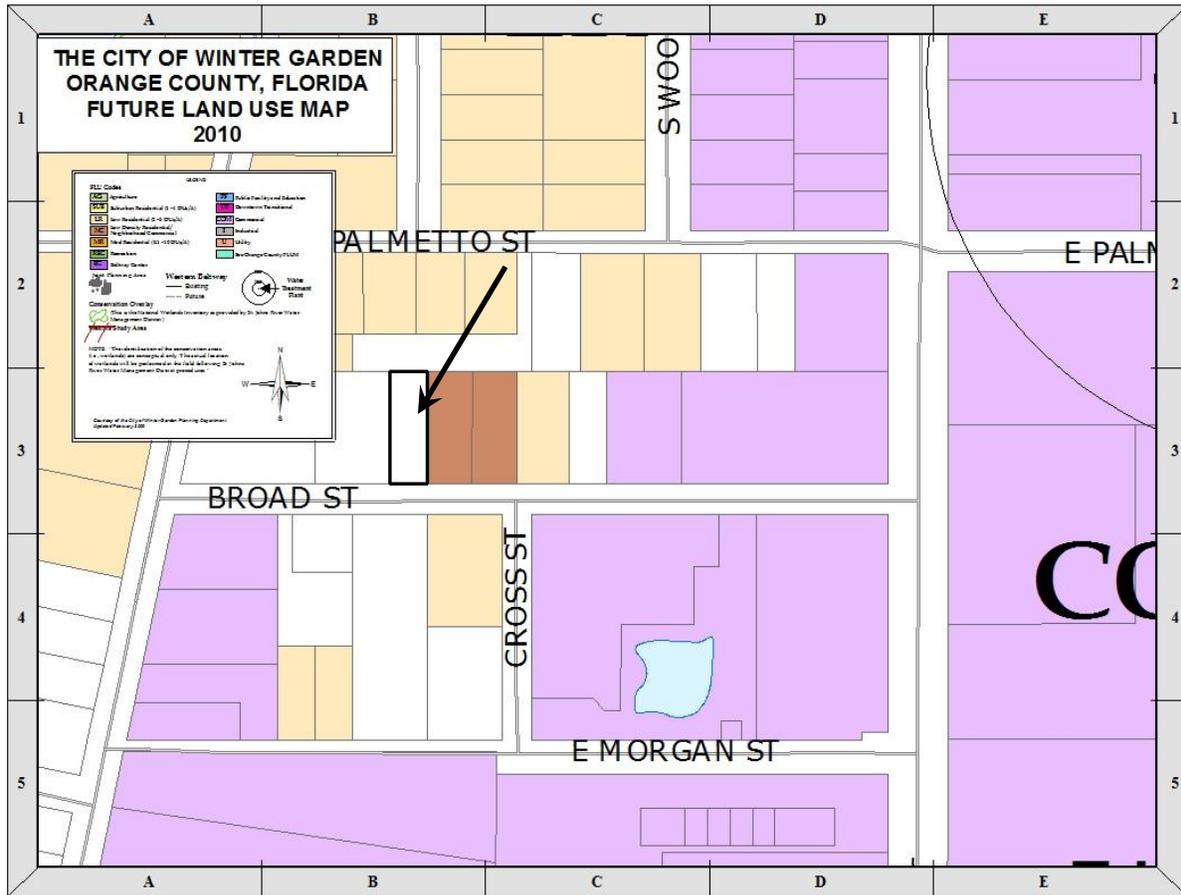
APPROVED:

JOHN REES, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"



ORDINANCE 09-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.17 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 11 BROAD STREET FROM ORANGE COUNTY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.17 ± acres located at 11 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 to the City's R-NC 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 R-2 to City R-NC 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.

READ FIRST TIME AND PUBLIC HEARING HELD: May 28, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: July 23, 2009.

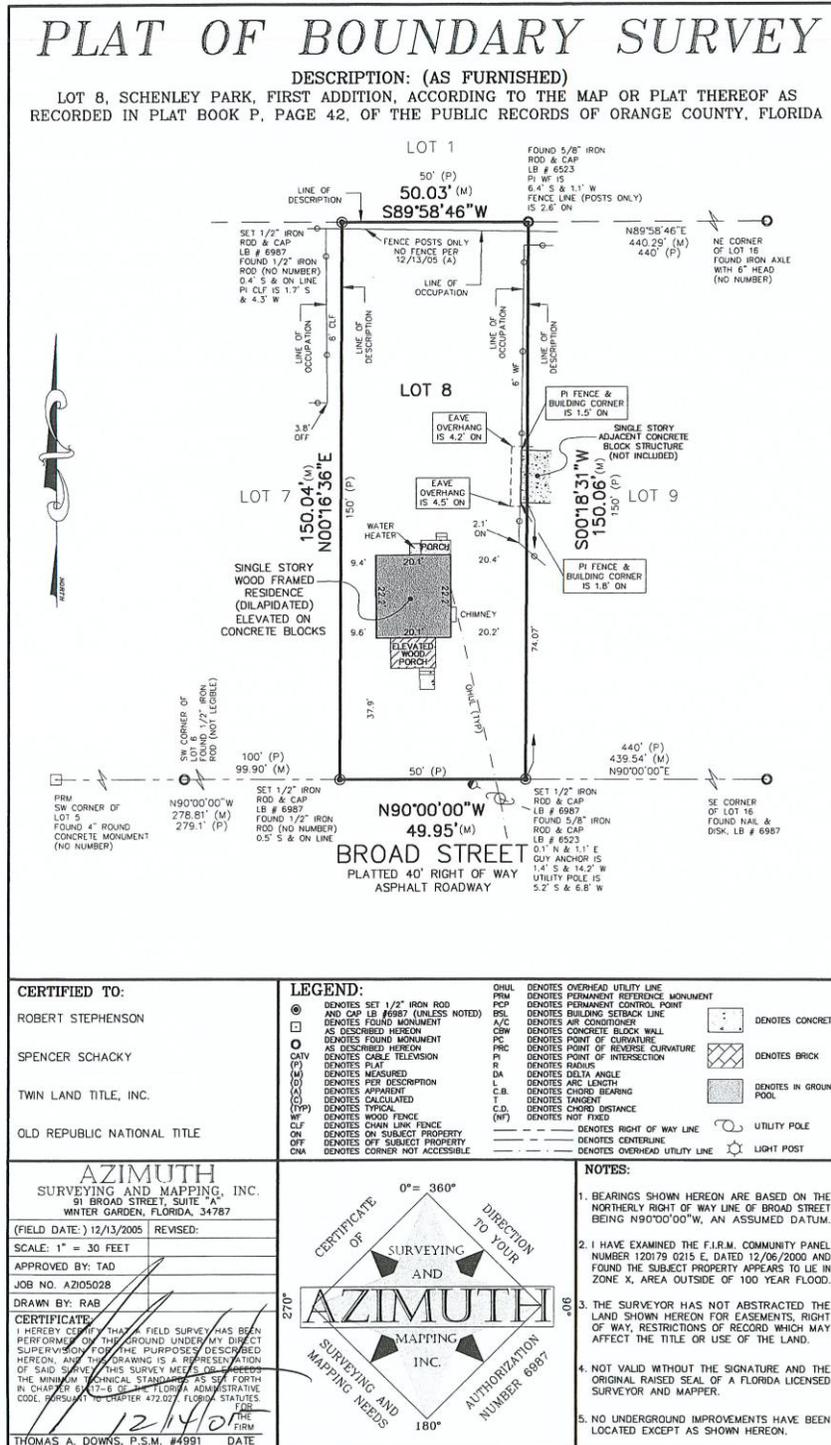
APPROVED:

JOHN REES, Mayor/Commissioner

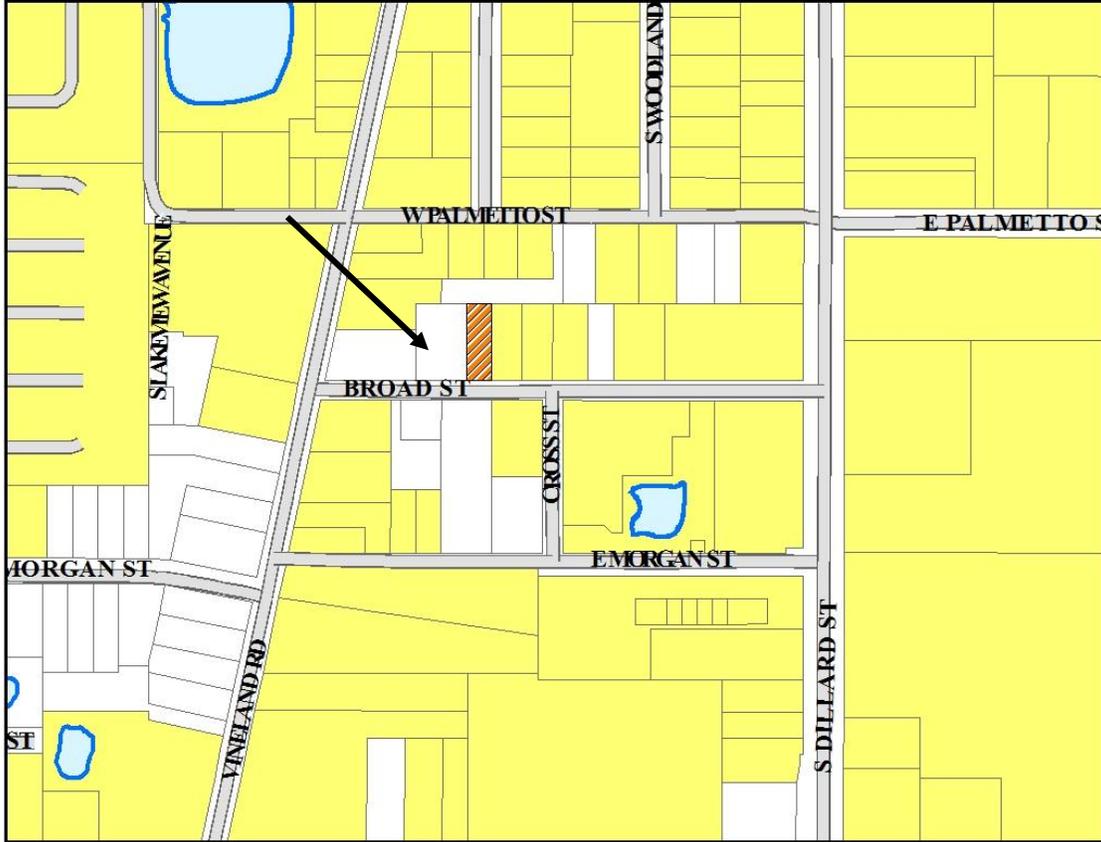
ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"



11 Broad Street



ORDINANCE 09-23

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 40.9 ± ACRES OF CERTAIN REAL PROPERTY LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF COUNTY ROAD 545 FROM ORANGE COUNTY AGRICULTURAL TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. .

WHEREAS, the owner of real property generally described as approximately 40.9 ± acres located South and West of Siplin Road and East of County Road 545 and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County Agricultural to the City's R-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 Agricultural to City R-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 AND PUBLIC HEARING: June 25 2009.

SECOND READING AND PUBLIC HEARING: July 23 2009.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment "A" Ordinance 09-23

EXHIBIT A

LEGAL DESCRIPTION

That part of Sections 27 and 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, and run S00°07'58"W along the West line of said Southwest 1/4 of the Southwest 1/4 for a distance of 616.91 feet; thence run S89°52'02"E for a distance of 369.95 feet to the point of curvature of a curve concave Southwesterly having a radius of 430.00 feet and a chord bearing of S67°09'09"E; thence run Southeasterly along the arc of said curve through a central angle of 45°25'45" for a distance of 340.94 feet to the POINT OF BEGINNING; thence continue Southeasterly along the arc of said curve having a chord bearing of S43°42'18"E through a central angle of 01°27'57" for a distance of 11.00 feet to the point of tangency; thence run S42°58'20"E for a distance of 619.75 feet to the point of curvature of a curve concave Northeasterly having a radius of 370.00 feet and a chord bearing of S66°20'36"E; thence run Southeasterly along the arc of said curve through a central angle of 46°44'32" for a distance of 301.85 feet to the point of tangency; thence run S89°42'52"E along a line parallel with and 30.00 feet Northerly of the South line of lands described in Official Records Book 7743, Page 4158, of the Public Records of Orange County, Florida, for a distance of 1128.72 feet; thence run N01°18'30"W along the West right-of-way line of Siplin Road, as described in a Right-of-way Agreement, recorded in Official Records Book 1753, Page 559, of said Public Records for a distance of 201.20 feet; thence run S85°21'34"W along the South line of the South 1/2 of the Southwest 1/4 of said Section 27 for a distance of 7.03 feet; thence run N00°19'41"W along the West right-of-way line of Siplin Road, as described in a Right-of-way Agreement, recorded in Official Records Book 1147, Page 362, of said Public Records for a distance of 873.47 feet; thence run S89°40'19"W along the Westerly right-of-way line of Siplin Road, as described in a Warranty Deed, recorded in Official Records Book 3878, Page 2312, of said Public Records for a distance of 10.00 feet to a point on a non-tangent curve concave Southwesterly having a radius of 150.00 feet; thence from a tangent bearing of N00°19'41"W run Northwesterly along the arc of said curve and said Westerly right-of-way line through a central angle of 69°58'49" for a distance of 133.21 feet; thence run S19°41'30"W radial to said curve along the East line of Lot 27, SIPLIN HEIGHTS, according to the plat thereof, as recorded in Plat Book 21, Pages 49 and 50, of said Public Records for a distance of 108.35 feet; thence run N87°37'16"W along the Southerly line of said SIPLIN HEIGHTS for a distance of 665.65 feet; thence run N88°35'49"W along said Southerly line for a distance of 423.41 feet; thence run S45°13'44"W for a distance of 807.72 feet to the POINT OF BEGINNING.

AND:

That part of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, and run S00°07'58"W along the West line of said Southwest

1/4 of the Southwest 1/4 for a distance of 616.91 feet; thence run S89°52'02"E for a distance of 369.95 feet to the point of curvature of a curve concave Southwesterly having a radius of 430.00 feet and a chord bearing of S66°25'11"E; thence run Southeasterly along the arc of said curve through a central angle of 46°53'42" for a distance of 351.94 feet to the point of tangency; thence run S42°58'20"E for a distance of 619.75 feet to the point of curvature of a curve concave Northeasterly having a radius of 370.00 feet and a chord bearing of S56°45'53"E; thence run Southeasterly along the arc of said curve through a central angle of 27°35'07" for a distance of 178.14 feet to the POINT OF BEGINNING; thence continue Southeasterly along the arc of said curve having a chord bearing of S80°08'10"E through a central angle of 19°09'25" for a distance of 123.71 feet to the point of tangency; thence run S89°42'52"E along a line parallel with and 30.00 feet Northerly of the South line of lands described in Official Records Book 7743, Page 4158, of the Public Records of Orange County, Florida, for a distance of 1128.72 feet; thence run S01°18'30"E along the West right-of-way line of Siplin Road, as described in a Right-of-way Agreement, recorded in Official Records Book 1753, Page 559, of said Public Records for a distance of 30.01 feet; thence run N89°42'52"W along the South line of said Official Records Book 7743, Page 4158, for a distance of 1250.09 feet; thence run N00°43'04"W along the East line of the East 3/4 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 34 for a distance of 50.50 feet to the POINT OF BEGINNING.

[As provided by Donald W. McIntosh Associates, Inc. on February 17, 2005]

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