



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES September 21, 2009

The **BUDGET HEARINGS AND REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor John Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Assistant Public Services Director Mike Kelley, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Planning Consultant Ed Williams, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Dolores Key and Recreation Supervisor Mary Mazza

1. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2009-2010**

- A. **Ordinance 09-55:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010

City Attorney Ardaman read Ordinance 09-55 by title and the following excerpt from Section 1: The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2009 and ending on September 30, 2010, at the rate of 3.7500 mills (\$3.7500 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is less than the rolled back rate of 3.8546 mills by 2.71 percent.

Finance Director Hayes stated that staff would like to recommend setting the millage rate at 3.75 mills.

Commissioner Sharman stated that at the last meeting there was discussion on possibly setting the millage rate even lower and asked if staff had an opportunity to look into this. City Manager Bollhoefer replied that staff did not look at a lowering it because it would cause the City to go into the fund balance by approximately \$160,000. Staff felt that 3.75 was a good amount.

There was discussion that the change to the lesser amount would move the City from the number three to the number two for the lowest rates in Orange County. There was discussion on Belle Isle's rate being 3.74 mills.

Commissioner Jowers stated that right now Winter Garden provides quality services for the least amount of revenue. We still have a fund balance which has been protected, has grown and it is financially prudent. He would hate to go below what we have just for the sake of dropping it and not be good stewards of the people's money. He feels that 3.7500 is a good and valid number. Dropping the number just to get below another city is not worth the time and the energy.

Mayor Rees stated that he thinks the City has worked hard on the efficiencies and expenses. You could drop it a tenth of a point, which is a few thousand dollars, but he does not know if that would make that much difference. He concurs that the City has worked very hard on the expense side of the budget.

Commissioner Boulder stated that he agrees with Commissioner Jowers' statement.

Mayor Rees opened the public hearing.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated that he appreciates the work staff has done on the budget. He believes the fund balance is where his opinion differs. The fund balance is tax payer money that has accumulated over a period of time. He suggested taking \$972,303 out of the fund balance of \$6,283,476 which will leave \$5,311,173. He spoke of the affects the current economy is having on jobs, social security, and businesses, and two dollars here and there can make a difference. The fund balance is for emergencies such as the last hurricane. In that situation, most of that money from the cleanup was returned to the City of Winter Garden by FEMA. He mentioned the fund balances in the Special Revenue Fund and the Enterprise Fund, which by a vote of the City Commission could be borrowed against for the general fund. It would be good for the City Commission to consider the extra amount the citizens will have to pay.

Mayor Rees closed the public hearing.

City Manager Bollhoefer noted that you can borrow against your other fund balances but the downside is that in future years you have to pay the debt and if there are more tough years, you can get into a downward spiral. He feels that the 3.75 millage is a good rate

for the long term financial security of the City. He stated that he is confident the millage will not need to be raised for many years at the 3.75 level.

Motion by Commissioner Buchanan to adopt Ordinance 09-55. Seconded by Commissioner Jowers and carried unanimously 5-0.

- B. **Ordinance 09-56:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010

City Attorney Ardaman read Ordinance 09-56 by title and the following excerpt from Ordinance 09-56: Whereas, it is anticipated that there will be available for use and disbursement from the general funds of Winter Garden revenue in the following amounts:

Collection of Ad Valorem	\$ 8,704,273
Revenue other than Ad Valorem	<u>15,285,137</u>
TOTAL REVENUES	\$23,989,410

Finance Director Hayes stated that staff would like to recommend budget approval with the presented changed out sheets to reflect these figures.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to adopt Ordinance 09-56. Seconded by Commissioner Boulter and carried unanimously 5-0.

- C. **Ordinance 09-57:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010

City Attorney Ardaman read Ordinance 09-57 by title and the following excerpt from Ordinance 09-57: Whereas, it is anticipated that there will be available for use and disbursement from the CRA funds of Winter Garden revenue in the following amounts:

Collection of Ad Valorem	\$366,514
Revenue other than Ad Valorem	<u>436,136</u>
TOTAL REVENUES	\$802,650

Finance Director Hayes stated that staff has provided the changed out sheets for the CRA and staff recommends this ordinance for approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to adopt Ordinance 09-57. Seconded by Commissioner Jowers and carried unanimously 5-0.

- D. **Ordinance 09-58:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2009-2010 IN ACCORDANCE WITH ARTICLE 3 SECTION 30(5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 09-58 by title.

Finance Director Hayes stated that the changed out sheets provided reflect the changes and staff recommends approval of this ordinance.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to adopt Ordinance 09-58. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING AGENDA

1. **APPROVAL OF MINUTES**

Corrected Regular Meeting of August 27, 2009; Budget Hearings and Regular Meeting of September 9, 2009

Motion by Commissioner Jowers to approve the corrected Regular Meeting minutes of August 27, 2009 and the Budget Hearings and Regular Meeting minutes of September 9, 2009. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

- A. **Ordinance 09-19:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTIONS 118-890, 118-893 and 118-989 AND CREATING SECTION 118-829 and 118-830 OF CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING TIME RESTRICTIONS FOR FILING AND OBTAINING APPROVAL OF FINAL DEVELOPMENT PLANS AND FINAL PLATS FOR PLANNED UNIT DEVELOPMENTS; PROVIDING A PROCESS FOR CITY COMMISSION APPROVAL OF TIME EXTENSIONS FOR PLANNED UNIT DEVELOPMENTS; PROVIDING FOR RETROACTIVE EXTENSION OF EXPIRED PLANNED UNIT DEVELOPMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-19 by title only. Community Development Director Wilson stated that this ordinance will add time to Planned Unit Developments (PUD) that have or would have lapsed by the end of September. This ordinance adds five more years to their approval time to either get the final site plan or plat approved. If they do not meet the deadline, then their PUD would expire. Staff recommends approval.

Mayor Rees asked why five years. Mr. Wilson replied that staff surveyed what some of the other surrounding jurisdictions are doing and in some cases the PUDs do not have any time limit. So staff thought five years would be somewhat of a balance rather than having none.

City Attorney Ardaman added that in his experience most jurisdictions do not have a time limit for planned developments. However, it is a zoning even though it is a contract between our City and the developer. In the future, the City will have the flexibility with regard to timeframes. Given the economy and the fact that a lot of people did not realize or expect that their current zoning would expire, five years is being recommended by staff.

Commissioner Buchanan asked what effect this would this have on the property taxes when the zoning is changed; do the taxes reflect the change to PUD? City Attorney Ardaman replied that the taxes are typically assessed based on use. On non-agricultural properties the zoning is clearly a factor in the appraised value that will be taken into consideration.

Mayor Rees opened the public hearing.

Paul Rosenthal of the law firm Foley and Lardner, 111 North Orange Avenue, Orlando, Florida, stated that he is representing Adams property holdings and 40 acres who own a portion of the Alexander Ridge PUD. He noted that they have provided comments on the ordinance and appreciate the cooperation of staff in responding to those comments. They do support the ordinance but wanted to go on the record that they believe the Alexander Ridge PUD is vested from both the existing ordinance and the proposed ordinance with the amendments.

Mayor Rees closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 09-19 with the second reading and public hearing on October 8, 2009. Seconded by Commissioner Jowers and carried unanimously 5-0.

- B. **Ordinance 09-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.74 ± ACRES LOCATED ON THE NORTH AND WEST SIDE OF COUNTY ROAD 545 (PARCEL ID 33-22-27-0000-00-014), 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

City Attorney Ardaman read Ordinance 09-48 by title only. Community Development Director Wilson stated that this property is owned by the City since it was purchased back in 2006. Staff thought this is a good time to annex while the comprehensive plan is being updated. The annexation will be done at this time with land use and zoning for the property being done at a later date; staff recommends approval.

Commissioner Buchanan asked about any plans for the property. City Manager Bollhoefer shared that the original uses discussed were possibly a park or fire station but there are no absolute plans. There are some good possibilities for the land.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to approve Ordinance 09-48 with the second reading and public hearing on October 22, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

- C. **Ordinance 09-49:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40.28 ± ACRES LOCATED AT 13036 ROPER ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-49 by title only. Community Development Director Wilson stated that this property is located on the south side of Roper Road and is a little over 40 acres. The intended future use of this land would be for a church. It is better that it be in the City for the purposes of utilities. He noted there are wetlands and conservation areas within the parcel. Whenever they get into the site planning phase, the land use information will be reviewed more closely.

Mayor Rees asked if the applicant is relocating their Orlando church or are they setting up another church. City Manager Bollhoefer stated that it was his understanding that they may be keeping both churches. Mr. Bollhoefer recognized Planning Consultant Williams to address this issue. Mr. Williams stated that initially they were going to keep both locations but now they may not.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to approve Ordinance 09-49 with the second reading and public hearing on October 22, 2009. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 09-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.28 ± ACRES LOCATED AT 120 TILDENVILLE SCHOOL ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-50 by title only. Community Development Director Wilson stated that the next three ordinances address the same piece of property. This ordinance annexes the property into the City and the next two ordinances initiate a small scale land use to low density residential and an R-2 zoning. The purpose is to access City utilities and staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to approve Ordinance 09-50 with the second reading and public hearing on October 22, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

- E. **Ordinance 09-51:** 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 0.28 ± ACRES LOCATED AT 120 TILDENVILLE SCHOOL ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-51 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Commissioner Sharman asked what the applicant was planning to build on this property. Mr. Wilson replied that it currently has a house.

Motion by Commissioner Buchanan to approve Ordinance 09-51 with the second reading and public hearing on October 22, 2009. Seconded by Commissioner Jowers and carried unanimously 5-0.

- F. **Ordinance 09-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.28 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 120 TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY A-1 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-52 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to approve Ordinance 09-52 with the second reading and public hearing on October 22, 2009. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- G. **Ordinance 09-59:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT, FUTURE LAND USE ELEMENT, PUBLIC FACILITIES ELEMENT, AND THE CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF WINTER GARDEN; PROVIDING FOR COORDINATION WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROPOSING NEW AND REVISING EXISTING INTERGOVERNMENTAL AGREEMENTS; REQUIRING AVAILABILITY OF ADEQUATE WATER SUPPLIES AND ASSOCIATED PUBLIC FACILITIES TO MEET PROJECTED GROWTH DEMANDS PRIOR TO FUTURE LAND USE MAP AMENDMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY; ENSURING EFFICIENT OPERATION OF THE RECLAIMED WATER SYSTEM; MAINTAINING MEASURES TO CONTROL OR PROHIBIT PACKAGE PLANTS; PROVIDING FOR WATER CONSERVATION BY PROGRESSIVE WATER USEAGE RATE STRUCTURE AND OTHER MEASURES; IMPLEMENTING THE CITY OF WINTER GARDEN WATER, WASTEWATER, AND 2008 RECLAIMED WATER MASTER PLANS; MAINTAIN THE WATER CONSERVATION PROGRAM; ADOPTING THE 2009-2018 10-YEAR WATER SUPPLY AND FACILITY WORK PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-59 by title only. **Community Development Director Wilson** stated that this ordinance updates the 10-year water supply plan and brings the reclaimed water master plan into the comprehensive plan. There were some pending items relating to being in compliance with the St. Johns River Water Management District (SJRWMD) and the Wekiva River Basin since the original comprehensive plan. This item will get the City into good standing with the SJRWMD and with the City's water conservation efforts. Staff recommends approval and transmittal to the Department of Community Affairs (DCA).

Mayor Rees stated that in reviewing this item, last year the City used approximately 2.2 billion gallons of water which is over our allocated amount. He asked that in moving forward, if the City is already over the amount allocated by the SJRWMD, is the City digging the hole deeper. **Mr. Wilson** replied that without reclaimed water and potable irrigation the City was not going in the right direction. When the reclaimed program comes online, he thinks the City will see those numbers substantially turn. Based on the projections, the City will probably be in compliance. The City has until 2013 before reaching our cap on the consumptive use permit.

Commissioner Buchanan asked if any thought is being given to re-tapping the older homes to make reclaimed water available to them as well. **Mr. Wilson** stated that this ordinance is a more generic plan. The master plan includes a retro fit component. **Commissioner Buchanan** asked if retro fitting will be done by 2013. **Public Services Director Cochran** stated that the City has already started using the new directional drilling equipment for the reuse mains. Specifically, during the driest months of April and May, the irrigation almost doubles the demand on the City's water system. Long range planning, 20 to 30 years from now, will include the City participating in some type of alternative water supply project by partnering with local governments. Reuse and water conservation will get us close to being in compliance with our capped gallons per day in 2013. The reuse effort also includes a contract for the Conserve II line for two billion gallons of water. **City Manager Bollhoefer** added that in looking long-term, staff will look at the feasibility costs related to re-plumbing the older neighborhoods.

Commissioner Buchanan stated that the reason he asked is because it is such a considerable cost to install an extra meter just for irrigation. His thought was that if the City was going to be doing the directional drilling then it may be conducive for the older neighborhoods. **Mr. Bollhoefer** stated that right now it is not financially feasible but that could change in the long term.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to approve transmittal of Ordinance 09-59 to the Department of Community Affairs. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

- A. **Ordinance 09-25:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE II OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING PEDDLERS, SOLICITORS, AND ITINERANT VENDORS; REVISING AND CLARIFYING THE DEFINITIONS OF OPEN AIR VENDORS AND PEDDLERS; PROVIDING FOR CODIFICATION; ADDING DEFINITIONS FOR CHIEF OF POLICE, CITY MANAGER, ITINERANT AND STATIONARY MOBILE

FOOD VENDORS AND SEASONAL VENDORS; REVISING AND ADDING CRITERIA FOR OBTAINING AN OPEN AIR VENDOR PERMIT; PROVIDING FOR ZONING AND OTHER RESTRICTIONS UPON MOBILE FOOD VENDORS; PROVIDING FOR ZONING AND OTHER RESTRICTIONS UPON SEASONAL VENDORS; PROVIDING FOR EXPIRATION, AMENDMENT, AND RENEWAL OF OPEN AIR VENDOR PERMITS; REQUIRING OPEN AIR VENDORS TO WEAR APPROPRIATE ATTIRE; PROVIDING FOR EXCEPTIONS TO OBTAINING OPEN AIR VENDOR PERMITS; PROVIDING FOR WAIVER OF OPEN AIR VENDOR PERMIT REQUIREMENTS FOR CHARITABLE ORGANIZATIONS; REVISING APPLICATION REQUIREMENTS FOR SOLICITORS AND PEDDLERS; PROVIDING FOR THE ISSUANCE OF OPEN AIR EVENT PERMITS FOR OPEN AIR VENDORS AS WELL AS AMENDMENTS THERETO; CLARIFYING ORDINANCE TO REFLECT THAT ONLY COMMERCIAL PEDDLERS, SOLICITORS, AND AGENTS MUST OBTAIN A SOLICITORS' PERMIT; PROVIDING FOR GENDER NEUTRAL LANGUAGE AND GRAMMATICAL REVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-25 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to adopt Ordinance 09-25. Seconded by Commissioner Boulter.

Commissioner Sharman asked how a car wash would be affected by this ordinance. Would there be discretionary enforcement?

Mr. Wilson replied that enforcement would be on a case-by-case basis. There are a lot of categories but if it is commercial, then a permit would be issued. If it were charitable, then there is a charitable provision.

Motion carried unanimously 5-0.

- B. **Ordinance 09-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.46 ± ACRES LOCATED AT 364 NORTH WEST CROWN POINT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-39 by title only. Community Development Director Wilson stated that this is the second reading for this property located on West Crown Point Road. Staff recommends approval of the annexation, land use and zoning which are the next three ordinances.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 09-39. Seconded by Commissioner Jowers and carried unanimously 5-0.

- C. **Ordinance 09-40**: 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 0.46 ± ACRES LOCATED AT 364 NORTH WEST CROWN POINT ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-40 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to adopt Ordinance 09-40. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 09-41**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.46 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 364 NORTH WEST CROWN POINT ROAD FROM ORANGE COUNTY R-2 TO CITY R-1B; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-41 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 09-41. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- E. **Ordinance 09-42**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 2.95 ± ACRES LOCATED AT THE NORTHWEST CORNER OF EAST CROWN POINT ROAD AND CROWN POINT

CROSS ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-42 by title only. Community Development Director Wilson stated this property is owned by the Baptist Church and they own the property to the north, which has already been annexed. The Church doesn't have plans for this property but this ordinance will get their land into the City and allow them access to City utilities. Staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to adopt Ordinance 09-42. Seconded by Commissioner Boulter and carried unanimously 5-0.

- F. **Ordinance 09-43:** 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 2.95 ± ACRES LOCATED AT THE NORTHWEST CORNER OF EAST CROWN POINT ROAD AND CROWN POINT CROSS ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-43 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to adopt Ordinance 09-43. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- G. **Ordinance 09-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 2.95 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF EAST CROWN POINT ROAD AND CROWN POINT CROSS ROAD FROM ORANGE COUNTY A-1 TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-44 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 09-44. Seconded by Commissioner Sharman and carried unanimously 5-0.

- H. **Ordinance 09-45:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.54 ± ACRES LOCATED AT 946 AND 948 VINELAND ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-45 by title only. Community Development Director Wilson stated there is a duplex on this property and the applicant is seeking to annex into the City in order to obtain utilities and lower taxes, as well as other benefits from being in the City. At this time they have no other plans for the property but the next ordinance will establish R-2 zoning and it will allow the residential use to remain. Staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Jowers to adopt Ordinance 09-45. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **Ordinance 09-46:** 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 MEDIUM DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.54 ± ACRES LOCATED AT 946 AND 948 VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-46 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 09-46. Seconded by Commissioner Jowers and carried unanimously 5-0.

- J. **Ordinance 09-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.54 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 946 AND 948 VINELAND ROAD FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-47 by title only.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to adopt Ordinance 09-47. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- K. **Ordinance 09-53:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CREATE SECTION 74-4; PROVIDING FOR THE APPROVAL OF GOLF CART OPERATION WITHIN SPECIFICALLY IDENTIFIED COMMUNITIES AND/OR ROADWAYS BY RESOLUTION; PROVIDING FOR A PROCEDURES FOR CITY COMMISSION CONSIDERATION AND APPROVAL OF GOLF CART COMMUNITIES AND ROADWAYS; REQUIRING GOLF CARTS TO BE EQUIPPED WITH STATUTORILY MANDATED SAFETY DEVICES; PROVIDING FOR HOURS OF OPERATION OF GOLF CARTS ON CITY ROADWAYS; PROVIDING FOR REGULATION OF UNLICENSED GOLF CART DRIVERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-53 by title only. City Manager Bollhoefer stated there have been numerous discussions on golf carts and most of those questions have been answered and addressed. Once this ordinance is passed, the next step would be to establish the routes by resolution. Staff will do its best to minimize the number of golf signs because of the cost factor and for aesthetic purposes.

Commissioner Buchanan noted the ordinance states that the golf cart driver has to be 18 years or older, or take a safety course. How young can a person be to take the safety course to be able to drive a golf cart? City Manager Bollhoefer replied that they still would have to have a license or be 18 years old to drive the golf cart.

Mayor Rees stated that he understood it to mean that the unlicensed driver had to be a minimum of 18 years of age. If they are 18 and older and do not have a valid driver's license, then they must take the safety course.

City Manager Bollhoefer stated that they must meet both criteria in order to operate a golf cart; they must be 18 years or older and they must complete the safety course. He suggested the word "and" be added.

It was the **consensus** of the City Commission to add the word "and" at the end of Section 74-4 (g) 1.

Commissioner Sharman stated that if a safety course is required, that means the City will have to put one together. Mr. Bollhoefer stated that staff will look further into this matter to see if it is possible. If not, it can always be brought back to the City Commission with an amendment requiring someone be 18 years or older and eliminate the course requirement.

Commissioner Sharman stated that he thinks the intent is that there may be some older citizens that do not have their driver's license but want to drive a golf cart; not to have young children driving golf carts on the roads. City Manager Bollhoefer also stated that one of the reasons for the safety course is to aid in identifying those who may not have the necessary vision for driving golf carts.

Mayor Rees opened the public hearing.

Pat Primrose, 1070 Westlake Drive, Winter Garden, Florida, stated there was prior discussion that there would be lanes for the golf carts. City Manager Bollhoefer stated that this was never considered. However, moving forward the newer communities can always consider them. A lot of the City's roads have no room to build additional lanes. By law, the golf carts are required to pull to the far right of the road.

Ms. Primrose asked what speed the golf carts will be allowed to go. Mr. Bollhoefer replied that by law the speed of a golf cart cannot exceed 20 mph. Any speed in excess of 20 mph is no longer considered a golf cart. Mayor Rees noted that golf carts will be limited to those roads where the speed limit is 25 mph and less.

Motion by Commissioner Jowers to adopt Ordinance 09-53. Seconded by Commissioner Bouler and carried unanimously 5-0.

- L. **Ordinance 09-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 74 OF THE WINTER GARDEN CITY CODE, AND TO CREATE A NEW ARTICLE V, ENTITLED "THE CITY OF WINTER GARDEN TRAFFIC LIGHT SAFETY ACT", INCLUDING NEW SECTIONS 74-200 THROUGH 74-214; PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING A RED LIGHT ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT VIOLATIONS; PROVIDING ENFORCEMENT PROCEDURES UNDER THE AUTHORITY OF A HEARING OFFICER, INCLUDING NOTICE OF HEARINGS BEFORE THE A CODE ENFORCEMENT HEARING OFFICER, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES INCLUDING ATTORNEYS' FEES, COLLECTION, AND APPEALS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-54 by title only.

City Manager Bollhoefer noted that there have been several changes and several lawsuits over the past several weeks. Staff has been discussing this issue and would like to recommend deferring this ordinance to a later date. In lieu of adopting it, he believes the legislature will take this item up in March and make some decisions on this issue. In moving forward he has discussed stepping up enforcement with the Police Chief in order to let the citizens know the City takes running red lights seriously.

Mayor Rees asked Police Chief Brennan's opinion on this issue. Police Chief Brennan stated that staff is willing to cover the intersections with existing motorcycle units. He noted it does not have the same effect as the cameras that are 24-hours a day at every intersection.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to defer Ordinance 09-54 to a date uncertain. Seconded by Commissioner Jowers and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **RESOLUTION 09-15:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING TRANSFER OF A PORTION OF SR 537/DILLARD STREET FROM SR 50/COLONIAL DRIVE TO SR 438 FROM THE STATE HIGHWAY SYSTEM TO THE CITY ROADWAY SYSTEM AND PROVIDING FOR AN EFFECTIVE DATE

Public Services Director Cochran stated that the City of Winter Garden has made a request to the Florida Department of Transportation (FDOT) for transferring Dillard Street between State Road 50 and East Plant Street to the City. The transfer includes the storm drainage ditch, curbs, culverts, drainage systems, sidewalks, bike paths and road right-of-ways. In exchange for transferring the road, the City will receive \$608,502 which is the same amount that FDOT had budgeted for resurfacing Dillard Street. Once the City accepts the road, that money will be put aside and plans for resurfacing and enhancing the road will begin.

Mayor Rees asked if the \$608,502 was enough for resurfacing the road from State Road 50 to Plant Street, excluding any enhancements the City decides to make. Mr. Cochran responded yes; staff estimated one inch of overlay would cost a little over \$400,000. He is sure the \$600,000 included for milling some of the rough areas that need repair.

Mayor Rees stated that a lot of people already think Dillard Street belongs to the City and question why the City does not do a better job of keeping it maintained. Mr. Cochran stated that staff has received a lot of complaints about potholes and it takes FDOT a while to respond.

Commissioner Buchanan shared that at one time there was talk of changing County Road 535 designation from Vineland over to Dillard Street and Daniels Road. City Manager Bollhoefer stated yes that was discussed in the past and probably makes sense in the long term. Winter Garden-Vineland is now more of a neighborhood road and it is confusing to some. It may be that the County will be willing to change Daniels Road to 535.

Motion by Commissioner Buchanan to adopt Resolution 09-15. Seconded by Commissioner Jowers and carried unanimously 5-0.

5. **MATTERS FROM CITIZENS** – There were no items.
6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

A. **Update on calculations for Westside Townhomes road improvements**

City Manager Bollhoefer stated that the City has received an estimate of \$380,000 for Westside Townhome road improvements. Staff's calculates the construction costs to be \$380,000 for 291 units. If paid over 20 years, it would cost each resident \$65 a year, which is about \$5.50 per month. Staff thinks this would work if the City Commission would like to move forward.

Commissioner Buchanan asked if taking over the roads would be all the time or just a one-time fix. Mr. Bollhoefer replied that this is a one-time fix to get the roads up to the City's standards. Once the roads are taken over by the City, we become responsible for repaving and perpetuities. The City does not want to accept the roads in the condition they are in now because they are in awful condition and do not meet the City's standards.

Commissioner Jowers shared that the developer at the time took advantage of installing private roads. The City Commission could do nothing at the time so he feels the City really needs to do this for the residents.

Motion by Commissioner Jowers to move forward with the necessary steps for repairing the roads within Westside Townhomes and assessing each property owners with the cost for the improvements; subject to the owner's approval. Seconded by Commissioner Buchanan and carried unanimously 5-0.

• **Impact Fees for 213 S. Dillard Street**

City Manager Bollhoefer stated that the owner of the new three story office building on Dillard Street is looking to bring in a chiropractic business. The bank is not willing to lend the money to build out the office so the builder has to do it. When you add in the impact fees for roads, it is no longer financially feasible for them. The City is seeing more and more of this in today's economy. In this case, staff is asking permission to allow the road impact fees be paid over a five-year period. There is no risk to the City. If he is in business for two years and then goes out of business, they will have paid for two

years and the City can hold those funds in case he has another office to go in because office use does have higher impact fees. Staff is also looking at its entire impact fee structure because in this tough economy, he thinks the City will need to consider making some changes. In this situation, something needs to be done soon or they will lose their opportunity to fill the office space.

Motion by Commissioner Jowers to approve paying the office impact fees for chiropractic office in the building located at 213 S. Dillard Street over a 5-year period. Seconded by Commissioner Boulter and carried unanimously 5-0.

- **Potential Golf Carts Routes**

City Manager Bollhoefer asked the City Commission if they would like staff to look into two frequently discussed areas for possible golf cart routes; the downtown area and a route from Hyde Park to downtown. Staff can start moving forward to see how this can be done and bring back a proposed plan by resolution.

It was the **consensus** of the City Commission to have staff move forward in creating a plan for these two possible golf cart routes to bring it back to the City Commission.

Commissioner Boulter asked if there would be special designated parking for the golf carts downtown. City Manager Bollhoefer stated that there is a lot of space in the back parking lots so there is no shortage of space. Mr. Bollhoefer shared that he spoken with the City Manager of Tavares and they have taken a certain amount of spaces and turned them into golf cart/motorcycle parking spots that are smaller than regular parking. He will be visiting Tavares to see their plan.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman stated that he has been asked if the City has heard when the Turnpike Authority will be finishing the bridge over 535. City Manager Bollhoefer replied that they seem to be ahead of their scheduled completion which is next February.

The meeting adjourned at 7:48 p.m.

APPROVED:

_____/S/_____
MAYOR JOHN REES

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC