



\*\*\*\*\*AMENDED\*\*\*\*\*

(November 9, 2009)

**CITY COMMISSION AND  
COMMUNITY REDEVELOPMENT AGENCY AGENDA  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street**

**REGULAR MEETING**

**NOVEMBER 10, 2009**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting October 22, 2009

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

3. **PRESENTATIONS:**

A. Employee recognitions – City Manager Bollhoefer

B. **Proclamation 09-13:** Honoring Sergeant McMahon on her retirement after 25 years of dedicated service – Mayor Rees

C. **Proclamation 09-14:** Honoring Belinda Davis on her retirement as Principal of Maxey Elementary School – Mayor Rees

4. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 09-64:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 98-151 AND 98-153 OF CHAPTER 98, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING THE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for December 10, 2009** – Community Development Director

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

A. **Ordinance 09-66:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-51 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROVIDE AN EXEMPTION FOR THE PAYMENT OF WATER AND SEWER IMPACT FEES AND CONNECTION FEES FOR PREMISES WHICH ARE OWNED AND OPERATED BY THE CITY AND GOVERNMENT OWNED AND OPERATED PARKS AND RECREATION FACILITIES IN WHICH THE CITY PARTICIPATES IN THE CONSTRUCTION, OPERATION OR MAINTENANCE OF

SUCH PURSUANT TO AN AGREEMENT BETWEEN THE CITY AND ANOTHER GOVERNMENTAL ENTITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

- B. **Ordinance 09-61:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE, 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 - Community Development Director Wilson
- C. **Ordinance 09-62:** 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 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Wilson
- D. **Ordinance 09-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.15 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 519 BETHUNE AVENUE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Wilson

6. **REGULAR BUSINESS**

- A. Recommendation to approve an interlocal agreement with Orange County, Florida, for fire dispatch services with the City of Winter Garden – Fire Chief Williamson
- B. Recommendation to declare surplus two older Lifepak12 battery chargers and donate one each to the Ocoee Fire Department and the Central Florida Fire Academy – Fire Chief Williamson
- C. Recommendation to approve the landscape design and final construction documents with Foster Conant and Associates (Project No. 9026a) in an amount not to exceed \$46,000 for State Road 50 medians – Community Redevelopment Director Wilson

***Dispense as the City Commission and convene as the Community Redevelopment Agency***

- D. Recommendation to approve no more than \$37,000 for two way-finding signs at the intersection of Dillard and Plant Streets – CRAB Chairman/CRA Member Cappleman

***Adjourn as the Community Redevelopment Agency and reconvene as the City Commission***

- E. **Resolution 09-16:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION TO UNITED STATES DEPARTMENT OF ENERGY RECOVERY ACT FOR VARIOUS ENERGY EFFICIENCY AND CONSERVATION PROJECTS (*added 11/09/09*) – Finance Director Hayes

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. Discussion on golf carts

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a regular meeting on Thursday, December 10, 2009 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

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 09-64**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 98-151 AND 98-153 OF CHAPTER 98, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING THE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City desires to revise the membership of the Development Review Committee (“DRC”) to reflect the creation of the positions of Community Development Director and to reduce the membership of DRC to five voting members.

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

SECTION I. ADOPTION. Section 98-151 of Chapter 98, Article VI 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. 98-151. DRC members.

The DRC shall consist of ~~seven~~ five voting members ~~and five non-voting attendees~~. All recommendations and/or determinations made by the DRC shall be decided by majority vote of the voting members. A quorum of the DRC is made of any ~~four~~ three voting members. The voting members are:

- ~~City planning~~ Community development director (or his/her designee), chairman.
- Economic development director (or his/her designee).
- Building official (or his/her designee).
- City engineer (or his/her designee).
- Assistant to the city manager in charge of public services (or his/her designee).
- ~~Assistant city engineer (or his/her designee).~~
- ~~City manager (or his/her designee).~~

~~Non-voting attendees (depending on the agenda and issues):~~

- ~~City attorney.~~
- ~~Building official.~~
- ~~Economic development director.~~
- ~~Storm water engineer.~~
- ~~Fire marshal (for large commercial projects or for multi-family projects).~~

SECTION II. ADOPTION. Section 98-153 of Chapter 98, Article VI 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. 98-153. DRC schedule and deadlines.

The city ~~planning~~ community development director will set and post the submission deadlines and schedule for submittals to and review by DRC.

SECTION III. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

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

SECTION V. CODIFICATION. That Section I and Section II of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word “*Ordinance*” may be changed to “*Section*”, “*Article*”, or other appropriate word.

SECTION VI. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: November 10, 2009.

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

APPROVED:

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

ATTEST:

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

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**ORDINANCE 09-66**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-51 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROVIDE AN EXEMPTION FOR THE PAYMENT OF WATER AND SEWER IMPACT FEES AND CONNECTION FEES FOR PREMISES WHICH ARE OWNED AND OPERATED BY THE CITY AND GOVERNMENT OWNED AND OPERATED PARKS AND RECREATION FACILITIES IN WHICH THE CITY PARTICIPATES IN THE CONSTRUCTION, OPERATION OR MAINTENANCE OF SUCH PURSUANT TO AN AGREEMENT BETWEEN THE CITY AND ANOTHER GOVERNMENTAL ENTITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA: THAT THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA IS HEREBY AMENDED BY ADDING A SUBSECTION TO BE NUMBERED § 78-51(h), WHICH SUBSECTION READS AS FOLLOWS:**

**Section 1:**      **Authority.** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII, § 2(b) of the Constitution of the State of Florida, and Chapter 166, Florida Statutes.

**Section 2:**      **Adoption.** Section 78-51(h) of the Code of Ordinances, City of Winter Garden, shall hereby be added to Section 78-51 and reads as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

(h) Exemption for Public Buildings. The following Premises shall be exempt from the requirement under this section to pay water connection fees, water impact fees, sewer connection fees, and sewer impact fees:

(1) Premises which are owned and operated by the City; and

(2) Government owned and operated parks and recreation facilities in which the City participates in the construction, operation or maintenance of such pursuant to an agreement between the City and another governmental entity.

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

**SECTION 4: Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

**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 not 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 at its second reading.

**FIRST READING:** October 22, 2009.

**SECOND READING AND PUBLIC HEARING:** November 10, 2009.

**ADOPTED** this 10th day of November, 2009, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

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

ATTEST:

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

ORDINANCE 09-61

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE, 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 0.15 ± acres located at 519 Bethune Avenue 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: October 22, 2009.

READ SECOND TIME AND PUBLIC HEARING HELD: November 10, 2009.

APPROVED:

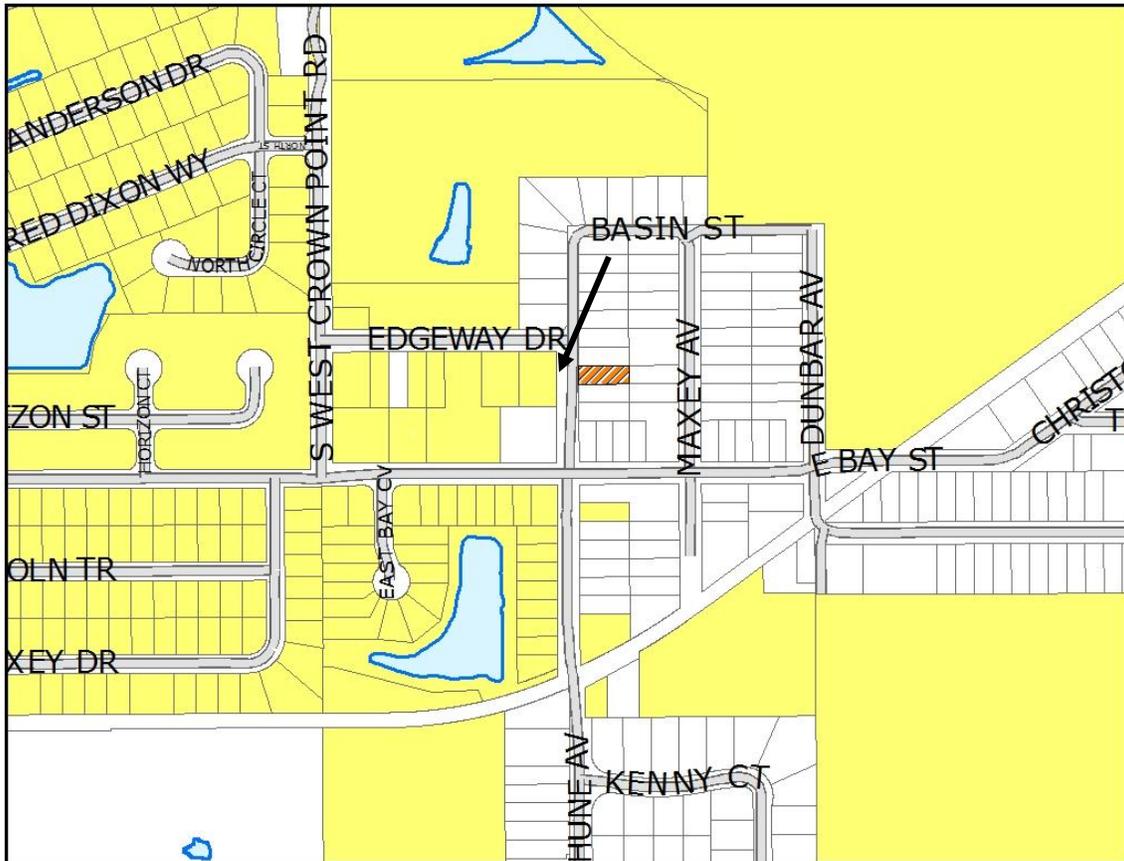
ATTEST:

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

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

Attachment "A"





ORDINANCE 09-62

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 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE; 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 0.15 ± acres located at 519 Bethune Avenue 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 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: October 22, 2009.

READ SECOND TIME AND PUBLIC HEARING: November 10, 2009.

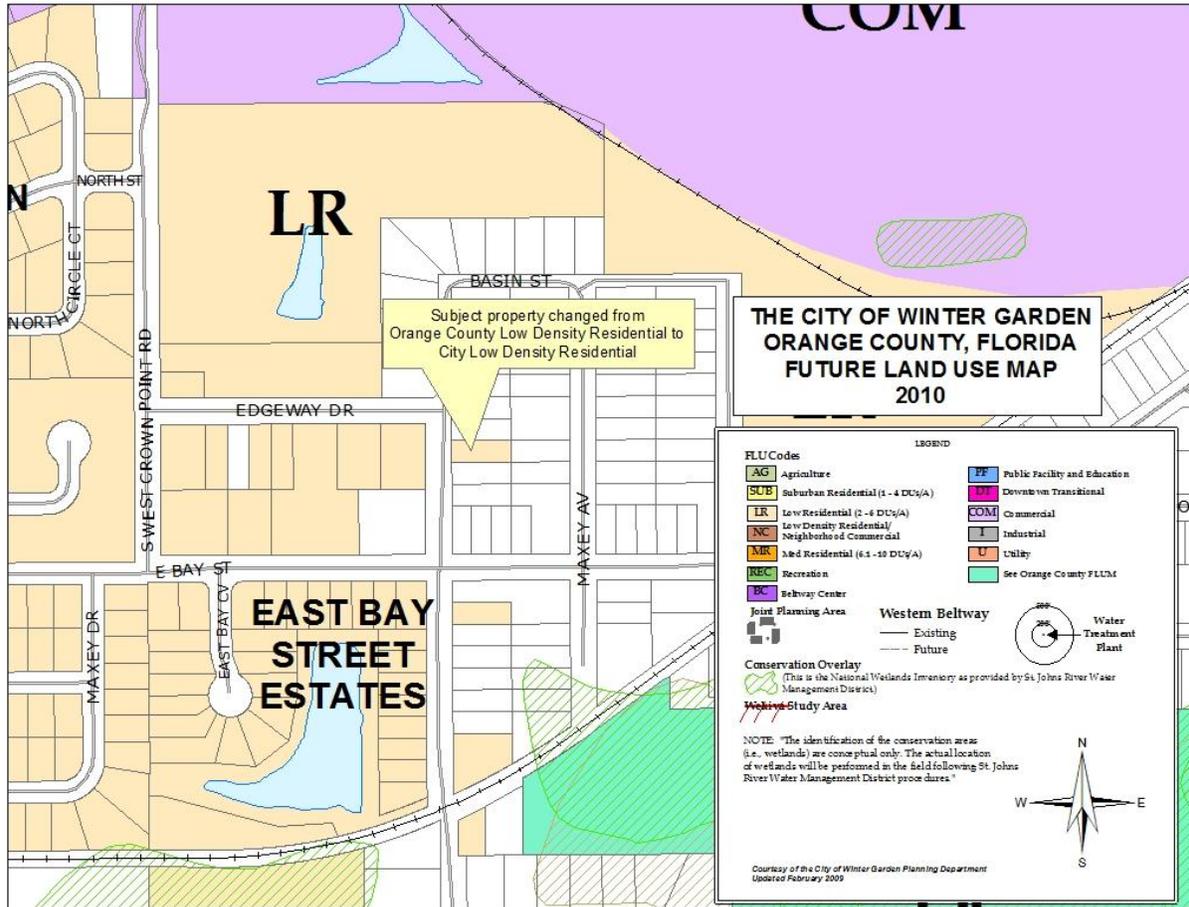
APPROVED:

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

ATTEST:

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

Exhibit "A"



ORDINANCE 09-63

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.15 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 519 BETHUNE AVENUE 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 0.15 ± acres located at 519 Bethune Avenue and legally described in Section 1 of this ordinance has petitioned the City to zone 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.

FIRST READING AND PUBLIC HEARING      October 22 2009.

SECOND READING AND PUBLIC HEARING:      November 10 2009.

APPROVED:

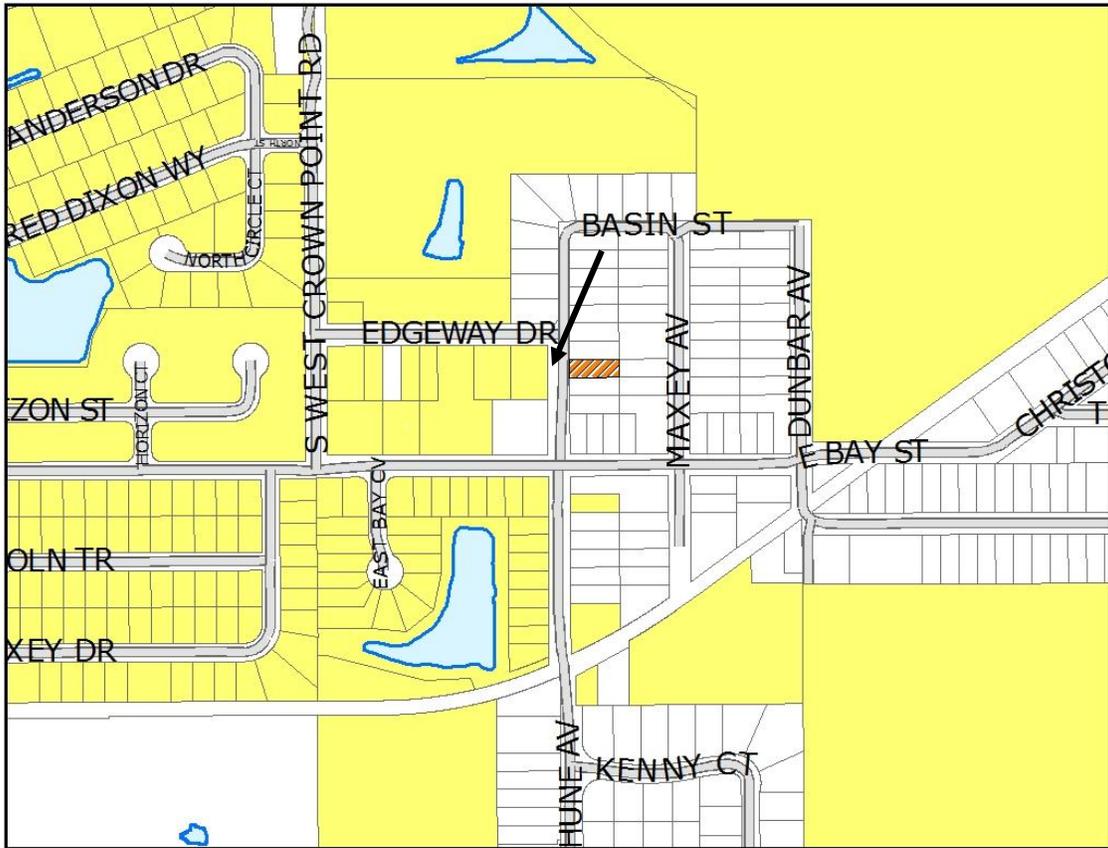
\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

ATTEST:

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

**Attachment "A"**





**RESOLUTION NO. 09-16**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION TO UNITED STATES DEPARTMENT OF ENERGY RECOVERY ACT FOR VARIOUS ENERGY EFFICIENCY AND CONSERVATION PROJECTS**

**WHEREAS**, the City of Winter Garden City Commission supports the United States Department of Energy Recovery Act Grant Application; for Energy Efficiency and Conservation Projects

**WHEREAS**, the City of Winter Garden City Commission is eager to participate in the Energy Efficiency and Conservation Grant (EECBG) program with the U.S. Department of Energy. The City of Winter Garden is submitting various projects to be considered for Recovery Act funding; and

**WHEREAS**, the City of Winter Garden City Commission supports the Energy Efficiency and Conservation Grant Application for various qualifying projects; and

**WHEREAS**, these Energy Efficiency and Conservation projects will enhance and create economic benefits in terms of new jobs, as well as, improve the environment through the use of clean and sustainable future energy.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY OF WINTER GARDEN CITY COMMISSION:**

The City of Winter Garden City Commission wishes to acknowledge the U.S. Department of Energy and the Energy Efficiency and Conservation Block Grant Office for their support and consideration of funding for our energy projects.

**DULY PASSED** and approved by the City Commission of the City of Winter Garden, Florida on this the 10<sup>th</sup> day of November 2009.

APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor

ATTEST:

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