



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

**REGULAR MEETING**

**FEBRUARY 11, 2010**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of January 28, 2010

**2. FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 10-14:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 74-72 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; INCREASING PARKING FEES AND ADDING A NEW FEE FOR TWO HOUR PARKING VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for February 25, 2010** – City Manager Bollhoefer

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

A. **Ordinance 10-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98 OF THE WINTER GARDEN CODE OF ORDINANCES, ARTICLE VII, SECTION 98-189, CONCERNING THE COMPOSITION AND TERMS OF MEMBERS OF THE ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; AMENDING BOARD MEMBERSHIP REQUIREMENTS; PROVIDING FOR UNIFORM COMMENCEMENT, EXPIRATION AND LENGTH OF TERMS OF OFFICE IN JULY; PROVIDING FOR FILLING OF VACANCIES, MONTHLY MEETINGS, QUORUM REQUIREMENTS; PROVIDING FOR CODIFICATION, ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE – Community Development Director Wilson

**4. REGULAR BUSINESS**

A. Recommendation to declare surplus and sell used chlorine gas injection equipment to the City of Mascotte for \$500.00 and authorize the Bill of Sale and Hold Harmless Agreement – Public Services Director Cochran

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

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

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

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a regular City Commission meeting on February 25, 2010 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 10-14**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 74-72 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; INCREASING PARKING FEES AND ADDING A NEW FEE FOR TWO HOUR PARKING VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden desires to increase parking fees.

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

**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 74-72 is amended as follows:

**Sec. 74-72.** Schedule of civil penalties for parking violations.

(a) There is adopted the following schedule of civil penalties for parking violations occurring within the city for which payment must be made within five working days of the issuance of the ticket and may be made at the city or may be mailed in the envelope provides:

TABLE INSET:

Violation	Amount of Civil Penalty
(1) No parking anytime . . .	\$ <del>40.00</del> <u>30.00</u>
(2) No parking, stopping or standing . . .	<del>40.00</del> <u>30.00</u>
(3) No parking here to corner . . .	<del>40.00</del> <u>30.00</u>
(4) No parking between signs . . .	<del>40.00</del> <u>30.00</u>
(5) No parking this side . . .	<del>40.00</del> <u>30.00</u>
(6) No parking, emergency . . .	<del>40.00</del> <u>30.00</u>
(7) No parking on parkway . . .	<del>40.00</del> <u>30.00</u>
(8) No parking except as permitted or prohibited during specific times as posted on signs . . .	<del>40.00</del> <u>30.00</u>
(9) No parking except for passenger loading . . .	<del>40.00</del> <u>30.00</u>
(10) No parking, bus space . . .	<del>40.00</del> <u>30.00</u>
(11) No parking, taxi stand . . .	<del>40.00</del> <u>30.00</u>
(12) No parking anytime, freight loading zone . .	<del>40.00</del> <u>30.00</u>
(13) No parking, space is designated for a specific individuals or vehicles other than disabled . . .	<del>40.00</del> <u>30.00</u>
(14) No parking, patient loading zone . . .	<del>40.00</del> <u>30.00</u>
(15) No parking, yellow or red curb (not a sign) .	<del>40.00</del> <u>30.00</u>
(16) No parking on sidewalk . . .	<del>40.00</del> <u>30.00</u>
(17) No parking blocking driveway . . .	<del>40.00</del> <u>30.00</u>
(18) No parking blocking dumpster . . .	<del>40.00</del> <u>30.00</u>
(19) No parking blocking wheelchair ramp . . .	<del>40.00</del> <u>30.00</u>
(20) No parking within 30 feet of official traffic control device . . .	<del>40.00</del> <u>30.00</u>
(21) No parking within 30 feet of nearest rail at railroad crossing . .	<del>40.00</del> <u>30.00</u>
(22) Improper parking, obstructing traffic . . .	<del>40.00</del> <u>30.00</u>
(23) Improper parking, left wheels to curb (on two-way street) . . .	<del>40.00</del> <u>30.00</u>
(24) Improper parking, wrong way on one-way street (parked facing opposite flow of traffic) . . .	<del>40.00</del> <u>30.00</u>
(25) Blocking fire hydrant . . .	<del>40.00</del> <u>30.00</u>
(26) Keys left in unattended vehicle . . .	<del>40.00</del> <u>30.00</u>
(27) Parking by disabled permit only . . .	100.00
(28) Parking overtime (limit authorized in zone) . .	<del>5.00</del> <u>30.00</u>
(29) Parking over line or not in compliance with markings . . .	<del>5.00</del> <u>20.00</u>
(30) Designated fire lane . . .	30.00
Plus surcharge . . .	5.00

**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 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:** \_\_\_\_\_, 2010.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2010.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

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

ATTEST:

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

**ORDINANCE 10-12**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98 OF THE WINTER GARDEN CODE OF ORDINANCES, ARTICLE VII, SECTION 98-189, CONCERNING THE COMPOSITION AND TERMS OF MEMBERS OF THE ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; AMENDING BOARD MEMBERSHIP REQUIREMENTS; PROVIDING FOR UNIFORM COMMENCEMENT, EXPIRATION AND LENGTH OF TERMS OF OFFICE IN JULY; PROVIDING FOR FILLING OF VACANCIES, MONTHLY MEETINGS, QUORUM REQUIREMENTS; PROVIDING FOR CODIFICATION, ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**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 Chapters 162 and 166, Florida Statutes.

**SECTION 2: Adoption.** Article VII of Chapter 98 of the City of Winter Garden Code is hereby amended, recodified and incorporated herein as follows:

**Sec. 98-189.** Architectural Review and Historic Preservation Board (Board).

Reference previously established by Ordinance 08-29 (6-12-2008):

(1) Purpose.

The Architectural Review and Historical Preservation Board "Board" or "ARHPB" is hereby established for the purpose of protecting historical and cultural resources located within the city limits.

(2) Board membership, officers, etc.

(a) *Membership.*

(1) The Board ("Board or ARHPB") shall have seven members appointed by the City Commission. One member of the Board shall be a ~~registered an~~ architect. One member shall be a licensed general contractor, preferably with experience with historical renovations. One member shall be a member of the Winter Garden Heritage Foundation Board. One member shall own commercial property in Winter Garden's Historic Downtown C-1 zoning District. One member shall own property within the district and reside within the City. The remaining ~~three~~ two member appointments shall be City of Winter Garden residents and be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation.

(2) Each member shall be appointed to serve a three-year term except that, initially in order to establish staggered terms, two members shall be appointed to serve a term of one year, three members shall be appointed to serve a term of two years, and two members shall be appointed to serve a term of three years. No person may serve more than two consecutive three-year terms. Persons disqualified by this provision may be reappointed after one year elapses after the expiration of ~~the his/her last second~~ term of service. Starting January 1, 2010, the City Commission shall appoint or reappoint board members at its first meeting in the month of July to three-year terms ending in the month of July in the third year of each term and upon the reappointment or appointment of a successor member to the board.

(3) Board members appointed or reappointed prior January 1, 2010 shall serve out the remainder of the terms to which they were appointed. Upon the expiration of any such terms, the City Commission shall reappoint the member or appoint a successor member, whose term shall be for three years ending in July of the last year of such term and upon reappointment or appointment of a successor member.

~~(3)~~ (4) When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member within 60 days to fill the vacancy for the remainder duration of the vacated term. A member whose term expires may continue to serve on the board until a successor is appointed and qualified.

(5) An individual who misses three regularly scheduled meetings during any calendar year without good cause shall be deemed to have resigned that individual's membership on the Board and is not eligible for reappointment to the Board or any other city board for at least one year. In that event, the city clerk shall notify the individual that the individual's position on the Board will be declared vacant by the City Commission at the next regularly scheduled City Commission meeting unless the individual demonstrates good cause for having been absent. The City Commission may at any time terminate the appointment of and remove any Board member for cause including, but not limited to, a member's excessive absences, violation of City Charter or City Code, violation of the Government in the Sunshine Law, malfeasance, misfeasance, neglect of duty, habitual drunkenness or impairment, incompetence, permanent inability to perform duty

and conflicts of interest, upon giving notice and an opportunity to be heard. The City Commission shall take any and all action it deems appropriate in its sole discretion.

- (b) *Officers.* The members of the Board shall annually elect a chair and vice chair from among the members and may create and appoint other officers of the Board, as the Board deems necessary.
- (c) *Staffing.* The City shall provide professional and administrative staff as needed and fiscal support subject to budgetary approval by the City Commission.
- (d) *Compensation.* Members shall not be compensated but shall be reimbursed by the city for necessary expenses incurred in connection with their duties
- (e) *Funding.* The City Commission shall appropriate funds to the Board to perform its prescribed functions.
- (f) *Required meetings.* The Board shall endeavor to meet twelve times each year on a monthly basis. ~~All~~ meetings will be appropriately noticed and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the Board. All meetings of the Board shall be open to the public and shall operate under the provisions of F.S. ch. 286 (The Government in the Sunshine Law).
- (g) *Quorum.* Four (4) members of the Architectural Review and Historical Preservation Board shall constitute a quorum for the purposes of holding meetings and transacting business. However, no action on an item before the board shall be final or binding unless such action is approved or disapproved by a majority of the members of the Board in its entirety.

**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 to the extent of such conflict or conflicts.

**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 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.

READ FIRST TIME:        January 28, 2010

READ SECOND TIME AND PUBLIC HEARING HELD:        February 11, 2010.

APPROVED:

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

ATTEST:

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