



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

REGULAR MEETING

JULY 22, 2010

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of July 8, 2010

2. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 10-25:** 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 555 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 (*Postpone until August 12, 2010 to meet advertising requirements*) - Community Development Director Wilson

B. **Ordinance 10-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.15 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 555 BETHUNE AVENUE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Postpone until August 12, 2010 to meet advertising requirements*) - Community Development Director Wilson

C. **Ordinance 10-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, ARTICLE III, SECTION 98-121 OF THE WINTER GARDEN CITY CODE; LIMITING TERMS TO THREE YEARS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; CREATING TERM LIMITS AND IDLE PERIODS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; ARRANGING FOR TERMS OF OFFICE FOR THE COMMUNITY REDEVELOPMENT ADVISORY BOARD TO EXPIRE AND COMMENCE WITHIN THE SAME MONTH; PROVIDING FOR THE FILLING OF VACANCIES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE – City Manager Bollhoefer

3. REGULAR BUSINESS

A. Recommendation to approve a two-year Memorandum of Understanding with Crealde Arts, Inc., a non-profit organization, to provide certain instructional art classes at the Jessie Brock Center – Recreation Director Conn

- B. Recommendation to approve entering into a Utility Extension Agreement with the West Orlando Baptist Church to include reimbursement of \$11,747.00 for the upsizing of the water line – Public Services Director Cochran
- C. Presentations and discussion regarding the future of the Garden Theatre – City Manager Bollhoefer
- D. Selection of a voting delegate for the Florida League of Cities annual conference in August 2010 – City Clerk Golden
- E. Recommendation to approve setting the proposed tax millage rate at 4.25 for Fiscal Year 2010/2011 – City Manager Bollhoefer
- F. Recommendation to reduce Code Enforcement Board fines in Case #07-1625 against 217 E. Cypress Street to \$1,511.59 to be paid within 30 days – Code Enforcement Manager Lukert

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

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

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

- A. Recommendation to establish the budget workshop and public hearing dates for Fiscal Year 2010/2011

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on August 12, 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 10-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, ARTICLE III, SECTION 98-121 OF THE WINTER GARDEN CITY CODE; LIMITING TERMS TO THREE YEARS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; CREATING TERM LIMITS AND IDLE PERIODS FOR MEMBERS OF THE COMMUNITY REDEVELOPMENT ADVISORY BOARD; ARRANGING FOR TERMS OF OFFICE FOR THE COMMUNITY REDEVELOPMENT ADVISORY BOARD TO EXPIRE AND COMMENCE WITHIN THE SAME MONTH; PROVIDING FOR THE FILLING OF VACANCIES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) desires to limit terms of office for the members of the board of commissioners of the community redevelopment agency and the community redevelopment advisory board to three years; and

WHEREAS, the City wants community redevelopment advisory board appointment terms to commence and expire in a uniform manner.

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

SECTION I. SECTION 98-121 Community redevelopment agency. Section 98-121 is hereby amended to reflect the following changes (~~struck out text~~ indicates deletions while underlined text indicates additions):

SECTION 98-121. Community redevelopment agency.

(a) The city commission expressly authorizes the community redevelopment agency, pursuant to F.S. § 163.356, which shall be a public body corporate and politic and constitute a public instrumentality.

(b) The city commission authorizes the community redevelopment agency to exercise all the powers conferred and as limited by F.S. § 163.3161 et seq., with the exception of the power to make building regulation exceptions; zone or rezone within the designated community redevelopment area; close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places as specified by the community redevelopment plan; acquire land through eminent domain; construct foundations/platforms for affordable housing air rights sites; and enforce or enact ordinances which have the purpose of protecting the public health, safety, and welfare. All other powers necessary or within the boundaries of the community redevelopment area, more particularly described in exhibit A, attached to the ordinance from which this section derives and on file in the city offices, shall be vested with the community redevelopment agency.

(c) The city commission expressly appoints a board of commissioners of the community redevelopment agency, which shall consist of seven members. Five of the members shall be current members of the city commission. A sixth member may be appointed by the board of county commissioners, and the seventh member may be appointed by the city commission. The terms of office for the sixth and seventh members of the board of commissioners of the community redevelopment agency shall be four years.

(d) The board of commissioners of the community redevelopment agency shall, at its first meeting in July, appoint a community redevelopment advisory board, which shall consist of no less than seven and no more than nine members, of which a majority shall either reside, own property or operate a business located within the area of operation of the community redevelopment agency. Beginning on August 1, 2010, members shall be appointed for a term of three years, expiring in the month of July of the third year. Members appointed prior to August 1, 2010 shall serve out the remainder of the terms to which they were appointed. Vacancies occurring during a term may be filled at any time in the same manner as the initial appointment was made, and shall remain effective until the first community redevelopment agency meeting in July of the last year of the remaining term when a successor is appointed. A member of the advisory board cannot be reappointed after serving two consecutive full terms until he

or she has remained off the board for one year; however, for members serving on the Board as of August 1, 2010 and who are in the process of serving two or more consecutive terms at such time, such members may serve one (1) additional succeeding term without interruption, regardless of the term limitations contained herein. The terms of the chairman and vice-chairman of this advisory board shall be ~~four~~ three years. ~~A vacancy occurring during a the term shall be filled for the unexpired term by the agency appointment in the same fashion as the original appointment.~~ The vice-chairman of this advisory board may be appointed chairman in the event the current chairman vacates his or her position as chairman, with the vice-chairman's unexpired term filled by appointment in the same fashion as the original appointment. If an advisory board member fails to attend more than three regularly scheduled meetings per year with a valid excuse, or two regularly scheduled meetings per year without a valid excuse, then that member shall relinquish his/her seat as a member of the advisory board. A member who has an excused absence may vote on any item on the agenda by making his or her vote known in writing to the chair or recording secretary prior to the start of the meeting. The community redevelopment advisory board shall have all duties and responsibilities as may be formally delegated by the community redevelopment agency, but shall, at a minimum, be responsible for the preparation and implementation of the community redevelopment plan through its recommendations to the community redevelopment agency.

(e) The city commission and the community redevelopment agency shall agree upon an amount to be rebated back to the city each year of the amount deposited in the community redevelopment trust fund pursuant to F.S. § 163.387, for a particular year.

(f) The city commission and the community redevelopment advisory board shall also agree upon what powers the community redevelopment advisory board shall possess as they apply to the community redevelopment plan. In order for the interlocal agreement to become effective it must be approved by a unanimous vote of the city commission. If the interlocal agreement is not approved by a unanimous vote of the city commission within 12 months of the effective date of the ordinance from which this section derives, the community redevelopment plan shall expire and shall be of no further effect.

SECTION II. 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 III. CODIFICATION. That Section I 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 IV. CONTROL. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION V. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect immediately upon its adoption.

FIRST READING: July 8, 2010

SECOND READING AND PUBLIC HEARING: July 22, 2010

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk