



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

REGULAR MEETING

DECEMBER 9, 2010

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of November 11, 2010

2. FIRST READING OF PROPOSED ORDINANCES

PUBLIC HEARING ITEM

A. **Ordinance 11-01 (replaces Ordinance 06-37):** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 76.003 ACRES OF LAND LOCATED ON THE EAST SIDE OF COUNTY ROAD 545, SOUTH OF SIPLIN ROAD AND NORTH OF BLACK LAKE FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions Property LSCPA) **with the second reading and public hearing being scheduled after receipt from the State** – Community Development Director Wilson

B. **Ordinance 11-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTIONS 78-51, 78-59 AND 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-61 AND 78-62 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; CREATING AND MODIFYING MISCELLANEOUS CHARGES AND FEES; PROVIDING FOR IRRIGATION ONLY METER CONNECTION FEE; PROVIDING FOR ADOPTION OF ADMINISTRATIVE POLICIES TO IMPLEMENT CHAPTER 78, ARTICLE II OF CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 13, 2011** – Public Services Director Cochran

C. **Ordinance 11-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE IV, TITLED PROHIBITION OF COMMERCIAL GAMING DEVICES, SECTIONS 10-250 THROUGH 10-252 CREATING DEFINITIONS, PROHIBITING THE POSSESSION, USE, PLAYING AND OPERATION OF COMMERCIAL GAMING DEVICES WITHIN THE CITY BOUNDARIES AND PROVIDING FOR PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 13, 2011** – Community Development Director Wilson

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 10-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SUBSECTION 163.3177 (3) (b), FLORIDA STATUTES TO MAINTAIN A FINANCIAL FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE – Community Development Director Wilson

4. **REGULAR BUSINESS**

- A. Recommendation to approve the purchase of a solid waste automated side loading truck for \$211,630.00 to replace an existing 2002 truck – Public Services Director Cochran
- B. Recommendation to approve the purchase of a solid waste automated side loading truck for \$211,630.00 to replace an existing 2000 truck - Public Services Director Cochran
- C. Recommend approving Ryan to act as the broker in the sale of Voluntary Cleanup Tax Credits with the referral fee not to exceed \$10,929.37 – Finance Director Hayes
- D. Recommendation to authorize the purchase of Tucker Ranch property consisting of 204+ acres in unincorporated Orange County located to the south of the Florida Turnpike and on west side of Avalon Road for \$2.1 million – City Manager Bollhoefer
- E. Appointment to the Police and Fire Employees Pension Board for a two-year term for expiring term of Mildred Holt-Washington on November 30, 2010 (*postponed from October 28 and November 11, 2010*) – City Clerk Golden

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. Proposed ordinance regarding body art (*tattoos and body piercings*)

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on January 13, 2011 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 11-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 76.003 ACRES OF LAND LOCATED ON THE EAST SIDE OF COUNTY ROAD 545, SOUTH OF SIPLIN ROAD AND NORTH OF BLACK LAKE FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions Property LSCPA)

WHEREAS, on the 13th 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 owner of that certain real property generally described as 76.003 acres of land located on the east side of County Road 545, south of Siplin Road and north of Black Lake, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural to City Suburban Residential.

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to CITY SUBURBAN RESIDENTIAL with a City Conservation Overlay over the southern edge of the property adjacent to Black Lake as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Florida 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
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
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: December 9, 2010.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2011.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

SESSIONS - FUTURE LAND USE MAP AMENDMENT

LEGAL DESCRIPTION:

The South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, and the East 3/4 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and BEGIN at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, run S02°09'34"E along the center section line 231.90 feet; thence N89°52'25"W, 1259.87 feet to the 40-acre line, thence N01°12'10"W, 123.77 feet to the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 34, thence N85°12'00"E, 1258.17 feet to the POINT OF BEGINNING; LESS Avalon Road on West and right-of-way for Siplin Road, and LESS the following portions of the above-described property:

1) BEGINNING at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 27, thence run East 421.00 feet; thence run South 517.34 feet; thence run West 421.00 feet; thence run North 517.34 feet to the POINT OF BEGINNING.

2) BEGIN at the Northwest corner of said Section 34, thence run North 185.00 feet; thence run East 515.00 feet; thence run South 845.00 feet; thence run West 185.00 feet; thence run North 660.00 feet; thence run West 330.00 feet to the POINT OF BEGINNING.

3) That part of the South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, lying North of the following described line: Commence at the Northeast corner of the South 1/2 of the Southwest 1/4 of said Section 27; thence run S01°53'34"W, 348.53 feet along the East line of the Southwest 1/4 of said Section 27; thence S89°33'55"W, 60.46 feet to a point on the Westerly right-of-way line of Siplin Road, also being the point of curvature of a curve concave Northeasterly having a radius of 150.00 feet and a tangent bearing of N00°26'05"W, thence Northwesterly along said curve with a central angle of 70°00'15", an arc length of 183.27 feet to a point on the curve also being the Northeasterly corner of Lot 27, SIPLIN HEIGHTS, as recorded in Plat Book 21, Pages 49 and 50, of the Public Records of Orange County, Florida, thence S19°33'39"W, 108.35 feet along the East line of said Lot 27 to the Southerly plat line of said SIPLIN HEIGHTS, thence N87°45'06"W, 665.65 feet along said plat line, thence N88°43'39"W, 798.94 feet along said plat line, thence N85°26'19"W, 457.01 feet along said plat line to the Southwest corner of Lot 1 of said SIPLIN HEIGHTS, thence N00°00'00"E, 149.56 feet along the West line of said Lot 1, extended to a point on the North line of the South 1/2 of the Southwest 1/4 of said Section 27, thence S87°49'18"W, 421.00 feet to the Northwest corner of the Southwest 1/4 of said Section 27.

[TAX PARCEL ID #27-22-27-0000-00-068]

TOGETHER WITH:

The South 1/2 of the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 (less West 317 feet of the North 452 feet and less West 317 feet of the South 1,498 feet) in Section 34, Township 22 South, Range 27 East, Orange County, Florida.

[TAX PARCEL ID #34-22-27-0000-00-003]

LESS AND EXCEPT:

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 183.21 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°33'44"W for a distance of 807.72 feet to the POINT OF BEGINNING.

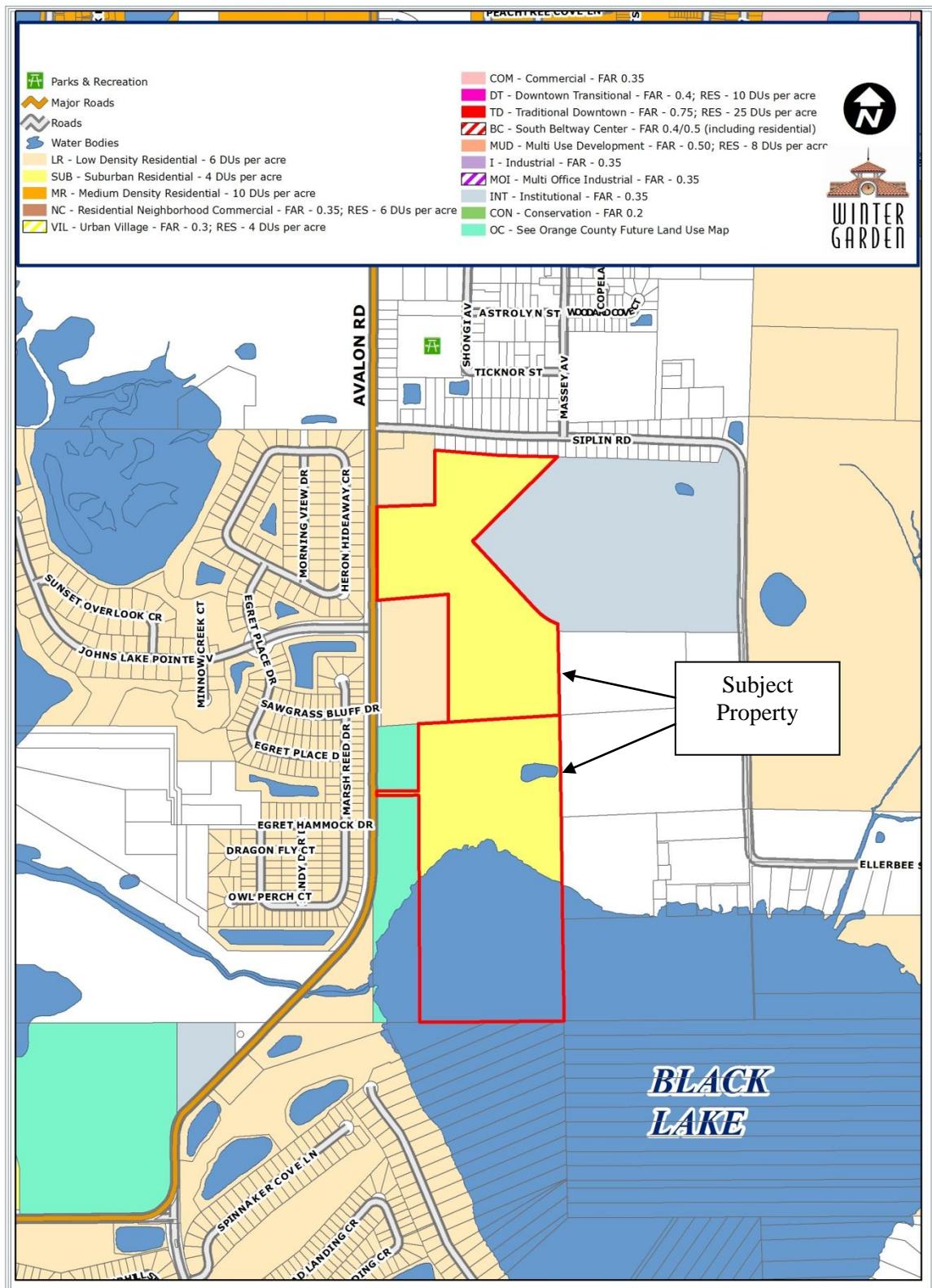
AND:

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.

[TAX PARCEL ID #27-22-27-0000-00-143]

ATTACHMENT "B"



ORDINANCE 11-02

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTIONS 78-51, 78-59 AND 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-61 AND 78-62 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; CREATING AND MODIFYING MISCELLANEOUS CHARGES AND FEES; PROVIDING FOR IRRIGATION ONLY METER CONNECTION FEE; PROVIDING FOR ADOPTION OF ADMINISTRATIVE POLICIES TO IMPLEMENT CHAPTER 78, ARTICLE II OF CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (“City”) owns and operates a water and wastewater system within an exclusive water and wastewater service area;

WHEREAS, the City has adopted a comprehensive plan containing various elements, including a capital improvements element, which projects significant expansions to the City’s water and wastewater system;

WHEREAS, Florida law authorizes cities to fund capital expansion by imposing and collecting impact fees;

WHEREAS, the City desires to change its method of assessment of water and wastewater impact fee to a water meter based assessment system; and

WHEREAS, the City has engaged a consultant who has analyzed the data, applied the dual rational nexus test, and determined that the impact fees adopted by this Ordinance have a reasonable connection, or rational nexus, between the anticipated need for additional capital facilities and the growth in population;

WHEREAS, the City Commission finds that the charges and fees adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City of Winter Garden and users of the City utility system.

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

Section I Adoption. Chapter 78, Article II, Section 78-51 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. 78-51. ~~Water and sewer impact fees, W~~water and sewer connection charges; and other utility charges.

(a) ~~Water connection fee, and water service charge, and water impact fees.~~ The water connection fee; and water service charges, and water impact fees shall be as follows:

(1) Connection fee. Charges for tapping water mains for each tap shall be as follows:

TABLE INSET:

Meter Size	Meter Installation Tap-In Charge(1)	Meter Installation Charge
5/8"	\$ 470.00	\$ 230.00
3/4"	490.00	250.00
1"	640.00	320.00
1 1/2"	1,160.00	690.00
2"	1,230.00	710.00
Above 2"	Actual cost	Actual cost

(1) Includes both meter installation and tap-in charge.

Above two inches, the actual cost shall be the costs of labor and materials, including, but not limited to, the costs of the meters, meter boxes, corporation stops, valves, street crossings and appurtenances thereof, plus a surcharge of 20 percent to cover engineering and administration costs as determined by the city. But in no event shall that fee be less than the fees charged for a two-inch service. All meters and appurtenances thereto shall be and remain the property of the city, except as otherwise specified in this article.

a. To the extent that the cost of performing installation services is extraordinary and not typical relative to the fees being charged for such service as contained in this section, or if the service line is

modified from its original purpose to meet the applicant's requirements, all as determined by the city, the city shall charge the applicant requesting service the actual cost of such services and/or modifications in accordance with the application provisions of subsection above.

~~b. Effective October 1, 2000, the rates shall be indexed by the Consumer Price Index, or two percent, whichever is greater, annually for the next five years. All rates shall have a 25 percent surcharge for customers outside of the city limits.~~

(2) Service Turn-on charges. There will be a charge of \$15.00 to turn on the water supply of any user during normal working hours when service has been cut off or discontinued from the applicant's premises for nonpayment of current bills, or the return of a check because of insufficient funds, or when commencing new service, and after normal hours there will be a charge of \$30.00. ~~A service charge of \$5.00 will be added to the account of each customer whose bill is not paid by the due date.~~

(3) Late fee. A service charge of \$5.00 will be added to the account of each user whose bill is not paid by the due date.

~~(3) Water impact fees. In addition to the connection fee described in this section, there shall be paid an impact fee, to ensure that new development pays its fair share of the actual or anticipated costs of water production, treatment, transmission and distribution facilities necessary to provide water services for new development. The water impact fee shall be \$1,310.00 per equivalent residential unit (ERU). The water impact fee charged to new development located outside limits which is served by the city's water system shall be 125 percent of the fee charged to development inside the city. The city manager shall report annually to the city commission indicating the amount of fees collected under this article and the amount of fees distributed. The city commission shall review the report of the city manager and continue or adjust the water impact fee as appropriate.~~

(4) Initiation of service request. There will be a charge of \$10.00 to process a request to initiate service only. This does not include the fee associated with the physical turn-on of utility service.

(5) Meter re-read or special read. There shall be a charge for meter re-read if the meter is requested to be a re-read or a special read is requested more than once in a 12-month period, or, if there was no error in the initial meter reading. For requests after the one time allowance, a fee of \$20.00 shall be charged on the next month's bill, provided no error was detected. Additionally, this fee shall be added to the meter test fee if a test has been requested.

(6) Meter testing. The public services department shall have the right to test meters to determine their accuracy whenever it sees fit, but if a user demands a test when, in the judgment of the public services department, the meter is operating correctly, the user shall pay a fee of \$50.00 for each test performed by the public services department.

(7) Return check fee. A return-check fee of \$25.00 shall be charged to the user in the event a check for payment on the user's account is returned for insufficient funds, stopped payment or closed account.

(8) Search fee. The city shall have the right to charge a search fee to conduct research on fees due to the city for a specific parcel serviced by the water and/or waste water system when such information is requested by third parties, including, but not limited to, requests for such information by a title company, closing agent, mortgagee, broker, or potential buyer. The amount of any such fee or charge may be established and modified by resolution or ordinance of the city commission.

~~(b) Sewer connection fee and sewer impact fee. The sewer connection fee and sewer impact fee shall be as follows:-~~

~~(1) Connection fee. There shall be a charge for tapping sewer mains, which shall be the cost of labor, materials and equipment, together with a surcharge of an additional 20 percent of the costs to cover engineering and administrative costs as determined by the city, but in no event shall the cost be less than \$910.00.~~

~~(2) Sewer impact fees. In addition to the connection fee described in this section, there shall be paid an impact fee, to ensure that new development pays its fair share of the actual or anticipated costs of sewer production treatment, transmission and collection facilities necessary to provide sewer services for new development. The sewer impact fee shall be \$2,035.00 per equivalent residential unit (ERU). The sewer impact fee charged to new development located outside the city limits which is served by the city's sewer system shall be 125 percent of the fee charged to development inside the city. The city manager shall report annually to the city commission indicating the amount of fees collected under this article and the amount of fees distributed. The city commission shall review the report of the city manager and continue or adjust the sewer impact fee as appropriate.~~

~~(3) Inspections. No sewer service shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by the city plumbing inspector.~~

~~(c) Irrigation only meter connection fee. There shall be a charge for tapping water mains for irrigation for each tap and water connection equal to the cost, as determined by the city, of labor, materials and equipment, together with a surcharge of an additional twenty (20) percent of such costs to cover engineering and administrative costs, but in no event shall the amount charged be less than the amount charged for the ¾ inch size meter. Disposition of revenues imposed by water impact fee. All revenues derived from the water impact fees imposed by subsection (a)(3) shall be accounted for separately in a capital fund of the utilities department enterprise fund entitled utilities impact fee fund. All water impact fee revenues expended from the impact fee capital fund are for the purpose of improving, extending or oversizing, separating, or constructing new additions to the water plant or distribution and transmission systems or part thereof as authorized by the city commission. No part of such water impact fee revenues shall be budgeted or used for the operating expenses of the water system.~~

~~(d) *Disposition of revenues imposed by sewer impact fee.* All revenues derived from the sewer impact fees imposed by subsection (b)(2) shall be accounted for separately in a capital fund of the utilities department enterprise fund entitled utilities impact fee fund. All sewer impact fee revenues expended from the impact fee capital fund are for the purpose of improving, extending or oversizing, separating or constructing new additions to the sewer plant or collection and transmission systems or part thereof as authorized by the city commission. No part of such sewer impact fee revenue shall be budgeted or used for the operating expenses of the sewer system.~~

~~(e) *Disposition of funds not expended.* If the fees have not been expended or encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid, upon application of the fee payer of proof of payment or the development for which the fees were paid was never begun, the fees shall be returned with interest at the rate determined by the city based upon the average interest earning rate incurred by the city in accordance with the following procedure:~~

~~(1) The then present owner must petition the city commissioners for the refund within one year following the end of the calendar quarter immediately following six years from the date on which the fee was received.~~

~~(2) The petition must be submitted to the city manager and must contain:~~

~~a. A notarized sworn statement that the petitioner is the current owner of the property;~~

~~b. A copy of the dated receipt issued for payment of the fee;~~

~~c. A certified copy of the latest recorded deed; and~~

~~d. A copy of the most recent ad valorem tax bill.~~

~~(3) If reimbursement is approved, the city shall remit to the present owner of the petition within 60 days of approval.~~

~~(f) *Disposition of funds on deposit.* Any funds on deposit in the utilities impact fee fund not immediately necessary for expenditure shall be invested in interest bearing accounts up to and including interfund loans. Interfund loans shall be made by resolution by the city commission payable in full over time at the prevailing interest rate. Applicants shall not receive a credit for or be entitled to interest from the investment of funds except as provided in section (e) above.~~

~~(g) *Payment schedule for impact fees.* The water and sewer impact fees based on equivalent residential units (ERUs) as described in this article shall be due and payable as follows:~~

~~(1) The water and sewer impact fees for 50 percent of all requested equivalent residential units (ERUs) for a proposed residential development shall be due and payable to the city at the time of application for a FDEP permit, or, if no such permit is required, at the time application is made to the city for a building permit that requires sewer or water capacity.~~

~~(2) The water and sewer impact fees for the remaining 50 percent of the remaining requested equivalent residential units (ERUs) shall be paid at the issuance of building permits commencing with the first building permit issued and continuing until 100 percent of the sewer and water impact fees has been paid for the requested ERU capacity which is reserved. Any sewer and water reserve capacity for any remaining ERUs for the project for which water and sewer impact fees have not been paid shall be forfeited by the applicant unless 100 percent of the entire projects sewer and water impact fees has been paid no later than 24 months after the date of issuance of the FDEP permit or 12 months from the date of final plat, whichever comes first.~~

~~(3) The water and sewer impact fees for 100 percent of the requested equivalent residential units (ERUs) for a commercial or industrial development are due and payable to the city at the time of application for a FDEP permit, or, if no such permit is required, at the time application is made to the city for a building permit that requires sewer and water capacity.~~

~~(4) Water and sewer impact fees for equivalent residential units (ERUs) for a single user individual lot shall be paid at the time of the issuance of a building permit that requires sewer and water capacity.~~

~~(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 II Adoption. Chapter 78, Article II, Section 78-59 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. 78-59. Collections of fees when building permit is issued by mistake or inadvertence; liens.~~

~~In the event that the impact fee is not paid prior to the issuance of a building permit for the construction of a structure because of a mistake or inadvertence, the city shall proceed to collect the impact fee as follows:~~

~~The city shall serve, by certified mail, return receipt requested, an impact fee statement notice upon the applicant at the address set forth in the application for the building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. The city shall also attach a copy of the impact fee statement notice to the building permit posted at the affected construction site if the building is under construction. Service of the impact fees statement notice shall be deemed notice of the impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first.~~

~~The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:~~

~~(1) The amount due and the general purpose for which the impact fee was imposed;~~

~~(2) That a hearing before the city commission may be requested within 30 calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the city manager;~~

~~(3) That the impact fee shall be delinquent if not paid and received by the city within 60 calendar days of the date the impact fee statement notice, or if a hearing is not requested pursuant to subsection (2) above and, upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid;~~

~~(4) That in the event the impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the county;~~

~~(5) The impact fee shall be delinquent if, within 60 calendar days from the date of the impact fee statement notice, or the date said notice was attached to the building permit, neither the impact fees have been paid and received by the city, nor a hearing requested pursuant to subsection (2) above. In the event a hearing is requested pursuant to subsection (2), the impact fees shall become delinquent if not paid within 30 calendar days from the date the city commission determines the amount of impact fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of said impact fee statement notice or the hearing date of the city commission's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid;~~

~~(6) Should the impact fee become delinquent, the city shall serve, by certified mail, return receipt requested, a "notice of lien" upon the delinquent applicant if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the county. The notice of lien shall notify the delinquent applicant and owner that due to their failure to pay the impact fee, the city shall file a claim of lien with the clerk of the circuit court in and for the county;~~

~~(7) Upon mailing of the notice of lien, the city attorney shall file a claim of lien with the clerk of the circuit court in and for the county for recording in the official records of the county. The claim of lien shall contain the legal description of the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The city attorney shall proceed expeditiously to collect or otherwise enforce said lien;~~

~~(8) After the expiration of six months from the date of recording of the claim of lien, or after the expiration of one year from the date the impact fee became due and payable, whichever is later, as provided herein, a suit may be filed to foreclosure said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. §§ 173.04 through 173.12, inclusive, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim;~~

~~(9) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the liens of all state, county, district and municipal taxes, superior in dignity to all other subsequently filed liens and claims, until paid as provided herein;~~

~~(10) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city or any applicable law or administrative regulation of the state. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the state.~~

~~(Ord. No. 98-88, § 1, 12-10-98)~~

Sec. 78-59. Water and wastewater impact fees.

(a) Imposition. A water and wastewater impact fee is hereby imposed and levied on all development requesting capacity from the city's water system and/or wastewater system to provide service to their properties and on all properties presently connected to the City's water system or wastewater collection system when structural changes, additions, or changes in permitted use result in an additional impact to the city's water system or wastewater system. The water and wastewater impact fee will be charged based on water meter size to be installed in accordance with the fee schedule adopted in this Section. A water and wastewater impact fee shall be paid for each individual water meter to be installed. When an existing development increases its water meter size, the development shall pay an additional water and wastewater impact fee equal to the difference between the current impact fee charged for the desired increased water meter size and the existing water meter size. The impact fee will be charged over and above any service connection fee, lateral charge, inspection fee, monthly user charge, and monthly service charge as may be established by city from time to time.

(b) Impact fees. Water and wastewater impact fees shall be paid in accordance with this subsection.

(1) Impact fee schedule. The following water and wastewater impact fees shall be paid based on water meter size for each water meter to be connected to the city's system:

<u>Impact Fees for Water and Wastewater Service – Water Meter Based</u>			
<u>Water Meter Size</u>	<u>ERUs</u>	<u>Water Impact Fees</u>	<u>Wastewater Impact Fees</u>
<u>3/4" Meter</u>	<u>1.00</u>	<u>\$1,086</u>	<u>\$1,767</u>
<u>1" Meter</u>	<u>2.50</u>	<u>\$2,715</u>	<u>\$4,418</u>
<u>2" Meter</u>	<u>8.00</u>	<u>\$8,688</u>	<u>\$14,136</u>
<u>3" Meter</u>	<u>15.00</u>	<u>\$16,290</u>	<u>\$26,505</u>
<u>4" Meter</u>	<u>25.00</u>	<u>\$27,150</u>	<u>\$44,175</u>
<u>6" Meter</u>	<u>50.00</u>	<u>\$54,300</u>	<u>\$88,350</u>
<u>8" Meter</u>	<u>80.00</u>	<u>\$86,880</u>	<u>\$141,360</u>
<u>10" Meter</u>	<u>115.00</u>	<u>\$124,890</u>	<u>\$203,205</u>

(2) Irrigation meter. For potable or reclaimed water meters used for irrigation only, the water impact fee shall be paid for each irrigation meter based on meter size; however, the wastewater impact fee is not charged.

(3) Connection not provided. In the event that the city provides a connection for only water or wastewater service to a development, only the impact fee applicable to the service provided shall be paid.

(c) *Payment schedule for impact fees.* The water and wastewater impact fees based on water meter size as described in this Section shall be due and payable as follows:

(1) New residential development. For proposed residential development, except development described in subsection (c)(2), an amount equal to fifty (50) percent of the water and wastewater impact fees based on all requested water meters for the proposed development shall be due and payable to the city at the time of application for a FDEP permit and prior to issuance of the FDEP permit in order to temporarily reserve water and wastewater capacity for the development. When fifty (50) percent of the water and wastewater impact fees are paid at the time of application for a FDEP permit, the remaining fifty (50) percent of the water and wastewater impact fees shall be paid at the time of application for each building permit requested commencing with the first building permit issued and continuing until one-hundred (100) percent of the water and wastewater impact fees have been paid for the requested water meters which are reserved. The water and wastewater impact fee payment made at the time of application for each building permit shall equal one-hundred (100) percent of the impact fees for water meters associated with the building permit requested, so that the city collects the full amount of water and wastewater impact fees for the development when approximately half of the building permits for the development have been sought. Any sewer and water reserve capacity for and any partial impact fee payment previously made concerning any remaining water meters for the project for which water and wastewater impact fees have not been paid in full shall be forfeited by the applicant unless one-hundred (100) percent of the entire projects' water and wastewater impact fees have been paid no later than 24 months after the date of issuance of the FDEP permit or 12 months from the date of final plat approval, whichever comes first. The applicant may choose to pre-pay remaining impact fees for the development in order to avoid forfeiture of reserve capacity and partial impact fee payments. In the event additional water meters are requested for the development that were not originally contemplated when applying for the FDEP permit, one-hundred (100) percent of water and wastewater impact fee associated with such additional water meters shall be paid to the city at the earlier of at the time of application for a building permit associated with water meter requested, and prior to installation of the water meter requested.

(2) De minimus new residential development. For the following residential development, one-hundred (100) percent of water and wastewater impact fees based on all requested water meters shall be paid at the time application is made to the city for a building permit that requires use of a water meter(s) and prior to issuance of a building permit: (i) a single user individual lot; or (ii) residential development where no FDEP permit for water or wastewater is required.

(3) New non-residential development. The water and wastewater impact fees for one-hundred (100) percent of the water meters for a commercial or industrial development are due and payable to the city at the time of application for a FDEP permit, or, if no such permit is required, at the time application is made to the city for a building permit that requires use of the water meter and prior to the issuance of a building permit.

(4) Existing development. When an existing development increases its water meter size, the development shall pay an additional water and wastewater impact fee as specified in this Section at the earlier of (i) the time application is made to the city for a building permit that requires use of the larger water meter and prior to the issuance of such building permit; and (ii) prior to the installation of the water meter. When an existing development that is not currently connected to the city's system desires to connect to the city's water and/or wastewater system, the development shall pay the city the applicable impact fees based on water meter size prior to connection to the city's system.

(5) Non-transferable. Reserved water and wastewater capacity is not transferable to any other property or development. Water and wastewater impact fee payments or credits are not transferable to any other property or development and cannot be applied towards other types of impact fees.

(6) Administrative policies. The city shall have the right to adopt and enforce policies and rules consistent with this Section in order to administer the collection of water and wastewater impact fees.

(d) *Disposition of revenues imposed by water impact fee.* All revenues derived from the water impact fees imposed by this Section shall be accounted for separately in a capital fund of the public services department enterprise fund. All water impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing water system improvements, or constructing new additions to the water plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of water systems buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of water systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of water systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of raw water, alternative water, and reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the water system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the water system. No part of such water impact fee revenues shall be budgeted or used for the operating expenses of the water system.

(e) Disposition of revenues imposed by wastewater impact fee. All revenues derived from the wastewater impact fees imposed by this Section shall be accounted for separately in a capital fund of the public services department enterprise fund. All wastewater impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing wastewater system improvements, or constructing new additions to the sewer plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of wastewater systems buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of wastewater systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of wastewater systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the wastewater system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the wastewater system. No part of such wastewater impact fee revenues shall be budgeted or used for the operating expenses of the wastewater system.

(f) Disposition of funds not expended. If the impact fees have not been expended or encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid, upon application of the fee payer of proof of payment or the development for which the fees were paid was never begun, the fees shall be returned with interest at the rate determined by the city based upon the average interest earning rate incurred by the city in accordance with the following procedure:

- (1) The then present owner must petition the city commissioners for the refund within one year following the end of the calendar quarter immediately following six years from the date on which the fee was received.
- (2) The petition must be submitted to the city manager and must contain:
 - (i) A notarized sworn statement that the petitioner is the current owner of the property;
 - (ii) A copy of the dated receipt issued for payment of the fee;
 - (iii) A certified copy of the latest recorded deed; and
 - (iv) A copy of the most recent ad valorem tax bill.
- (3) If reimbursement is approved, the city shall remit to the present owner of the petition within 60 days of approval.

(g) Disposition of funds on deposit. Any funds on deposit in the utilities impact fee fund not immediately necessary for expenditure shall be invested in interest-bearing accounts up to and including interfund loans. Interfund loans shall be made by resolution by the city commission payable in full over time at the prevailing interest rate. Applicants shall not receive a credit for or be entitled to interest from the investment of funds except as provided in section (f) above.

Section III Adoption. Chapter 78, Article II, Section 78-60 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. 78-60. Determination of equivalent residential unit factors.~~

~~(a) For the purpose of calculating and imposing the water and wastewater impact fees provided for in section 78-51, the ERU factor for any particular connection shall be calculated and imposed in the manner provided as follows:~~
 TABLE INSET:

Establishment	Unit	Factor
Residential:		
Single family home	Per Unit	1.000
Duplex (1 or 2 bedrooms)	Per Unit	0.833
Duplex (3 or more bedrooms)	Per Unit	1.000
Multi family (2 bedrooms)	Per Unit	0.833
Multi family (1 bedroom)	Per Unit	0.583
Multi family (efficiency less than 500 square feet)	Per Unit	0.500
Multi family (3 or more bedrooms)	Per Unit	1.000
Mobile home (1 or 2 bedrooms)	Per Unit	0.667

-			-
-	Mobile home (3 or more bedrooms) —	Per Unit —	0.833-
-			-
Commercial: —			
-	Auditorium —	Seat —	0.017-
-			-
-	Barber/beauty shop —	Opr. Sta. —	0.300-
-			-
-	Bowling alley —	Lane —	0.333-
-			-
-	Convenience store (no gas pumps) —	Use fixture units —	N/A —
-			-
Food Service: —			
-	Restaurant/cafeteria —	Seat —	0.100-
-			-
-	Restaurant (24 hour) —	Seat —	0.167-
-			-
-	Restaurant (fast food) —	Seat —	0.050-
-			-
-	Bar/cocktail lounge —	Seat —	0.067-
-			-
-	Hotel, motel (not including food service, banquet and meeting rooms, and laundries) —	Room —	0.500-
-			-
-	Industrial building (not including food service; not including industrial waste flows; industrial wastewater flows to be determined on fixture unit basis unless director or his designee agrees to alternative flow calculation: —		
-	-	Without showers —	Employee — 0.050-
-			-
-	-	With showers (emergency showers not included) —	Employee — 0.117-
-			-
-	Laundry, self service —	Per machine —	1.333-
-			-
Motel (see hotel) —			
-	Office building (add food service and retail space) —	1,000 sq. ft. —	0.334-
-			-
-	Service station —	Per bay —	1.000-
-			-
-	Add: —	Per wash bay —	3.200-
-			-
-	Add: —	Per toilet room —	1.000-
-			-
-	Theater —	Per seat —	0.010-
-			-
-	Theater (dinner) —	Per seat —	0.067-
-			-
-	Trailer park (overnight) —	Space —	0.333-
-			-
-	Dentist office —	Per dentist —	0.833-
-			-
-	Medical office —	Per doctor —	0.833-
-			-
-	Church —	Per seat —	0.017-
-			-
-	Hospital —	Per bed —	0.833-
-			-

		-
Nursing home—	Per bed—	0.417 -
Warehouse office:—		
Use fixture units for warehouse area and see "Office category" for calculating ERUs in that area. (Add for food service and add for retail space if applicable.)—		
Warehouse space—	Use fixture units—	N/A—
- Meeting and/or banquet rooms - (Total sq. ft./15 sq. ft./person x .017 x # of seats)—	Per seat—	0.017 -
Automotive repair and maintenance store—	Per bay—	0.250 -
Retail space—	Use fixture units—	N/A—
Retail store/self service gas pumps (Add remaining fixture units)—	Per restroom—	1.000 -
Extended care facilities—	Per efficiency—	0.500 -
Convenience store without gas pump—	Use fixture units—	
Schools, middle and high—	Per student -	0.067 -
Schools, elementary and nursery—	Per student -	0.025 -

(b) ~~One equivalent residential unit (ERU) shall, for the purposes of this section, have an assigned value of 1.000. One water system ERU is hereby established and determined to be equal to a flow of 350 gallons per day (GPD), average annual basis. One sewer system ERU is hereby established and determined to be equal to a flow of 250 gallons per day (GPD), average annual basis. The "total equivalent residential unit value" for an establishment shall be calculated by multiplying the ERU factor listed in subsection (a) above times the number of units.~~

(c) ~~For all establishments not listed above, the total equivalent residential unit (ERU) value shall be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, by 25, and then dividing that numerator by 350 GPD for water customers and 250 GPD for sewer customers. For example for the water customers:~~

$$\frac{\text{Total ERU Value} = \text{Number of Fixture Units} \times 25}{350 \text{ GPD}}$$

Sec. 78-60. Collection of past due impact fees.

In the event that the water and/or wastewater impact fee, or any portion thereof, is not paid when due for any reason, including by mistake or inadvertence, the city may proceed to collect the impact fee as follows:

(1) The city shall serve, by certified mail, return receipt requested, an impact fee statement notice upon the applicant at the address set forth in the application for the building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. Service of the impact fees statement notice shall be deemed notice of the impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first.

(2) The impact fee statement notice shall contain a description of the property and shall advise the applicant and the owner as follows:

(i) The amount due and the general purpose for which the impact fee was imposed.

(ii) That a hearing before the city commission to challenge the impact fee assessed may be requested within 30 calendar days from the date of receipt of the impact fee statement notice, by filing a written application to the office of the city manager. The written application shall state with specificity the basis of the challenge.

(iii) That the impact fee shall be delinquent if not paid and received by the city within 30 calendar days of the date the impact fee statement notice, or if a hearing is not requested pursuant to subsection (2) ii. above and, upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid.

(iv) That in the event the impact fee becomes delinquent, a lien against the applicable property for which the building permit was secured shall be recorded in the official records book of the county.

(3) The impact fee shall be delinquent if, within 30 calendar days from the date of the impact fee statement notice, or the date said notice was attached to the building permit, neither the impact fees have been paid and received by the city, nor a hearing requested pursuant to subsection (2)(ii) above. In the event a hearing is requested

pursuant to subsection (2)(ii), the impact fees shall become delinquent if not paid within 30 calendar days from the date the City Commission determines the amount of impact fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of said impact fee statement notice or the hearing date of the city commission's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(4) Should the impact fee become delinquent, the city shall serve, by certified mail, return receipt requested, a "notice of lien" upon the delinquent applicant at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the county. The notice of lien shall notify the delinquent applicant and owner that due to their failure to pay the impact fee, the city shall record a claim of lien in the official public records of the county.

(5) Upon mailing of the notice of lien, the city attorney shall cause the recording of a claim of lien in the official public records of the county. The claim of lien shall describe the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The city attorney shall proceed expeditiously to collect or otherwise enforce said lien.

(6) After the expiration of three (3) months from the date of recording of the claim of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. §§ 173.04 through 173.12, inclusive, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim.

(7) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the liens of all state, county, district and municipal taxes, superior in priority to all other recorded liens and claims whether recorded prior to or after the city's lien, except as otherwise provided by law, until paid as provided herein.

(8) The applicant and owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all administrative expenses and costs, including attorney's fees and litigation costs and recording and filing fees, incurred by the city in the collection of impact fees, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(9) The applicant and owner shall be jointly and severally liable to the city for unpaid impact fees. The city may take any and all actions at law or in equity to collect unpaid impact fees from the applicant and owner, including but not limited to, the city withholding issuance of subsequent permits sought by applicant and/or owner until the impact fees are paid.

(10) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city or any applicable law or administrative regulation of the state. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the state.

Section IV Adoption. Chapter 78, Article II of the City of Winter Garden Code is amended to add a new Section 78-61 to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-61. Impact fee protest and appeals.

(a) A person may protest or challenge the imposition of or a decision on an impact fee imposed pursuant to this article by filing with the city manager, within 30 days from the occurrence of the decision, event, or imposition of an impact fee sought to be challenged, a written notice of protest containing the following minimum information:

- (i) The name and address of the person protesting and property owner;
- (ii) The legal description of the property at issue;
- (iii) If issued, the date of the building permit(s) issued for the property at issue; (iv)
If paid, the date of and the amount of the impact fee paid; and
- (v) A full statement of the reasons why the person is protesting.

The person who files the protests bears the burden of proof to demonstrate that the fee, decision or matter challenged is improper and/or should be modified.

(b) Upon receipt of such protest, including all the information required pursuant to subsection (a), the city manager or his designee shall review the protest, and within forty-five (45) days of the receipt of the complete request, approve or deny the request. If the person making the protest disagrees with the determination of the city manager or his designee, such person may appeal the decision to the city commission, provided a written appeal is filed with the city clerk within ten (10) days from the issuance of the city manager's decision.

(c) Upon receipt of an appeal, a hearing shall be scheduled before the city commission at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the person

who filed the appeal written notice of the time and place of the hearing. Such hearing shall be held within sixty (60) days of the date the appeal was filed. The determination of the city commission shall be final.

(d) Any judicial action or proceeding to attack, review, set aside or annul the reasonableness, legality, or validity of any impact fee or decision related thereto must be filed within thirty (30) days following the date of the imposition of the impact fee or the final determination of the city commission on an appeal, which occurs later.

(e) Failure to timely file a protest, appeal or judicial action in accordance with these procedures shall constitute a waiver and invalidation of any protest, appeal or challenge to the applicable imposition of an impact fee or decision concerning an impact fee.

Section V Adoption. Chapter 78, Article II of the City of Winter Garden Code is amended to add a new Section 78-62 to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-62. Administrative rules and policies.

The city manager is hereby authorized to adopt administrative rules and policies to implement the provisions of this Article as the city manager deems necessary and appropriate.

Section VI Adoption. All divisions and sections of Chapter 78 of the City of Winter Garden Code are hereby amended to replace references to the words “utilities department” with “public services department.”

Section VII Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

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

Section IX Codification. Sections I, II, III, IV, V and VI of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention. The word “Ordinance” may be change to “Section,” “Article,” or other appropriate word.

Section X Effective Date. This Ordinance shall become effective upon adoption.

FIRST READING: December 9, 2010.

SECOND READING AND PUBLIC HEARING: _____.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 11-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE IV, TITLED PROHIBITION OF COMMERCIAL GAMING DEVICES, SECTIONS 10-250 THROUGH 10-252 CREATING DEFINITIONS, PROHIBITING THE POSSESSION, USE, PLAYING AND OPERATION OF COMMERCIAL GAMING DEVICES WITHIN THE CITY BOUNDARIES AND PROVIDING FOR PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Article X, Section 7 of the 1968 Florida Constitution prohibits lotteries within Florida, other than the types of pari-mutuel pools authorized by law as of the effective date of the 1968 Florida Constitution; and

WHEREAS, Article X, Section 23 of the Florida Constitution, as adopted in a 2004 Amendment to the Florida Constitution, authorizes slot machine gaming only in certain eligible licensed facilities in Broward and Miami-Dade Counties, Florida, and such authorization is subject to the requirements and conditions set forth in Article X, Section 23 of the Florida Constitution and the extensive regulatory requirements of Chapter 551, Florida Statutes; and

WHEREAS, under no circumstances does the Florida Constitution or the Florida Statutes authorize or permit slot machine gambling or any activity resembling slot machine gambling in Winter Garden, Orange County, Florida; and

WHEREAS, the possession, use, playing and operation of a slot machine as defined by Section 849.16, Florida Statutes within the City of Winter Garden is illegal; and

WHEREAS, there is presently in Central Florida an increasing proliferation of establishments employing devices that simulate slot machine games or other games of chance that display, disclose or reveal whether a user is to receive or become entitled to receive a payout, jackpot, or prize in a raffle, sweepstakes, contest or other promotion conducted by the establishment; and

WHEREAS, the possession, use, playing and operation of devices at commercial establishments utilizing simulated or actual slot machine games or other games of chance to display, disclose or reveal whether a user is to receive or become entitled to receive a payout, jackpot, or prize is inherently deceptive and causes users to play and operate said devices as if they were engaging in gambling activities prohibited by Florida law; and

WHEREAS, it has been well documented that that gambling can lead to harmful behavior in some people and be an addictive activity that can lead to uncontrollable wagering and loss of money and valuables; and

WHEREAS, due to the inherently deceptive nature of commercial gaming devices, as herein defined, the possession, use, playing and operation of such devices within the City has or will have an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors; and

WHEREAS, there is a direct relationship between establishments that possess and use devices that simulate or play actual slot machine games or other games of chance and disturbances of the peace and good order of the community, and the concurrency of these activities is hazardous to the health, safety, and welfare of those persons in attendance; and

WHEREAS, in order to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to prohibit the possession, use, playing and operation of devices defined herein as commercial gaming devices within the City of Winter Garden; and

WHEREAS, in terms of negative impact recited herein, there is little or no material difference between the effects of slot machines and the effects of commercial gaming devices as defined herein; and

WHEREAS, the City has home rule authority pursuant to Article VII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact this Ordinance.

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

Section I The above recitals represent the legislative findings of the City Commission of the City of Winter Garden supporting the need for this Ordinance.

Section II Chapter 10 of the City of Winter Garden Code of Ordinance is amended to create a new Article IV, Sections 10-250 through 10-252 to read as follows:

Article VI. PROHIBITION OF COMMERCIAL GAMING DEVICES.
Sec. 10-250. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means any establishment, whether operated for profit or not, that exchanges goods, product, services, or property of any kind for compensation or donation, or facilitates the exchange of goods, services, or property of any kind for compensation or donation in the ordinary course of trade, business, or fundraising, regardless of the land use designation assigned to the location of the commercial establishment.

Commercial gaming device means any electronic, mechanical or electromechanical device that, by the use or insertion of coin, bill, token, slug, form of payment, passcode, electronic or magnetic card in conjunction with the device or other reader or system connected or networked to the device or with the aid of some physical act by the user or commercial establishment representative, the device will allow an operator to use, play or operate the device such that the device displays simulated or actual games of chance, slot machine games, spinning wheels, line ups or arrangements of objects, symbols, colors, fruit, numbers or letters, or any game known as or similar to keno, roulette, faro, game at cards, poker, blackjack, "Fruit Paradise," "New Cherry," "Fruit Bonus," "Triple Jack," "Magical Odds," "Mystery J&B," "Klondike," or "Reel of Fortune" in such a way as to display, disclose or reveal whether the user is to receive or become entitled to receive a payout, jackpot, or prize, which may include money, credits, tokens, or anything of value, or anything that may be exchanged for money, credits, tokens or anything of value, regardless of whether such payout, jackpot, or prize is made automatically from the device or other reader or system connected or networked to the device, or manually, and such device is located and used, played or operated in or at a commercial establishment in connection with the promotion, sale or purchase of good(s), product(s) or service(s). The term commercial gaming device further includes, without limitation, a "slot machine" as defined by Section 849.16, Florida Statutes. "Commercial gaming device" shall not be construed so as to preclude the lawful use or possession of: (i) reverse vending machines authorized pursuant to Section 849.16(2), Florida Statutes, (ii) amusement games or machines authorized pursuant to Section 849.161, Florida Statutes, (iii) bingo, instant bingo or pull tab machines or dispensers operated in accordance with Section 849.0931, Florida Statutes, (iv) a State of Florida lottery device authorized by Florida Statutes, or (v) any other device expressly authorized by and complying with the Florida Statutes and the Florida Administrative Code. Commercial gaming device shall not be construed to include devices not otherwise prohibited by general law that are not located in or at a commercial establishment and are used, played or operated for non-commercial purposes (*i.e.*, not in connection with the promotion, sale or purchase of goods, products or services).

Person means an individual, association, partnership, limited liability company, joint venture, not for profit corporation, corporation, or a director, executive, manager or officer of an association, partnership, limited liability company, joint venture, not for profit corporation, or corporation.

Sec. 10-251. Prohibition of commercial gaming device.

It is unlawful for any person to possess, use, play, or operate a commercial gaming device within the municipal boundaries of the city. Each individual use, play, operation or possession of a commercial gaming device shall be a separate violation of this Section. A violation of this Section shall constitute a public nuisance.

Sec. 10-252. Remedies and penalties.

In the event that a violation of this Article occurs, the City shall have the right to one or more of the following remedies or actions:

- (a) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
- (b) Prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
- (c) Issue a civil citation as a Class IV violation to the violator for each violation in accordance with Chapter 2, Article II, Division III;
- (d) Institute any appropriate action to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action; and
- (e) Take any other action or remedy authorized by law or in equity, in which case the violating person shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action.

Section III Section II of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

Section IV In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance shall control to the extent of the conflict.

Section V 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 to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section VI This Ordinance shall become effective upon adoption by the City Commission.

FIRST READING:

December 9, 2010

SECOND READING AND PUBLIC HEARING:

ADOPTED this _____ day of _____, 2011, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 10-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SUBSECTION 163.3177 (3) (b), FLORIDA STATUTES TO MAINTAIN A FINANCIAL FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE.

WHEREAS, the City is required, pursuant to Chapter 163.3177 (3) (b), Florida Statutes to adopt an annual update to the Capital Improvements Element; and

WHEREAS, on November 1, 2010, the City's Local Planning Agency (LPA), held a public hearing and made recommendations regarding the adoption of the proposed Amendments to the Capital Improvements Element; and

WHEREAS, the City Commission finds that this ordinance is consistent with the provisions in the Florida Statutes, which require the City to provide for adequate public facilities, including adequate public school facilities, to support anticipated growth within the City over the next five (5) years; and

WHEREAS, The City Commission has found that the proposed Capital Improvements Plan as updated this year to be consistent with the City's comprehensive plan and to meet all statutory and regulatory requirements;

WHEREAS, the City Commission finds that this ordinance implements the goals, objectives and policies necessary to achieve the annual update for the City's capital improvements as required by applicable law.

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

Section I: Adoption: The Comprehensive Plan is hereby amended to revise the following Capital Improvement Element policy to read as follows:

Policy 8-1.5.4 : Five Year CIP: As part of the yearly budgeting process, the City shall develop and maintain a Five Year Capital Improvement Plan to plan for future improvements. This Five Year Plan shall reflect the needs identified in other elements of this comprehensive plan and be financially feasible. The tables contained in Exhibit "A", attached hereto and incorporated herein, illustrates the current five (5) year Capital Improvement Plan for fiscal years 2010/2011 to 2014/2015 ~~2009/2010 to 2013/2014~~.

Section II: Exhibit Replacement: Exhibit "A" affixed to this Ordinance is hereby adopted as part of Comprehensive Plan Capital Improvement Policy 8-1.5.4 and shall be the exhibit referenced in Policy 8-1.5.4. Exhibit "A" as adopted in Ordinance 10-06 is hereby repealed and replaced in its entirety by Exhibit "A" affixed to this Ordinance.

Section III: Conflicts: In the event of a conflict or conflicts between this ordinance and any other ordinances, this Ordinance controls.

Section IV: Severability: If any portion of this Ordinance is determined to be 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: It is the intention of the City Commission of the City of Winter Garden that the Comprehensive Plan Amendment proposed by this Ordinance shall become and be made a part of the

Comprehensive Plan of the City of Winter Garden. Goals, Objectives, and Policies of the Comprehensive Plan may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the Comprehensive Plan Amendment as adopted. For solely organizational purposes, the City Clerk is hereby directed to ensure that appropriate numbers are affixed to the Goals, Objectives, and Policies in the Comprehensive Plan prior to Codification of the Comprehensive Plan Amendment.

Section VI: Transmittal: Within ten (10) working days after adoption of this Ordinance, the City Planning Department is directed to transmit this Comprehensive Plan Amendment to the Department of Community Affairs in accordance with Rule 9J-11.011(5) Florida Administrative Code.

Section VII: Effective Date: Pursuant to Rule 9J-11.011(10), F.A.C., the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes, whichever is applicable. This amendment shall not be utilized as a basis for approving or issuing any development orders, development permits or land uses before such amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

FIRST READING AND PUBLIC HEARING: November 11, 2010

SECOND READING AND PUBLIC HEARING: December 9, 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

Exhibit "A"
City of Winter Garden
5-Year Schedule of Capital Improvements
2010/2011 - 2014/2015

Table 1: Projects

Line No.	PROJECT NAME	Fund Source	2010/2011	2011/2012	2012/2013	2013/2014	2014-2015	Totals	
1	Parks and Recreation								
2	Lulu Creek Trail	GO	PARKS AND REC	-	316,000	-	-	316,000	
3	Farmer's Market -Park/Fountain (Design)	GO	PARKS AND REC	1,200,000	-	-	-	1,200,000	
4	Farnsworth Pool Renovations	GO	PARKS AND REC	-	325,000	350,000	585,000	1,605,000	
5	Park and Recreation: GO Total			\$1,200,000	\$641,000	\$350,000	\$585,000	\$345,000	\$3,121,000
6	Roadway Improvements								
7	CR 545 South	GIF	STREETS	-	9,000,000	-	-	9,000,000	
8	Marsh Rd (545 to Hickory Hammock)	GIF	STREETS	-	1,000,000	3,250,000	-	4,250,000	
9	Roadway: General Fund Impact Fee Sub-Total			-	10,000,000	3,250,000	-	-	13,250,000
10	External Funding Sources								
11	SR 50 (FDOT Item Nos. 239535-2 & 410983-1) ¹	FDOT	ARRA	363,370	130,000	12,530,000	-	71,000	15,340,831
12	Florida's Turnpike (FDOT Item Nos. 406146-1 & 406148-3) ¹	FDOT	FDOT	11,584,781	-	-	-	-	11,584,781
13	External Funding Sources Sub-Total			11,948,151	130,000	12,530,000	-	71,000	26,925,612
14	Roadway Total			11,948,151	10,130,000	15,780,000	-	71,000	40,175,612
15	Stormwater Drainage								
16	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	S	STORMWATER	31,400	258,750	-	-	290,150	
17	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	S	STORMWATER	107,000	-	-	-	107,000	
18	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	S	STORMWATER	-	67,500	-	-	67,500	
19	Dillard Street - Verna Street north to Division (Design & Construction)	S	STORMWATER	-	-	67,500	-	67,500	
20	Lulu Creek	S	STORMWATER	-	1,500,000	-	-	1,500,000	
21	Main Street - Story To Vining (Design & Construction)	S	STORMWATER	31,750	-	-	-	31,750	
22	Midget Place - Surprise to Palm (Design & Construction)	S	STORMWATER	5,600	37,500	-	-	43,100	
23	North Dillard - Surprise to Division (Design & Construction)	S	STORMWATER	-	-	11,960	59,570	71,530	
24	N Highland - Henderson to Newell (Design & Construction)	S	STORMWATER	30,250	-	-	-	30,250	
25	Palm Drive - Regal Place to Division (Design & Construction)	S	STORMWATER	-	9,375	62,500	-	71,875	
26	South Highland - Smith to R/R track (Design & Construction)	S	STORMWATER	3,750	25,000	-	-	28,750	
27	South Main - Smith to Tremaine (Design & Construction)	S	STORMWATER	33,500	-	-	-	33,500	
28	South Woodland Street - Smith to Tremaine (Design & Construction)	S	STORMWATER	8,165	40,595	-	-	48,760	
29	Tremaine Street - Main to Dillard (Design & Construction)	S	STORMWATER	-	-	9,430	47,035	56,465	
30	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	S	STORMWATER	-	50,250	-	-	50,250	
31	Stormwater Total			251,415	1,988,970	151,390	106,605	-	2,498,380
32	Solid Waste								
33	Rearload Truck	SW	SOLID WASTE	220,046	-	-	-	220,046	
34	Fully Automated Truck	SW	SOLID WASTE	215,770	-	-	-	215,770	
35	Solid Waste Total			435,816	-	-	-	-	435,816
36	Sanitary Sewer								
37	Hennis Road Gravity Sewer	UIF-WW	COLLECTION	26,500	218,960	-	-	245,460	
38	Utility Line Relocation SR 50 (Construction)	UIF-WW	COLLECTION	96,100	-	-	-	96,100	
39	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF-WW	COLLECTION	-	131,400	-	-	131,400	
40	Palm Drive - Regal Place to Division (Design & Construction)	UIF-WW	COLLECTION	-	11,600	77,450	-	89,050	
41	Crest Avenue WWTP Expansion	UIF-WW	WASTEWATER	-	-	-	2,500,000	2,500,000	
42	Crest Avenue WWTP Electrical Upgrades	UIF-WW	WASTEWATER	45,000	-	-	-	45,000	
43	Crest Ave WWTP Equalization Tank Design	UIF-WW	WASTEWATER	205,000	-	-	-	205,000	
44	Reclaimed Water PH 3	UIF-WW	WASTEWATER	-	-	-	3,900,000	3,900,000	
45	Plant St Segment 2 Sanitary (gravity & force)	UIF-WW	WASTEWATER	275,000	-	-	-	275,000	

City of Winter Garden City Commission
Regular Meeting Agenda for December 9, 2010

46	Plant St Segment 3 Sanitary (force main)	UIF- WW	WASTEWATER	52,000	-	-	-	-	52,000
47	Dreyfus/North Street Preer-treatment Upgrades	UIF- WW	WASTEWATER	-	-	1,200,000	-	-	1,200,000
48	Utility Line Relocation SR 50 (Construction)	UIF- WW	WASTEWATER	577,000	-	-	-	-	577,000
49	2" Water Main Upgrades	UIF- WW	WASTEWATER	500,000	500,000	500,000	500,000	500,000	2,500,000
50	Sanitary Sewer: UIF-WW Sub-Total			1,776,600	861,960	1,777,450	6,900,000	500,000	11,316,010
51	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	URR- WW	COLLECTION	13,450	77,280	-	-	-	90,730
52	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	URR- WW	COLLECTION	70,800	-	-	-	-	70,800
53	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	URR- WW	COLLECTION	-	38,500	-	-	-	38,500
54	Dillard Street - Verna Street north to Division (Design & Construction)	URR- WW	COLLECTION	-	-	38,500	-	-	38,500
55	Main Street - Story To Vining (Design & Construction)	URR- WW	COLLECTION	32,500	-	-	-	-	32,500
56	Midget Place - Surprise to Palm (Design & Construction)	URR- WW	COLLECTION	5,850	39,100	-	-	-	44,950
57	North Dillard - Surprise to Division (Design & Construction)	URR- WW	COLLECTION	-	-	12,995	64,975	-	77,970
58	N Highland - Henderson to Newell (Design & Construction)	URR- WW	COLLECTION	29,500	-	-	-	-	29,500
59	Palm Drive - Regal Place to Division (Design & Construction)	URR- WW	COLLECTION	-	11,000	73,150	-	-	84,150
60	South Highland - Smith to R/R track (Design & Construction)	URR- WW	COLLECTION	5,750	28,750	-	-	-	34,500
61	South Main - Smith to Tremaine (Design & Construction)	URR- WW	COLLECTION	32,000	-	-	-	-	32,000
62	South Woodland Street - Smith to Tremaine (Design & Construction)	URR- WW	COLLECTION	9,660	48,415	-	-	-	58,075
63	Tremaine Street - Main to Dillard (Design & Construction)	URR- WW	COLLECTION	-	-	8,800	50,370	-	59,170
64	Utility Line Relocation SR 50 (Construction)	URR- WW	COLLECTION	867,500	-	-	-	-	867,500
65	Sanitary Sewer: URR-WW Sub-Total			1,067,010	243,045	133,445	115,345	-	1,558,845
66	Sanitary Sewer Total			2,843,610	1,105,005	1,910,895	7,015,345	500,000	13,374,855
67	Potable Water								
68	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	UIF- W	DISTRIBUTION	4,700	26,968	-	-	-	31,668
69	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	UIF- W	DISTRIBUTION	51,600	-	-	-	-	51,600
70	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	UIF- W	DISTRIBUTION	-	29,375	-	-	-	29,375
71	Dillard Street - Verna Street north to Division (Design & Construction)	UIF- W	DISTRIBUTION	-	-	29,375	-	-	29,375
72	N Highland - Henderson to Newell (Design & Construction)	UIF- W	DISTRIBUTION	25,900	-	-	-	-	25,900
73	South Highland - Smith to R/R track (Design & Construction)	UIF- W	DISTRIBUTION	3,300	21,875	-	-	-	25,175
74	South Main - Smith to Tremaine (Design & Construction)	UIF- W	DISTRIBUTION	25,000	-	-	-	-	25,000
75	South Woodland Street - Smith to Tremaine (Design & Construction)	UIF- W	DISTRIBUTION	7,935	39,445	-	-	-	47,380
76	Tremaine Street - Main to Dillard (Design & Construction)	UIF- W	DISTRIBUTION	-	-	8,280	41,400	-	49,680
77	Utility Line Relocation SR 50 (Construction)	UIF- W	DISTRIBUTION	59,800	-	-	-	-	59,800
78	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF- W	DISTRIBUTION	70,200	-	-	-	-	70,200
79	Woodlark Water Storage Tank II	UIF- W	DISTRIBUTION	-	-	-	2,000,000	-	2,000,000
80	Woodlark Water Well #2	UIF- W	DISTRIBUTION	-	-	-	1,500,000	-	1,500,000
81	Tilden Rd. Reuse (Belle Meade-Emrld. Ridge)	UIF- W	DISTRIBUTION	306,000	-	-	-	-	306,000
82	CR 545 Reuse (SR 50 to Johns Lk. Pt.)	UIF- W	DISTRIBUTION	-	427,500	-	-	-	427,500
83	Stoneybrook Reuse Main Extension	UIF- W	DISTRIBUTION	-	241,000	-	-	-	241,000
84	Courtlea Park/Oak Glenn Reuse Main Ext.	UIF- W	DISTRIBUTION	287,500	-	-	-	-	287,500
85	Lakehurst Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	624,000	-	-	624,000
86	Pebble Ridge Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	588,000	-	-	588,000
87	Foxhunt Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	132,000	-	-	132,000
88	Brookhaven/Vineland Reuse Main Ext.	UIF- W	DISTRIBUTION	-	-	576,000	-	-	576,000
89	Wintermere Harbour Reuse Main Ext. & Retro	UIF- W	DISTRIBUTION	-	-	-	-	324,000	324,000
90	Wintermere Pt. Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	-	-	1,224,000	1,224,000
91	Windward Cay Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	-	-	288,000	288,000
92	Fuller's Cross 16" Water Main Ext.	UIF- W	DISTRIBUTION	-	346,000	346,000	-	-	692,000
93	Tilden Rd. 12" Water Main Ext. (East & West)	UIF- W	DISTRIBUTION	-	-	48,000	409,000	412,000	869,000
94	Plant St. Segment 2 Water Main	UIF- W	DISTRIBUTION	255,500	-	-	-	-	255,500
95	Plant St. Segment 2 Reuse Main	UIF- W	DISTRIBUTION	255,500	-	-	-	-	255,500
96	Plant St. Segment 3 Water Main	UIF- W	DISTRIBUTION	203,500	-	-	-	-	203,500

City of Winter Garden City Commission
 Regular Meeting Agenda for December 9, 2010

97	Plant St. Segment 3 Reuse Main	UIF- W	DISTRIBUTION	203,500	-	-	-	-	203,500
98	Potable Water: UIF-W Sub-Total			1,759,935	1,132,163	2,351,655	3,950,400	2,248,000	11,442,153
99	Utility Line Relocation SR 50 (Construction)	URR- W	DISTRIBUTION	577,000	-	-	-	-	577,000
100	Potable Water: URR-W Sub-Total			577,000	-	-	-	-	577,000
101	Main Street - Story To Vining (Design & Construction)	U-W	DISTRIBUTION	27,000	-	-	-	-	27,000
102	Midget Place - Surprise to Palm (Design & Construction)	U-W	DISTRIBUTION	4,600	30,750	-	-	-	35,350
103	North Dillard - Surprise to Division (Design & Construction)	U-W	DISTRIBUTION	-	-	8,395	41,975	-	50,370
104	Potable Water: U-W Sub-Total			31,600	30,750	8,395	41,975	-	112,720
105	Potable Water Total			2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
106	TOTAL			\$24,130,996	\$15,023,746	\$17,790,469	\$11,699,325	\$3,161,340	\$71,737,536

Fund Source Codes:

- GO - General Fund
- GIF - General Fund Impact Fee
- LOGT - Local Option Gas Tax
- S - Stormwater Fund
- SW - Solid Waste Fund
- U-W - Utility Water
- U-WW - Utility Waste Water
- UIF-W - Utility Impact Fee Water
- UIF-WW - Utility Impact Fee Waste Water
- URR-W - Utility Renewal and Replacement Water
- URR-WW - Utility Renewal and Replacement Waste Water
- ARRA - American Recovery and Reinvestment Act (Stimulus Funds)

Notes:

- 1 - Source: FDOT 5, Mr. John Moore, Systems Planner, 10/22/2010

Exhibit "A"
 (continued)
City of Winter Garden
5-Year Schedule of Capital Improvements
2010/2011 - 2014/2015

Table 2: Expenditure Summary by Functional Category

Functional Category	Fiscal Year					Total
	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	
Parks and Recreation	1,200,000	641,000	350,000	585,000	345,000	3,121,000
Roadway	11,948,151	10,130,000	15,780,000	0	71,000	37,858,151
Stormwater	251,415	1,988,970	151,390	106,605	0	2,498,380
Solid Waste	435,816	0	0	0	0	435,816
Sanitary Sewer	2,843,610	1,105,005	1,910,895	7,015,345	500,000	12,874,855
Potable Water	2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
Total	\$19,047,527	\$15,027,888	\$20,552,335	\$11,699,325	\$3,164,000	\$69,420,075

Table 3: Fund Summary by Revenue Source

Functional Category	Revenue Source	Fiscal Year					Total
		2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	
Parks and Recreation							
	General Fund	1,200,000	641,000	350,000	585,000	345,000	3,121,000
	Sub-Total	1,200,000	641,000	350,000	585,000	345,000	3,121,000
Roadway							
	General Fund Impact Fee	-	10,000,000	3,250,000	-	-	13,250,000
	External Funding Sources	11,948,151	130,000	9,768,134	-	71,000	24,608,151
	Sub-Total	11,948,151	10,130,000	15,780,000	-	71,000	37,858,151
Stormwater							
	Stormwater Fund	251,415	1,988,970	151,390	106,605	-	2,498,380
	Sub-Total	251,415	1,988,970	151,390	106,605	-	2,498,380
Solid Waste							
	Solid Waste Fund	435,816	-	-	-	-	435,816
	Sub-Total	435,816	-	-	-	-	435,816
Sanitary Sewer							
	Utility Fund	-	-	-	-	-	-
	Utility Impact Fee	1,776,600	861,960	1,777,450	6,900,000	500,000	11,316,010
	Utility Renewal and Replacement	1,067,010	243,045	133,445	115,345	-	1,558,845
	Sub-Total	2,843,610	1,105,005	1,910,895	7,015,345	500,000	12,874,855
Potable Water							
	Utility Impact Fee	1,759,935	1,132,163	2,351,655	3,950,400	2,248,000	11,442,153
	Utility Renewal and Replacement	577,000	-	-	-	-	577,000
	Utility Water	31,600	30,750	8,395	41,975	-	112,720
	Sub-Total	2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
	Total	\$19,047,527	\$15,027,888	\$20,552,335	\$11,699,325	\$3,164,000	\$69,420,075