



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

REGULAR MEETING

APRIL 28, 2011

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of April 14, 2011

2. PRESENTATIONS

A. Introduction of Kathy Salerno, Outreach and Education Coordinator for the State of Florida Chief Financial Officer Jeff Atwater

B. [Proclamation 11-03](#) declaring the month of April as Water Conservation Month – Mayor Rees

C. [Proclamation 11-05](#) declaring the month of May as Character Development Month – Mayor Rees

3. FIRST READING OF PROPOSED ORDINANCES

A. [Ordinance 11-09](#): AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO REMOVE OBSOLETE PROVISIONS PERTAINING TO SUPERSEDED IMPACT FEE RATES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for May 12, 2011** – Public Services Director Cochran

B. [Ordinance 11-10](#): AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS AND THE ABUSE OF PRESCRIPTION PAIN MEDICATION; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF NEW PAIN MANAGEMENT CLINICS AND ON THE EXPANSION OR RELOCATION OF EXISTING PAIN MANAGEMENT CLINICS; RESTRICTING HOURS OF OPERATION FOR SUCH CLINICS; DIRECTING STAFF TO STUDY AND REPORT TO THE CITY COMMISSION ON ISSUES RELATING TO PAIN MANAGEMENT CLINICS BY A DATE CERTAIN; PROVIDING FOR PENALTIES, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for May 12, 2011** – City Manager Bollhoefer

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. [Ordinance 11-04](#): AN ORDINANCE PURSUANT TO SECTION 125.01(1) (Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY BLACK LAKE/LAKE TILDEN MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE – Community Development Director Wilson

5. REGULAR BUSINESS

A. Recommendation to approve the request for proposal rankings and authorize staff to negotiate a contract with Utility Services, Inc. for the exterior painting of the Fullers Cross and Palmetto water tanks in the amount not to exceed \$97,000.00 – Public Services Director Cochran

- B. Recommendation to waive the competitive bid process and approve the emergency purchase of a modular office building that will house Public Services operations, from ModSpace Corporation for \$218,716.00 – Public Services Director Cochran
- C. **Resolution 11-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM (*Postponed April 14, 2011*)
- D. **Resolution 11-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A DOWNTOWN GOLF CART DISTRICT PURSUANT TO § 74-4 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; IDENTIFYING STREETS UPON WHICH GOLF CARTS MAY BE OPERATED; PROVIDING FOR SIGNAGE; AND PROVIDING FOR AN EFFECTIVE DATE (Hyde Park) – City Manager Bollhoefer

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

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

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
A. Discussion on towing agreements

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on May 12, 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.

Proclamation **11-03**

Whereas, water is a basic and essential need of every living creature; and

Whereas, the State of Florida, Water Management Districts and the City of Winter Garden are working together to increase awareness about the importance of water conservation; and

Whereas, the City of Winter Garden and the State of Florida have designated April, typically a dry month when potable water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

Whereas, the City of Winter Garden has always encouraged and supported water conservation, through various educational programs and special events; and

Whereas, every business, industry, school, and citizen can make a difference when it comes to conserving water; and

Whereas, each business, industry, school, and citizen can help save water and thus promote a healthy economy and community; and

Now, therefore, be it resolved that by virtue of the authority vested in me as Mayor of the City of Winter Garden and Commissioners do hereby proclaim the month of April 2011 as

“WATER CONSERVATION MONTH”

And call upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 28th day of April, 2011.



Mayor John Rees

Attest:



Kathy Golden, City Clerk

Proclamation

11-05

Whereas, the Orange County Public Schools 2011 Character Development Initiative is important, and vital in assisting in developing a community with honorable character; and

Whereas, we recognize a society where citizens have been diverse and divided, it is essential that schools and communities foster a commitment to character and civility; and

Whereas, in a community with honorable character, elected officials, community leaders and citizens recognize and promote the critical importance of good character in building a safe, productive and caring community; and

Whereas, character traits can be the fabric which ties us together as a community where we promote a person of character, a family of character, a school of character, a business of character, etc. ; and

Whereas, we honor, celebrate and sustain this very worthwhile community endeavor.

Therefore, I John Rees, as the Mayor of the City of Winter Garden, Florida, do hereby proclaim the month of May 2011 as

“CHARACTER DEVELOPMENT MONTH”

In witness thereof, I have hereunto set my hand and caused the City Seal to be affixed this 28th day of April, 2011.



Mayor John Rees

Attest:



Kathy Golden, City Clerk

ORDINANCE 11-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO REMOVE OBSOLETE PROVISIONS PERTAINING TO SUPERSEDED IMPACT FEE RATES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 13, 2011, the City enacted Ordinance #11-02, which amended Chapter 78 of the Winter Garden Code of Ordinances by providing, in part, for the addition of new § 78-59 governing water and wastewater impact fees, including water impact fees for irrigation purposes;

WHEREAS, certain portions of Section 78-57 of the City's Code of Ordinances continue to contain obsolete references to impact fees for irrigation purposes superseded by Ordinance #11-02; and

WHEREAS, for clarification, the City desires to remove such obsolete and superseded portions of Section 78-57 of the Winter Garden Code of Ordinances.

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

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

Section 2: Adoption. Section 78-57(c) & (d) of the Code of Ordinances, City of Winter Garden, are hereby deleted as follows, and Section 78-57(e) shall be relettered as 78-57(c) to account for such deletion (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

(c) ~~Meter impact fee by meter size. The meter impact fee by meter size shall be as follows:~~

TABLE INSET:

Meter Size (inches)	Impact Fees[1]
3/4	\$536.00
1	1,310.00
1 1/2	2,096.00
2	2,995.00

(d) ~~Meter installation charges. Installation charges shall be the costs of labor and materials, including, but not limited to, the costs of the meters, meter boxes, corporation stops, valves, and appurtenances thereof, plus a surcharge of 20 percent to cover engineering and administration costs.~~

(e) ~~Residential use of irrigation meter installation.~~ Only three-quarter-inch size irrigation meters are authorized for installation on residential lots for irrigation purposes for those customers which receive both individually metered domestic and irrigation service from a single service connection.

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

Section 4: Control. To the extent that this ordinance conflicts wholly or partially with any previously enacted ordinance, this ordinance shall control to the extent any such conflict exists.

Section 5: Severability. It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid

or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 6: Effective Date. This Ordinance shall become immediately effective upon adoption at its second reading and, given the remedial nature of this Ordinance, shall be retroactively applicable as of the effective date of Ordinance 11-02.

FIRST READING: April 28, 2011.

SECOND READING AND PUBLIC HEARING: _____, 2011.

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 NO. 11-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS AND THE ABUSE OF PRESCRIPTION PAIN MEDICATION; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF NEW PAIN MANAGEMENT CLINICS AND ON THE EXPANSION OR RELOCATION OF EXISTING PAIN MANAGEMENT CLINICS; RESTRICTING HOURS OF OPERATION FOR SUCH CLINICS; DIRECTING STAFF TO STUDY AND REPORT TO THE CITY COMMISSION ON ISSUES RELATING TO PAIN MANAGEMENT CLINICS BY A DATE CERTAIN; PROVIDING FOR PENALTIES, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Winter Garden, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, local and state law enforcement agencies have found that the City, Orange County, and the State of Florida is currently experiencing an epidemic of prescription pain medication abuse and that this epidemic constitutes an immediate and pressing threat to the public health, safety, and welfare of the City; and

WHEREAS, local and state law enforcement agencies have advised that certain controlled substances lawfully used as prescription pain medications are being diverted from their lawful therapeutic uses to unlawful and dangerous drug abuse; and

WHEREAS, the unlawful distribution of prescription pain medication and increasing crime associated with such activity has created an urgent public health and safety emergency requiring immediate action; and

WHEREAS, the Florida legislature is currently in the process of reviewing the recent proliferation of pain management clinics and prescription drug epidemic arising concurrently therewith; and

WHEREAS, the Florida legislature is proposing and considering, but has not yet enacted, additional legislation designed to combat the recent proliferation of facilities primarily engaged in the dispensing of prescription pain medication (*i.e.*, pain clinics) and the concomitant epidemic of prescription pain medication abuse in the state of Florida; and

WHEREAS, several counties and municipalities in Florida have established moratoria on new pain management clinics to help curb the immediate and unchecked deleterious consequences of these clinics, such consequences including illegal drug trafficking, the illegal purchase and sale of prescription pain medication, loitering and other criminal behavior in and around such clinics, the diversion of prescription drugs for unlawful and dangerous uses, and an alarming increase in deaths related to and caused by prescription drug abuse; and

WHEREAS, on December 2, 2010, the Florida Department of Law Enforcement (the "FDLE") released the Florida Medical Examiners Commission 2010 Interim Report on Drugs Identified in Deceased Persons. The report aggregated toxicology reports submitted to the Florida Medical Examiners Commission and found that during January through June of 2010, of the 89,800 deaths occurring in Florida from all causes, 4,150 were drug-related. Of the 4,150 drug-related deaths, the report found as follows:

The drug that caused the most deaths during the study period (715 decedents) was Oxycodone (trade names include OxyContin).

Prescription drugs accounted for 81% of all drug-related deaths when excluding deaths related to Ethyl Alcohol.

1,268 people died with at least one prescription drug in their system that was, in the opinion of the medical examiner, the cause of death.

In the Ninth Medical Examiner District (consisting of Orange and Osceola counties), 63 deaths were related to Alprazolam (trade names include Xanax).

In the Ninth Medical Examiner District, 27 deaths were related to Diazepam (trade names include Valium).

In the Ninth Medical Examiner District, 76 deaths were related to Oxycodone (trade names include OxyContin).

In the Ninth Medical Examiner District, 30 deaths were related to Hydrocodone (trade names include Vicodin and Lortab).

In the Ninth Medical Examiner District, 15 deaths were related to Proxyphene (trade names include Darvon and Darvocet).

WHEREAS, the interim report of a Broward County grand jury entitled “The Proliferation of Pain Clinics in South Florida” (dated November 19, 2009) identified Orange County as one of the top ten counties in the nation for units of Oxycodone dispensed by top 50 dispensing doctors for the period of July 2008 to December 2008 and for the period of October 2008 to March 2009; and

WHEREAS, Broward County formed a Pain Management Clinic Task Force which did extensive research and review of the issues regarding the licensing and location of pain management clinics and issued its Final Report dated January 13, 2011; and

WHEREAS, based on the foregoing studies and information from state and local law enforcement agencies, the City Commission hereby finds and declares that the abuse of prescription pain medication can and does lead to property crimes, violent crime, drug dependency, debilitating sickness, and death; and

WHEREAS, this Ordinance is not intended to interfere with the lawful prescription and use of controlled substances; and

WHEREAS, the City Commission hereby finds and declares that the temporary moratorium established by this Ordinance is being imposed for the minimum amount of time necessary for City staff to analyze and report to the City Commission on the matter of prescription drug abuse and pain management clinics; and

WHEREAS, the City Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a significant and important governmental interest.

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

AUTHORITY. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

FINDINGS OF FACT. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

DEFINITIONS. For the purposes of this Ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:

“Conduct business” means any one or more of the following activities:

Seeing or examining patients.

Filling prescriptions or otherwise providing controlled substances to patients or customers.

Settling accounts receivable for goods or services provided onsite.

Inviting or allowing patients or customers into the premises.

Allowing patients or customers to congregate or await goods or services within the premises.

“Controlled substance” means any substance named or described in Schedules I through V of section 893.03, Florida Statutes, as may be amended from time to time.

“Pain management clinic” means a privately owned pain management clinic, facility, or office (hereinafter referred to as a “clinic”), which advertises in any medium for any type of pain management service, or employs a physician or osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, including but not limited to opiates and opioids such as codeine, fentanyl, hydrocodone, morphine and oxycodone. For the purposes of this ordinance, pain management clinics shall be considered a land use separate and distinct from all other clinical or medical uses described in the City’s code of ordinances. Regardless of the foregoing, the following types of facilities shall be exempt from the effect of this Ordinance:

Clinics licensed as a facility pursuant to chapter 395, Florida Statutes.

Clinics where the majority of the physicians or osteopathic physicians who provide services primarily provide surgical services.

Clinics owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation’s most recent fiscal quarter exceeded \$50 million.

Clinics affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

Clinics that do not prescribe or dispense controlled substances for the treatment of pain.

Clinics owned by a corporation exempt from federal taxes pursuant to 26 United States Code section 501(c)(3) or (4), as may be amended.

TEMPORARY MORATORIUM. Beginning on the effective date of this Ordinance and continuing through May 12, 2012, or sooner as provided in Section 5 of this Ordinance, a moratorium is hereby imposed on the opening of new pain management clinics and on the expansion or relocation of existing pain management

clinics. During the moratorium, the following shall be unlawful and a violation of this Ordinance:

During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to open or caused to be opened any pain management clinic within the City of Winter Garden.

During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to relocate or cause to be relocated any pain management clinic within the City of Winter Garden.

During the moratorium, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to expand or cause to be expanded any pain management clinic within the City of Winter Garden. For the purposes of this subsection, the terms “to expand” and “cause to be expanded” mean to “enlarge the physical size of”.

EXPIRATION OF THE TEMPORARY MORATORIUM. The temporary moratorium imposed by Section 4 of this Ordinance expires as of the earliest of the following occurrences:

May 12, 2012, one year from the effective date of this Ordinance; or

The effective date of an ordinance, adopted by the City Commission after the effective date of this ordinance, that addresses the appropriate location of and zoning classifications for pain management clinics located within the City of Winter Garden; or

At such time as the City Commission receives a report from City staff on issues relating to pain management clinics and votes by majority vote to repeal this moratorium.

HOURS OF OPERATION. During the moratorium established by this Ordinance, it is unlawful and a violation of this Ordinance for any person, firm, or corporation to conduct business at an existing pain management clinic between 8:00 p.m. and 8:00 a.m. the following day.

STAFF REPORT.

This moratorium has been established for the minimum time period necessary for the City staff to analyze the effects and impacts of pain management clinics in the City of Winter Garden; analyze the criteria for additional standards needed, if any, under zoning, land use, land development and general police power regulations in connection with the issuance of development permits, business licenses, business tax receipts, or approvals for pain management clinics within the City; analyze any new laws regarding pain management clinics enacted by the Florida legislature; complete an analysis of illegal drug use, distribution patterns and other public health,

safety and welfare issues that are associated with some pain management clinics that dispose narcotics on site; and to take recommendations to the City Commission regarding whether there is a need to enact an ordinance regulating pain management clinics so as to promote the health, safety and general welfare of the citizens of the City.

City staff is directed to provide a report to the City Commission of its findings and recommendations not later than April 15, 2012.

PENALTIES. Unless as otherwise provided herein, violations of this Ordinance shall be punishable in accordance with § 118-6 of the City of Winter Garden Code. In addition, the City may bring any other action available at law or equity to penalize or enjoin violations of this Ordinance.

CONFLICTS. All ordinances or parts of ordinances in conflict herewith are suspended for the duration of the moratorium established by this Ordinance.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder.

EFFECTIVE DATE. This Ordinance shall become effective upon its adoption.

FIRST READING: April 28, 2011.

SECOND READING AND PUBLIC HEARING: _____, 2011.

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 NO. 11-04

AN ORDINANCE PURSUANT TO SECTION 125.01(1) (Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY BLACK LAKE/LAKE TILDEN MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1) (q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service benefit unit (“MSBU”) for any part or all of the unincorporated areas within its boundaries, and within the municipal boundaries of an incorporated area, upon consent by ordinance of the governing body of such municipality, within which may be provided certain facilities and services;

WHEREAS, on April 20, 2010, Orange County, Florida created the Black Lake/Lake Tilden MSBU as a municipal service benefit unit pursuant to the authority of the Florida Constitution and pursuant to Section 125.01(1)(q), Florida Statutes for the purpose of general lake cleaning, water quality improvement, maintenance, and aquatic plant control in Black Lake/Lake Tilden;

WHEREAS, the City of Winter Garden, Florida (the “City”) now desires to consent to inclusion within the Black Lake/Lake Tilden MSBU boundaries certain properties located within the municipal boundaries of the City, which properties will receive a special benefit from the general lake cleaning, water quality improvement, maintenance, and aquatic plant control financed by the Black Lake/Lake Tilden MSBU;

WHEREAS, a majority of affected property and home owners voted to approve of the MSBU;

WHEREAS, the Winter Garden City Commission has determined that consenting to the MSBU is in the best interests of the City; and

BE IT ENACTED BY THE CITY OF WINTER GARDEN:

SECTION 1. CONSENT. The City of Winter Garden hereby consents to the inclusion of certain properties described herein within the boundaries of the Black Lake/Lake Tilden MSBU created pursuant to Orange County Resolution on April 20, 2010, attached hereto as Exhibit “A” and incorporated herein by reference (the “MSBU Resolution”). The properties to be located within such MSBU boundaries are more particularly described in Exhibit “B” to the MSBU Resolution and incorporated herein by reference. The properties within the Black Lake/Lake Tilden Landing subdivision, shown on the map attached hereto as Exhibit “B,” are within the City of Winter Garden. The City grants consent for each and every year on a continuing basis until terminated by the City Commission, with respect only to those terms and provisions of the MSBU Resolution and the special assessments levied thereby as are set forth in Exhibit “A” hereto.

SECTION 2. SEVERABILITY. If a court of competent jurisdiction holds or determines that any provision of this ordinance or application thereof as to any person or circumstance is void or invalid, such invalidity or void provision shall not affect other provisions or applications of this ordinance, which can be given effect. To such end, the provisions of this ordinance are declared severable.

SECTION 3. CONFLICTS. In the event of a conflict or conflicts among this ordinance and other ordinances, this ordinance shall control to the extent that any such conflict exists.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and as provided by law.

READ FIRST TIME: _____ April 14 _____, 2011

READ SECOND TIME AND
PUBLIC HEARING HELD: _____ April 28 _____, 2011

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

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RESOLUTION 11-05

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM**

WHEREAS, Sec. 2 of the City Charter states that the at the first regular commission meeting after an election, including any runoffs and swearing in of commissioner(s); and

WHEREAS, Sec. 2 of the City Charter also states the commission shall elect from among its members a Mayor Pro-Tem; and

WHEREAS, the Charter also states that the Mayor Pro-Tem shall serve until a successor is elected; and

WHEREAS, a new Mayor Pro-Tem must be appointed;

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

Section 1. That _____ is hereby appointed to serve as Mayor Pro-Tem until the first meeting after the 2012 election has been certified.

Section 2. That this resolution shall be in full force and effect immediately upon its passage and adoption.

This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 28th day of April 2011.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

RESOLUTION NO. 11- 06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A DOWNTOWN GOLF CART DISTRICT PURSUANT TO § 74-4 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; IDENTIFYING STREETS UPON WHICH GOLF CARTS MAY BE OPERATED; PROVIDING FOR SIGNAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority pursuant to § 74-4 of the City of Winter Garden Code of Ordinances to approve roadways and communities within its jurisdiction for use by golf carts; and

WHEREAS, the City Commission desires to allow golf-carts to travel the streets identified for golf cart use in the Map attached hereto and incorporated herein as **Exhibit “A”**; and

WHEREAS, given the speed, volume, and character of motor vehicle traffic utilizing the roads and streets designated for golf cart use in **Exhibit “A”**, the City Commission has determined that golf carts are capable of being safely operated upon such roads and streets;

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

Section 1. *Adoption of Representations.* The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. *Authorization to Operate Golf Carts on Specified City Streets.* The City Commission of the City of Winter Garden hereby designates those city streets designated and marked in **Exhibit “A”** attached hereto and incorporated herein as those streets upon which golf carts may be operated in the City subject to the provisions of § 74-4 of the City of Winter Garden Code and Chapter 316, Florida Statutes. The City shall further provide signage and notice to the citizens of golf cart use within the designated areas.

Section 3. *Effective Date.* This Resolution shall take effect upon its adoption by the City Commission.

ADOPTED at a Regular Meeting this _____ day of _____, 2011.

**CITY COMMISSION OF THE CITY OF
WINTER GARDEN, FLORIDA**

ATTEST:

John Rees, Mayor/Commissioner

Kathy Golden, City Clerk