



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

REGULAR MEETING

OCTOBER 11, 2012

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Budget Hearings and Regular Meeting of September 27, 2012

2. FIRST READING OF PROPOSED ORDINANCE

A. **Ordinance 12-61:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2 OF ARTICLE II, CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ELIMINATION OF THE CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEE; PROVIDING FOR PARTIAL REFUNDS OF PAID CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 25, 2012** – City Manager Bollhoefer

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 12-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

4. REGULAR BUSINESS

A. Selection of a voting delegate and alternate for the National League of Cities Convention November 28 – December 1, 2012 – 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

8. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a Regular Meeting on October 25, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICE: In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.



Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254.



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES September 27, 2012

A **BUDGET HEARING** and **REGULAR MEETING** of the Winter Garden City Commission were called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to the City Manager – Administrative Services Frank Gilbert, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Recreation Director Jay Conn, Fire Chief John Williamson, and West Orange Times Reporter Kelsey Tressler

1. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2012/2013**

- A. **Ordinance 12-45:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-45 by title and stated that the ordinance establishes a millage rate of 4.2500 mills with the millage rate being less than the roll back rate of 4.3585 mills by 2.49 percent.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt ordinance 12-45. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Ordinance 12-46:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-46 by title only and read the following excerpt from Ordinance 12-46:

Collection of Ad Valorem	\$ 7,770,831
Revenue other than Ad Valorem	<u>16,622,056</u>
TOTAL REVENUES	\$24,392,887
Appropriations from Fund Balance	<u>46,344</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$24,439,231

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 12-46. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 12-47:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-47 by title and the following excerpt from Ordinance 12-47

Collection of Ad Valorem	\$ 305,342
Revenue other than Ad Valorem	<u>7,069,860</u>
TOTAL REVENUES	\$7,375,202
Appropriations from Fund Balance	<u>576,596</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$7,951,798

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 12-47. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 12-48:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2012-13 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 12-48. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. **APPROVAL OF MINUTES**

- A. Executive Session, Budget Hearings and Regular Meeting of September 13, 2012
- B. Special Meeting of September 20, 2012

Motion by Commissioner Buchanan to approve the Executive Session, Budget Hearings and Regular meeting minutes of September 13, 2012 and Special Meeting Minutes of September 20, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

3. **PRESENTATION**

Proclamation 12-26 was read by Mayor Rees to recognize the Winter Garden Farmers Market as America's Favorite Farmers Market in the medium size category and was presented to Dana Brown et al.

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

- A. **Ordinance 12-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 105.68 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD(CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 17201, 17301 AND 17310 MARSH ROAD AND 1751 WILLIAMS ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE PHASE 2 URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-44 by title only.

Community Development Director Williams stated that this is the second reading and public hearing on this rezoning application for the urban village planned unit development (UVPUD) designation as submitted by Centerline Homes and the property owners. This is the second phase of the previous project approved to the east. The project has been reviewed by staff and consultants. The project was reviewed against the City's adopted comprehensive plan, future land use map, zoning requirements for consistency with Joint Planning Area 6 interlocal agreement with Orange County, consistency with the requirements of the Wekiva Protection Act, and the City's concurrency requirements.

Mr. Williams stated that a community meeting was held and many area residents, especially the rural settlement attended. While they did have questions and issues, after seeing and discussing the plans they were very supportive of the project. The appropriate buffers per joint area six, next to the rural settlement, had been provided on the plans. They were very happy with the approach on transportation, providing the roundabouts, and lowering the speed limits on Marsh Road and making it more of a residential character.

Mr. Williams noted that in the report is staff's recommendation which includes an analysis of the comprehensive plan as it applies to this application and a review of the criteria for rezoning requests as it applies to this application.

Mr. Williams stated that staff believes that this planned development which is 296 single family residential units on various lot sizes and 17 live and work units that justify giving it the planned unit development designation. He noted that this planned development has less units than if a standard subdivision were proposed. It has more open space, recreation area, preserves lake frontage by putting park and open space along the lake, diversity in lot sizes and housing types, better environmental controls and the traffic conditions required will improve the transportation system in that area. Included is a lakeside park and a large trail along the road that will tie into the pedestrian/ bicycle trail down on Stoneybrook and to other areas in the City.

Mr. Williams stated that before development occurs on the property a developer's agreement will be entered into memorializing all the conditions and responsibilities of the development. Staff recommends approval of the planned unit development (PUD) subject to the conditions provided in the staff report.

Commissioner Olszewski asked about the buffer being implicitly included in the development agreement. **Mr. Williams** responded that not only is it implicit, but has been drawn in and shown on the concept land use plan and cannot be removed without another series of hearings.

Commissioner Olszewski asked if there was indigenous wildlife in this area and what precautionary steps were being taken by the developer to ensure it is preserved. **Mr. Williams** responded that any species of special concern or threatened and endangered species would have to be protected. Studies thus far have not shown these kinds of species but what is typical of the area. Large open areas will maintain those populations with some relocating because they are not typically happy in the middle of a development.

At this time, Mayor Rees opened the public hearing.

Tom Sullivan, representative for the applicant Centerline Homes, stated that they are in complete agreement with the staff report and the detailed professional analysis attached to the report recommending approval of Phase 2 of this PUD.

Mr. Sullivan noted that this project offers a continuation of the multi-purpose trail, a large waterfront community park, and an additional roundabout on Marsh Road. He stated that this project is compatible with the surrounding area, is consistent with the City's Comprehensive Plan, Joint Planning Agreement 6, and also meets the approval criteria in the City's code as noted in detail in the staff report.

Mr. Sullivan submitted the professional resumes of Mike Holbrook and Scott Stearns to the City Clerk for inclusion in the record because they are experts in their field and will be providing the City with competence of substantial evidence in support of this PUD rezoning request.

Mike Holbrook, Director of Planning for Boyer, Singleton and Associates, 520 S. Magnolia Avenue, Orlando, Florida, shared his educational background. He noted that on the south side of Marsh Road they have preserved a 100 foot natural buffer and if additional buffering is needed, they would come back and supplement it if necessary. He shared that there is a community path system that will link residents so they will have pedestrian access to the lake. There are no homes fronting the lake. In this next phase they are introducing a front loaded 55 foot unit and rear loaded 40 foot unit. The unique item in this phase is the introduction of the live/work product with rear alleys to provide for resident use. There is specific language included on how these units will work.

Mr. Holbrook noted that they have taken extraordinary care on their recreation element with the addition of 1.34 acres. He noted that to the north is a five acre lakefront park which includes gazebos, access to waterfront, and is within easy walking distance of their higher density 40 foot units. He stated that they do concur with staff's recommendations.

Scott Stearns, Vice President of Land Development for Boyer, Singleton and Associates and one of the civil engineers associated with this project. He noted his educational background and professional experience. He stated that all regulating entities for stormwater and environmental issues will be met and exceeded for this project. Some of the measures will include stormwater ponds and protection of the wetlands.

Kyle Stevens, Esq., with the Law Firm of Kirwin Norris, 15 W. Church Street, Orlando, Florida, stated that he represents Ivan and Mala Lindsay who are homeowners on John's Lake and are surrounded by the proposed rezoning. They are challenging Ordinance 12-44 based on violations of the City of Winter Garden Land Development Code. He noted that at this City Commission meeting they are not challenging the ordinance based on its violations but the City of Winter Garden's comprehensive plan; that challenge will be presented at a later date. Mr. Stevens submitted eight sets of documents to the City Clerk for the record.

Patricia Tice, of Crews LLC, stated that she is a licensed professional engineer and a certified planner. Ms. Tice gave her educational and experience history. Ms. Tice stated that she has a list of ordinance issues that are not in compliance in this particular application. Ms. Tice's arguments are briefly noted below (*Note: Material was submitted into the record providing details.*)

- Section 118-834(b)(7) addresses proposed square footage of non-residential uses. Ms. Tice stated that there are 17 live/work units but the square footage for the work portion has not been designated.
- Section 118-834(b)(12) addresses common open space. Ms. Tice stated that this is not on the plan.
- The traffic study submitted for this project does include the land use for the Waterside Project (Phase 1) but no other projects along 545, Marsh Road or Stoneybrook Parkway have any vested traffic assigned to the roadway system in this particular study.
- The design is inconsistent with Section 110.
- Section 118-833(b)(6) The application is inconsistent with this section. There is no pedestrian or bicycle circulation plan.
- Section 118-1063 states that all development within the Urban Village future land use classification follows a specific set of design principles. The project should be able to stand alone and meet the requirements of the UVPUD, as should each phase.
- Section 118-1063 (b)(2) There should be an integrated park and trail system; one park is not a system. Only one trail has been identified.
- Section 118-1063 (b)(5) and (d) Mixed Use Character and Housing Diversity. The project includes exclusively residential land uses; all single family detached.
- Section 118-1063 (b)(6) Creating a focus center within the urban village. The focus center is to come at a later date in future development not yet proposed. The ordinance states that every single UVPUD must meet all of the guidelines; this is not the case.
- Section 118-1063 (c) To provide a compact integrated development pattern with a park or central feature located within a quarter mile walking distance of the majority of the residences. Eighty percent of the units in this project will not be within quarter mile walking distance.
- Section 118-1063 (d) To ensure adequate housing diversity, the urban village planned should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities. There is one housing type that will be detached and all will be owned with no rental opportunities.
- Section 118-1063 (e) Roadway cross sections shall be designed to accommodate multiple modes of transportation. No accommodations are shown for bicycle or bus service.
- Section 118-1063 (f) Emphasis shall be placed on pedestrian and bike paths. A five foot sidewalk accommodates two people side by side. There will be conflicts between bicycles and vehicles.

- Section 118-1063 states the standards of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures. There is no flexibility in this design. There are 313 residential lots. This has not been addressed yet in the remaining 657 acres.

In closing Ms. Tice stated that because this is inconsistent with the City's ordinances, it should not be approved.

Glenda Eldridge, 16673 Sandhill Road, Winter Garden (*unincorporated Orange County*), Florida, stated that she is a property/homeowner in the rural settlement. Ms. Eldridge stated that the City is putting an urban development in a rural area. She addressed the issue of the 100 foot buffer zone as being nothing for the wildlife that will relocate to other areas. She voiced her opposition to this development with 40 or 50 foot lots that does not fit the area.

Tom Sullivan noted that he has heard that the site is not urban enough and another that stated that it was too urban. He feels that they struck the right balance which is consistent with the City's regulations. He also reiterated Mr. Williams's comments that there was a tremendous amount of input from a number of folks from the Avalon rural settlement area and they were supportive.

Mr. Sullivan addressed Ms. Tice's statement; on behalf of Mr. and Mrs. Lindsay that the problem with the application is that it does not cover the entire 658 acres of the urban village. He stated that of course it doesn't because it only covers the acreage for which the application was submitted.

Mr. Sullivan addressed the mix of uses and stated that he thought it was worth noting that this is one of the many criticisms they have heard from the representative for the Lindsay's at the hearing on Phase 1, was that somehow every PUD in the city had to have multiple land uses. He thought it was ridiculous for them to think that you cannot have only single family homes within a PUD when you read the City's regulations and look around at other PUDs in the City that are only single family in nature. He noted that Phase 2 has live/work units that allow a number of nonresidential activities and they are still hearing objections. He submitted that they just simply do not want these properties developed.

Mr. Sullivan addressed what urban means by stating the City's policy 1-1.2.12 of the Future Land Use Element of the Comp Plan that these properties are required to be developed at a residential density of not greater than four dwelling units an acre, except in the village center where you can't exceed twelve dwelling units an acre. This project is outside the village center and is at less than three dwelling units an acre and clearly meets the Comp Plan.

Michael Holbrook, Director of Planning, Boyer, Singleton and Associates, stated that he took exception to two comments. One deals with pedestrian and bicycle circulation

because on sheet three of their plans it clearly shows the main collector road system with a 67 foot right-of-way of which they are providing pedestrian sidewalks and bike lanes on each side of the road. Regarding statements about not having minimum square footage for the live/work units; they have been exploring this and they have gone through extensive design details which are included in the plan. He noted that based on his professional opinion, this project is compatible with the surrounding area and is consistent with the applicable goals, objectives, and policies of the City's Comprehensive Plan.

Ed Williams noted that there are a couple of issues that staff needs to address what Ms. Tice has submitted. In Ms. Tice's opinion, this plan does not meet the intent of the City's ordinance; however staff and the Planning and Zoning Board, who is charged with the creation of this ordinance and passing it onto the City Commission, found it to be consistent with the City's Comprehensive Plan.

Mr. Williams addressed concerns about the rural settlement by noting that this area was part of the County's Horizons West property and was designated for ten to twelve dwelling units per acre. The rural settlement was and still is a protected area. The property owners in that area came to the County and the City and said they did not want to be a part of Horizons West at those high densities and would rather lower the density to four units per acre. They proposed to leave the County's jurisdiction and into the City's jurisdiction with certain protections as listed in the Joint Planning Area 6 agreement. Those were adopted and these projects are consistent with those provisions.

Mr. Williams noted that every item Ms. Tice stated were not in the plans, are actually in the plans. If it is not adequately in the plans, it is covered by a condition of approval that requires very specific actions. Staff and the Planning and Zoning Board recommend approval of this ordinance.

Commissioner Sharman thanked Mr. Williams for stating that this is less homes per acre than what would have been on this property under the County's plan at ten per acre.

Commissioner Makin noted that it was stated that there would be approximately four units per acre but is actually three. **Mr. Williams** responded that in this phase there is actually three and explained the village center could be above three but you will never see four especially with the environmental conditions within the lakefront park areas.

Mayor Rees closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 12-44 approving the Waterside on John's Lake Phase 2 Urban Village PUD and its associated preliminary development plan based on the Planning and Zoning Board recommendation for approval and competent, substantial evidence in the record indicating that Ordinance 12-44 is consistent with the Comprehensive Plan and

meets the criteria set forth in the Comprehensive Plan, JPA 6, the Future Land Use Map, land development regulations including Sections 118-827, 118-828 and 118-834, Code of Ordinances for rezoning the property to UVPUD and this motion incorporates the City staff's report findings and testimony as the basis for adoption. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 12-20:** A RESOLUTION BY THE GOVERNING BOARD OF THE CITY OF WINTER GARDEN, FLORIDA, RECOMMENDING STORAGE MANAGEMENT AND LEASING COMPANY LLC, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO S.288.106, FLORIDA STATUTES; AFFIRMING THE SITE OF THIS PROJECT IS IN A DESIGNATED BROWNFIELD AREA; PROVIDING FOR LOCAL FINANCIAL SUPPORT IN THE FORM OF CASH FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND WITH HIGH-IMPACT SECTOR BONUS; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 12-20 by title only. Economic Development Director Gerhartz shared that a new headquarters for Storage Management and Leasing Company, also known as iStorage, has signed a short term lease at 132 W. Plant Street in Winter Garden. They contemplate growing their company and their headquarters right here in Winter Garden. The business buys and renovates storage facilities all over the country. They qualify for incentives under the State's program and through Enterprise Florida as a corporate headquarters. They currently have 16 employees and plan on adding 36 employees over the next three to four years paying an average salary of \$46,638.00 without benefits. The local match in incentives would be \$54,000 for a total amount of \$270,000 and not paid until after the jobs are created.

Christopher Miller, 132 W. Plant Street, Winter Garden, Florida, Chief Executive Officer of iStorage introduced his staff and shared some history of the company's start up. He noted that they have grown to become over a \$200 million company that operates in eight different states. He expressed that he loves Winter Garden.

Motion by Commissioner Buchanan to adopt Resolution 12-20. Seconded by Commissioner Olszewski and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS**

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, thanked the City of Winter Garden staff for their efforts in the monthly car show held every third Saturday. He also thanked Commissioners Sharman and Makin for their participation in selecting the cars for their 4th anniversary. He noted that 80 to 85 percent of the participants in the car show are from outside of Winter Garden. He also thanked the West Orange Times for their article on the car show.

Mayor Rees thanked Mr. Bruns for a job well done regarding the car shows.

7. **MATTERS FROM CITY ATTORNEY** – There were no items.

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer noted that he has distributed a proposed ordinance for the City Commission's review relating to the elimination of the CR 545 Special Benefit Overlay District Road impact fee.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that he and his son enjoyed the car show.

Commissioner Olszewski announced the MusicFest event on October 5, 6, and 7th. He also announced and invited everyone to attend the East Winter Garden Community Development Corporation black tie gala on October 6th.

Commissioner Buchanan thanked City staff for all their preparations for the downtown events. He also mentioned a few projects that are looking good such as the sidewalks near Tanner Hall on Lake Apopka and the area in front of the Post Office. He stated that the City is looking real good and staff is doing a great job.

Commissioner Makin commended Andy Bruns for doing a great job with the car show event and the work he's done with the Merchants Guild and the restaurants. He stated that it brings a diverse group of people and cars and again commended Andy Bruns for a great job.

Mayor Rees noted that the music was nice and uniform throughout the historic district.

The meeting adjourned at 7:50 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Manager, Mike Bollhoefer

Date: 10/08/12

Meeting Date: 10/08/12

Subject: Elimination of the CR 545 special impact fee

Issue: On October 26, 2006 the City adopted Ordinance 06-40 creating the CR 545 Special Impact Fee. This impact fee was additional to the existing impact fee. The funds were to be used to four lane CR 545 from Tilden Road to just south of the Hickory Hammock entrance.

Staff believes that the four laning will not be necessary for several years and intersection improvements at the Tilden and CR 545 intersection and the Marsh and CR 545 intersection will be sufficient to handle the traffic for several years. There will be sufficient funds generated by the regular impact fee to pay for these improvements. Furthermore, the special impact fee has been an impediment to economic development.

Recommended action: Motion to approve the Ordinance 12-61 with the second reading on October 25, 2012.

ORDINANCE 12-61

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2 OF ARTICLE II, CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ELIMINATION OF THE CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEE; PROVIDING FOR PARTIAL REFUNDS OF PAID CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on October 26, 2006, the City Commission adopted Ordinance 06-40 which created the CR 545 Special Benefit Overlay District Impact Fee; and

WHEREAS, since the adoption of Ordinance 06-40, new development has been hindered by recession and other economic constraints; and

WHEREAS, the CR 545 Special Benefit Overlay District Impact Fee imposes additional cost on development for those properties within the overlay district; and

WHEREAS, the City has recently conducted a review of the CR 545 Special Benefit Overlay District Impact Fee and reevaluated the need for expansion of CR 545 within the foreseeable future based on current development trends; and

WHEREAS, the City has concluded that less substantial improvements to CR 545 than those previously contemplated by Ordinance 06-40 are likely to be needed in the foreseeable future as the result of current development trends, and therefore, the four-laning of and other substantial improvements to CR 545 are unlikely needed for some time; and

WHEREAS, the City Commission desires to eliminate the CR 545 Special Benefit Overlay District Impact Fee for all new development and to partially refund such impact fees previously paid as specified herein.

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

Section I. Amendment. Sections 42-55 and 42-56 of Division 2 of Article II of Chapter 42 of the Code of Ordinances is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

Sec. 42-55. - Road impact fee schedule.

(a) The road impact fee for all areas in the city shall be determined in accordance with the schedule set forth as identified in **exhibit "A"**, Traffic Impact Fee Rates.

* The business park category will be used for all speculative heavy commercial or industrial incubators.

~~(b) CR 545 Special Benefit Overlay District — In addition to the road impact fees identified above, all new developing property located within the CR 545 Special Benefit Overlay District as identified in Exhibit "B", Map of the CR545 Special Benefit Overlay Area, shall be required to pay an additional road impact fee on or prior to the issuance of certificate of occupancy in accordance with the schedule set forth as identified in Exhibit "C", Traffic Impact Fee Rates for the CR 545 Benefit Overlay Area. This fee will automatically end on October 1, 2021 without any additional commission action.~~

(eb) If an applicant for a building permit contends that the land use for which the building permit is requested is not within the categories set forth in subsection (a) of this section or is within a different category, the development review committee shall make a determination as to the appropriate land use designation. Such determination may be appealed to the city commission, whose decision shall be final and binding on the applicant.

[Editor's Note - *Exhibit B Map of the CR 545 Special Benefit Overlay Area and Exhibit C Traffic Impact Fee Rates for the CR 545 Benefit Overlay Area are deleted pursuant to the change above.*]

Sec. 42-56. - Alternative road impact fee calculation.

(a) If an applicant believes that the cost of his off-site roadway improvements needed to serve his proposed development will be less than that established in section 42-54, the applicant may submit an alternative road impact fee calculation, prepared by a competent professional within the traffic engineering field, to the city manager. The city manager may request an alternative impact fee calculation in lieu of the standard fee structure, if, in the manager's opinion, a study is warranted by exceptional traffic generation characteristics of the proposed development.

(b) The city manager shall review the data, information, and assumptions used by the applicant in the alternative road impact fee calculation to determine whether the requirements of this section are satisfied. If the city manager finds that data, information, and assumptions used by the applicant to calculate the alternative impact fee satisfy the requirements of this section, he shall recommend an alternative road impact fee for the applicant to the city commission. If the city manager finds the requirements of this section are not satisfied, he shall so advise the applicant. The applicant may appeal the city manager's decision to the city commission, and the decision of the city commission as to an alternative road impact fee or the road impact fee schedule shall be final and binding on the applicant.

(c) The alternative road impact fee shall be calculated by use of the following formula:

Alternative Impact Fee =	$\frac{(ADT) \times (DF) \times (TL) \times (C)}{CAP \times 2}$	$(1 + IF)^n \times (1 + FS)$
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Where:

ADT	=	Number of average daily trip ends generated
DF	=	Diversion capture factor (% new trips)
TL	=	Local trip length for each proposed use
CAP	=	Typical new capacity per lane mile in vehicles per day at LOS D (7500)
C	=	Cost of right-of-way acquisition plus construction costs (\$4,945,000.00 per lane mile in 2005 dollars)
IF	=	Inflation Factor projected at 2.5% per year
ⁿ	=	Number of periods from the base year of 2005
FS	=	Financing surcharge of 29.90%

~~(d) Reserved.~~

~~(e) An applicant may provide an alternative road impact fee for the CR 545 Special Benefit Overlay District Impact Fee Area subject to approval by the city manager.. The methodology for an alternative calculation should be approved prior to submittal of the calculation and shall be based upon the following formula:~~

~~CR 545 Benefit Overlay District Impact Fee per ERU = (The City's Contribution to Improve the southern section of CR 545 (approximately \$12,010,000 in 2006 dollars) + Inflation to 2011 + Debt Service Cost) / Projected number of ERUs constructed post 2005 that will effect CR 545.~~

One ERU equals the amount of traffic from one single family residential unit.

(e) ~~(f)~~ The alternative road impact fee calculations shall be based on data, information or assumptions contained in this division and supporting documents, or provided by independent sources, provided that:

(1) The independent source is an accepted standard source of transportation engineering or planning data or information;

(2) The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering;
or

(3) If a prior approved development submitted, during the approval process, a traffic impact study substantially consistent with the criteria required by this division, and if that study is determined by the city manager to still be valid, the traffic impacts of the approved development shall be presumed to be as described in such prior study. In such circumstances, the road impact fee payable for such development under this division shall be revised accordingly to reflect the presumed traffic impact of such development. There shall be a rebuttable presumption that a traffic impact study conducted more than one year prior to the effective date of the ordinance from which this division derives is invalid. This subsection shall not apply where a development order previously granted provides that this division shall supersede such traffic impact study.

(f) (~~g~~) The diversion and capture factor used in the alternative road impact fee calculations shall be that used in the March, 2004, City of Winter Garden Road Impact Fee Study or based on actual surveys conducted in the city or West Orange County. For the purposes of the alternative road impact fee calculation, the diversion and capture factor shall be the percentage of average daily trips that a proposed use will generate that constitutes new or additional trips added to the city's major road network system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips.

(g) (~~h~~) The new building shall be presumed to generate the maximum number of average daily trips to be generated by the most intensive use permitted under the applicable land development regulations, such as the comprehensive plan or zoning regulations, or under applicable deed or plat restrictions.

(h) (~~i~~) The cost of development and the city review of the alternative road impact fee calculation shall be paid by the applicant. Upon submittal of the alternative road impact fee calculation by the applicant, the finance department shall collect a review deposit of \$1,000.00 from the applicant.

(i) (~~j~~) A determination by the city manager that the alternative calculation does not satisfy the requirements of this section may be appealed to the city commission.

Section II. *Partial Refund of CR 545 Benefit Overlay Area Impact Fee.* Commencing upon thirty (30) days after the Effective Date of this Ordinance, the City will begin the process to refund, in pro rata shares, any unspent and unencumbered portion of the CR 545 Benefit Overlay Area road impact fees ("CR 545 Impact Fee") previously received by the City pursuant to Section 42-55 or 42-56 of the City Code prior to the Effective Date of this Ordinance. The pro rata refund shall be based on the ratio of the CR 545 Impact Fee paid for each parcel or property to the total amount of the CR 545 Impact Fees received by the City for all parcels and properties. All portions of the CR 545 Impact Fee received by the City that have been spent or encumbered by the City as of the

Effective Date of this Ordinance for any purpose identified in Section 42-63(a), City of Winter Garden Code of Ordinances, shall not be refunded. Partial impact fee refunds will be made in accordance with the following procedure:

(1) On or before November 30, 2012, the entity or person that paid a CR 545 Impact Fee to the City must file an application with the City Community Development Department seeking a partial refund of the CR545 Impact Fee paid by such entity or person. Any other person or entity that wishes to make a claim to a partial refund of CR545 Impact Fee previously paid to the City must file an application for the refund by November 30, 2012.

The application form will be made available by the City Community Development Department for those seeking refunds.

(2) At a minimum, the partial impact fee refund application must include the following information:

a. Name, address and telephone number of the person/entity seeking the partial refund (the “applicant”);

b. A notarized sworn statement that the applicant is the entity or person that paid the CR545 Impact Fee to the City, or alternatively the entity or person that did not pay the fee to the City but is entitled to the partial refund and setting forth the basis for such entitlement and attaching all documentation supporting the claim;

c. The legal description and address of the property for which the partial refund is sought;

d. The date or approximate date on which the CR545 Impact Fee was paid and the amount paid and documentation reflecting the amount and date paid; and

e. A copy of the dated receipt issued by the City for payment of the CR545 Impact Fee.

f. Representations confirming that the applicant is entitled to the requested partial refund. As part of the application, the applicant must include an executed agreement (“Indemnity and Hold Harmless Agreement”) with the City which provides that in the event the partial refund is paid to the applicant and either the City or a court of competent jurisdiction later determines that the partial refund should not have been paid to the applicant or that a different person or entity is entitled to the partial refund, or both, then the applicant shall return the partial refund to the City or to the person or entity as directed by the City or court. Further, the Indemnity and Hold Harmless Agreement shall also include, at minimum: (i) that the applicant shall hold harmless and indemnify the City from and against all claims, disputes, lawsuits, judgments and damages, including without limitation, reasonable attorneys’ fees and costs at the trial and appellate level, arising out of or in any way related to the City’s payment of the partial refund and any

refund, return, repayment, rescission and other actions involving the partial refund; (ii) the applicant's release of the City from any and all claims for, and the applicant's waiver of, all portions of the CR 545 Impact Fees paid by the applicant and to which the applicant claims to have a right which portions are not refunded to the applicant; and (iii) for the hold harmless obligation the City shall have the right to select its counsel. The City Attorney shall provide and approve the form of the Indemnity and Hold Harmless Agreement for execution.

(3) If a partial refund application is not timely filed on or before November 30, 2012, by the entity or person that paid the CR 545 Impact Fee or other entity or person that is entitled to said partial refund, the CR 545 Impact Fee attributable to such property (including all its units/ERUs) shall be forfeited to the City and, thereafter be placed within the City's general road impact fee trust fund for use in a manner consistent with the purpose of general road impact fees.

(4) On or before January 25, 2013 at 5:00p.m. the City will review and evaluate all applications and documents submitted for partial reimbursement therewith, and request from any applicant any additional information that the City deems appropriate in order to satisfy the City that a partial refund is appropriate. In the event more than one application for a partial CR 545 Impact Fee refund for a property is timely received by the City, the City shall notify each applicant of the other applications and provide a copy of each application and documents for such property submitted as part of each application to the other applicants for the same property. Each applicant shall then have ten (10) days after the date of the City's notification of multiple applications to submit additional documents and information to the City for the City's consideration. Thereafter, the City may either determine which applicant is entitled to the partial refund, that an allocation between the applicants is appropriate and pay the partial refund as the City so allocates the partial refund between the applicants, or pay the requested partial refund to the Clerk of the Circuit Court of the 9th Judicial Circuit as part of an interpleader lawsuit to allow the Circuit Court to determine who between the different applicants may be entitled to such partial refund.

(5) To the extent that partial refunds are to be paid to the fee simple owner of the property at issue as of the date of the application, the payment will be payable jointly to all fee simple owners of the applicable property as of the date of the application.

(6) The City Manager is hereby given the authority to set policies and further procedures as may be necessary to carry out the purpose and intent of this Section II.

(7) To the extent that any partial refunds are paid by the City to any entity or person and either the City or a Court of competent jurisdiction determines that the partial refund, or any portion of any partial refund, should have been paid to a different entity or person, the City shall have the right to recover such partial refund, from the entity or person that received the partial refund and such entity or person receiving such partial refund shall have the obligation to repay to the City, such partial refund.

(8) To the extent not prohibited by law, any person or entity receiving a partial refund as set forth above and as a condition thereof, shall indemnify, save and hold harmless the City and the City's officers, agents and employees from and against any and all losses and claims, demands, payments, attorneys' fees, suits, actions, recoveries and judgments of every nature and description whatsoever. This provision also applies to Orange County, Florida in connection with the Interlocal Agreement regarding CR 545.

For purposes of this Section II, the word "unencumbered" means the lack of any contractual obligations and the lack of any vested rights, either of which would otherwise require the expenditure of money. This section II shall control over any conflicts with Chapter 42 of the Code of Ordinances.

Section III. *Severability.* To the extent that other Ordinances and parts of Ordinances are in conflict this Ordinance, this Ordinance controls.

Section IV. *Codification.* Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention, if adopted; the word "Ordinance" may be changed to "Section", "Article", or other appropriate word. Sections II, III, IV and V are not intended to be codified.

Section V. *Effective Date.* This Ordinance shall become effective upon adoption by the City Commission.

FIRST READING: _____ October 11, _____ 2012.

SECOND READING AND PUBLIC HEARING: _____ 2012.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

THE CITY OF WINTER GARDEN

AGENDA ITEM

From: Mike Bollhoefer, City Manager

Date: October 8, 2012

Meeting Date: October 11, 2012

Subject: Sidewalk Café Ordinance

Discussion:

When the sidewalk café ordinance was originally approved, the intent was to allow patrons to have lunch or dinner in a café style atmosphere and be able to have an alcoholic beverage with their meal. This change has helped to improve business in the downtown district.

More restaurant owners are requesting approval for outdoor seating which has brought about the need to provide direction and clarification in the ordinance. These changes follow the original intent of the ordinance and provide guidelines on the outdoor atmosphere the City intended to create in the Downtown District.

Recommended Action:

Move to approve Ordinance 12-53.

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) desires to amend Article VII of Chapter 62 of its Code of Ordinances relating to sidewalk cafes to provide revised standards, criteria and conditions for sidewalk cafes; and

WHEREAS, the City intends for sidewalk cafes and sidewalk cafe areas to continue to be utilized primarily for dining and entertainment purposes as opposed to venues primarily for the consumption of alcoholic beverages or the creation of a bar-like atmosphere; and

WHEREAS, the City intends to ensure that the continued operation of sidewalk cafes does not create a public health or safety hazard or constitute a public nuisance.

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

SECTION I: That SECTION 62-201. Definitions, Section 62-201 is hereby amended to read as follows:

Outside private property means that portion of privately owned parcels of real estate located outside of the building(s) located on such parcels.

Sidewalk cafe means a use for the dispensing and/or serving of food or beverage located within the public way or outside private property, and associated with a restaurant. It may be characterized by tables and chairs and may be shaded by awnings, canopies or umbrellas.

Sidewalk cafe area means the area within the public way or outside private property, where the permitted sidewalk cafe is located for dispensing and/or serving of food or beverage.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

SECTION II: That SECTION 62.202. Purpose, Section 62.202 is hereby amended to read as follows:

The purpose of this article is to regulate the public ways and provide reasonable limits on the use of the sidewalk cafes and the outdoor display of merchandise in conjunction with a legally operating restaurant or business and to ensure that sidewalk cafes and sidewalk café areas are used primarily for dining and entertainment and not

primarily for the consumption of alcohol. The criteria herein are intended to ensure that said uses may be permitted while not creating a public health or safety hazard or a public nuisance.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

SECTION III: That SECTION 62-230. Standards, Criteria and Conditions for Sidewalk Cafes, Section 62-230 is hereby amended to read as follows:

- (5) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the general public or which would have the effect of obstructing the pedestrian pathway, except where fences are approved by the City and otherwise as the City may permit by variance.
- (7) Umbrellas and other decorative material shall be for outdoor commercial use, be fire-retardant, or manufactured of fire-resistant material and shall comply with applicable building and fire codes. Signs are prohibited on umbrellas, chairs, tables and other permissible personal property and fixtures which are located within the public ways, except that the establishment name and/or its logo is permitted on umbrellas. Lettering and/or logos may not exceed six inches in height and there shall not be more than two (2) of the same logos or names on each umbrella.
- (13) The permittee shall assure that its use of the public ways in no way interferes with pedestrians or limits their free, unobstructed passage throughout the operation of the sidewalk cafe during all business hours. All tables, chairs, planters or other public ways obstructions shall be removed after business hours except for such matters located within sidewalk cafe areas which matters have been properly approved by the City pursuant to this Article.
- (17) Other than fences approved by the City n~~No~~ tables, chairs or other parts of sidewalk cafes shall be attached, chained, bolted or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area.
- (18) The permit covers all seating with the ~~public way~~ sidewalk cafe area. No additional outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to applications for or issuance of an alcoholic beverage license for any establishment; nor shall the outdoor seating be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law. However, additional outdoor seating authorized pursuant to this division shall be included in determining required plumbing or accessibility fixtures or other fire and building code requirements.

- (23) The serving and consumption of alcoholic beverages within a sidewalk cafe is expressly conditioned upon the permittee obtaining the necessary state alcoholic beverage license and meeting all local and state alcoholic beverage requirements. Further, the service and consumption of alcoholic beverages within a sidewalk cafe shall only be permitted where the service and consumption of alcoholic beverages has been properly licensed ~~for that portion of the restaurant which is in the building~~. Nothing herein shall be construed to permit the service or consumption of alcoholic beverages wherein such service or consumption is prohibited by City Code or Charter.
- (26) Bars, counters, countertops and other furniture and fixtures upon which food or beverages may be served which are not designed, constructed or oriented primarily to accommodate two to five patrons to face one another when seated, are prohibited in sidewalk cafe areas.
- (27) Vats, tubs, coolers, and other beverage storage devices within sidewalk cafe areas shall not be used to store or accommodate, nor used in conjunction with the sales, service or dispensation of, alcoholic beverages, without the prior approval of the City Commission.
- (28) Sidewalk cafe areas shall not be used or available for food or beverage sale or service unless tables, chairs and other furniture and fixtures sufficient to accommodate all of the patrons allowed within the sidewalk cafe areas are first permitted, placed and remain within the sidewalk cafe area.
- (29) Fences relating to sidewalk cafe areas shall comply with the criteria set forth in this Article.
- (30) Alcohol beverages sales and service in sidewalk cafe areas is limited to that portion of the sidewalk cafe area adjacent to and directly in front of that portion of the building where alcohol sales and service is permitted.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

SECTION IV: That a new Division 4 of Article VII is hereby by added to Article VII to read as follows:

DIVISION 4. - FENCING CRITERIA

Section 62-300 - Applicability

Section 62-301 - Height

Section 62-302 - Openings/Entranceways

Section 62-303 – Materials and Colors

Section 62-304 - Architecture

Section 62-305 - 62-310. - Reserved

Section 62-300. – Applicability.

This Division 4 is applicable to fencing contemplated or allowed under Article VII of Chapter 62.

Section 62-301. – Height.

Fencing shall be a minimum of 36 inches and a maximum of 41 inches in height.

Section 62.302. – Openings/Entranceways.

If there is any pedestrian opening or entranceway in the fencing, the minimum width of the opening or entranceway shall be 44 inches and the maximum shall be 60 inches. The Community Development Department may approve a larger opening or entranceway for architectural compatibility with the building and fencing, or for functional efficiency, but the width shall not exceed 72 inches. No gates shall be installed or used in pedestrian openings or entranceways.

Section 62-303. – Materials and Colors.

Fencing must be made of metal (aluminum, steel, iron, or similar material) and must be of a dark or neutral color. Black or brown is preferred.

Section 62-304 – Architecture.

The architectural details of fencing shall be approved by the Community Development Department in order to ensure compatibility with the surrounding architecture and buildings. All portions of fencing facade shall be constructed in such a way or of a material that allows the free flow of air and open view through the fencing when viewed from either side of the fencing, and in no event shall the façade of each fence segment consist of more than 50 per cent solid and opaque material.

(~~struckout text~~ indicates deletions while underlined text indicates additions):

SECTION V: NONCONFORMITIES. Structures and improvements to real property existing prior to the effectiveness of this Ordinance that are inconsistent with all or any of the provisions of this Ordinance constitute nonconformities to the extent of the inconsistency.

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

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

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

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

FIRST READING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

APPROVED:

John Rees, Mayor/Commissioner

ATTESTED:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Clerk Kathy Golden

Date: September 28, 2012

Meeting Date: October 11, 2012

Subject: National League of Cities Convention

Issue: Selection of a voting delegate and alternate for the National League of Cities Convention November 28 – December 1, 2012

Recommended action:

The elected officials planning on attending the convention this year are Commissioners Sharman and Makin. Therefore, both are eligible to be selected by the City Commission as the 2012 voting delegate and alternate.

Attachments/References: Florida League of Cities letter and form

NATIONAL LEAGUE of CITIES

2012 Officers

President
Ted Ellis
Mayor
Bluffton, Indiana

First Vice President
Marie Lopez Rogers
Mayor
Avondale, Arizona

Second Vice President
Chris Coleman
Mayor
Saint Paul, Minnesota

Immediate Past President
James E. Mitchell, Jr.
Council Member
Charlotte, North Carolina

Executive Director
Donald J. Borut

August 30, 2012

Kathy Golden
City Clerk
City of Winter Garden
300 W Plant St
Winter Garden, FL 34787301

Dear City Clerk Golden:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 1, 2012, at the conclusion of the Congress of Cities and Exposition in Boston, Massachusetts. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2010 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found below.

POPULATION	VOTES	POPULATION	VOTES
✓ Under 50,000	1 vote	500,000 – 599,999	12 votes
50,000 – 99,999	2 votes	600,000 – 699,999	14 votes
100,000 – 199,999	4 votes	700,000 – 799,999	16 votes
200,000 – 299,999	6 votes	800,000 – 899,999	18 votes
300,000 – 399,999	8 votes	900,000 and above	20 votes
400,000 – 499,999	10 votes		

★ To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up and sign for the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities and Exposition.

Please return the completed form to NLC by fax (202-626-3109) before October 31, 2012, and keep the original for your files. If you have any questions, please contact Mae Davis, Member Relations Representative at mdavis@nlc.org or 202-626-3150; or contact Gail Remy, Director of Member Relations at remy@nlc.org, or 202-626-3026.

Thank you,



Donald J. Borut
Executive Director





CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2012 CONGRESS OF CITIES AND EXPOSITION · BOSTON, MASSACHUSETTS

At the Annual Business Meeting on Saturday, December 1, 2012, from 2:30 p.m. to 4:30 p.m., each direct member city of the National League of Cities (NLC) is entitled to cast from one to 20 votes based upon the city's population per the 2010 census, through its designated voting delegate. Please indicate below your city and state, your voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2012, deadline.

The official voting delegate and alternate(s) for the city/town/village of:

Winter Garden, FL (1)

VOTING DELEGATE:

1. NAME: _____

TITLE: _____

ALTERNATE VOTING DELEGATE(S):

2. NAME: _____

TITLE: _____

3. NAME: _____

TITLE: _____

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)

Voting card issued to:

_____ (signature)

Votes: (1)

1 _____ 2 _____ 3 _____

Signature (city representative): _____

Title: _____ Date: _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2012
ATTENTION: MAE DAVIS, MEMBER RELATIONS REPRESENTATIVE
FAX: 202-626-3109