



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

****Note: Election related matters are contingent upon the results being certified by the Canvassing Board prior to the meeting.***

REGULAR MEETING

March 12, 2015

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Moment of Silence and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of February 26, 2015

2. GENERAL ELECTION RESULTS

A. ***Resolution 15-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE ELECTION HELD ON MARCH 10, 2015 FOR COMMISSIONERS OF DISTRICTS 2, 3 AND 4, AND AUTHORIZING THE ISSUANCE OF CERTIFICATES – City Clerk Golden

3. OATH OF OFFICE

A. *Commissioners of Districts 2, 3, and 4 as elected on March 10, 2015 – City Clerk Golden

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 15-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 15-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 15-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

D. **Ordinance 15-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

E. **Ordinance 15-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY

LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **Ordinance 15-27**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for March 26, 2015** - Community Development Director Williams

5. **PUBLIC HEARING MATTER**

- A. Consider condemning property located at 160 East Plant Street, Winter Garden, Florida;
Owner: Winter Garden Gateway Corporation – Code Enforcement Manager Pash

6. **REGULAR BUSINESS**

- A. **Resolution 15-03**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM – City Clerk Golden

7. **MATTERS FROM PUBLIC** (*Limited to 3 minutes per speaker*)

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

- A. Discussion and possible action regarding opening ceremonies

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

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on March 26, 2015 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.

Persons in attendance at the City Commission meeting are invited to stand during the moment of silence and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in or rise for any moment of silence that is offered or to rise for or recite the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the moment of silence or Pledge of Allegiance if you do not wish to participate in or witness same in accordance with Resolution 14-05.

	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 Department (407) 656-4111 x5455.
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CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 26, 2015

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

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

Absent: Commissioner Robert Olszewski

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Deputy Fire Chief Jose P. Gainza, Jr., Police Chief George Brennan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

City Attorney Ardaman indicated a correction in two places on page two under Item 2. C.; the word “conforming” should be corrected to be “non-conforming”.

Motion by Commissioner Buchanan to approve the regular meeting minutes of February 12, 2015, with corrections as stated. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

A. **Ordinance 15-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 6 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE DEFINITION OF PACKAGE SALE VENDOR; PROVIDING FOR PACKAGE SALE VENDOR DISTANCE REQUIREMENTS AND RESTRICTIONS; PROVIDING FOR METHOD OF MEASUREMENT OF DISTANCES; PROVIDING FOR EXEMPTIONS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-21 by title only.

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

Commissioner Sharman noted that he received one e-mail from someone who felt that this ordinance was directed at them. He asked City Manager Bollhoefer if he had spoken

to them. Mr. Bollhoefer replied yes, this has been resolved as they were grandfathered in.

Motion by Commissioner Buchanan to adopt Ordinance 15-21. Seconded by Commissioner Sharman and carried unanimously 4-0.

3. **REGULAR BUSINESS**

A. **Recommendation to approve request for qualification rankings and awarding the Annual Construction Services Contract to Hudson Site Construction, LLC; Dale Beasley Construction, Company; and T. D. Thomson Construction Company**

Assistant City Manager-Public Services Cochran stated that staff is seeking approval of the rankings and contract for the Annual Construction Services Contract. He explained that this is for utility, stormwater, drainage, roadwork, and mostly small projects. He noted that none of these projects can be over \$200,000.

Mr. Cochran stated that four submitting contractors have been ranked; the top three contractors are recommended by staff for a contract. He described the need for having more than one, citing cases where there is additional work to be done or one contractor is unavailable. He stated staff is recommending that contracts be awarded to Hudson Site Construction, LLC; Dale Beasley Construction, Company; and T. D. Thomson Construction Company. They are the highest ranked on the list.

Motion by Commissioner Sharman to approve request for qualification rankings and awarding the Annual Construction Services Contract to Hudson Site Construction, LLC; Dale Beasley Construction, Company; and T. D. Thomson Construction Company. Seconded by Commissioner Makin and carried unanimously 4-0.

B. **Recommendation to approve request for qualification rankings and awarding Continuing Professional Engineering Services to Tetra Tech, Inc., Wantman Group, Inc., Reiss Engineering, Inc., and Neel-Schaffer, Inc.**

Assistant City Manager-Public Services Cochran stated that this is a request for approval for qualification rankings and award of Continuing Professional Engineering Services contracts. He shared that staff advertises every two to three years for requests for qualifications for engineering services. The renewal contract with existing contractors is what is currently being used. This was opened to new engineering firms that are looking for business from the City.

Mr. Cochran stated that these firms were ranked on their past performance, budgetary requirements, location of office, and workload. The four highest ranking firms were Tetra Tech, Inc., Wantman Group, Inc., Reiss Engineering, Inc., and Neel-Schaffer, Inc. He noted that Wantman Group, Inc. is a new firm located here in Winter Garden. These engineers will be doing work related to water, wastewater, stormwater, roadway, and traffic construction. All this work is based on as needed. Compensation is based on an hourly fee schedule.

Mayor Rees asked about the lower ranked number in the third column and if they meant that these companies have not performed work here in Winter Garden as opposed to the work not being satisfactory. Mr. Cochran replied yes, this ranking was done by a group of city staff. He explained the importance of consistency in the ranking by each member of the committee.

Motion by Commissioner Sharman to approve the qualification rankings and award Continuing Professional Engineering Services to Tetra Tech, Inc., Wantman Group, Inc., Reiss Engineering, Inc., and Neel-Schaffer, Inc. Seconded by Commissioner Buchanan and carried unanimously 4-0.

C. **Recommendation to approve request for qualification rankings and awarding contract to Tetra Tech Engineering, Inc., for the design and permitting of the 1 MG potable water ground storage tank and the 2 MG reuse water ground storage tank**

Assistant City Manager-Public Services Cochran stated this is a request for approval of the qualifications for the design and permitting of a million gallon potable water tank and a two million gallon reuse water tank. This will serve the southwest area of the City where there is new development. The City is committed to put in the water tanks for these subdivisions when needed. Staff wants to move forward with selecting an engineer and start the design.

Mr. Cochran stated that Tetra Engineering, Inc. was selected as the highest ranking engineering firm. Staff is requesting permission to award them this contract.

Commissioner Sharman asked if this tank will assist water pressure issues once the homes are built. Mr. Cochran replied that it is for storage and water pressure, but what will be an addition to the tank will be the high pressure pumping stations. These pumps will pull the water out and provide the residents with water pressure and flow.

Commissioner Buchanan asked how much it will increase. Bollhoefer responded on the pressure increase by stating that it is usually more related to the region that it will affect and it is really hard to measure until after installation. Mr. Cochran stated that the City's pressure runs somewhere in between 50 and 60 pounds per square inch. Commissioner Sharman stated that he and the City Manager have been called out to homes regarding low pressure. Mr. Cochran noted that the installation of reuse systems solved a lot of the problems for our residents in some subdivisions.

Motion by Commissioner Sharman to approve the qualification rankings and award the contract to Tetra Tech Engineering, Inc., for the design and permitting of the 1 MG potable water ground storage tank and the 2 MG reuse water ground storage tank. Seconded by Commissioner Makin and carried unanimously 4-0.

D. **Recommendation to approve final plat for Bradford Creek Phase II East Subdivision**

Community Development Director Williams stated the plat for Bradford Creek Phase II located on the east side of the road is being developed by Standard Pacific. The plat has

been reviewed by the Development Review Committee and other appropriate departments for compliance with our City Codes as well as conditions of approval that were placed on the planned development. Staff finds that it meets all the requirements as reflected on the plat; staff recommends approval.

Motion by Commissioner Buchanan to approve the final plat for Bradford Creek Phase II East Subdivision. Seconded by Commissioner Sharman and carried unanimously 4-0.

- E. **Resolution 15-01:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE QUALIFYING RESULTS OF THE 2015 GENERAL ELECTION FOR DISTRICTS 2, 3 AND 4; AND THE CANDIDATES ELIGIBLE TO RUN FOR DISTRICT 4 TO BE HELD ON MARCH 10, 2015

City Clerk Golden stated that this resolution formalizes the results of the election qualifying period.

Motion by Commissioner Makin to adopt Resolution 15-01. Seconded by Commissioner Buchanan and carried unanimously 4-0.

4. **MATTERS FROM PUBLIC** - There were no items.
5. **MATTERS FROM CITY ATTORNEY** - There were no items.
6. **MATTERS FROM CITY MANAGER** - There were no items.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that there were some great opportunities to get out and see what was going on in the City of Winter Garden this past weekend with SOBO Art Center exhibits. He noted that it was nice to see that they moved some of their exhibits into City Hall.

Mayor Rees echoed Commissioner Buchanan's statements and announced the Blues & BBQ event this Saturday from 4 p.m. to 10 p.m.

The meeting adjourned at 6:49 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

RESOLUTION 15-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE ELECTION HELD ON MARCH 10, 2015 FOR COMMISSIONERS OF DISTRICTS 2, 3 AND 4, AND AUTHORIZING THE ISSUANCE OF CERTIFICATES

WHEREAS, on March 10, 2015, a General Election was conducted in accordance with the Charter and Ordinances of the City of Winter Garden, and the State of Florida Election Code; and

WHEREAS, the Registration Book closing for the election reflected that the total Registered Voters in District 4 for Precinct 4103 was 6,931; and

WHEREAS, the City Clerk for Winter Garden has obtained the Certificate of Election Results from the City of Winter Garden Canvassing Board, which is hereby made a part of this Resolution (**Exhibit “A”**), for the purpose of electing the Commissioner for District 4.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, that we do hereby declare that:

- **Bob Buchanan** is duly elected, due to no opposition, to serve as Commissioner of District 2 for a three-year term
- **Robert “Bobby” Olszewski** is duly elected, due to no opposition, to serve as Commissioner of District 3 for a three-year term
- _____ is duly elected to serve as Commissioner of District 4 for a three-year term

and hereby authorizes the City Clerk to issue the candidates elected a Certificate of Election.

This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 12th day of March 2015.

John Rees, Mayor

ATTEST:

Kathy Golden, CMC, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: March 6, 2015

Meeting Date: March 12, 2015

Subject: 447 & 483 South Street
Billy Lott Property
Ordinance 15-22
Ordinance 15-23
Ordinance 15-24
Ordinance 15-25
Ordinance 15-26
Ordinance 15-27

PARCEL ID # 26-22-27-8110-02-079, 26-22-27-8110-02-080

Issue: The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 447 and 483 South Street.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property consists of two parcels located on the northeast corner of 5th Street and South Street. The applicant has requested Annexation into the City, Initial Zoning of R-1, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 15-22, Ordinance 15-23, Ordinance 15-24, Ordinance 15-25, Ordinance 15-26, and Ordinance 15-27, with second Commission reading and adoption on March 26, 2015.

Attachment(s)/References:

Location Map
Ordinance 15-22
Ordinance 15-23
Ordinance 15-24
Ordinance 15-25
Ordinance 15-26
Ordinance 15-27
Staff Report

ORDINANCE 15-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown in ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-079

DESCRIPTION:

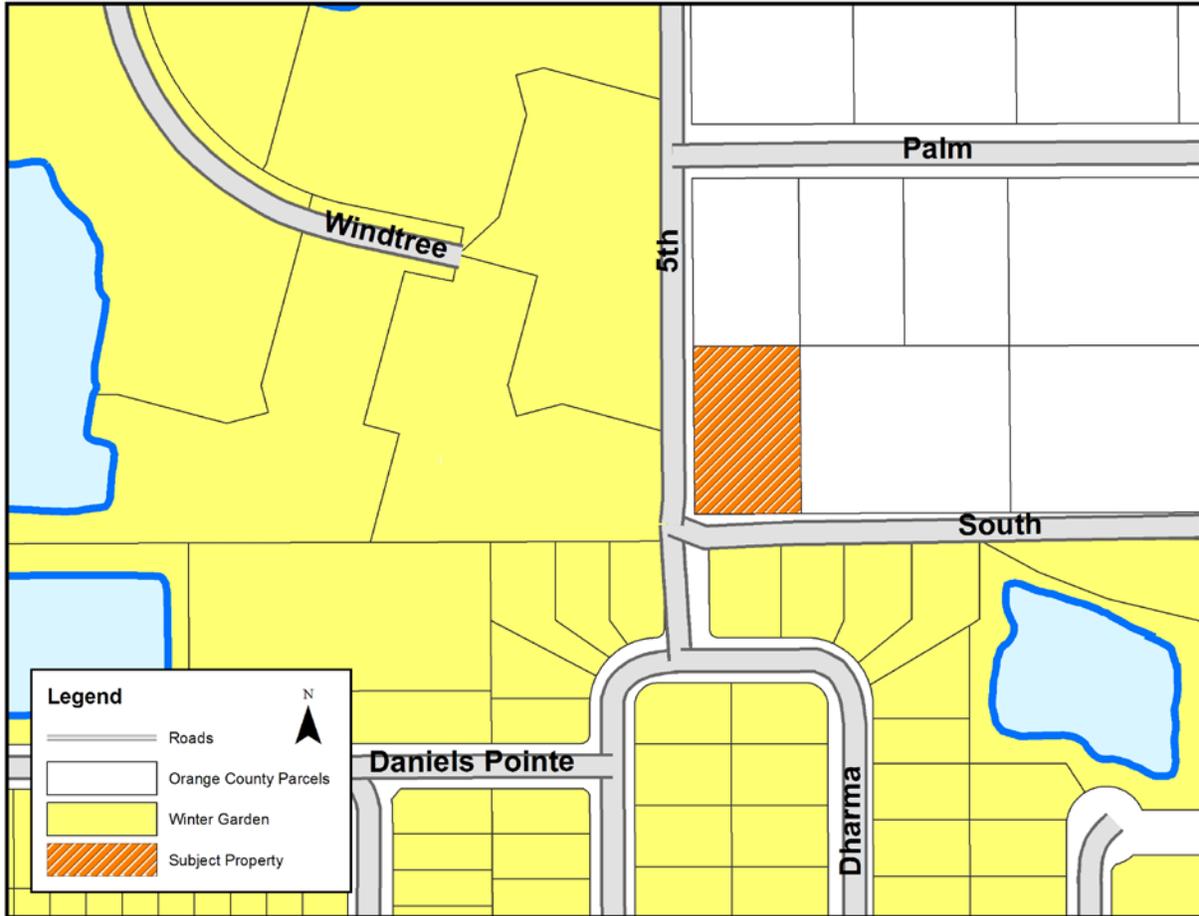
LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ATTACHMENT "B"

LOCATION MAP

447 South Street



ORDINANCE 15-23

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-22, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-079

DESCRIPTION:

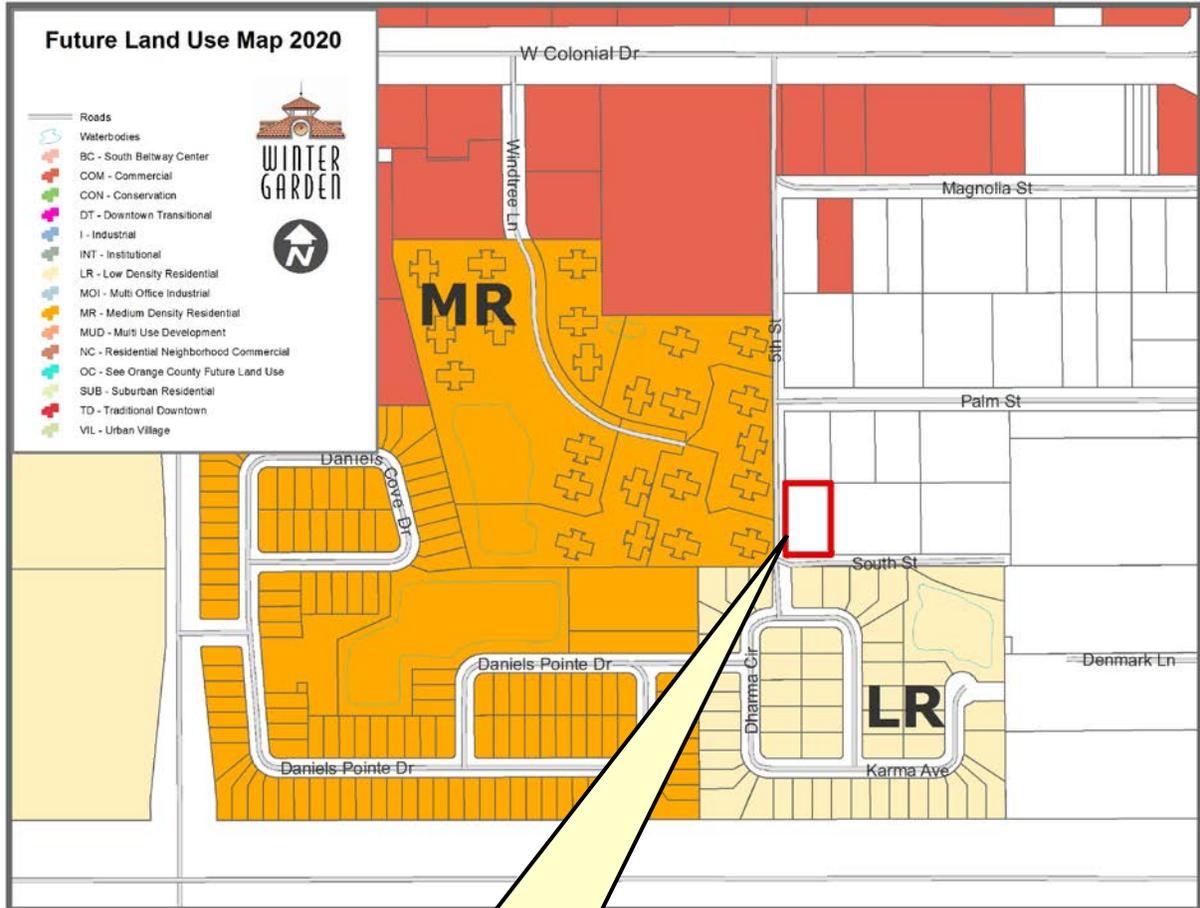
LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

447 South Street



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 15-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City's R-1 Single-Family Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-1 Rural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-23 which is an amendment to the

Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-079

DESCRIPTION:

LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ORDINANCE 15-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown in ATTACHMENT “B” shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-080

DESCRIPTION:

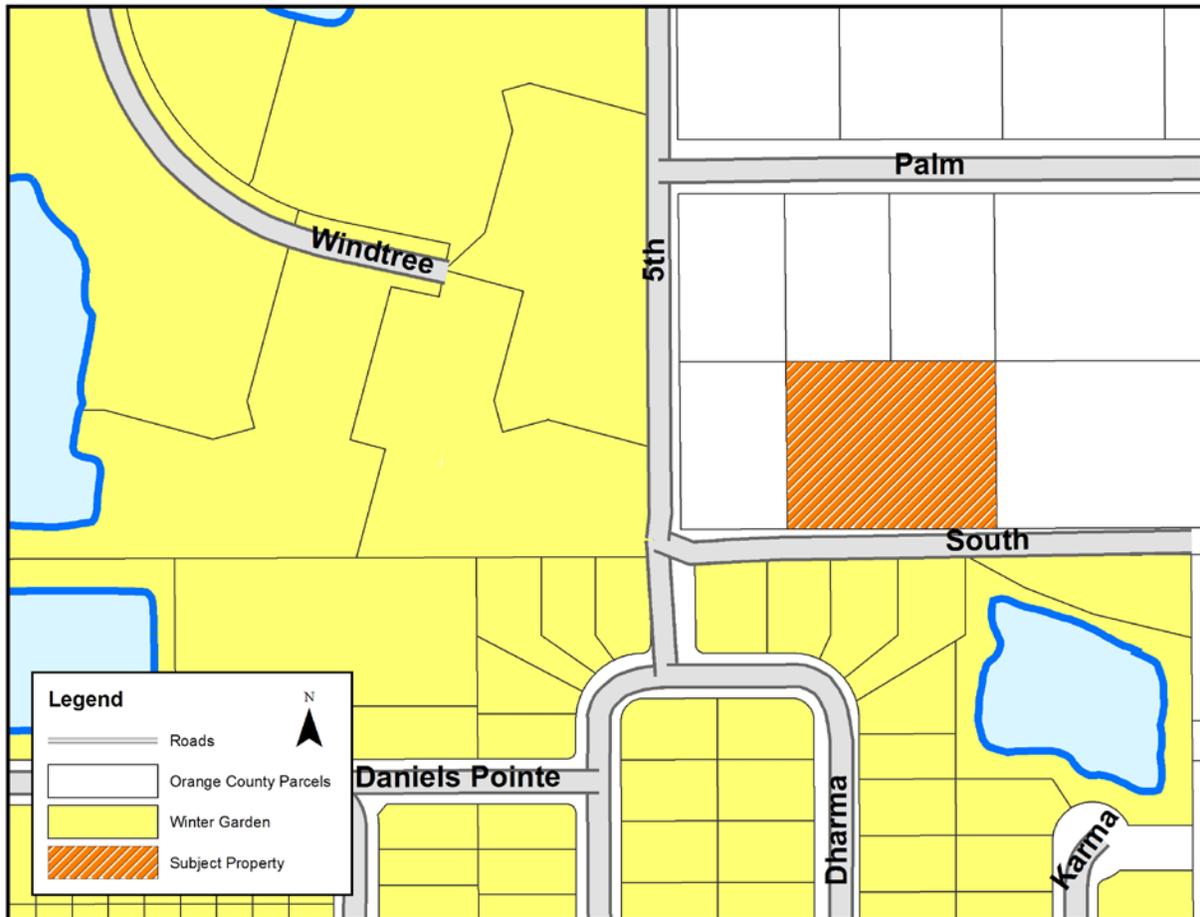
LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

ATTACHMENT "B"

LOCATION MAP

483 South Street



ORDINANCE 15-26

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-25, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-080

DESCRIPTION:

LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

ORDINANCE 15-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City's R-1 Single-Family Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-1 Rural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-26 which is an amendment to the

Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-02-080

DESCRIPTION:

LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

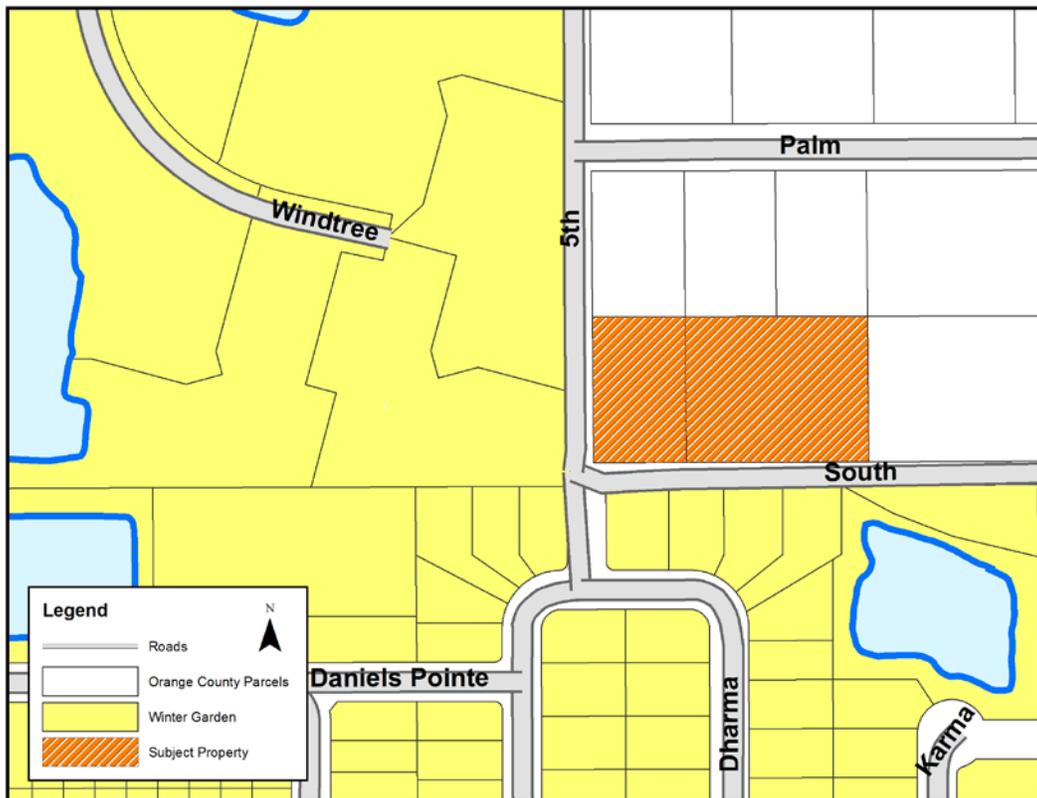
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: FEBRUARY 26, 2015
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
447 & 483 SOUTH STREET (1.493 +/- ACRES)
PARCEL IDS #: 26-22-27-8110-02-079, 26-22-27-8110-02-080
APPLICANT: BILLY LOTT

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property consists of two parcels located at 447 & 483 South Street, on the northeast corner of 5th Street and South Street and is approximately 1.493 ± acres in size. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single-Family Residential District.

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City’s Comprehensive Plan.

EXISTING USE

The subject property currently contains two single family houses, featuring one single family house per parcel.

ADJACENT LAND USE AND ZONING

There are three properties located to the north of the subject property, each containing a single family residence, zoned A-1, and located in Unincorporated Orange County. The property located to the east is a vacant parcel zoned A-1 and located in Orange County. To the south is the Daniels Crossing Phase 3 subdivision, which features single family houses. These properties are zoned PUD and are located within the City of Winter Garden’s jurisdictional limits. The property to the west of the subject property is the Windtree Gardens subdivision, which is developed with multi-unit condominium buildings, zoned R-3, and is located in Winter Garden.

PROPOSED USE

The applicant intends to annex the subject property in order to connect the existing residences to City water and sewer services.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County

Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

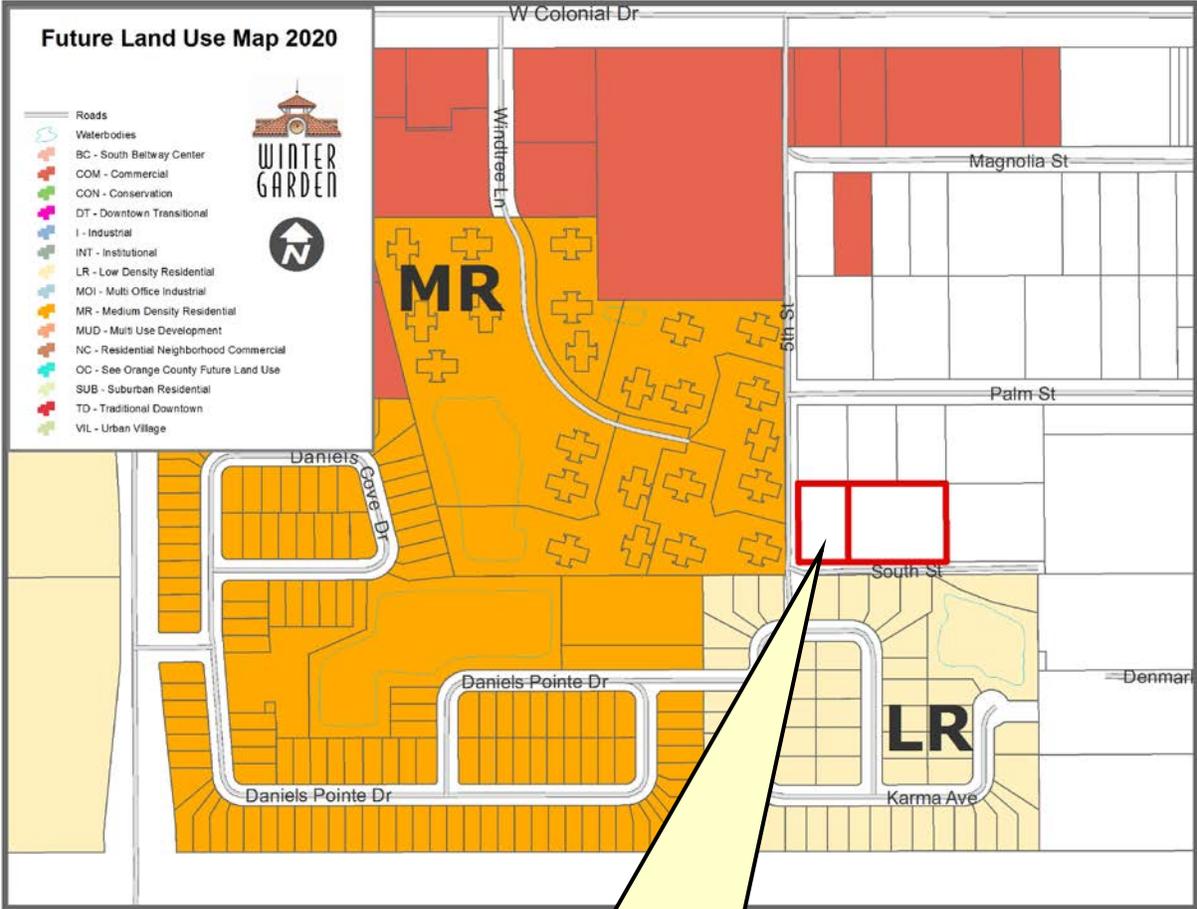
AERIAL PHOTO

447 & 483 South Street



FUTURE LAND USE MAP

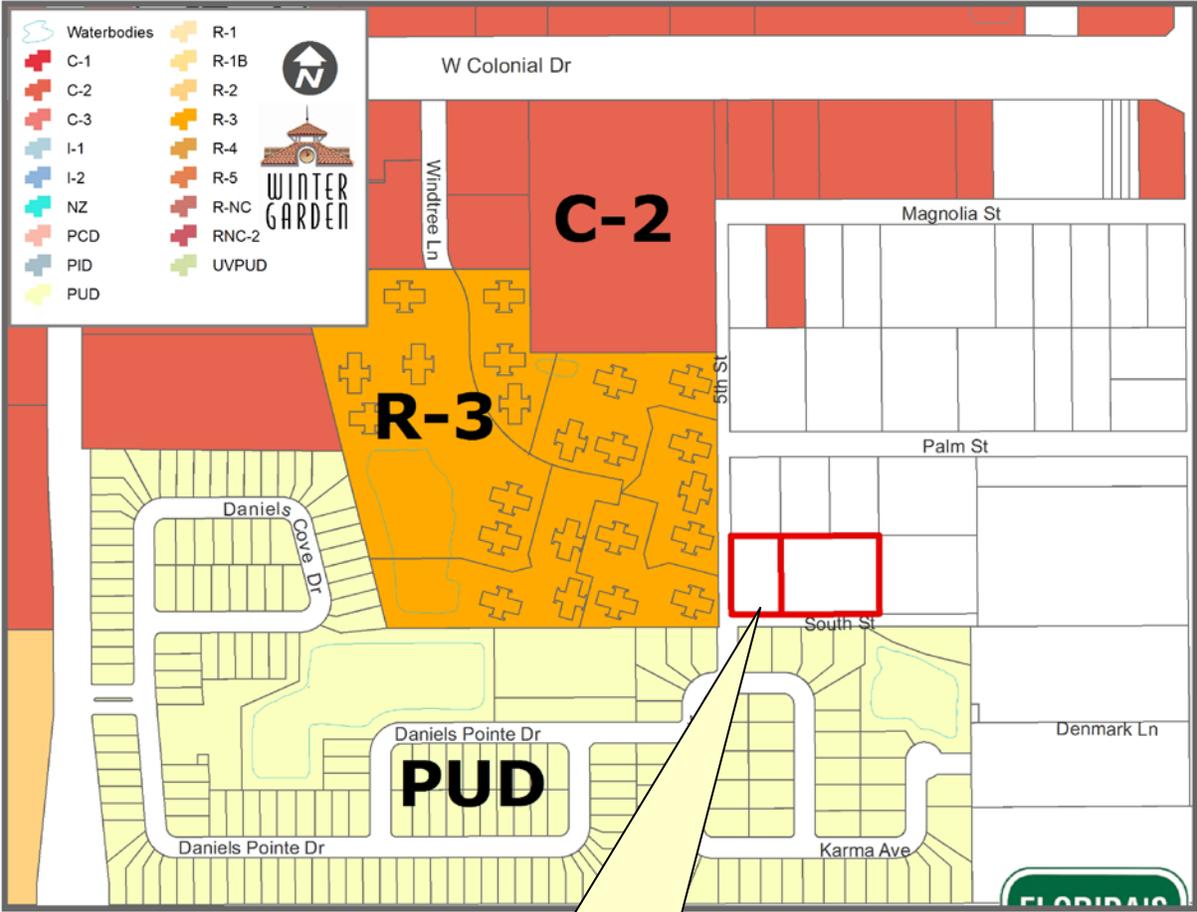
447 & 483 South Street



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

447 & 483 South Street



Subject property changed from Orange County A-1 to City R-1

END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Code Enforcement Manager

Via: City Manager Mike Bollhoefer

Date: March 5, 2015 **Meeting Date:** March 12, 2015

Subject: **160 East Plant Street
Condemnation**

Issue: The building located at 160 East Plant Street has been vacant with some of the doors/windows boarded up for a number of years. Staff has inspected the property and determined that the building is dilapidated, decayed, and that it creates a safety hazard to surrounding properties.

Recommended Action:

Staff recommends condemnation of the building and moving forward with demolishing the building.

Attachment(s)/References:

Location Map
Notice of Condemnation
Memo to the Building Official
Summons

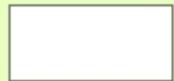
Legend



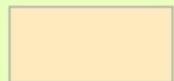
NOT TO SCALE



Subject Property



Orange County



Winter Garden

N Woodl

N Plant St

E Plant St



Joiner St

E Joiner St

S Main St

S Dillard St



CITY OF WINTER GARDEN
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
F: 407.656.0839

WWW.WINTERGARDEN-FL.GOV

**NOTICE OF CONDEMNATION
AND REMOVAL OF HAZARDOUS CONDITION**

DATE ISSUED: February 16, 2015

WINTER GARDEN CODE ENFORCEMENT CASE#: 15-06

PROPERTY OWNER(S) NAME: Winter Garden Gateway Corporation

MAILING ADDRESS: 99 West Plant Street
Winter Garden, Florida 34787

RE: CITY OF WINTER GARDEN NOTICE OF CONDEMNATION
AND REMOVAL OF HAZARDOUS CONDITION

LEGAL DESCRIPTION:

From the Northwest corner of Lot 1, Block A, FRIES' SURVEY OF WINTER GARDEN, according to the plat thereof, recorded in Plat Book E, Page 16, of the Public Records of Orange County, Florida, run North 80 degrees 17 minutes 41 seconds East 68.55 feet along the North boundary of said Lot 1 for the Point of Beginning; thence continue North 80 degrees 17 minutes 41 seconds East 77.09 feet along said North boundary of Lot 1 to a point on the West right of way line of Dillard Street; thence South 04 degrees 16 minutes 05 seconds West 7.81 feet along said West right of way line to the beginning of a curve, concave Easterly, having a radius of 2904.79 feet; thence run Southerly 142.19 feet along the arc of said curve and said West right of way line of Dillard Street through a central angle of 02 degrees 48 minutes 17 seconds; thence South 76 degrees 19 minutes 14 seconds West 50.62 feet; thence North 07 degrees 19 minutes 19 seconds West 150 feet to the Point of Beginning.

**SUBJECT PROPERTY
STREET ADDRESS:**

160 East Plant Street
Winter Garden, FL 34787

TAX PARCEL ID # :

23-22-27-2888-01-011

DATE OF SERVICE:
HAND DELIVERED – FEBRUARY 16, 2015
SENT VIA CERTIFIED MAIL RECEIPT:
7013 2250 0001 7280 0316

NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION

DEAR PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT AN INSPECTION OF YOUR PROPERTY HAS REVEALED CAUSE TO CONDEMN THE STRUCTURES LOCATED THEREON AS SET FORTH IN ARTICLE II, SECTION 18 OF THE CODE OF ORDINANCES OF THE

CITY OF WINTER GARDEN. VIOLATIONS OF THE FOLLOWING SECTIONS(S) OF THE WINTER GARDEN CODE OF ORDINANCES APPLY AS TO YOUR PROPERTY:

VIOLATION(S):**CHAPTER 18- DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES****SECTION 18-151. STANDARD CODE ADOPTED.**

THERE IS ADOPTED BY THE CITY FOR THE PURPOSES OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO OR IN ANY WAY RELATED TO ANY AND ALL BUILDINGS, STRUCTURES, ELECTRICAL, GAS, MECHANICAL OR PLUMBING SYSTEMS WHICH ARE UNSAFE, UNSANITARY, OR DO NOT PROVIDE ADEQUATE EGRESS, OR WHICH CONSTITUTE A FIRE HAZARD, OR ARE OTHERWISE DANGEROUS TO HUMAN LIFE, OR WHICH IN RELATION TO EXISTING USE, CONSTITUTE A HAZARD TO SAFETY OR HEALTH, ARE CONSIDERED UNSAFE BUILDINGS OR UNSAFE SERVICES SYSTEMS AS SET FORTH IN THE STANDARD UNSAFE BUILDING ABATEMENT CODE AS PUBLISHED BY THE SBCCI, AND AS SUCH MAY BE AMENDED, MODIFIED OR UPDATED BY THE SBCCI (THE "ABATEMENT CODE"). THE ABATEMENT CODE IS ADOPTED AND FULLY INCORPORATED HEREIN AS IF FULLY SET OUT AT LENGTH IN THIS SECTION, SAVE AND EXCEPT SUCH PORTIONS ARE DELETED, ADDED, MODIFIED OR AMENDED IN THIS ARTICLE. ONE COPY OF THE ABATEMENT CODE IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL. ALL SUCH UNSAFE BUILDINGS, STRUCTURES OR SERVICE SYSTEMS ARE HEREBY DECLARED ILLEGAL AND SHALL BE ABATED BY REPAIR AND REHABILITATION OR BY DEMOLITION IN ACCORDANCE WITH THE PROVISIONS OF THE ABATEMENT CODE, OR OTHER PROVISIONS OF THE BUILDING AND PROPERTY MAINTENANCE REGULATIONS OF THE CITY. ALL REPAIRS SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

SECTION 18-153. – SAME – NOTICE.

(a) WHEN THERE EXISTS ANY UNSIGHTLY, DANGEROUS AND UNLAWFUL BUILDING, RUIN, PORCH, AWNING OR STRUCTURE OR WHEN SUCH MAY BE CONSTRUCTED IN VIOLATION OF CITY ORDINANCES, THE BUILDING INSPECTOR OR SUCH OTHER OFFICER OR EMPLOYEE WHO MAY BE AUTHORIZED BY THE CITY MANAGER SHALL CONDEMN THE BUILDING, PORCH, RUIN, AWNING OR STRUCTURE....

SECTION 18-159. PUBLIC NUISANCES.

PUBLIC NUISANCES ARE DEFINED IN SECTION 18-155. WHEN NUISANCE CONDITIONS OR HAZARDS DEGENERATE OR CUMULATIVELY IMPACT ON STRUCTURES DWELLINGS, OR OTHER BUILDINGS REGULATED BY THIS CODE, TO THE EXTENT THAT REPAIR, REMOVAL, SECURING OR DEMOLITION IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, THEN THE BUILDING OFFICIAL OR HIS DESIGNEE IS AUTHORIZED TO ORDER THE PROPERTY OWNER OR CITY AGENTS TO REPAIR, REMOVE, SECURE, VACATE OR DEMOLISH SUCH STRUCTURES ACCORDING TO PROCEDURES OUTLINED IN THE ABATEMENT CODE OR AS OTHERWISE PROVIDED FOR IN THE CODE. THESE POWERS ARE HEREBY DECLARED TO BE REMEDIAL AND ESSENTIAL FOR THE PUBLIC INTEREST, AND IT IS INTENDED THAT SUCH POWERS BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES STATED HEREIN.

SECTION 18-155. CONDITIONS CONSTITUTING HAZARDS—NOTICE.

WHEN THERE MAY BE FOUND TO EXIST ANY CONDITION OF ANY BUILDING, LAND OR PREMISES OR ANY CONDITION IN, UPON OR ABOUT ANY BUILDING, LAND OR PREMISES WHICH CONSTITUTES OR IS LIKELY TO CONSTITUTE A FIRE HAZARD OR A HAZARD TO THE HEALTH, SAFETY OR WELFARE OF THE OCCUPANTS OR THE PUBLIC (I.E., A PUBLIC NUISANCE). . . .

NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION

REASONS FOR CONDEMNATION & REMOVAL OF HAZARDOUS CONDITION:

THE BUILDING PREVIOUSLY CAUGHT FIRE, IS CURRENTLY VACANT, AND THE BUILDING IS DILAPIDATED, DECAYED, UNSIGHTLY, DANGEROUS, UNLAWFUL AND CREATES A DANGER TO SURROUNDING PROPERTIES. THE BUILDING MUST BE REMOVED OR DEMOLISHED AND ADDITIONAL CORRECTIVE PROCEDURES ARE REQUIRED, INCLUDING BUT NOT LIMITED TO, REMOVAL OF ANY WEEDS, DEBRIS, WASTE, RUBBISH, OR FLAMMABLE MATERIALS.

DATE OF HEARING:

MARCH 12, 2015

PURSUANT TO SECTION 18-157 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, YOU ARE ENTITLED TO A HEARING ON THE CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION TO BE HELD ON THE DATE STATED HEREIN. THE CITY COMMISSION SHALL HEAR THE CAUSES AND MAY SUSTAIN, REJECT OR MODIFY THE ACTION AND RECOMMENDATIONS OF THE OFFICER OR EMPLOYEE MAKING AND FILING THE NOTICE WITH RESPECT TO THE CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION AND SHALL HAVE THE RIGHT TO ORDER THE REMOVAL, DESTRUCTION, OTHER DISPOSITION OR REPAIR OF ANY SUCH BUILDING OR ORDER SUCH OTHER MATTERS OR THINGS TO BE DONE AS MAY BE NECESSARY TO REMOVE OR CORRECT SUCH UNSIGHTLY, DANGEROUS, UNLAWFUL BUILDING AND HAZARDOUS CONDITION, AND SHALL HAVE THE RIGHT TO ORDER THAT SUCH BE DONE WITHIN SUCH TIME AS THE CITY COMMISSION MAY DETERMINE. FURTHER, IN ACCORDANCE WITH SECTION 18-158 THE COST AND EXPENSES INCURRED BY THE CITY IN PERFORMING CORRECTIVE ACTIONS AND REMOVING THE BUILDING SHALL BE A LIEN UPON THE PROPERTY.

SINCERELY,

**STEPHEN PASH
CODE COMPLIANCE MANAGER**

**NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION
CITY OF WINTER GARDEN, FLORIDA**

Pursuant to Chapter 18, Art. II. of the Winter Garden Code of Ordinances, notice is hereby given to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate as described herein, that the City of Winter Garden Commission will hold a public hearing on **March 12, 2015 at 6:30 p.m.**, or as soon thereafter as possible in the City Commission Chambers at City Hall, located at 300 West Plant Street, Winter Garden, Florida, to determine whether an order of condemnation and removal of hazardous condition made by the city building inspector should be confirmed in all respects regarding the following property:

Street Address:	160 East Plant Street Winter Garden, Florida 34787
Tax Parcel Identification No.:	23-22-27-2888-01-011
Legal Description:	From the Northwest corner of Lot 1, Block A, FRIES' SURVEY OF WINTER GARDEN, according to the plat thereof, recorded in Plat Book E, Page 16, of the Public Records of Orange County, Florida, run North 80 degrees 17 minutes 41 seconds East 68.55 feet along the North boundary of said Lot 1 for the Point of Beginning; thence continue North 80 degrees 17 minutes 41 seconds East 77.09 feet along said North boundary of Lot 1 to a point on the West right of way line of Dillard Street; thence South 04 degrees 16 minutes 05 seconds West 7.81 feet along said West right of way line to the beginning of a curve, concave Easterly, having a radius of 2904.79 feet; thence run Southerly 142.19 feet along the arc of said curve and said West right of way line of Dillard Street through a central angle of 02 degrees 48 minutes 17 seconds; thence South 76 degrees 19 minutes 14 seconds West 50.62 feet; thence North 07 degrees 19 minutes 19 seconds West 150 feet to the Point of Beginning.
Record Fee Owner (Per Orange County Tax Collector)	Winter Garden Gateway Corporation

YOU ARE FURTHER NOTIFIED THAT AN INSPECTION OF THE AFORESAID PROPERTY HAS REVEALED CAUSE TO CONDEMN AND REMOVAL OF HAZARDOUS CONDITION CONCERNING THE STRUCTURE(S) LOCATED THEREON AS SET FORTH IN SECTION 18, ART. II OF THE WINTER GARDEN CODE OF ORDINANCES FOR VIOLATIONS OF §§ 18-151, 18-153, 18-155 & 18-159, WINTER GARDEN CODE OF ORDINANCES. All persons having any interest or right in the above-described property must appear before the Winter Garden City Commission at the public hearing to show cause, if any, why the order of condemnation and removal of hazardous condition made by the city building inspector should not be confirmed in all respects. Failure to protest the requested condemnation and removal of hazardous condition or to appear and show cause why the order of condemnation and removal of hazardous condition should not be confirmed shall result in all persons having any right or interest in the above-referenced being forever foreclosed and barred of claiming any damage because of the destruction of the property described in the order. For more information or to review the file, please contact Steve Pash with the City of Winter Garden, 300 W. Plant St., Winter Garden, Florida 34787; telephone number 407-656-4111 Ext. 2292.

Any persons with disabilities needing special accommodations should submit a written request to the Planning & Zoning Department, 300 W. Plant St., Winter Garden, FL 34787 or phone (407) 656-4111, Ext. 2312 at least 48 hours prior to each meeting. Any person wishing to appeal a decision of the Winter Garden City Commission must ensure that a verbatim record of the proceedings is made.

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 15-06

Date: February 16, 2015

vs.

Winter Garden Gateway Corporation

Respondent.

_____ /

SUMMONS AND NOTICE OF HEARING

Winter Garden Gateway Corporation and any unknown occupant
160 East Plant Street
Winter Garden, Florida 34787

***Re: City of Winter Garden
Notice of Condemnation and Removal of Hazardous Condition
160 East Plant Street; Tax parcel id # 23-22-27-2888-01-001***

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, ON THE 12th DAY OF MARCH 2015, AT 6:30 P.M. AT THE CITY OF WINTER GARDEN COMMISSION CHAMBERS, 300 WEST PLANT STREET, WINTER GARDEN, FLORIDA 34787.

The purpose of the hearing is for the City Commission of the City of Winter Garden to make a determination regarding the requested condemnation and removal of hazardous condition concerning the building/structure on property described herein. Upon investigation, it has been determined that the property violates provisions of the Code of Ordinances of the City of Winter Garden as set forth in the Notice of Condemnation and Removal of Hazardous Condition served concurrently herewith.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the scheduled hearing. You may also have other rights as are set forth in the City of Winter Garden Code of Ordinances. Any person appealing a decision made by the City Commission of the City of Winter Garden must ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made. The City of Winter Garden does not provide this record. Anyone requiring accommodations in order to participate under the Americans with Disabilities Act should contact the A.D.A. Coordinator at 407-656-4111 five days prior to the hearing.

DATED on this 16th day of February, 2015.

City of Winter Garden
Community Development Department

By: _____
Its: _____

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 15-06

Date: February 16, 2015

vs.

Winter Garden Gateway Corporation

Respondent.

SUMMONS AND NOTICE OF HEARING

Winter Garden Gateway Corporation
99 West Plant Street
Winter Garden, Florida 34787

Re: *City of Winter Garden*
Notice of Condemnation and Removal of Hazardous Condition
160 East Plant Street; Tax parcel id # 23-22-27-2888-01-001

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DATED on this 16th day of February, 2015.

City of Winter Garden
Community Development Department

By: _____
Its: _____

RESOLUTION 15-03

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

WHEREAS, Sec. 2 of the City Charter states at the first regular commission meeting after an election, including any runoffs, the swearing in of commissioner(s) will take place; 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 2017 election results have 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 12th day of March 2015.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kurt Ardaman, City Attorney

Date: 03/06/15

Meeting Date: 03/12/15

Subject: Opening Ceremonies

Issue: Whether to modify opening ceremonies.

Attached are six different options as described below. A seventh option is to leave policy as is.

1. No database required. Invocation speakers selected by members of the City Commission, on a rotating basis, from a wide pool of local clergy and organization or group leaders which represent churches, congregations, entities, organizations or groups within the City.
2. Database from voluntary submissions. Invocation speakers selected by members of the City Commission, on a rotating basis, from a wide pool of local clergy and organization or group leaders which represent churches, congregations, entities, organizations or groups within the City that submit to the City Manager a request to serve as a speaker.
3. Full database. Invocation speakers selected by members of the City Commission, on a rotating basis, from a wide pool of local clergy and organization or group leaders, including ministers, priests, chaplains, rabbis, deacons, clerics and the like, whose organizations are included in a database, prepared by the City Manager, where the database is prepared using congregations and other groups and organizations with an established presence in the City covering different religions, denominations, faiths, creeds and beliefs.
4. Same as #3 but with a proposed letter from the City Manager to be sent to various organizations.
5. Database compilation with an invitation where speakers recite an invocation on a first come/first served basis.
6. Database compilation with a lot of discretion left as to the database and its formulation. Speakers are selected by the City Commission on a rotating basis.

1

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. *See Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to reflect upon shared ideals and common ends before embarking on the business of

governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

Intent. It is the policy of the City Commission that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Commission. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Commission or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Commission's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Commission's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Commission nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Commission's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. After the Call to Order of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial portion of the City Commission meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. Potential invocation speakers shall be selected and be invited by a member of the City Commission on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Commission, or at more than two (2) City Commission meetings in any twelve (12) month period. Potential invocation speakers shall represent churches, congregations, entities, organizations or groups within the jurisdictional limits of the City; however, other persons desiring to deliver the invocation may request that they be allowed to offer opening invocations at future City Commission meetings during the public comment portion of City Commission meetings or through a written request regarding same provided to the City Manager that references the opening invocation.

2. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

3. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item. Notwithstanding the preceding, such entry or information shall not be considered or construed as an official agenda item for the public meeting or considered part of the public business to be transacted by the City Commission.

4. In the event an upcoming meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker. Alternatively, the Mayor may choose to proceed with a moment of silence in lieu of an opening invocation or proceed with the City Commission meeting with no opening invocation or moment of silence.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Commission Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

Agenda Disclaimer. The following statement shall be placed at the bottom of City Commission meeting agendas:

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

SECTION II: CONFLICTS/SUPERSEDE. This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION III: SEVERABILITY. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

2

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERISTY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. *See Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to

reflect upon shared ideals and common ends before embarking on the business of governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

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Timing. After the Call to Order of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial

portion of the City Commission meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. Potential invocation speakers may volunteer to perform future invocations during the public comment portion of any City Commission meeting or may seek to voluntarily to perform future invocations through a written request addressed to the City Manager that references the opening invocation. Speakers shall be selected and be invited by a member of the City Commission on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Commission, or at more than two (2) City Commission meetings in any twelve (12) month period. Potential invocation speakers shall represent churches, congregations, entities, organizations or groups within the jurisdictional limits of the City; however, other persons desiring to deliver the invocation may also request that they be allowed to offer opening invocations at future City Commission meetings through the same processes as set forth above.

2. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

3. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item. Notwithstanding the preceding, such entry or information shall not be considered or construed as an official agenda item for the public meeting or considered part of the public business to be transacted by the City Commission.

4. In the event an upcoming meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that

meeting, and in the event no such speaker is available the Mayor may choose any speaker. Alternatively, the Mayor may choose to proceed with a moment of silence in lieu of an opening invocation or proceed with the City Commission meeting with no opening invocation or moment of silence.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation or moment of silence that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation, moment of silence, and/or Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Commission Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

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SECTION II: CONFLICTS/SUPERSEDE. This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION III: SEVERABILITY. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

3

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERISTY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. See *Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to reflect upon shared ideals and common ends before embarking on the business of governing. However, invocation speakers are hereby requested to refrain from

exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

Intent. It is the policy of the City Commission that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Commission. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Commission or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Commission's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Commission's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Commission nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Commission's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. After the Call to Order of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial portion of the City Commission meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The City Commission hereby invites and welcomes the religious leaders and other representatives of any and all local religions, denominations,

faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, and the like, to participate in providing opening invocations for the City Commission. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. The City Manager or his/her designee shall compile and maintain a database of the religious congregations and other groups and organizations with an established presence within the jurisdictional limits of the City of Winter Garden.

2. The database shall be compiled examining a broad and diverse pool of religious leaders and other representatives of any and all local religions, denominations, faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, clerics, and the like. The database may be compiled through referencing the listings for “churches,” “congregations,” other religious and non-religious groups and organizations located, or with an established presence, within the jurisdictional limits of the City in the annual Yellow Pages telephone book(s) or comparable data sources, research from the Internet, consultation with local chambers of commerce or comparable organizations, and any other effective method in the discretion of the City Manager or his/her designee. Any such church, congregation, entity, organization or group within the jurisdictional limits of the City not identified within the database for participation may request inclusion within the database by written communication directed to the City Manager that references the opening invocation. If a resident of the City is a member of a church, congregation, other religious or non-religious group or organization which is located outside of the City, such shall be included in the database upon the residents’ written request to the City. This policy is intended to be and shall be applied in a way that is inclusive of diverse religious and non-religious congregations, groups and organizations. The database is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious and non-religious leaders within the jurisdictional limits of the City to choose whether to respond to the City Commission’s invitation.

3. The database may also include the name and contact information of any chaplain or leader who serves the fire department or police department of the City.

4. The database shall be updated by reasonable efforts of the City Manager or his/her designee yearly.

5. Potential invocation speakers shall be selected from the database and be invited by a member of the City Commission on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the

Commission, or at more than two (2) City Commission meetings in any twelve (12) month period.

6. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

7. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item. Notwithstanding the preceding, such entry or information shall not be considered or construed as an official agenda item for the public meeting or considered part of the public business to be transacted by the City Commission.

8. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion of the database, the City Commission may invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations with an established presence within the jurisdictional limits of the City to conduct the opening invocation until such time as the database is compiled, to offer a moment of silence, or to forego the opening invocation.

9. In the event an upcoming meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker; offer a moment of silence; or forego the opening invocation.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Commission Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

Agenda Disclaimer. The following statement shall be placed at the bottom of City Commission meeting agendas:

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

SECTION II: CONFLICTS/SUPERSEDE. This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION III: SEVERABILITY. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

4

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission and the City Commission’s work on behalf of the citizens of the City; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. See *Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to reflect upon shared ideals and common ends before embarking on the business of

governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

Intent. It is the policy of the City Commission that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Commission. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Commission or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Commission's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Commission's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Commission nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Commission's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. Before the Call to Order or otherwise immediately prior to commencement of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The City Commission hereby invites and welcomes the religious leaders and other representatives of any and all local religions, denominations, faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, and the like, to participate in providing opening invocations for the City Commission. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. The City Manager or his/her designee shall compile and maintain a database of the religious congregations and other groups and organizations with an established presence within the jurisdictional limits of the City of Winter Garden.

2. The database shall be compiled examining a broad and diverse pool of religious leaders and other representatives of any and all local religions, denominations, faiths, creeds, and beliefs, including but not limited to, ministers, priests, chaplains, rabbis, deacons, clerics, and the like. The database may be compiled through referencing the listings for “churches,” “congregations,” other religious and non-religious groups and organizations located, or with an established presence, within the jurisdictional limits of the City in the annual Yellow Pages telephone book(s) or comparable data sources, research from the Internet, consultation with local chambers of commerce or comparable organizations, and any other effective method in the discretion of the City Manager or his/her designee. Any such church, congregation, entity, organization or group within the jurisdictional limits of the City not identified within the database for participation may request inclusion within the database by written communication directed to the City Manager that references the opening invocation. If a resident of the City is a member of a church, congregation, other religious or non-religious group or organization which is located outside of the City, such shall be included in the database upon the residents’ written request to the City. This policy is intended to be and shall be applied in a way that is inclusive of diverse religious and non-religious congregations, groups and organizations. The database is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious and non-religious leaders within the jurisdictional limits of the City to choose whether to respond to the City Commission’s invitation.

3. The database may also include the name and contact information of any chaplain or leader who serves the fire department or police department of the City.

4. The database shall be updated by reasonable efforts of the City Manager or his/her designee yearly.

5. Within thirty (30) days of the effective date of this Resolution, and on or about November of each calendar year thereafter, the City Manager or his/her designee may mail an invitation addressed to the religious and non-religious leader, chaplain, minister, rabbi or similar, or other contact person of each church, organization, congregation, and group listed in the database. The invitation may comport with substantially the following form:

Dear Sir or Madam:

The Winter Garden City Commission invites members of the clergy and other religious and non-religious leaders having an established presence within the jurisdictional limits of the City of Winter Garden to voluntarily offer an invocation before the beginning of its meetings for the benefit of the City Commission. As the leader of one of these organizations with an established presence within the jurisdictional limits of the City, you are invited to offer this important service at an upcoming meeting of the City Commission.

If you are willing to assist the City Commission in this regard, please send a written reply at your earliest convenience to the City Manager at the address included on this letterhead. The dates of the City Commission's scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

*Regards,
City Manager or
his/her designee*

6. Potential invocation speakers shall be selected from the database and be invited by a member of the City Commission on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Commission, or at more than two (2) City Commission meetings in any twelve (12) month period.

7. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

8. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item. Notwithstanding the preceding, such entry or information shall not be considered or construed as an official agenda item for the public meeting or considered part of the public business to be transacted by the City Commission.

9. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion of the database and mailing of the invitations, the City Commission may invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations with an established presence within the jurisdictional limits of the City to conduct the opening invocation until such time as the database is compiled; to offer a moment of silence; or to forgo the opening invocation.

10. In the event an upcoming meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker; offer a moment of silence; or forgo the opening invocation.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Commission Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

Agenda Disclaimer. The following statement shall be placed at the bottom of City Commission meeting agendas:

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall

not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

SECTION II: CONFLICTS/SUPERSEDE. This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION III: SEVERABILITY. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

5

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. See *Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to reflect upon shared ideals and common ends before embarking on the business of

governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

Intent. It is the policy of the City Commission that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Commission. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Commission or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Commission's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Commission's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Commission nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Commission's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. After the Call to Order of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial portion of the City Commission meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. The City Manager or his/her designee shall compile and maintain a database of the religious congregations and other groups and organizations with an established presence within the jurisdictional limits of the City of Winter Garden.

2. The database shall be compiled by referencing the listings for “churches,” “congregations,” other religious and non-religious groups and organizations located, or with an established presence, within the jurisdictional limits of the City in the annual Yellow Pages telephone book(s) or comparable data sources, research from the Internet, and consultation with local chambers of commerce or comparable organizations. Any such church, congregation, entity, organization or group within the jurisdictional limits of the City not identified within the database for participation may request inclusion within the database by written communication directed to the City Manager that references the opening invocation. If a resident of the City is a member of a church, congregation, other religious or non-religious group or organization which is located outside of the City, such shall be included in the database upon the residents’ written request to the City. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious and non-religious congregation, group and organization within the jurisdictional limits of the City. The database is compiled and used for purposes of logistics, efficiency, and equal opportunity for all religious and non-religious leaders within the jurisdictional limits of the City to choose whether to respond to the City Commission’s invitation. Should a question arise as to the authenticity of a religious or non-religious congregation, group or organization, the City Manager or his/her designee shall refer to the criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for section 501(c)(3) tax-exempt status.

3. The database may also include the name and contact information of any chaplain or leader who serves the fire department or police department of the City.

4. The database shall be updated by reasonable efforts of the City Manager or his/her designee yearly.

5. Within thirty (30) days of the effective date of this Resolution, and on or about September of each calendar year thereafter, the City Manager or his/her designee shall mail an invitation addressed to the religious and non-religious leader, chaplain, minister, rabbi or similar, or other contact person of each church, organization,

congregation, and group listed in the database. The invitation will comport with substantially the following form:

Dear Sir or Madam:

The Winter Garden City Commission invites members of the clergy and other religious and non-religious leaders having an established presence within the jurisdictional limits of the City of Winter Garden to voluntarily offer an invocation before the beginning of its meetings for the benefit of the City Commission. As the leader of one of these organizations with an established presence within the jurisdictional limits of the City, you are invited to offer this important service at an upcoming meeting of the City Commission.

If you are willing to assist the City Commission in this regard, please send a written reply at your earliest convenience to the City Manager at the address included on this letterhead. Invocation speakers are generally scheduled on a first-come, first-serve basis. The dates of the City Commission's scheduled meetings for the upcoming year are enclosed. If you have a preference among the date, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. However, the City Commission respectfully requests that the invocation opportunity not be used in an effort to convert others to the particular faith, belief, or non-belief of the invocation speaker, nor to disparage any faith or belief or non-belief different than that of the invocation speaker or otherwise threaten damnation or denigrate nonbelievers and others. Statements reflecting ideals relating to peace and security for the City and the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for all people are encouraged.

On behalf of the City Commission of the City of Winter Garden, I thank you in advance for considering this invitation.

*Regards,
City Manager or
his/her designee*

6. Generally, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be

scheduled to offer an invocation at consecutive meetings of the Commission, or at more than two (2) City Commission meetings in any twelve (12) month period.

7. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

8. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item.

9. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion of the database and mailing of the invitations, the City Commission may invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations with an established presence within the jurisdictional limits of the City to conduct the opening invocation until such time as the database is compiled.

10. In the event a meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker; offer a moment of silence; or forgo the opening invocation.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and are invited to stand and/or recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. Such invitation constitutes a general invitation that a person in attendance may stand and/or participate if he/she wishes to do so for such observances. An opportunity to exit the City Commission Chambers and return upon completion of the Pledge of Allegiance shall be afforded to those who do not wish to participate or witness same

Agenda Disclaimer. The following statement shall be placed at the bottom of City Commission meeting agendas:

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

SECTION II: CONFLICTS/SUPERSEDE. This Resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this Resolution.

SECTION III: SEVERABILITY. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable, or void, the balance of the Resolution shall continue in full force and effect.

SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk

6

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REGARDING A CEREMONIAL, OPENING INVOCATION AND RECITATION OF THE PLEDGE OF ALLEGIANCE AT COMMISSION MEETINGS PRIOR TO OFFICIAL POLICYMAKING AND LEGISLATIVE FUNCTIONS; ADOPTING A POLICY OF NON-EXCLUSION AND SELECTION OF VOLUNTEER INVOCATION SPEAKERS AND A DIVERSITY OF VIEWPOINTS AND NON-EXCLUSION OF THOSE IN ATTENDANCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) desires to preserve and maintain the tradition of solemnizing its City Commission proceedings by allowing and inviting an opening invocation and the recitation of the Pledge of Allegiance before each regular and special meeting of the City Commission for the benefit of the City Commission; and

WHEREAS, the City recognizes that our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, the United States Supreme Court and Eleventh District have consistently upheld the practice of delivering religious invocations before deliberative public bodies occurring prior to policymaking. See *Town of Greece v. Galloway*, 572 U.S. ___, slip op., 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983); *Atheists of Florida, Inc. v. City of Lakeland*, 713 F.3d 577 (11th Cir. 2013); and

WHEREAS, the City recognizes that our City and Nation is comprised of individuals with a diversity of viewpoints, including but not limited to, faiths, religions, beliefs, and non-beliefs. Accordingly, the City will make reasonable efforts to invite, locate, and welcome individuals with a diversity of viewpoints to offer the opening invocation for the benefit of the City Commission, and the City’s policies shall not be intended, implemented, or construed in any manner to affiliate the City Commission or the City with, or express any preference for or against, any faith, non-faith, belief, non-belief or religious denomination;

WHEREAS, in recognition of the diversity of faiths, ideas, viewpoints, and various beliefs as referenced herein, it is the policy of the City that sectarian prayer may be allowed that is solemn and respectful in tone that invites the City Commissioners to reflect upon shared ideals and common ends before embarking on the business of

governing. However, invocation speakers are hereby requested to refrain from exploiting the invocation period with proselytizing or advancing any one belief, view, or religion; disparaging any other faith or belief; denigrating nonbelievers or religious minorities; threatening damnation; or preaching conversion;

WHEREAS, in further recognition of the diversity of ideas, viewpoints, and various beliefs and non-beliefs held within this Country, it is the policy of the City that the opening invocation and recitation of the Pledge of Allegiance be voluntary and allow participation from all that wish to participate, but otherwise allow non-participation and an opportunity to exit the City Commission Chambers during the opening invocation and/or recitation of the Pledge of Allegiance to any who do not wish to witness or participate in same; and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others.

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

SECTION I. OPENING INVOCATION PROCEDURE AND POLICIES.

Intent. It is the policy of the City Commission that the procedures set forth in this Resolution concerning opening invocation shall occur at all regular and special meetings of the City Commission. This policy and these procedures are not intended, shall not be implemented, and shall not be construed in any way, to affiliate the City Commission or the City with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination. Rather, this policy and these procedures are intended to acknowledge and express the City Commission's respect for the diversity of religious and non-religious denominations and faiths represented and practiced among the citizens of the City and to express the City Commission's respect for its proceedings and the importance of government and local legislative functions. In no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation or recitation of the Pledge of Allegiance. Neither the City Commission nor the City staff shall require the public to participate in the opening invocation or recitation of the Pledge of Allegiance; single out dissidents for opprobrium; or indicate or allow in any manner the City Commission's decisions to be influenced by a person's participation or lack of participation in the opening invocation or recitation of the Pledge of Allegiance.

Timing. After the Call to Order of all regular and special meetings of the City Commission, an opening invocation as described herein shall occur followed directly by the recitation of the Pledge of Allegiance. The opening invocation and recitation of the Pledge of Allegiance will occur and be completed during the opening, ceremonial portion of the City Commission meeting and shall in no event occur, or be construed to occur, during the policymaking or legislative portions of the City Commission meeting.

Speaker Selection. The opening invocation will be performed by a local volunteer selected in accordance with these rules. The local volunteer selected for leading the opening invocation shall be selected from a wide pool of local clergy and organization or group leaders as specified below, and he/she shall in no event receive compensation from the City for his/her participation or services. To ensure that such person is selected from among a wide pool of local clergy and organization or group leaders, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

1. The City Manager or his/her designee shall compile and maintain a database of the religious congregations and other groups and organizations with an established presence within the jurisdictional limits of the City of Winter Garden. Any such church, congregation, entity, organization or group within the jurisdictional limits of the City not identified within the database for participation may request inclusion within the database by written communication directed to the City Manager that references the opening invocation.

2. The database shall be updated by reasonable efforts of the City Manager or his/her designee yearly.

3. Potential invocation speakers shall be selected from the database and be invited by a member of the City Commission on a rotating basis; provided, however, reasonable efforts shall be made to ensure that a variety of invocation speakers are scheduled for City Commission meetings. Notwithstanding the preceding, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Commission, or at more than two (2) City Commission meetings in any twelve (12) month period.

4. Neither the City nor the City Commission shall engage in any prior inquiry, review, or involvement in, the content of any invocation to be offered by an invocation speaker. However, consistent with U.S. Supreme Court precedent, invocation speakers are hereby advised that the invocation should not denigrate nonbelievers or religious minorities; threaten damnation; or preach conversion. Statements reflecting ideals relating to peace and security for the nation; safety of our armed forces, police, firefighters and emergency service personnel; wisdom for the lawmakers; and justice for the people are encouraged.

5. The City Clerk may add the name and affiliated organization of the selected invocation speaker for a particular meeting to the Commission Agenda next to the "Opening Invocation" item.

6. In recognition of the transitional process relating to the policies set forth herein, including but not limited to the completion of the database, the City Commission may invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations with an established presence within the jurisdictional

limits of the City to conduct the opening invocation until such time as the database is compiled.

7. In the event a meeting of the City Commission does not have a volunteer opening invocation speaker for that meeting, the City Commission reserves the right to invite religious or non-religious leaders, chaplains, ministers, rabbis or leaders of other groups or organizations to conduct the opening invocation for that meeting, and in the event no such speaker is available, the Mayor may choose any speaker; offer a moment of silence; or forgo the opening invocation.

Conduct of Proceedings. No member of the City Commission, City employee or staff, or any other person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to rise and/or recite the Pledge of Allegiance. An opportunity to exit the City Commission chambers and return upon completion of the opening invocation shall be afforded to those who do not wish to participate or witness same.

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SECTION IV: EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND RESOLVED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor

ATTEST:

Kathy Golden, City Clerk