



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

251 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL: (407) 656-4111 Ext. 2254 • FAX (407) 656-4952

REGULAR MEETING MINUTES

CITY COMMISSION

August 25, 2005

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. at 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Jack Quesinberry, Commissioners Rod Reynolds, Theo Graham, Mildred Dixon, and Carol Nichols

Also Present: City Manager Mike Bollhoefer, City Clerk Kathy Golden, City Attorney Frank Bedell, Assistant to the City Manager Marshall Robertson, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Police Chief George Brennan, Recreation Director Jay Conn, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Finance Director Brian Strobeck, Fire Chief John Williamson, Information Technology Director Bob Reilly, Public Works Director Bob Smith, City Engineer Art Miller, West Orange Times reporter Michael Laval and Orlando Sentinel reporter Rich McKay

1. APPROVAL OF MINUTES

Motion by Commissioner Graham to approve the regular meeting minutes of July 28, 2005 and August 11, 2005 as submitted. Seconded by Commissioner Nichols and carried unanimously 5-0.

2. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 05-32:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 1.03 ACRES OF LAND LOCATED AT 1125 E. PLANT ST. AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-32 by title only. Mayor Quesinberry opened the public hearing. Hearing or seeing none, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 05-32. Seconded by Commissioner Dixon and carried unanimously 5-0.**

B. **Ordinance 05-33:** REZONING 1125 E. PLANT STREET MORE SPECIFICALLY DESCRIBED HEREIN FROM I-2 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-33 by title only. Mayor Quesinberry opened the public hearing. Hearing or seeing none, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 05-33. Seconded by Commissioner Dixon. Motion carried unanimously 5-0**

- C. **Ordinance 05-39:** REZONING 4.83 ACRES LOCATED AT 1075 E. STORY ROAD, WINTER GARDEN, FLORIDA AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY I-1 TO CITY I-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-39 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing none, the public hearing was closed. **Motion by Commissioner Nichols to approve Ordinance 05-39 with staff recommendations. Seconded by Commissioner Dixon. Motion carried unanimously 5-0**

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 05-02:** AMENDING THE WINTER GARDEN COMPREHENSIVE GROWTH MANAGEMENT PLAN TO ALLOW FOR THE DEVELOPMENT OF AN OPEN AIR MALL ON THAT CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535 AND GENERALLY KNOWN AS THE FOWLER PROPERTY BY SPECIFICALLY AMENDING POLICY 1.3 OF THE FUTURE LAND USE ELEMENT BY INCLUDING A "BELTWAY CENTER" LAND USE CATEGORY; AND AMENDING OBJECTIVE 3 OF THE CAPITAL IMPROVEMENT ELEMENT BY ESTABLISHING A POLICY IDENTIFYING PROPORTIONAL SHARE CONTRIBUTION FOR INFRASTRUCTURE IMPROVEMENTS REQUIRED BY A DEVELOPMENT OF REGIONAL IMPACT; AND AMENDING THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION OF THE AFORESAID REAL PROPERTY GENERALLY KNOWN AS THE FOWLER PROPERTY FROM WINTER GARDEN LOW DENSITY RESIDENTIAL AND CONSERVATION OVERLAY TO CITY BELTWAY CENTER WITH A CITY CONSERVATION OVERLAY; AND REVISING POLICY 9.3.2.4 OF THE FUTURE LAND USE ELEMENT BY CHANGING THE DESIGNATION OF THE FOWLER PROPERTY TO BELTWAY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Fowler Comprehensive Plan Amendment *continued from April 14, 28, June 9, and July 28, 2005*)

See public hearing comments below. **Motion by Commissioner Reynolds to approve Ordinance 05-02 and schedule the third reading and public hearing for September 7, 2005. Seconded by Commissioner Dixon.** Commissioner Graham asked to make a few clarifications because as far as he knows, the City has not solicited anyone to annex into the City except some County enclaves. Whenever a property owner applies for annexation, the property must be rezoned to a City zoning from a County zoning, which in most cases has been R-1. Later, when the property is to be developed, the owner requests a rezoning. Zonings have changed on numerous occasions; recently some were rezoned to PUD. For the past 19 years he has served on the Commission, this has been occurring and therefore is not something new. The DCA must be provided with responses to their questions and it must go through a County review. Regarding the straw ballot, in the beginning, the questions discussed were set at three questions but The

Sembler Company made it clear that they were only proposing one mall and others were not an option. The ballot language included all three uses on the property and had one question. Commissioner Nichols responded that the survey ballot question did not have to be asked to meet Sembler's requirements because it was the Commission's survey. Mayor Quesinberry stated that the question was devised in order to make it as easy as it could be to answer. Commissioner Nichols replied that it was actually very confusing to the public. Commissioner Dixon stated that she is voting on the Ordinance and not what the straw ballot results were. Commissioner Nichols asked about the DCA ORC report concerns. City Planner Cechman responded that one concern was the water capacity, which was prior to the City receiving a Consumptive Use Permit. The DRC recommended that the City put in the percentage of distribution among the mix uses identified by use categories and staff has done that. Potable water comments have been handled by the Utility Department. The DRC also addressed traffic on SR 50 and CR 535 that has since been reviewed both by The Sembler Company and by an independent peer review that since the mall has been downscaled, can be negotiated and will not be a problem. Commissioner Nichols asked if the City would not meet its concurrency until October. Mr. Cechman responded that the State Statutes has a provision for DRI's that allows for payment of a proportional share in order to meet concurrency. Commissioner Nichols asked if concurrency means having the roads in place. Mr. Cechman replied no, DRI's with mixed use classifications can pay a proportional share as in this case is SR 50 and working out something with the County for CR 535. The three-party agreement for Daniels Road to the north has not yet been reached because the City would have to first approve the Ordinances before Sembler will negotiate an agreement with the County. Another recommendation is to revise the data analysis to demonstrate the need for the proposed non-residential development after considering the demand with the Horizon West Town Center. The City has the market study from Fishkind dealing with how much need there is for commercial development in West Orange County. In Mr. Cechman's opinion, this ORC report is not as severe as he has seen before and he is confident the responses will pass. **Motion carried 4-1; favor Quesinberry, Reynolds, Graham and Dixon, opposed Nichols.**

4. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 05-22:** APPROVING THE DEVELOPMENT ORDER OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF APPROXIMATELY 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Fowler Groves *continued from April 14, 28, June 9, and July 28, 2005*)
See public hearing minutes below. **Motion by Commissioner Graham to approve Ordinance 05-22 and schedule the second reading and public hearing for September 7, 2005. Seconded by Commissioner Dixon.** Commissioner Nichols stated that residents of District 4 should have the same opportunity to make a lengthy presentation. **Motion carried 4-1; favor Quesinberry, Reynolds, Graham and Dixon, opposed Nichols.**

- B. **Ordinance 05-24:** REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Winter Garden Villages at Fowler Groves PCD *continued from April 14, 28, June 9, and July 28, 2005*)

See public hearing comments below. City Attorney Bedell stated that a petition of protest has been submitted and still needs to be reviewed because if it meets the provision of Code Section 118-7, the second reading would only pass if there is a favorable vote of three-fourths of the City Commission. **Motion by Commissioner Graham to approve Ordinance 05-24 and schedule the second reading and public hearing for September 7, 2005. Seconded by Commissioner Dixon and carried 4-1; favor Quesinberry, Reynolds, Graham and Dixon, opposed Nichols.**

Mayor Quesinberry announced that the above three Ordinances (05-02, 05-22 and 0-24) are being opened as one public hearing and each will be voted upon individually. City Attorney Bedell read Ordinances 05-02, 05-22 and 05-24 by title only.

The following presentations were made and attached to the minutes.

City Planner Cechman presented attachment "A" and stated staff recommends approval with the technical conditions provided.

City Manager Bollhoefer came forward and gave the fiscal impact presentation, which is attachment "B" and listed the pros and cons of the proposed mall.

Jason McGlashan, with HDR, came forward and gave the traffic presentation, which is attachment "C".

This concluded the staff presentations and Mayor Quesinberry called forward The Sembler Company to make their presentations.

Craig Sher, President and CEO of The Sembler Company, covered information about The Sembler Company, described the site and site plan, reviewed the project benefits, reviewed the design of the project, and discussed important staff and citizen issues, which is attachment "D". He asked the City Commission to consider the straw poll ballot results with 72% of the residents voting in favor of the proposed project. He also read a letter from Tina Aldrich, President of the Downtown Winter Garden Merchants Guild that stated a majority are in favor of the proposed mall and included a copy of a letter from The Sembler Company dated August 23, 2005 pledging \$20,000 to help the downtown area market their businesses, which is attachment "E".

Mel Sembler came forward shared that the Company began in 1962 and has had 250 projects, and highlighted some of those projects in his presentation, which is also in attachment "E".

Tom Hareas came forward and described the virtual tour presentation.

Hal Cantor, Esquire, stated that this item is a combined legislative and quasijudicial hearing. The Sembler Company and its consultants have communicated in writing, email, letters, at meetings, outside of meetings not in the public and he must disclose that they have occurred. The information given has been of the nature of what the project is about, some issues, and the Commission was forthcoming in asking can you do this or that, or what should you do. This is very helpful when designing a project. He went over the DRI aspects, traffic issues and clarified some misinformation, which is in attachment "E". Additionally, Mr. Cantor submitted a copy of all the project documents submitted to date.

This concluded The Sembler Company presentations.

Commissioner Nichols asked if the tenant, Super Target, would be open 24 hours. Mr. Sher replied no and stated that the ordinance limits the operating hours. Commissioner Nichols asked how large the Bay Walk mall project is. Mr. Sher replied about 145,000 square feet. Commissioner Nichols asked which project is the largest they have ever constructed and if the Winter Garden Mall would become the largest. Mr. Sher replied the Clearwater Mall is approximately 850,000 square feet and Winter Garden would be the largest project. Commissioner Nichols asked if the traffic signal at Daniels and Stone Crest has been approved. City Manager Bollhoefer responded that the City would have to install the light only if the warrant study indicates it is needed but staff believes it will pass the warrant study. Commissioner Nichols referred to the marked police vehicles on site with off duty officers. Mr. Bollhoefer replied that it is normal practice for the business utilizing these services to pay a higher amount to cover the use of a police vehicle and for the officer. Commissioner Nichols stated she has a longer version of the virtual tour that includes an aerial view and asked if it was available tonight. Mr. Sher responded that the version shown tonight is the only version they have and the longer version is of an earlier proposed site plan. Commissioner Nichols stated that the old virtual version is a better visual presentation because it shows just how large the project is. Commissioner Nichols clarified an earlier comment by stating that she has made the statement that she would vote according to the survey results from her district.

Commissioner Reynolds stated that this has been a tough issue for him from the standpoint of trying to decide what is best for the City. He feels that the straw poll ballot is the voice of the residents and that progress is not always 100 percent favorable, it is inevitable. He feels that the best thing the Commission can do is to manage progress and get the best results out of what is inevitable. He has asked what does District 4 need most and what he thinks is needed is a first class fully active recreational park and asked The Sembler Company if they would be willing to substantially contribute the land or resources for a public park that will benefit the area residents because they are impacting them with the proposed development. Mr. Sher responded that he can safely speak for his partners and they would be willing to contribute significant resources, which are probably easier than contributing land, towards that end. Commissioner Reynolds asked

if that contribution would be in the upper hundreds of thousands of dollars. Mr. Sher replied yes, they could speak in hundreds of thousand of dollars. Commissioner Dixon stated that District 3 will not be discriminated against because they are also in need of recreation areas and programs. What is good for one district is good for another and the Commission should decide on how the contributed funds would be distributed. Mr. Sher stated that prior to the second reading they are willing to discuss the options and present them to the Commission. Commissioner Graham stated that he would like to have additional recreation areas throughout Winter Garden. If The Sembler Company remains in Winter Garden, he believes they could be counted upon to help with other projects such as this. Commissioner Reynolds stated that he would also like to see Sembler utilize their revitalization expertise for State Road 50. Commissioner Graham responded that Highway 50 is a matter of getting funds from Tallahassee and Washington, D.C. so maybe Mr. Sembler can help the City in that regard.

Mayor Quesinberry opened the public hearing at this time and stated that each speaker would be allowed three minutes to address this item.

Those speaking in favor were:

Ken Whitaker, 1012 Royal View Circle, Winter Garden, Florida
Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida
Jim Gustino, 13914 Eylewood Drive, Winter Garden, Florida
William M. Roberson, 12100 Marshall Farms Road, Winter Garden, Florida
Mike Carroll, 1149 Portmoor Way, Winter Garden, Florida
Kurt Ardaman, 170 E. Washington Street, Orlando, Florida
Dennis Freytes, 9453 Westover Club Circle, Winter Garden, Florida
John Crossman, 4412 Anson Lane, Orlando, Florida
John Dottore, 206 Riverbend Court, Longwood, Florida
Jose Conty, 2038 Tiptree Circle, Orlando, Florida
Chris Abbott, 567 Groves End Lane, Winter Garden, Florida
Vicky Curiel, 648 Home Grove Drive, Winter Garden, Florida

Those speaking in opposition were:

Carl Radcliffe, 2056 Wintermere Pointe Drive, Winter Garden, Florida, stated he opposes the fact that there are no plans for tripling the traffic on CR 535. He is also concerned about the current vacant commercial buildings. He is in favor of development and the mall, but CR 535 south of 429 needs to be looked into with regard to the traffic the residents would have to endure.

Patrick Howell, 732 Wilkinson Street, Orlando, Florida stated he represents four Winter Garden residents and two homeowner associations opposing the project as planned. The City has failed to address the concerns transmitted by the State Department of Community Affairs (DCA) relating to traffic and therefore, a vote at this time is premature. There are intergovernmental agreements that still must be developed. Thus far, this project fails to meet the law that requires communities to develop responsibly and coordinate proposed development with their neighbors. This project fails both of these requirements. There has been discussion about potential agreements that until they are in place, a vote would be extremely premature. The current proposed project will go

to the DCA and be rejected. He and his clients believe that Ordinance 05-24 has inaccurate information and as well as the evidence presented. There has been a comparison to the Winter Park Village as well as other locations to make those seem larger. He thinks a no vote is required because his clients purchased their houses with the knowledge of what was going to be next door to them as their neighbor, which was a residential development and relied on the Comprehensive Plan for making their decision. As provided in the City Code a petition was submitted on August 23, 2005 containing 40 percent of the affected property owners that will require a vote of 4-1 by the City Commission to approve the Ordinance. Mr. Cantor, attorney for Sembler, has pointed out that there have been exparte communications and the City Code requires that they be put into the record today.

Colin Sharman, 312 Duff Drive, Winter Garden, Florida stated that the proposed project has departed from the Comprehensive Plan and he opposes an excessive departure from it. The size of the project impacts every other facet; traffic, crime, and development on SR50. The Sembler Company has some beautiful projects but none are as large as this one. The Commission needs to strive to make a decision that makes as many people as possible happy. The project is too excessive in his opinion.

James Balderrama, 14315 Hampshire Bay, Winter Garden, Florida stated that for months now residents have been asking that the project be made smaller or don't build at all. The straw ballot votes cast in favor of the mall are the result of false and misleading statements mailed to residents that were deceiving and full of lies. The City's own study shows that all seven intersections will have a dramatic impact because of traffic. According to the City's web page, the seven intersections will have a rating of E or F, with F being the lowest. The developer gave a two-hour presentation while residents only get three minutes. The mega mall will be three times larger than the Winter Park Village and The Sembler Company has said it would be just like Winter Park Village. Homeowners did their research before they purchased their homes and they have not asked for a big mall.

Phil Baker, 125 West Smith Street, Winter Garden, Florida stated he opposes the major impacts it will cause to all the arteries and the reality of what is going to happen to traffic has to be looked at. The road construction alone will close lanes and bring traffic to a standstill.

Edward Lynch, 660 Home Grove Drive, Winter Garden, Florida asked if the project has been scaled down, why the three Ordinances still refer to all 174 acres. The resulting problems include increased noise and traffic. Crime will also increase and property values will fall. Most of the jobs created would pay poorly. Residents want equal time prior to the final vote. The traffic presentation stated that the proposed improvement to the intersection of Daniels Road south of 50 would bring capacities up to comparable levels but failed to point out that the intersection currently receives an E or an F on capacity so the "comparable levels" means unacceptable levels. He urged the Commission to keep the zoning as it is currently.

Gina Balderrama, 14315 Hampshire Bay Circle, Winter Garden, Florida emphasized the impact and danger of the increased traffic everyone would face. Citizens do not need a mall of this size.

Jennifer Armitage, 663 Groves End Lane, Winter Garden, Florida stated she opposes the safety and health issues the mall would generate. It will put children at risk to cross the streets, vandalism, loitering, and pollution.

Mack McLaughlin, 312 English Lake, Winter Garden, Florida stated he opposes the mall because 30,000 car trips per day is too much and it should be smaller. His goal for the site was to have something for the entire community such as a park. While The Semblers have included 3.7 acres of semi-dry wetlands for recreation, much more is needed. He suggested adding some land to the north side to make the park five to six acres. He would like to see some of the retail on Daniels Road cut back, or maybe some mix changes to decrease the potential traffic. All in all, he would like to see it made smaller.

Jim Graham, 3208 W. Orange County Club Drive, Winter Garden, Florida stated he opposes the mall because of the traffic it will generate. It is not a reasonable size for the area.

Mayor Quesinberry closed the public hearing and called for a recess at 9:57 p.m. and reconvened at 10:05 p.m.

City Attorney Bedell advised the City Commission that they need to disclose any ex parte communications they may have had with The Sembler Company or its representatives. Commissioner Nichols disclosed that she spoke with Craig Sher last evening on the phone for half an hour and had a meeting with Tom Hareas and Dan Waginspaw. Commissioner Dixon stated she has not met with anyone. Mayor Quesinberry stated he has not met with or had any conversations with The Sembler Company. Commissioner Reynolds stated that in a discovery capacity he had meetings and has visited the property to get a scope of the project in order to do his due diligence. Commissioner Graham stated that he has spoken with The Sembler Company three times over the telephone. Just last week they spoke briefly and he stated he would make his decision after the presentations. He has not indicated his vote either way.

Mayor Quesinberry called for a motion at this time (*see above related Ordinances*).

5. **REGULAR BUSINESS**

A. **Request for sponsorship by the West Orange High School**

Mayor Quesinberry called the applicant, Jessy Spear, who was not present. **Motion by Commissioner Graham to postpone the request for sponsorship by the West Orange High School. Seconded by Commissioner Nichols and carried unanimously 5-0.**

B. **Request for reappointment as a General Employees Pension Board Trustee for two years**

Motion by Commissioner Graham to reappoint Margo Kennington as a General Employee Pension Board Trustee for a two-year term. Seconded by Commissioner Nichols and carried unanimously 5-0.

C. **Recommendation for the approval of the Final Plat for Lake Cove Pointe**

City Planner Cechman stated that this is a Final Plat Phase 2. Letters of credit have been submitted to the City to ensure payment for the improvements required. Staff is

recommending approval of the final plat with the conditions provided in the agenda package. Commissioner Graham questioned whether or not the Permanent Reference Monument (PRM) for lots 62 and 72 needed to be colored in for final approval. City Engineer Miller responded that the referenced open square is referenced within the legend as a designated PRM, which is a concrete monument as reviewed and certified as present by the City Surveyor. Commissioner Graham asked if on the plat it needed to be a white and black square. City Engineer Miller responded that the legend reflects a white square as the PRM. Commissioner Reynolds stated that there is an unusual amount of contingencies and asked if there had been some sort of financial problem with the development in the past and if that is why the bond had to be posted. Mr. Mikel Carpenter, Esquire, stated that is not the reason and that they were not aware of these contingencies until about a month ago. Commissioner Reynolds asked City Planner Cechman what was the reason for the bond. City Planner Cechman briefly explained the purpose of a bond and that a Certificate of Completion must be issued by the City Engineer after all the requirements are met. The bonds would make funds available to the City if the project were to go bankrupt. **Motion by Commissioner Graham to approve the Final Plat for Lake Cove Pointe with staff recommendations (see attached). Seconded by Commissioner Dixon.**

Mr. Jerry Carris, 347 Bay Side Avenue, Winter Garden, Florida stated as a member of the Planning and Zoning Board they have recommended some additional conditions of approval, which include installing landscaping along the wall to the west of Bayside Avenue and a sidewalk. City Manager Bollhoefer clarified that Mr. Carris is asking whether or not the landscaping and sidewalk are covered by the bond. Staff indicated it has been satisfactorily taken care. **Motion carried unanimously 5-0.**

D. **Recommendation to approve negotiated scope of services and fees with McKim & Creed, PA for Personal Computer Based Hydraulic Modeling Services not to exceed \$168,500 over a three year period and authorize staff to enter into a contract**

Utilities Director Tiblier stated that this item was previously presented to the Commission and staff has negotiated with the highest ranked firm. The document provided is staff's recommending for approval. **Motion by Commissioner Graham to approve the negotiated scope of services and fees with McKim & Creed as requested. Seconded by Commissioner Reynolds.** Commissioner Nichols asked if the exact amount has been budgeted. Utilities Director Tiblier replied yes. **Motion carried unanimously 5-0.**

E. **Recommendation to approve agreement with the School Board of Orange County to provide School Resources Officer for Lakeview Middle School, Dillard Street Elementary School, and Whispering Oaks Elementary School**

Police Chief Brennan stated that this is a standard agreement from Orange County Schools to reimburse the City in part for the City's cost for providing School Resource Officer services. The only change is an increase of \$5,000 from \$25,000 to \$30,000 because a new elementary school, Whispering Oaks, has been added. Commissioner Graham stated he will ask his normal question and that is whether or not the City would be getting an increase because an officer does spend all day at Lakeview. Police Chief Brennan responded that the City receives \$20,000 in reimbursement. The extra \$10,000

covers one day a week at both the Dillard Elementary School and one day a week at Whispering Oaks for \$5,000 each. Commissioner Graham asked if they have raised the reimbursement in the last few years. Police Chief Brennan said no, they have not. Commissioner Graham stated that the City is annually raising police officer pay and the teachers are getting raises so why wouldn't the City receive more funding. Police Chief Brennan stated that the Police Chiefs have voiced this same issue and at the last meeting, Mr. McCarris with school security stated that the School Board has not opted to increase the funding. It is the City's option, but he does not recommend discontinuing the service as it is valuable to our schools. He also stated that from a public relations standpoint the Resource Officer provides valuable education to the children. He does not think it is fair that they only provide \$20,000 for an additional officer when it costs the City approximately \$60,000 per year. He agrees that the City should be getting annual increases. Commissioner Graham recommended to the Commission that they speak to our School District Board members, Karen Ardaman and Jim Martin, about receiving the additional funding. **Motion by Commissioner Graham to approve the agreement as submitted. Seconded by Commission Dixon and carried unanimously 5-0. .**

6. MATTERS FROM CITIZENS

Mr. Jerry Carris, 347 Bay Side Avenue, Winter Garden, Florida stated that he has served the City as a professional arborist giving advice on trees, safety and their settings, without any charge to the City for his services. He often receives a call when it is too late to do anything constructive and therefore his recommending is that the City consider employing a fulltime Certified Arborist and consider contacting the University of Florida School of Forestry for the position. The Arborist could look at obvious problem trees, conduct an inventory of the existing trees and utilize a global positioning system to evaluate potential problems. The Arborist could also be tasked with recommending whether a tree permit is approved or not. Mayor Quesinberry thanked Mr. Carris for his volunteer services to the City and advised him that the City Commission would take his suggestion under consideration.

Mr. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida stated his concern regarding the City Manager's contract being drafted by the City Manager and not being reviewed by the City Attorney. He stated he had not read the contract but could not see how it could be passed without some sort of a legal opinion. Commissioner Dixon pointed out that the City Commission asked City Manager Bollhoefer to submit his contract for the position. Mr. Miller then asked Mr. Bollhoefer if he had a law degree. Mr. Bollhoefer answered no. Mr. Miller stated that he thought the City Commission should have asked the City Attorney for a legal opinion that night. Mayor Quesinberry stated that the contract was created using contracts used statewide. City Attorney Bedell stated that he reviewed the contract, which was included in his agenda package, and it appeared to him to be an employee contract with nothing out of the ordinary.

Mr. Colin Sharman, 312 Duff Drive, Winter Garden, Florida stated that City Manager Bollhoefer has done a good job as the City Manager and he holds him in high regard. However, he was disappointed at the last meeting when the City Manager's contract was

challenged and felt it should have been discussed with him behind closed doors. City Manager Bollhoefer responded that he had negotiated with a majority of the Commissioners. He dealt with their issues as they were brought to him and made some changes accordingly. Mr. Sharman stated that he was only questioning the approach. Mr. Bollhoefer responded that he was perfectly comfortable with his approach. Commissioner Graham stated that when he spoke with Mr. Bollhoefer and discussed two specific items, Mr. Bollhoefer removed them both and thought Mr. Bollhoefer was quite fair in the discussions.

7. **MATTERS FROM CITY ATTORNEY** – Frank Bedell stated he had no items.
8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
 - A. The Financial Statement for July 2005 was distributed.
 - B. Advised the Commission that the West Orange High School will be closing the roads on September 16, 2005 at 4:00 pm for one-half hour.
9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Dixon

Noted that her meeting with the Florida League of Cities was very productive and that the faith-based initiative has funds available and the information will be presented to the City Commission at a future date.

Stated that she was also able to meet with a number of the mayors and commissioners and found one thing in common and that is that all cities will have to rally around their schools because of the lack of funding in the school system. She noted that volunteers are needed to go into our schools and assist the children in learning how to read. She advised that volunteers can receive a certificate, which can be used for discounts in local stores. She will be providing the City Commission with additional information at a later date.

Mayor Quesinberry

Announced that the budget workshop is being postponed until next Thursday, September 1, 2005 at 6:30 p.m.

The meeting adjourned at 11:00 p.m. to the budget workshop on September 1, 2005.