



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

CITY COMMISSION REGULAR MEETING MINUTES

November 8, 2007

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

Present: Mayor Jack Quesinberry, Commissioners Harold L. Bouler, Bob Buchanan, H. Gerald Jowers, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, City Planner Ed Williams, Public Services Director Don Cochran, Police Chief George Brennan, Finance Director Brian Strobeck, Fire Chief John Williamson, Information Technology Director Bob Reilly, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Economic Development Director Dolores Key, and Assistant City Engineer Mike Kelley.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bouler to approve the regular meeting minutes of October 25, 2007 as submitted. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **PRESENTATION**

School Liaison Mack McLaughlin updated the City Commission by giving a PowerPoint presentation (*see attached*) on school concurrency and a fall report on Winter Garden area schools. In closing, Mr. McLaughlin proposed that he set up a task force to work with the new West Orange High School Principal to welcome and introduce them to the community. He stated that if there were any volunteers present, he would be happy to speak with them after the meeting.

Commissioner Buchanan addressed the policy that within three years a new development has to have a school in place. It appears that the contingency funds contributed, in some cases, are not enough to build the school and that is the part that he has a problem with. They should have to build the school when the development is being built and not wait three years. Mr. McLaughlin agreed but in order to make that change, it would have to be done at the state level.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 07-61:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR REGULATION OF LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION;

PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING A SEVERANCE AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-61 by title only. **Motion by Commissioner Buchanan to approve Ordinance 07-61 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Jowers.**

Commissioner Sharman asked that information be provided regarding alternative fertilizers with lower phosphate levels that he can share with residents. City Manager Bollhoefer stated that he could get that information, which will be part of educating people on what the alternatives are. He stated that this ordinance is very similar to the ordinance passed by Windermere and he expects that the state will pass a similar law very shortly. Commissioner Sharman stated that this action goes along with the City's "Green" initiatives and is good for helping our lakes. **Motion carried unanimously 5-0.**

Mayor Quesinberry stated that prior to reading the next ordinance, the City Commission voted to cancel the regular meeting on Thanksgiving but the next ordinance requires that it be sent to Orange County by December 1, 2007. He suggested calling a special meeting for November 29, 2007, which is the week after Thanksgiving. **Motion by Commissioner Jowers to approve calling a special meeting on November 29, 2007. Seconded by Commissioner Boulter and carried unanimously 5-0.**

Mayor Quesinberry suggested conducting the meeting at City Hall Chambers. **Motion by Commissioner Buchanan to conduct the meeting of November 29, 2007 at City Hall Chambers at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 07-62:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 66-1 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 AND OLDER; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER BEFORE DECEMBER 1, 2007 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-62 by title only. **Motion by Commissioner Jowers to approve Ordinance 07-62 with the second reading and public hearing being scheduled for November 29, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 07-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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

City Attorney Ardaman read Ordinance 07-48 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Planning Director Williams stated that staff recommends approval. **Motion by Commissioner Jowers to approve Ordinance 07-48 with the second reading and public hearing being schedule for December 13, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 07-49**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-49 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 07-49 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- C. **Ordinance 07-50**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.428 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1225 N. WEST CROWN POINT ROAD FROM ORANGE COUNTY RESIDENTIAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-50 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-50 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 07-56**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-56 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-56 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- E. **Ordinance 07-57**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 AND 35 BROAD STREET,

MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY R-NC;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-57 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-57 with the second reading and public hearing being schedule for December 13, 2007. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- F. **Ordinance 07-58**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.907 ACRES LOCATED AT 933 CARTER ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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
- G. **Ordinance 07-59**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY INDUSTRIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.907 ACRES LOCATED AT 933 CARTER ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 07-60**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.907 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 933 CARTER ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY I-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman noted that staff is requesting postponement of the above three ordinances. If the postponement is to be made to a date certain, he would read the titles. Planning Director Williams verified that staff is not recommending they be postponed to a date certain and explained that the applicant has not yet submitted details of their plans for the property and staff is not certain when they will. City Attorney Ardaman clarified that in this case, these ordinances will be re-advertised for first and second reading, and he advised the City Commission that there is no need to read the ordinances into the record. **Motion by Commissioner Jowers to postpone Ordinances 07-58, 07-59, and 07-60, indefinitely. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 07-51**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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

City Attorney Ardaman read Ordinance 07-51 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to approve Ordinance 07-51 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 07-52:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-52 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-52 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 07-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 510 WINTER GARDEN-VINELAND ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-53 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 07-53 with the second reading and public hearing being scheduled for December 13, 2007. Seconded by Commissioner Jowers and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

- A. **Request by Severt's Trees for a temporary open-air sales vendor license, with tent, to sell Christmas trees from November 24, 2007 to December 24, 2007 (31 days) at 14101 W. Colonial adjacent to Regions Bank**

Alan Schaeffer representative for Severt's Trees asked that the City Commission change the start date to November 19, 2007, in order to begin selling trees before Thanksgiving.

Motion by Commissioner Jowers to approve Severt's Trees temporary open-air sales vendor license, with tent, to sell Christmas trees from November 19, 2007 to December 24, 2007 (36 days) at 14101 W. Colonial adjacent to Regions Bank. Seconded by Commissioner Boulter and carried unanimously 5-0.

- B. **Request by Alpha Focal Point for a temporary open-air sales vendor license, with tent, to sell Christmas trees, lighted sculptures, and poinsettias from November 15, 2007 to December 24, 2007 (40 days) at 14811 W. Colonial**

Richard Mazzula representative for Alpha Focal Point was available for any questions.

Motion by Commissioner Boulter to approve Alpha Focal Point temporary open-air sales vendor license, with tent, to sell Christmas trees, lighted sculptures, and

poinsettias from November 15, 2007 to December 24, 2007 (40 days) at 14811 W. Colonial. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. Request by Lowe's Inc. for a temporary open-air vendor license, with tent, to sell Christmas trees from November 20, 2007 to December 27, 2007 (37 days) at 3391 Daniels Road (mall)

City Manager Bollhoefer stated that he spoke to the manager of Lowe's who informed him this is something that is traditionally done at all of their locations. **Motion by Commissioner Jowers to approve Lowe's Inc. temporary open-air vendor license, with tent, to sell Christmas trees from November 20, 2007 to December 27, 2007 (37 days) at 3391 Daniels Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

D. Recommendation to approve the final plat for Stoneybrook Mini-Storage located on Avalon Road

City Planner Williams stated that the Planning and Zoning Board and staff recommend approval with one condition on the plat. The property shares a retention pond with the adjoining residential area and it requires an easement agreement be signed to specify who is paying for what on the pond. Staff's recommendation is for approval subject to the applicant getting that referenced agreement signed during the 60 day period of their temporary Certificate of Occupancy. City Attorney Ardaman noted that the plat contains a note number 9 that has been deleted. **Motion by Commissioner Sharman to approve the final plat for Stoneybrook Mini-Storage located on Avalon Road as recommended by staff. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

E. Recommendation to approve the final plat for Walker's Grove Townhomes located on West Bay Street

City Planner Williams requested that this item be tabled because all the necessary documents and forms have not yet been completed. **Motion by Commissioner Buchanan to table the final plat for Walker's Grove Townhomes located on West Bay Street. Seconded by Commissioner Jowers and carried unanimously 5-0.**

F. Recommendation to approve a development agreement for Zion Lutheran Church located on Marsh Road

City Planner Williams stated that staff recommends approval of this agreement which specifies certain responsibilities of the developer. The developer is contributing to Marsh Road and is doing certain utility functions. **Motion by Commissioner Jowers to approve the development agreement for Zion Lutheran Church located on Marsh Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

G. Recommendation to approve a construction contract with BRPH Construction Services, Inc. in the amount of \$1,874,774 and a ten percent contingency for the construction of Fire Station #22

Assistant City Manager Robertson stated that there were three pre-qualified bidders who were very close and were very good bids. Staff recommends approval of BRPH Construction Services, Inc. in the amount of \$1,874,774 and a ten percent contingency fund.

Motion by Commissioner Buchanan to approve construction contract with BRPH Construction Services, Inc. in the amount of \$1,874,774 and a ten percent contingency for the construction of Fire Station #22. Seconded by Commissioner Boulter and carried unanimously 5-0.

- H. **Resolution 07-09:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA DESIGNATING THE CITY MANAGER AND THE ECONOMIC DEVELOPMENT DIRECTOR AS THE OFFICIAL REPRESENTATIVES OF THE CITY OF WINTER GARDEN AUTHORIZED TO RECEIVE AND DISTRIBUTE CONFIDENTIAL INFORMATION PURSUANT TO SECTION 288.075 FLORIDA STATUTES RELATING TO PLANS, INTENTIONS OR INTEREST OF A PRIVATE CORPORATION, PARTNERSHIP OR PERSON TO LOCATE, RELOCATE OR EXPAND ANY OF ITS BUSINESS ACTIVITIES IN THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 07-09 by title only. Mayor Quesinberry asked staff for an explanation. Economic Development Director Key explained that under normal protocol when there is an Economic Development Division (EDD) there are times when you will have a company interested in relocating into your City. There are times you will work with a site selector and they will conduct a due diligence for you and say this is a bona fide company for relocation. Sometimes you want to be able to verify this information on your own. Also when dealing with major corporations, they do not want it known that they are looking to relocate because it could affect stock prices, etc. This is simply a mechanism under Florida Statute that allows economic development persons to conduct the due diligence to make sure they are working in the best interest of the City, as well as the company, until they make a final decision of narrowing their scope of where they want to relocate before a public announcement.

Mayor Quesinberry stated that if a company was to come to the City with intentions of employing 400 people, it would not hurt for the City Commission to know about it and it would not be necessary to know the company's name.

Mr. Bollhoefer added that the idea is that communication still occurs with the City Commission about any company interested in coming to the City with X number of jobs. The potential company's true concern is that if they do not have this capability, the company will not tell you their name and at that point, the City does not have the ability to go out and take a look at the company to see if it is worth investing our time and efforts to lure the company.

Commissioner Sharman asked at what point in the process this would fall under the domain of being under the Sunshine Law. Is it when they are serious about relocating and have put it in writing to the City that they are interested? Ms. Key replied that is correct. She then gave an example of a Scripps project she worked on, when there was a period of time during the site selection process that staff had to withhold the company's name. The Council knew something was going on but not until it was presented did they know who. Mr. Bollhoefer also shared a current example of a computer programming company that has

several high paying jobs that is interested in coming into Winter Garden. They will not provide the name of the company now because it would become public record. Once this happens, the City loses the opportunity to work with them. He explained that with this agreement they could sign it, come tell us their name, we can then go and do a due diligence to see if this is a company worth the City pursuing. The public will still have the full time and process for their review. Ms. Key added that after a property has been identified, it still has to go through the entire approval process when it becomes public record. City Attorney Ardaman stated that he thinks it is only triggered when the corporation requests of the City in writing, in advance, that it remain confidential. Ms. Key agreed.

Motion by Commissioner Boulter to approve Resolution 07-09. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **Resolution 07-10:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING TRANSFER OF A PORTION OF SR 438/PLANT STREET FROM SR 537/DILLARD STREET TO SR 429 FROM THE STATE HIGHWAY SYSTEM TO THE CITY ROADWAY SYSTEM; PROVIDING TRANSFER; PROVIDING AUTHORIZATIONS; PROVIDING WAIVER OF HEARING; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 07-10 by title only. **Motion by Commissioner Buchanan to approve Resolution 07-10. Seconded by Commissioner Jowers.**

City Manager Bollhoefer stated there has been an issue on Plant Street (SR 438) with more and more traffic with part needing to be widening to three and four lanes. The State has no plans for doing anything to this road for at least 16 to 20 years, yet they were getting ready to repave it for approximately \$2.1 million. Staff thinks it is important for the City to take this road and do this work ourselves. The money would come from impact fees and developers and by the City taking this road it gives the City jurisdiction and would give the City the additional \$2.1 million to do the road work. He discussed this year's budget and some of the current planned projects and explained that if the City waits on the State, the work will never be done. The City will have difficulty with the concurrency as we try to lure some of those high tech jobs out of the 438 corridor. He stated that we think this is a good move for the City. **Motion carried unanimously 5-0.**

- J. **Discussion and possible action to renew the Orange County Public Schools agreement for the School Resource Officer Program**

Police Chief Brennan stated that the Orange County Public Schools Board (OCPS) has sent the renewal agreement for School Resource Officer (SRO) services at the elementary and middle schools. In past years the City Commission has had considerable discussion on wanting to know why there have not been any increases in the reimbursement to the City for this program. Chief Brennan stated that he has relayed this concern to the school board several times. Last year the City did get a ten percent increase in those funds but this new contract does not have any increase. He stated that this issue is again before the City

Commission for discussion and Rick Harris the Director of Security for the Orange County School Board is present to answer any questions.

City Manager Bollhoefer explained that approximately 12 years ago when the City first started working with the school system they were paying 50% of the cost of an officer. Over the years, the City's costs have gone up significantly but the school system has not increased their costs proportionately. He stated that it would be a fair program if we shared the costs 50/50 when it comes to the officers. He has spoken to many OCPS personnel and in general they have not been willing to discuss doing so.

Rick Harris, Senior Director for Safety, Security, and Environmental Services for Orange County Public Schools distributed a handout to the City Commission that provided an overview of the School Resource Program that first began in 1974 and has since grown to 90 SROs supporting 170 schools. He encouraged continued participation by the City to provide SROs to protect the children. He acknowledged that Chief Brennan and his staff as doing a tremendous job upholding the current functions. The school boards commitment to the City is that they are looking to see if there is any latitude to look at potential increases. Currently, the school board is facing a \$30 million shortfall in funding based on legislative actions taken. These funds are being taken directly out of the classrooms and these realities are what the school board is facing. The school board appreciates the funding the cities provide. Approval of the proposed contract is needed to ensure the first installment in December.

Commissioner Jowers stated that having been a former teacher and assistant principal, he recognizes the need for School Resource Officers in the schools. He stated that in terms of municipal budgets, which are just as tight as the educational budgets, the City is paying two-thirds and the school board is paying only one-third and they are getting a real good bargain.

Commissioner Sharman stated that in addition to what Commissioner Jowers has said, our mission as City Commissioners is to put the safety of our citizens first and provide essential services. There are two parts to this story and what has happened to the City recently is that we have been asked to cut property taxes, which effects, our budget for Police, Fire, Safety, essential services and other services. Our citizens are being asked to give up things that they like. He gave the example of a citizen that may not have school aged children that may be getting a program cut such as a downtown event or recreations program. He stated that the City is being faced with this, but what he would like to see is the City's partner going to the State legislature and expressing how this affects the schools. This message has not gotten out that this property tax cut is affecting everyone.

Mr. Harris stated that he would carry that message back to the school board.

Commissioner Buchanan stated that it would be like taking cell phones away from people. It is to the point where a School Resource Officer is not just something that is a nice affect, but is something that is very much needed in the schools now. The cost in his opinion will be shouldered by the City to make sure that there is an officer present. He stated that the

fight is how the City and the school board will come up with better funding to assist this program. He expressed that if a crime were committed at a school it would be noted that it happened in the City of Winter Garden without reference to the school board. We need to protect our kids and our community.

Commissioner Jowers stated that sadly enough we have a phenomenal community high school again, which is for the most part outside the city limits of Winter Garden. Both the school board and the City would like to have it in city limits, but we cannot afford to put SROs in the high school and that is why we have not annexed it into the city.

Commissioner Bouler stated that he thinks we have missed the point on how we are preparing ourselves to go from one SRO to two SROs. Crime is not going down so what are we doing to prevent the need of having SROs. Mr. Harris responded that this is a larger question than the school board, a lot of what goes on in school is a manifestation of what has occurred in the community, and they deal with it inside. In answer to Commissioner Bouler's point, it is a collaborative effort requiring both the citizens and the school board to continue to reduce crime.

Mayor Quesinberry expressed that he thinks we have the best deal we can get at this point. **Motion by Commissioner Jowers to approve renewal of the Orange County Public Schools agreement for the School Resource Officer Program. Seconded by Commissioner Sharman.**

Commissioner Sharman emphasized that the City will be looking for the support with letters to the legislature from the school board and other members of the staff. Mr. Harris stated that they will work with Winter Garden's Commission and keep them in the loop as they do it. **Motion carried unanimously 5-0.**

K. Election agreements with the Orange County Supervisor of Elections for the 2008 General and any Runoff election

City Clerk Golden stated that the two proposed agreements before the City Commission are for conducting the joint election in January with the Presidential Primary and for any possible run-off election in 2008. **Motion by Commissioner Buchanan to approve both election agreements with the Orange County Supervisor of Elections for the 2008 General and any Runoff election. Seconded by Commissioner Bouler and carried unanimously 5-0.**

7. MATTERS FROM CITIZENS

Andy Bruns, 3 Palm Drive, Winter Garden, Florida thanked Peter Schreyer with the Crealde School of Art for his outstanding work on the grant he received for a project on Trailer City that is currently on display in the Edgewater Hotel lobby. Mr. Bruns also thanked City Manager Bollhoefer for helping Mr. Schreyer find a location to display his artwork. He announced that the grand opening was held on October 19, 2007 and will be on display until December 1, 2007 and encouraged everyone to go and see it.

Edward Lynch, 660 Home Grove Drive, Winter Garden, Florida stated that he wanted to bring something to the Commissions attention that came to his attention in the West Orange Times today about the mall's grand opening. He knew about the eight honorees that seemed like a wonderful idea and according to the newspaper article the honorees were selected as Winter Garden's great leaders chosen for their civic, military, and/or public service to the community and its history. There were two late additions made to the History Walk at the Winter Garden Village at Fowlers Grove one of which was Mel Sembler that to his knowledge has not lived here and there is a debate as to whether or not any contribution his company made to this community is positive or negative and he believes his selection may be misguided. In his opinion, Mr. Sembler's selection is an insult to those who opposed the mall and asked the City and City Commission to use their influence to address this issue especially in light of the fact the City gives money to the Winter Garden Heritage Foundation and they are involved in sponsoring the History Walk as well as the West Orange Times.

8. **MATTERS FROM CITY ATTORNEY** – None

9. **MATTERS FROM CITY MANAGER**

A. **Request for wavier of rental fees and damage deposit for using Tanner Hall by the West Orange Neighborhood Center for Families (non-profit)**

Mr. Bollhoefer stated that Dennis McCalister has asked for a waiver of rental fees and damage deposit for Tanner Hall. The waiver has been granted in the past for their annual Christmas Gala. Dennis McCalister stated that each year they have a Christmas Gala for underprivileged families and children in the Winter Garden area and each year the City has graciously allow them to use Tanner Hall at no charge, which is what he is asking for again this year.

Mayor Quesinberry asked Recreation Director Conn if there have been any problems in the past with them leaving the facility clean and undamaged. Mr. Conn replied no, everything has been fine. Mayor Quesinberry explained that this is what the damage deposit is for and wanted to mention it to be sure Mr. McCalister understood. Mr. McCalister replied yes. **Motion by Commissioner Sharman to waive the rental fee and damage deposit for use of Tanner Hall by the West Orange Neighborhood Center for Families. Seconded by Commissioner Boulter.**

Commissioner Sharman asked Mr. McCalister that in the event there were any damages are they willing to help take care of it. Mr. McCalister replied yes and they also carry insurance. **Motion carried unanimously 5-0.**

• **Replacement of the City representative on the MetroPlan Orlando Pedestrian Advisory Board**

Mr. Bollhoefer stated that prior employee Leontyne James served as the City's representative on the MetroPlan Orlando Pedestrian Advisory Board and he thinks Recreation Director Conn would be a great replacement because of his work on trails and such. Mr. Conn acknowledged he would accept the appointment. **Motion by Commissioner Sharman to appoint Recreation Director Jay Conn to the MetroPlan**

Orlando Pedestrian Advisory Board. Seconded by Commissioner Jowers and carried unanimously 5-0.

- **Downtown lighting for the holiday Season**

Mr. Bollhoefer stated that with the upcoming property tax cuts one of the items cut from the budget was the installing of the holiday lights on downtown buildings. Several downtown merchants have approached him as they are concerned about what the new mall opening will do to their businesses. They feel that this year would not be the year to not put up the holiday lights on their buildings. The merchants have requested that the City Commission approve funding for this purpose. In the past City staff has put up the lights but with the budget cuts, the City has not been able to hire enough people in the parks and streets departments. He stated that staff would like to hire a private firm to install the lights on the downtown buildings. A private firm has already been hired to decorate the trees. He further explained that there would be two parts to the cost; first being the purchase of new LED bulbs that use less electricity and last seven to ten years at a cost of \$28,000 and secondly pay a private company to install the lights on the buildings. He stated that this may be critical for our downtown are as they face the competitive challenges from the new mall. The initial total cost would be approximately \$42,000 and thereafter would be about \$20,000 a year. He noted that whenever City staff is used, the cost is more when overtime is calculated in it comes to about \$24,000 a year. He stated that it is cheaper to hire it out.

Mayor Quesinberry stated that he thought the merchant's were going to decorate there own front windows. Mr. Bollhoefer replied that he is sure most of the merchants will.

Commissioner Sharman addressed the fact that in the past ten years the holiday lights have been displayed in the downtown area, the City has probably spent more in repairing and replacing the other type bulbs. Mr. Bollhoefer stated he does not have the figures but agrees that it has been a nightmare not only in the cost of repairs but fixing the electrical connections has been a problem. If the City wanted to continue to use the old type bulbs we would need to spend about \$50,000 to rewire downtown as recommended by the Building Maintenance Department. Commissioner Sharman explained that the LED bulbs are currently being used in traffic signals and that from his own professional experience they will significantly save the City in energy costs and therefore it would be a good investment to go with the LED lights.

Commissioner Buchanan recommended looking into having local groups such as the Rotary and Lions Clubs be trained to install the lights. He stated that these organizations do carry their own insurance, but it may be too late for this year but it could be something looked into for the future. Commissioner Sharman stated that he felt this is a great idea especially to offset their requests for donations by donating their time. Mayor Quesinberry asked about the insurance aspect. Human Resource Director Gilbert responded that those installing any lights for the City would have to be covered by our workers compensation.

Motion by Commissioner Buchanan to approve the purchase of new holiday lights and have them installed by an outside company on the downtown buildings. Seconded by Commissioner Jowers and carried unanimously 5-0.

• **Public hearing set for Ordinance 07-54**

Mr. Bollhoefer stated that the actuary study has been received for Ordinance 07-54 so a date for the second reading and public hearing does need to be set. This ordinance is for setting a 25 year service for retirement for the Fire and Police departments. Mr. Bollhoefer suggested putting this ordinance on the November 29, 2007 special meeting agenda. **Motion by Commissioner Jowers to approve the second reading and public hearing of Ordinance 07-54 being scheduled for the November 29, 2007 special meeting. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan commended Fire Chief John Williamson and his staff for their excellent efforts on the Osprey Apartment fire last night as reported by Channel 13 news and others.

Commissioner Boulter stated that he had the opportunity to speak with the Lynx bus system about getting shelters installed at some of our local bus stops. He was able to get someone from Lynx to speak to some of our citizens and get some firsthand information as to what some of the needs were of his constituents. It was very enlightening to him as to what some of the residents had to say on this subject. Commissioner Boulter suggested that the City look into what is involved in having routes added go to and from the new mall from different areas of the City. He believes there were past discussions on bus routes from the east and north side of town to the mall and stated that there are now a lot of people working there that need the transportation. He has received correspondence back on this issue which he has shared with the City Manager. He asked our citizens with cars to be mindful of those that do not have that privilege and asked them to say something to Lynx about the needs of our city.

Commissioner Sharman stated that he was approached by a Lakeview Middle School student with regards to their Penny Harvest for which they are trying to get at least 750 pounds of pennies gathered before Thanksgiving to give to needy families and other charitable organizations. They asked about the pennies retrieved from the fountain downtown and he asked the City Manager what the City does with those pennies. Mr. Bollhoefer shared with him that he had a bucket of pennies that was given to the City and asked that the City Commission authorize donating that bucket to the Lakeview Middle School for their Penny Harvest.

Mr. Bollhoefer stated that the jar of pennies Commissioner Sharman is referring to was actually dropped off in his office about a month after the hurricane relief check was sent and it has just sat and got pushed aside. He asked if the big jar of pennies could be donated to the school. **Motion by Commissioner Buchanan to donate the jar of pennies to Lakeview Middle School for its Penny Harvest. Seconded by Commissioner Jowers and carried unanimously 5-0.**

Commissioner Sharman mentioned that he went to the Annual Legislative Conference as held by the Florida League of Cities. He shared that the City Commissioners need to tell our side of the story about how are going to be effected by what is going on in Tallahassee. He suggested getting other cities, school boards, and various organizations to help us tell the message of what the cost will be to the citizens and the things that are important to us all.

Mayor Quesinberry stated that he attended the Mayor's meeting yesterday that was well attended and the West Orange Chamber did a good job of advertising the event.

Mayor Quesinberry stated that by this time of the year the City Commission is usually in their blue blazers and neck ties and asked for a motion to go to the formal attire at the next meeting and up until next April. **Motion by Commissioner Jowers to begin the traditional navy blue blazers and ties until the first meeting in April 2008. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

The meeting adjourned at 8:04 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC