

REGULAR MEETING OF THE CITY COMMISSION
March 28, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Mayor Bradley followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Mayor Bradley requested that Item 9d be tabled per staff's recommendation. Motion made by Commissioner McMacken to approve the agenda with this change; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Mayor's Report

a. Proclamation – Water Conservation Month

Mayor Bradley proclaimed April 2011 as Water Conservation Month. He urged all residents and businesses to help protect our precious water resources by practicing water saving measures.

b. Hannibal Square Community Land Trust, Inc. Board of Directors appointment-Mr. Frank Baker, Jr. to replace Barbara DeVane

Motion made by Mayor Bradley to appoint Frank Baker Jr. to the Hannibal Square Community Land Trust board for the service position; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.

c. Congratulations on the successful Winter Park Sidewalk Arts Festival and thanks to the City staff who made it possible

Mayor Bradley commended the entire staff and citizens for their significant efforts and service in making the Winter Park Sidewalk Art Festival a huge success.

City Manager's Report

City Manager Knight mentioned that last week he sent an email with proposed dates to the Commissioners in an attempt to schedule an upcoming legislative trip in May to meet with our Washington delegation. Since there was not an agreeable date he asked if they would like to schedule it now. Mayor Bradley requested that he continue to coordinate via email and hopes that everyone can attend.

City Manager Knight reminded the Commission that the Strategic Planning session is scheduled for April 5, 2011 at the Beary Community Room in the Public Safety Building

City Manager Knight stated that Engauge Marketing Consultants, the firm working on the Park Avenue marketing study, would like to meet with the Commission for 1.5 hours to provide an update and seek input. CRA Director Dori DeBord provided a brief update. It was agreed to schedule the meeting for 2:00-3:30 p.m. on April 11, 2011. Mayor Bradley asked if this would be in the auspice of the Commission or CRA. Ms. DeBord noted that they have funded this through the CRA so it is somewhat in the auspices of the CRA but also as the Commission. Mayor Bradley requested that they call it a CRA Board meeting. He also requested that someone contact Mr. Edwards to follow up on the appointment of the sixth member of the CRA Board. The request was acknowledged.

Commissioner Sprinkel asked if they needed to attend the April 1 meeting on this same topic. Ms. DeBord advised that it is a public meeting and they are welcome to participate. She explained that it is more of a listening session as they are allowing anyone who drops by the opportunity to share their views and provide input. She commented that they will also explain how they intend to gather the information. Mayor Bradley asked that any background information be forwarded to the Commission prior to the April 11 meeting. Ms. DeBord acknowledged.

Commissioner McMacken asked about the status of the Pro Shop and the plans. City Manager Knight stated that they submitted the plans to the Historic Board at the last meeting and received approval to move forward with selective demolition. They are scheduled to attend the next meeting with additional plans. Commissioner McMacken requested to receive a copy of the plans. City Manager Knight stated that a copy will be distributed to all Commissioners.

City Attorney's Report

a. Lawsuit filed by developer Sydgan Corporation

Attorney Brown said he previously sent out a letter advising the Commission of new lawsuit brought forward by Sydgan Corporation, a developer who is challenging an extension of a permit with conditions. He indicated that if there was a desire to discuss options for settlement he would prefer to handle it as an executive session. Commissioner Cooper said she is interested in having an executive session to review the settlement options. Commissioner Leary agreed with the request. Attorney Brown requested the City Manager and City Clerk to schedule an executive session at the earliest opportunity. City Manager Knight suggested having this discussion sometime during the April 11 Commission meeting. Mayor Bradley agreed with the suggestion and to coordinate appropriately.

Non-Action Items

a. Financial Report – February 2011

Finance Director Wes Hamil provided the financial report for February 2011 and answered questions.

Motion made by Commissioner Sprinkel to accept the Financial Report; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.

Consent Agenda

Motion made by Commissioner McMacken to add item 9d to the Consent Agenda; seconded by Commissioner Sprinkel approved by acclamation of the City Commission.

- a. Approve the minutes of 3/14/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the placement of one sign and one banner for a 30 day period from May 1-30, 2011 for the "Cool Camaro Sweepstakes" special event at Federal Trust Bank located at 1500 Lee Road – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve the agreement with Lynx on the bus shelter at the former Pittsburgh Glass (Floyd's 99) on Orange Avenue. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Ratification under FS 447.403(4)(e) of 2010-2011 Agreement between City of Winter Park and Teamsters Local Union No. 385.
- e. Award IFB-13-2011 to HD Supply Waterworks for the purchase of 12" HDPE pipe for the West Fairbanks Water Main Replacement Project; \$65,940
- f. Award IFB-8-2011 to FitRev, Inc. for the purchase of fitness equipment for the new Community Center Fitness Center and approve PR 146386 for the purchase; \$78,000
- g. Approve the following purchases and contracts:
 1. PR 145908 to Diamondback Tactical for the purchase of replacement SWAT Body Armor; \$31,590.48
 2. PR 146337 to Mondo America, Inc. for the owner direct purchase of polyurethane rolls for the Community Center; \$49,513.92
 3. PR 146350 to JCB Construction, Inc. for complete retainage payout, Melrose Retention Ponds Stormwater Project (RFP-6-2010); \$30,705.45
 4. Amendment #1 to Grounds Maintenance Pineywood Cemetery/Trimming of Headstone Areas at Palm Cemetery and Pineywood Cemeteries with Carol King Landscaping Maintenance, Inc. and authorize the Mayor to execute Amendment #1; \$27,031
 5. Change Order COR-007 to Turner Construction for the Community Center and authorize the Mayor to execute the Change Order; \$60,591
 6. Change Order COR-008 to Turner Construction for the Community Center and authorize the Mayor to execute the Change Order; \$3,250
 7. Piggybacking the GSA Schedule 84 (GS-07F-0416M) with Diamondback Tactical for SWAT Body Armor and authorize the Mayor to execute the Piggyback Contract

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'd' through 'g'-7; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 3/14/11.

Commissioner Cooper asked for clarification regarding the third paragraph on page 2 which reads "Mayor Bradley mentioned that in his upcoming April Parks Press article he has invited the Commissioners to join him in the visioning session. He also encouraged all citizens to

attend and join in on the conversation.” Mayor Bradley clarified by saying it is not a visioning session but rather an article and requested to amend the sentence to read “Mayor Bradley mentioned that in his upcoming April Parks Press article he has invited the Commissioners to join him in the visioning and encourage all citizens to join in on the conversation.” Commissioner Cooper said that is fine with her.

Motion made by Commissioner Cooper to approve Consent Agenda Item ‘a’ with the above change; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘b’ - Approve the placement of one sign and one banner for a 30 day period from May 1-30, 2011 for the “Cool Camaro Sweepstakes” special event at Federal Trust Bank located at 1500 Lee Road.

Commissioner McMacken asked if they are approving the banner sign that is on the Camaro and if it is anchored. Building Director George Wiggins said yes. Mayor Bradley asked if the contest is for the bank or a charity. Mr. Wiggins indicated that it is to promote the bank.

Motion made by Commissioner McMacken to approve Consent Agenda Item ‘b’; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘c’ - Approve the agreement with Lynx on the bus shelter at the former Pittsburgh Glass (Floyd’s 99) on Orange Avenue.

Commissioner McMacken questioned the owner’s concern with a 10 year lease for the bus stop easement and asked if the City can put a shorter timeframe in the lease. Planning Director Jeff Briggs stated ‘yes’ they can do that.

Motion made by Commissioner McMacken to approve Consent Agenda Item ‘c’ and to state that it is for a year; seconded by Commissioner Leary and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion:

- a. Discussion regarding the scheduling of future work sessions.

Mayor Bradley provided background and explained that the last Commission agreed to have a regularly scheduled bi-weekly Monday work session meeting which was sometimes cancelled. He recommended that these bi-weekly Monday meetings cease and that they should schedule all future work session meetings on an as-needed basis or if there is a specific cause.

Motion made by Mayor Bradley that the off-Monday work session meetings be cancelled; seconded by Commissioner Sprinkel.

Commissioner Cooper explained that the work sessions are important to her and that it helps them work more cohesively as a group. For her it is a matter of making better decisions and predictability for both the Commission and the citizens. She wanted them to maintain the every other Monday work session meetings and if they are not needed they can be cancelled. Commissioner McMacken said it is fine if there is a desire to not have bi-weekly work sessions

but indicated that he would rather have them on alternate Mondays since he is more of a scheduled person. Commissioner Leary said he would be happy to attend but would love the work sessions to be just the exception rather than the rule. Commissioner Sprinkel said she would like to keep the idea of using alternate Monday's open for as needed meetings but only schedule work sessions if they are needed; not every other week. Mayor Bradley suggested the possibility of having a work session from 3:00-4:00 p.m. prior to the regularly scheduled Commission meeting and to start the Commission meeting at 4:00 p.m. rather than 3:30 p.m.

Pete Weldon, 700 Via Lombardy, reminded the Commission that at every formal meeting they have the opportunity to agree to have a work session the following Monday.

Vicki Krueger, 200 Carolina Avenue, thanked the Parks Department, City employees, Police and Fire Departments and everyone else for their help in making the Art Festival a fantastic event. She said she respects the intent to speed things up and to be efficient during Commission meetings but needed to allow more time for citizen input.

Donna Colado, 327 Beloit Avenue, said she supports citizen participation and transparency in municipal government. She finds the work sessions a useful venue in which more in-depth information is available in lieu of reading an agenda packet.

Marti Miller, 1399 Aloma Avenue, encouraged the City to continue with the Town Hall meetings, the work session meetings and newsletters.

Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Public Hearings

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA CREATING NEW SECTIONS IN CHAPTER 78, OF THE MUNICIPAL CODE REGULATING SECONDHAND GOODS, WHICH NEW SECTIONS SHALL BE ENTITLED "SECONDARY METALS RECYCLERS"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner Leary.** Deputy Police Chief Art King stated that this ordinance was created to help some shortfalls with Florida State law that regulates secondary metal recyclers. He addressed the three major areas they have to deal with that is included in the ordinance which makes it easier to apply and to effectively deal with people that want to steal and sell copper in the City. Mayor Bradley noted that there is encouragement for all municipalities to create such an ordinance so that recycling businesses do not move from one jurisdiction to another. Commissioner Cooper asked if we have any way to share the language in this ordinance with other municipalities. Attorney Brown said he would be happy to forward this ordinance to the Florida League of Cities.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REPEALING THE RECITALS AND SECTIONS OF ORDINANCE NO. 2835-11 THAT RELATE TO THE IMPOSITION OF A FEE FOR ENTRANCE INTO THE DOG PARK AT FLEET PEEPLES PARK AND FOR THE ENFORCEMENT OF SUCH FEE, PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

Commissioner Cooper asked Commissioner Leary to look at the January 24, 2011 minutes whereby Commissioner Anderson asked if this ordinance is adopted at a later date and another Commission wants to remove the fees if they can change the fee schedule and if the registration and the license requirements and the personal responsibility remain intact. She recommended that he amend his motion to say that they repeal the fee but that they would amend Chapter 18 to add the requirements for a permit license and personal accountability relative to vaccinations, demonstrations of aggression, acceptance of liability, etc.

Motion amended by Commissioner Cooper to amend the fee schedule, to remove the fee and to amend Chapter 18 and to add in the acceptance of specific owner responsibilities. Motion failed for lack of a second.

Attorney Brown noted that in previous meetings he informed the Commission that there are items that they could add to specifically govern the behavior of people and their animals in that park such as defining acceptable behavior of dogs and cleaning up after them. Mayor Bradley asked if these items are covered in our other ordinances as it relates to dogs throughout our City. City Manager Knight said yes as far as things such as cleaning up after your pet. He indicated he was not sure if we have language on aggressive animals, but advised that most of the items are covered under our policies within our parks guidelines. It was confirmed that dogs throughout our City have to abide by Orange County rules such as licensing and shots, etc.

Commissioner McMacken provided a visual representation of the current park layout for Fleet Peeples Park (FPP). He showed the areas of the park which included the walkway, the parking and driveway area, the boat dock, and the off-leash and on-leash areas. He explained that there are seven off leash parks in Orange County and provided their relative sizes. He then compared the size of the FPP off-leash area to the size of the seven parks cumulative. He said if they have an area designated as a specific single use the City charges for it and that FPP is a single use facility and should not be treated differently. He said when you take an area of this size and use the entire park to create a single use it is only fair to the citizens that they charge a nominal fee to use it and that we should not treat it any differently than we do any other facility that we have in the City that is a single use facility. He explained that he is in favor of some type of fee and that you need to be fair to everyone in the City.

Commissioner Leary indicated that they do not have fees at Phelps Park and Azalea Lane Park where children play on the playground and considered these as single use parks because it is basically for children to use the playground and he does not agree with charging families that use the parks. He noted that FPP is a low impact park, the requirements to upkeep the park are fairly low since there is only a big open field with fencing, a restroom facility and a pavilion. He stated he does not see the need to charge for low impact parks. He reminded them that these discussions regarding the size and uses of FPP have to do with the approved plan and that he

would like to get back to what that approved plan is. He said it is also important that they put a plan in place that everyone is happy with and to also get an implementation schedule so that they can get it going.

Commissioner Sprinkel stated that not everyone agrees with calling FPP a single use park and fiscally it does not make sense for them to take money out of the coffer to do something that is going to cost them money. She would like for them to look at the whole parks arena, the charges they have in place and how task forces, boards and friends groups work together so that they can make it more clear for everyone.

Mayor Bradley noted that the City receives over \$18 million in taxes, not all revenue and that our citizens pay taxes and expects a level of service for it. He noted that in 2009 they received an additional \$40,000 of fees from parks and agreed that they should look at implementing fees in other places as well.

Commissioner Cooper mentioned that approximately \$14 million in property tax revenue is received in the City and that represents about 1/3 of the total revenue here in the City. She said the \$50,000 they are talking about as a cost basis for FPP is only the recurring cost and this is a special use park, so user fees for special uses are appropriate. She noted that the City collected \$1.4 million in user fees last year. She also noted that 76% of the passes sold were to non-residents, \$26,000 has already come from the annual passes and 734 daily passes. The daily passes at 20 passes a day are generating \$100 per day and without that fee the taxpayers would have to shoulder 100% of the parks maintenance improvements and she does not agree with it. She noted that the sale of the daily passes alone would cover the cost of maintaining the park and the user fees could also help with capital improvements. She said if they do repeal these fees then she would support returning 100% of the revenue from the annual fees to those citizens who complied with our laws. She also wanted to leave the daily pass machine in the park and continue to ask for a recommended donation of \$5.00 to be used for items such as doggie bags and to correct the drainage.

Pete Weldon, 700 Via Lombardy, said the fees are a political issue and that they really need to address a long term plan for this park that works for everyone in the City.

Nancy Shutts, 2010 Brandywine Drive, said her goal is that they share the park. She would like for the fence to be moved so they could use the pavilion and the bathroom.

Sally Flynn, 1400 Highland Road, said she loves dogs and she is for the off-leash dog park but that everyone who uses the golf course, tennis courts and playing fields pays a fee. She feels if they rescind the dog fee then they are giving special treatment to one group of people and one park and everyone should be treated equally.

Marti Miller, 1399 Aloma Avenue said they need a dog park on both the west and east side of the City so that FPP can be given back to the families as it was originally intended. She also commented that the community sailing program pays a fee for using this park and requested that if the dog fee is rescinded that the City rescinds the sailing program fees retroactive.

Joan Cason, 1915 Woodcrest Drive, said this is a single use park and that they need to focus on making people that come into the park accountable and liable.

Penny Potter, 1360 Canterbury Road, said this is a single use park and the fee is less than \$7.00 a month and is a recreational activity so they need to pay for it.

Herb Weiss, 521 Virginia Drive, said it is a bad idea to repeal single user fees at only one park and not include the others.

Joe Terranova, 700 Melrose Avenue, said there are people in this City that cannot afford this fee. He suggested that they rescind the fee now and to look at the entire process and design the park accordingly.

John Reker, 1660 Joeline Court, indicated that he is opposed to repealing the fees. He urged the Commission to at least retain fees for non-residents and perhaps also the residents.

Susan Gabel, 1539 Golfside Drive, said she used to bring her grandchildren to this park and no longer does so because of the off-leash dogs and because it is a single use park people should have to pay.

Jan Reker, 1660 Joeline Court, said she feels the Winter Park resident fees needs to be removed but to retain the fees for non-residents.

Joseph Brock, 2341 Randall Road, indicated that this park cost \$18,000 a year out of a \$6 million budget to maintain which is virtually nothing. He said this is a general use park which is off leash dog friendly and is very happy that the majority of the Commission supports repealing the fee.

Sandy Womble, 940 New England Avenue, thanked the Commission for allowing the Friends of Fleet Peebles (FFP) to come back to the table to speak. She said there were numerous individuals who joined the FFP for \$25 and others who gave hundreds and thousands to the Capital Campaign and instead of acknowledging their generosity they were slapped with a \$75 user fee which does not make sense to her.

Mike Palumbo, 559 Oak Reserve Lane, said they are trying to call it a single use park even though the City's brochure clearly says that FFP is a multi-use park. He indicated that families with children come into the park everyday and weekends so it is not a single use park.

Charles Gordon, 720 Virginia Drive, said this was a major issue during the recent election and the people by a landslide by electing the two new commissioners have clearly spoken that they believe these fees should be repealed. He agreed.

Bonnie Jackson, 3009 Temple Trail, said she likes smaller, cheaper and efficient government and that she supports the user fees.

John Fishback, 180 Chelton Circle, said the recent election is a clear indication of how the community feels. He said he would like a community playground and an off leash park with no fees and have the City maintain it. He indicated that the Friends of Fleet Peeple would love to contribute the \$45,000 they raised and use it towards the new bathroom on the south side now that the multi-trail has been completed.

Donna Colado, 327 Beloit Avenue, said if citizens want to use the recreational parks and activities, they should pay the user fees.

Commissioner Cooper said she believes the fees should be reviewed for the non-residents and a cost based fee established.

Motion amended by Commissioner Cooper to repeal the fees for Winter Park residents and that they have staff review the costs and establish a cost based fee for non-residents. Motion failed for lack of a second.

Commissioner McMacken noted that he did not second her motion because there is either a fee for the facility or not. Attorney Brown provided counsel on the user fee for residents and non-residents and noted that a user fee legally has to be reasonably approximated to the actual costs associated.

Motion amended by Commissioner Cooper that staff review and determine the actual cost of maintaining the park, establish a cost based fee for non-residents and a reduced fee for residents based on their tax participation. Motion failed for lack of a second.

City Manager Knight advised that the ordinance as written would require them to return all fees and in order to be reimbursed for the daily fee the person would have to produce a receipt. He suggested that they could ask the citizens if they would like to donate the funds to the City to be used in FPP. Commissioner McMacken suggested donating to another cause such as the Food Bank. It was noted that since this is first reading they could amend the ordinance during the second reading.

Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

A recess was taken from 5:47 p.m. to 6:02 p.m.

Fairbanks Avenue Public Input Session:

Mayor Bradley indicated that staff would perform a 10 minute presentation and then answer questions of the Commission. There was consensus to let the citizens speak until a time certain to allow for citizens to be recognized and heard.

A brief presentation was given by Water and Wastewater Utility Director Dave Zusi. He provided an update on the project, where they are now and the key issues pertaining to the medians and assessments. He spoke about the project goals, project description, construction accommodations, safety considerations, design standards, project costs and additional costs for delayed installation of medians, alternatives and other options considered.

He advised that one of the options was to delay installing the medians now and installing them later but by delaying it they may possibly lose the \$1.2 million in funding. He said they will also have a hard time permitting it through the state after they have just repaved their road, they will have to add costs because they will have to remove the stabilized subgrade and asphalt and put in suitable soil for plantings. They will have to construct the curbs and new medians as a separate project which will be disruptive and time consuming along with bringing in suitable fill,

traffic maintenance and construction inspection costs that are required through FDOT that are currently built into this project and reimbursable to some extent through their costs. He added if we did a separate project that had nothing to do with their milling and resurfacing project it would be very difficult to get them to contribute. He said there would be additional permitting costs as well because they would have to go back and get permits from FDOT and SJRWMD.

Mr. Zusi indicated that staff recommends proceeding with the roadway improvements as they have been designed and approved by the Commission to maximize the gateway improvements and accomplish the goals set by the Commission earlier. He said they will also continue working with the implementation of the Placemakers form based code as it is amended to complete the vision for this gateway.

Mr. Zusi answered questions pertaining to fewer medians versus entire medians, restrictive striping, slowdown strips, pedestrian islands and landscape medians. He advised by saying we have as many openings as we can pursuant to FDOT guidelines and he is not sure how FDOT would view the restrictive striping or slowdown strips or if they would permit that. He also stated that FDOT would not allow the City to install little islands for pedestrian safety and that is why the pedestrian crossings are at the signalized intersections. Commissioner Cooper asked if they know what it would cost to do the medians in today's dollars at a later time. Mr. Zusi said they have not exercised that effort. Commissioner Leary asked if the City can take over maintenance and jurisdiction like they did on Orange Avenue. City Manager Knight noted that we have tried for many years and this is the one road that they will not turn over to us.

There was a consensus to provide one hour to allow for public comment.

Motion made by Commissioner Cooper that the City move forward to pave the road to make sure they do not lose the \$1.2 million of paving and that they delay the medians to a date in the future uncertain. Mayor Bradley asked if the paving would include the sewer project. Commissioner Cooper stated 'yes.' **Commissioner Cooper clarified her motion and said that everything with the exception of the medians be done; seconded by Mayor Bradley.** Commissioner Cooper also clarified by saying her motion was simply about the medians.

Commissioner Leary asked if we are in jeopardy in losing the \$1.2 million or any of the funding if they retract the medians from the plan. Mr. Zusi said that removing medians would require a fairly significant effort from the design perspective and that he could not tell him how long it would take or if it would delay them long enough to jeopardize the funding. He said that we are scheduled to get a bid in this summer so that we could match up with FDOT's schedule for their pre-existing funding for their paving project. City Manager Knight reassured the Commission and said they will do everything possible and work with FDOT to make sure we can obtain the funding.

The following spoke on behalf of the Fairbanks Neighborhood Merchants Association (FNMA):

Jay Christy Wilson, Wilson Garber & Small, indicated that the proposed travel lanes will be reduced from the current 13' to 11' meaning that each travel lane will be reduced 2 feet to accommodate the medians which could interfere with vehicles making U-turns.

Paul Sherma, P.E. (Traffic and Civil Engineer), Professional Engineering Resources advised that the proposed Fairbanks Avenue design would severely decrease the quality of access to the businesses located along Fairbanks Avenue. He also noted that according to FDOT standards the minimum median width of 30' is required for a passenger vehicle to make a U-turn on a 4 lane roadway. The proposed median design is 20' and is not consistent with FDOT standards.

David Marks, Marketplace Advisors, indicated that commercial and retail property is based on access and by installing the medians it will reduce the access and the value of the properties that front Fairbanks Avenue.

Lisa Coney, 1350 W. Fairbanks, said this plan is not about beautification. It is about long term and natural redevelopment. She indicated they need the sewer system that was promised at the time of annexation. She said the sewer extension was to be completed in 2004 and because of this delay the local businesses have incurred extensive out of pocket expenses. She said the FNMA opposes the medians and assessments. Ms. Coney submitted a copy of the FAMA membership list and petition lists to the Deputy City Clerk.

The following spoke in opposition of the medians:

Roger Repstein, Research Development Construction, 524 Fernwood Drive, Altamonte Springs
Pastor Bruce Mayhew, Killarney Baptist Church, W. Fairbanks Avenue
Beth Wood, 1850 Biscayne Drive
Jill Cooper, 1700 W. Fairbanks Avenue
Carol Saviak, Coalition of Property Rights, 2878 S. Osceola Avenue, Orlando
Dr. Rene Schamp, Generations of Smiles, W. Fairbanks Avenue
Mike Juett, Skycraft Parts and Surplus Inc., 2245 W. Fairbanks Avenue
Ann Culton, Killarney Baptist Church, 412 Melanie Way, Maitland
Ian Lockwood with the Lakemont Bike Group, 2624 Tuscarora Trail
Jonathan Moore, Acquisition Consultants, Inc., 2419 Albert Lee Parkway
Richard Owens, Carey Hand Cox-Parker Funeral Home, 1350 W. Fairbanks Avenue
Bonnie Jackson, 3009 Temple Trail

The following offered general comments:

Jim Pietkiewicz, 1315 N. New York Avenue, requested that the City install the sewer system that was promised to the local businesses in 2004 and suggested that they vote against the medians.

Pamela Peters, 467 Lakewood Drive, requested that they look at the overall traffic effects on the local neighborhoods.

Charlie Anderson, DDS, Inc., 1717 W. Fairbanks, requested the sewer project be done ASAP. He also said the traffic impacts are dangerous when leaving his business.

R. Kim Love, 2330 Westminster Court, shared his concerns regarding the sewer lines that are planned for the residential neighborhoods and the impact it might have on the mature trees.

Carl Jenne, 1999 Killarney Drive, asked that they consider unloading some of the traffic onto Lee Road. He also asked them to consider making Fairbanks Avenue two lanes and provide on- street parking and bike lanes on both sides.

Patrick Chapin, Winter Park Chamber of Commerce, indicated that redevelopment is important to them but personally he thinks now is not the time. He suggested that they continue to have more dialogue and the Chamber would be glad to assist with that process.

Mayor Bradley asked the audience for a show of hands if they are in favor of the motion which is to delay the medians. Approximately 95% of the audience raised their hands. Mayor Bradley then asked the audience for a show of hands if they are against the motion. Approximately 5% of the audience raised their hands.

Commissioner McMacken asked for clarification on whether this would affect any other grants involved with this project. Mayor Bradley indicated that they will not know that until they take the action and that currently it is a \$1.2 million decision which is very serious. He also reminded everyone that City Manager Knight indicated that if they take this action the City would do everything possible to obtain the funding.

Commissioner Sprinkel asked about assessments. City Manager Knight indicated that they will have to re-do the numbers but he believes they should be able to get it close to no assessments.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 7:45 p.m. to 8:02 p.m.

Public Comments

Nancy Shutts, 2010 Brandywine Drive said they need to continue with the constant flow of information from residents, citizens and board members.

Thomas Drake, 500 Shoreview Avenue spoke about the property located at 1299-1301 W. Fairbanks saying the property is in disarray and is unsecure with vagrants invading the property. City Manager Knight updated the Commission on the actions being taken upon the property owner. He explained that the current property owner is under foreclosure and State statutes are being followed. Planning Director George Wiggins noted that the bank will be foreclosing on the property next week and will be immediately securing a local property management company to secure and maintain the property. Mayor Bradley requested that this item be included in the City Manager's report until a positive resolution is achieved. The request was acknowledged.

Public Hearings (continued):

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REPEALING ORDINANCE NO. 2828-10 RELATING TO SETTING OF SALARY FOR THE MAYOR AND CITY COMMISSIONERS, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

Motion amended by Commissioner Cooper to repeal the Commission salary for FY 2011 and FY 2012 and to authorize the Commission increase concurrent with increases for City employees salaries to take place after the term of every sitting Commissioner. Motion failed for lack of a second.

A short discussion ensued as to the financial footing of the City, the fairness of the salary increase, the timing of when it should be implemented and if now is the time. Mayor Bradley and Commissioners Leary and Sprinkel agreed that now is not the time due to the economy and employees not having raises over the past 2-3 years. Commissioners McMacken and Cooper believed the salaries would attract a larger number of candidates because the pay raise would help with their everyday expenses.

Motion amended by Commissioner Cooper to repeal the FY 2011 implementation of this salary increase and that as soon as they give a raise to City employees the salary increase is incrementally given to Commission and if the current Commissioners are still in seats it is deferred until their seats have been filled by new Commissioners. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to repeal the salary increase for FY 2011 and at such time as our City employees receive a raise that the salary is given to the Commission. Motion failed for lack of a second.

Joe Terranova, 700 Melrose Avenue said he was on the Charter Review Committee. He said it was their recommendation that the dollar amount listed in the Charter concerning the salaries of the Commission and the Mayor should be removed and an amendment was made to the Charter and was voted on by the people. He said they did not make any recommendations as to when a City Commission should vote on this nor did they make any recommendation as to the amount that should be voted on. He said he is totally opposed to increasing the Commissioners salaries while refusing to provide a pay raise for employees this year and last year along with reducing their pension amounts, increasing their insurance deductibles and reducing their health care coverage. He said most of the people that he speaks with feel there should be an increase but the issue is the timing and now is not the time.

Bonnie Jackson, 3009 Temple Trail, said this is purely political, a raise is appropriate and that the timing is the only issue.

Marti Miller, 1399 Aloma Avenue, said in March 2009 the citizens voted to allow the City Commission to increase their pay and shared her concerns with them undoing their request.

Sally Flynn, 1400 Highland Avenue, agreed that the timing is wrong but that it needs to be done at some point. She requested that they vote yes on the amendment to increase the Commission salaries when City employees receive their increase.

Nancy Shutts, 2010 Brandywine Drive, said the citizens voted on the Charter amendment for an increase in Commissioner salary and it passed. She urged the Commission to vote on a small salary increase which will at least show the residents that they heard them and care.

Pete Weldon, 700 Via Lombardy, agreed that there is a timing issue and asked them to reconsider the salary increase at a time when the politics and the finances are appropriate to do so.

Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Commissioner Reports:

a. Commissioner Leary

No items to address.

b. Commissioner Sprinkel

Commissioner Sprinkel advised that this past week she had the opportunity to work Police Department on strategic planning. She said it was a great process and thoroughly enjoyed it.

c. Commissioner Cooper

Commissioner Cooper spoke about an article in the Orlando Business Journal written by Mary Scott Nabers titled "Public Private Partnerships Offered Government Creative Solutions". She said the article states "The list that follows represents projects that a public entity feels a strong need to move forward on". It also says "The City of Winter Park - \$17.5 million to build a new 50,000 s.f. City Hall and related parking facility with 250 stalls and it says the source is the Winter Park CIP. She asked the Commission if any one of them knows anything about this and the response was no. City Manager Knight stated that it is accurate because it is in our CIP. She said the article says that we have a strong need to move forward on it and disagrees with that statement and asked to have it corrected. City Manager Knight said we can contact the reporter and try to have it corrected.

Commissioner Cooper requested a work session be scheduled on Strategic Planning. She said she would like to have a briefing from staff or Rick Mellon regarding "Planning the Possibilities". Mayor Bradley indicated that the Strategic Planning session is scheduled for next Tuesday, April 5 and asked her if she still wants to have a work session prior to that meeting. Commissioner Cooper stated yes and that she would like to see all of the information that was generated as a result of the work that Rick Mellon did and any minutes relative to those discussions. A work session was scheduled for April 4, 2011 from 5:00-6:00 p.m. Mayor Bradley asked City Manager Knight to distribute the meeting minutes relative to strategic planning prior to the meeting.

d. Commissioner McMacken

No items to address.

e. Mayor Bradley

1. Complete Streets / Pedestrian friendly City


Mayor Bradley requested to schedule Dan Burton to provide a presentation on Complete Streets and Pedestrian Friendly City at the meeting of April 11. There was consensus to schedule this item for the April 11 regular Commission meeting

2. Circumstances under which an Advisory Board member should be removed

Mayor Bradley requested to have a Commission discussion regarding the circumstances under which an Advisory Board member should be removed. Attorney Brown provided legal counsel and referenced Code Section 2-47 "Members of all boards and Commissions except the Board of Adjustment serve at the will of the City Commission and can be removed at anytime with or without cause by majority vote".

Mayor Bradley reminded the Commission that at the last meeting they scheduled the following items for the April 11 Commission meeting: Appointment of the Vice Mayor, the City Governance Ordinance, the Advisory Board Memberships and Roles and the Economic Development Plan. The Commission recalled and acknowledged.

The meeting adjourned at 8:57 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham