

REGULAR MEETING OF THE CITY COMMISSION
April 11, 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 Pastor Jack Cain, Calvary Assembly of God, 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
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Mayor Bradley requested that Item 7A be moved to Action Items Requiring Discussion and renumbered as Item 10G. **Motion made by Commissioner McMacken to approve the agenda with this change; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.**

Mayor's Report

a. Presentation from Orange County Property Appraiser Bill Donegan

Orange County Property Appraiser Bill Donegan presented a PowerPoint presentation titled "Valuation Presentation". He spoke about parcel information, property tax values and trends, new construction taxable values, Save Our Homes Capped Savings History and Recapture, CRA Potential Extension for Lee Road, West Fairbanks Ave and North Orange Ave, CRA boundaries and taxable values, Possible annexation of Lee Road/17-92 and the proposed outlook for 2011. Mr. Donegan answered questions.

b. Presentation of check from the Kenneth and Rachel Murrah City of Winter Park Tree Fund

Mr. Kenneth Murrah presented the City with a \$1,187.16 check for the purchase and planting of trees.

c. Proclamation – Toastmasters Awareness Day

Mayor Bradley proclaimed April 25, 2011 as Toastmasters Awareness Day and recognized the organization for their outstanding achievements.

d. Thanks to City Staff for their work on our recent storm

Mayor Bradley thanked City staff for doing a great job in keeping our City safe and running during the recent storm outages.

- e. Citizen board applications and appointments – Encourage applications by April 24 for initial appointments in May 2011

Mayor Bradley encouraged all applicants to submit their applications for consideration within the next 2 weeks if possible.

City Manager's Report

City Manager Knight provided a summary on the recent storm event that occurred on March 30, 2011. He mentioned that there were over 8,000 customers without power, 53 roads blocked and 27 driveways blocked. All were cleared within 24 hours with the exception of two. He said that 80-90% of the power was restored within 4 hours and all power was restored by mid-day Friday. He advised that last week there was an after action meeting with the senior staff and mid-managers to review the events of the storm. They discussed numerous ways to make improvements and provided a brief background.

City Manager Knight reminded the Commission that their photo session is scheduled for 2:15 p.m. prior the start of next Commission meeting.

City Attorney's Report

No items to report.

Non-Action Items

- a. Presentation on Economic Development Plan

CRA Director Dori DeBord provided background information. Over the past four years the City has commissioned several economic development activities to document an Economic Development Plan. The last plan was presented to the Commission in August 2009. This Plan did not receive approval and there was limited implementation by staff.

EDAB Chairman Marc Reicher and Ms. DeBord provided a PowerPoint presentation which included the collaborative success, format of the plan, their mission, 5 key objectives and 2011 next steps. The plan presented incorporates the background analysis that helped create the 2009 draft with one important change. It is based on a new, time-driven goal that is attainable with appropriate funding and community activity. Staff requested that the Commission review the 5 strategies and the action items associated with each strategy realizing that as each action item is achieved, specific and measurable tasks will be defined for implementation.

Ms. DeBord explained that this is a three year plan which will allow them to do an evaluation every year to make sure they are on target and it also gives the Commission the ability to reprioritize. She noted that the budget for this plan is undescribed at this time and explained that they would like to get Commission approval so that when a budget is needed they already have an idea on what they need to do to move forward with the plan. She advised that not all of this is going to be performed in-house by staff since we do not have the individuals to do it so there will need to be funding addressed in this plan throughout the three year period. This plan provides the framework and guidelines which will help direct staff on each item. With Commission direction, staff anticipates having a final document to the EDAB in May and the

then to the Commission for a late May or early June 2011 approval. Once adopted, they can begin to put together prioritization and budgeting recommendations for the Commission to include in their budget for next year.

Motion made by Mayor Bradley for approval of the objectives and strategy in the draft format that has been presented to them and to be brought back in May/June 2011 with the final plan from EDAB; seconded by Commissioner Leary. Ms. DeBord and Mr. Reicher answered questions. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Consent Agenda

- a. Approve the minutes of 3/28/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the Park Avenue Recycling Program and authorize the purchase of ten recycling containers to be placed in strategic locations along Park Avenue. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve the following purchases and contracts:
 1. PR 146459 to Helena Chemical Company for the purchase of agricultural chemicals; \$50,000
 2. PR 146471 to Petersen Industries, Inc. for the purchase of 2011 Debris Loader; \$118,088.31
 3. PR 146468 to Vision Ceramic Tile and Marble for the owner direct purchase of floor and wall tile for the Community Center; \$61,846.42
 4. Approve PR 146533 to Brown & Brown Insurance for the commercial property insurance renewal; \$233,443.23
 5. Amendment #2 to Various Print Jobs contract with Mailtropolis, LLC and authorize the Mayor to execute Amendment #2 – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 6. Piggybacking the City of Venice contract #R07-2854 with SunTrust Bank for Purchasing Card Services and authorize the Mayor to execute the Piggyback Contract
 7. Piggybacking the Orange County contract #Y10-1004 with Harcros Chemicals, Inc. for Hydrofluosilicic Acid, authorize the Mayor to execute the Piggyback Contract and approve Blanket Purchase Order for \$30,000
 8. Piggybacking the State of Florida/WSCA contract #1523 with Sprint Solutions, Inc. for Wireless Communication Services and Equipment and authorize the Mayor to execute the Piggyback Contract; estimated annual expenditure \$115,000
 9. Piggybacking the Lake County contract #11-0801D for agricultural chemicals, and authorize the Mayor to execute the Piggyback Contract
 10. Piggybacking the St. Johns River Water Management District contract #25457 for Liquid Aluminum Sulfate and authorize the Mayor to execute the Piggyback; \$24,999
 11. Piggybacking the National Joint Powers Alliance (NJPA) contract for Landscape Equipment contract #081209-FCC and authorize the Mayor to execute the Piggyback Contract

Motion made by Commissioner Cooper to approve Consent Agenda Items c-'1-4' and c-'6-11'; seconded by Commissioner Sprinkel approved by acclamation of the City Commission.

Consent Agenda Item 'a' - Approve the minutes of 3/28/11.

Commissioner McMacken referenced page 9, paragraph 6 regarding the final roll call vote. He said the minutes currently reflect a yes vote given by Commissioner Cooper and McMacken and that it needs to be corrected to no vote.

Commissioner Cooper referenced page 7, paragraph 4. She said she wanted to make sure that the specific information that she provided to the Clerk was included. Mayor Bradley stated that the minutes need to reflect what happened at the time of the meeting and requested the City Clerk to listen to the audio and provide a verbatim on what Commissioner Cooper stated and put it in the minutes. Commissioner Cooper agreed.

Motion made by Commissioner Leary to approve Consent Agenda Item 'a' with the above changes; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.

Consent Agenda Item 'b' - Approve the Park Avenue Recycling Program and authorize the purchase of ten recycling containers to be placed in strategic locations along Park Avenue.

Commissioner Cooper said the price is a bit exorbitant and noticed the recommendation came from the Task Force. CRA Director Dori DeBord explained that this is a staff recommendation and that they reviewed the item and what they were proposing to do with the Environmental Review Board, the Park Avenue Area Task Force and the Keep Winter Park Beautiful Boards. She noted that these recycling containers will not need to be replaced and the color and style is what makes them expensive and that the cost is compatible to the money they currently spend on Park Avenue trash receptacles. Commissioner Cooper asked if there is a way to encourage recycling in the commercial area. Ms. DeBord said they asked the merchants if they wanted to do a recycling program on Center Street and they are interested however it will cost more than what they are currently spending and it will take more effort.

Motion made by Commissioner Cooper to approve Consent Agenda Item 'b', seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Consent Agenda Item c-'5' - Amendment #2 to Various Print Jobs contract with Mailltropolis, LLC and authorize the Mayor to execute Amendment #2

Commissioner Cooper commented that it looks like for the last 3 years they have not had any competition. She asked about the status of the Procurement Policy. City Manager Knight said they are hoping to present the Procurement Policy for approval at the next meeting. Communications Director Clarissa Howard clarified that this contract is currently under a 3 year extension and will expire on June 2, 2011. It will then go out for competitive bid and will come back to the Commission in June of this year.

Motion made by Commissioner Cooper to approve Consent Agenda Item c-'5'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion:

a. Complete Streets / Pedestrian safe proposed resolution: Presentation by Dan Burden

Dan Burden, The Walkable and Livable Communities Institute, provided a PowerPoint presentation titled "Achieve Healthy Communities Team Winter Park". He explained that the Winter Park Health Foundation (WPHF) is administering a program through the CDC to improve health within communities across the country. The program is referred to as ACHIEVE and is being worked on first in Winter Park and will then be rolled out to Maitland and Eatonville. One of the initiatives being considered is to increase pedestrian and bicycle access within the community.

Mr. Burden provided other suggestions to include installation of roundabouts, more sidewalks and treed medians and multi-mode transportation features. Mr. Burden prepared a sample resolution that would complement the City's Transportation Plan which would show the City's support for the ACHIEVE efforts by highlighting the importance of maintaining a safe, walkable and livable community. Mr. Burden answered questions.

Mayor Bradley asked if staff has reviewed the proposed resolution. City Manager Knight stated that it has been reviewed by Public Works and Planning. He clarified that the Pedestrian and Bicycle Board did not review the resolution.

Commissioner Cooper stated that she does not think that they need to move a resolution for an entire program right now since it might not be consistent with what they have already adopted as a community. She mentioned that when it comes to the details of a specific plan she thinks they should have it reviewed by the experts on board at the City. She also suggested having a community discussion before adopting it.

Commissioner Sprinkel said she thinks it is an excellent resolution and would like to see them be able to make a statement about complete streets. She would like for staff to coordinate with the appropriate boards and review the item so they can act on this resolution at the next meeting.

Motion made by Commissioner Sprinkel for staff to review the resolution and take it to the appropriate committees in the City including the Pedestrian and Bicycle Safety Board and bring it back potentially at their next meeting; seconded by Mayor Bradley.

Commissioner Cooper suggested to look at some of the "whereas" clauses in the ordinance.

William Shallcross, 450 Bonnie Burn Circle, asked that the City upgrade the school crossing on Lakemont. He said they are getting ready to repave Lakemont and he thinks it is an excellent candidate for a road diet along with Denning from Lake Howell to Aloma.

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. Presentation and update of the Mead Gardens Master Plan and approve the proposed funding for the initial improvements to the "Environmental Learning Center"

Parks and Recreation Director John Holland stated that they have an ongoing relationship with Friends of Mead Gardens. He explained that during the March 23, 2011 Parks and Recreation Commission meeting a presentation of the Mead Garden Master Plan was given with the proposed modifications, sequences for the restoration of the Mead Botanical Garden collections and improvements to the Lake Lillian environment. The Parks and Recreation Commission unanimously approved the plans and the use of the Winderweedle, Haines, Ward and Woodman donation toward the Master Plan improvements.

He advised that the Mead Garden Master Plan developed by PBS&J in 2007 includes seven objectives for the improvements currently being proposed by the Parks and Recreation Department and the Friends of Mead Garden. He said they are closely adhering to and following those seven objectives but there are a few items that they have relocated such as the new amphitheatre and the learning pavilion, an entryway modification, and an upgrade/renovation of the old amphitheatre.

He requested approval to move forward with the relocation of the issues mentioned above and approval to start to expend the \$150,000 grant they received from Winderweedle. Mr. Holland clarified that before they actually spend the money or put anything in place it will go back through the Parks and Recreation Advisory Board and the Commission for specifics. He also clarified that they are only talking about the \$150,000 grant money and noted that if they receive any private donations through the Friends of Meads Gardens it will go back to the Commission so they are aware of receiving additional funding.

Commissioner McMacken shared his concerns with the governance and programming that was previously discussed. He said one of the issues they previously voted on was that they were going to seek out a Director for Mead Gardens so as they receive private and public funds there would be governance in place that would oversee the development of what is to come in the future. He said the reason he voted on it was on the assurance that this item was going to take place in a calendar year and not future years. Mr. Holland said the governance issue has been worked on substantially by the Friends of Mead Gardens and they do have it in the plans but it is not based upon funding being provided by the City at this time. He said they are looking at future funds, future grants and foundations and it is in place. He also said that type of a governance and a management system would be developed and come forth as they move forward and that this is just one little minor step in moving forward. Commissioner McMacken said he is comfortable with taking a minor step but he is not comfortable in taking a step beyond that until that governance is in place.

Motion made by Commissioner Sprinkel to accept this and provide the jurisdiction for them to move forward on spending the \$150,000 and with the understanding that they will be bringing back the rest of the story within the next couple of months; seconded by Mayor Bradley.

Motion amended by Commissioner Cooper that they authorize the requested changes to the Master Plan, moving the Learning Center from the entrance to the barn, the one-way drive and providing parameter parking, moving the amphitheatre out of the historic garden to the old City yard and moving the interpretive center out of the wetland to the

City yard and also to allow renovation of the existing amphitheatre and that prioritization of these actions come under the direction of our Parks Director; seconded by Mayor Bradley.

Commissioner Cooper wanted to make sure that everyone understands that they are not accepting all of the stipulations in the attached memos they received. Mayor Bradley stated they understand since her motion does not reference any memos.

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

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.

c. Appointment of Vice Mayor

Motion made by Mayor Bradley to appoint Commissioner Leary as Vice Mayor; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

d. City Advisory Boards

Assistant City Manager Michelle del Valle provided background. Currently there are over 60 Ordinances and resolutions governing advisory boards and they are working on developing a Chapter within the Code of Ordinances to address the rules, procedures and duties of the boards and centralize the information into a single location within the code. At the same time it would allow the Commission to standardize certain procedures and review the duties of the boards. Ms. del Valle mentioned that there would be mini-sections on each board which will include any statutory, charter or code requirements and any specific membership requirements, duties and responsibilities to those individual boards. She said they are looking for a consensus on the general rules which will help guide them in preparing the ordinance. She then asked the Commission for their input on eight items.

There was consensus to instruct staff to move forward and bring back to the Commission the following eight items:

1. Role/Responsibility of Board Member – adopt general language about being advisory and rules prohibiting exceeding authority/enforcing code
2. Term/reappointment - 2 three year terms
3. Maintain the attendance policy – if you miss three consecutive meetings the position is automatically terminated
4. Participation by phone – allowed to participate by phone and be counted present. Vote only if a physical quorum is present

5. Membership - standardizing a set number of board members and alternates that are not determined by state statutes – This item will come back with the additional information noted below:
 - Mayor Bradley requested to see the State Statutes on this item. City Attorney Brown acknowledged the request.
 - Commissioner Sprinkel wanted to see a current list on where we are now with the number of board members and what it would look like if we had a specific number for all boards except those that are statutorily required. She would also like to see how the funding fits into this issue because some boards can or cannot do fundraising.
 - Commissioner Cooper requested to have this item moved from “General Rules” to “Specific Boards”. She wanted to see alternates that automatically progress on quasi judicial boards only. Mayor Bradley suggested they look at this under the statutory requirements and then look at the elimination or the inclusion under that section.
6. Board Member Evaluation process – creating a self evaluation process
7. Use of Task Forces – establish procedures for use of task forces not to exceed a certain number of days and to make sunset provisions. This item will come back with the additional information noted below:
 - Mayor Bradley proposed 180 days.
8. Sunset Provision – Establish a yearly timeline for all boards not statutorily required. This item will come back with the additional information noted below:
 - The Commission suggested having a 5 or 10 year sunset provision and/or possibly staggering it.
 - Mayor Bradley recommended that all boards that are not statutory and part of the quasi-judicial boards be called “Advisory Board” and others be called “Board”. An example he gave was the Board of Adjustment is statutory required and the CRA is Advisory Board.
 - Commissioner Sprinkel requested that when they do the sunset provision they also put in a provision for adding a board so they can put a new board in place.
 - Commissioner Cooper spoke briefly about removal for cause. She said the way the current ordinance is put together the members of the Planning and Zoning Board, the Construction Board and the Board of Adjustment can lose their position with cause. Attorney Brown provided counsel and said it is not really clear. Mayor Bradley said our conflicts are in our ordinances in which we can adjust so the policy question is whether or not they should serve at the will of the Commission. There was consensus to bring this forward to look at it and discuss if they want to change this or not.
- e. City Facilities discussion (follow up from Strategic Planning)

Mayor Bradley summarized by noting that several items need to be addressed within the City Hall building such as the air conditioning system and lighting. He mentioned that last week during the Strategic Planning session the Commission agreed that it makes more sense to upgrade these items versus building a new structure in the hopes of getting another 10 to 20 years out of the current building. City Manager Knight advised that this item is scheduled to come to the Commission at the next meeting.

f. Community Conversations (follow up from Strategic Planning)

Motion made by Mayor Bradley to instruct staff to engage Marilyn Crotty to conduct the Community Conversations in the May/June timeframe within our City, seconded by Commissioner Leary.

Motion amended by Commissioner Cooper that the Commission have an opportunity to participate in the agenda preparation; Commissioner Cooper would like to have an opportunity to review the questions or surveys prior to the meeting. **Seconded by Commissioner McMacken.**

Assistant City Manager Michelle del Valle explained that there will be 5 generic topics and the meeting will flow around the general areas of concern related to those topics. She further explained they will have an outline but there will not be any specific questions because they do not know where the conversation will be going. She said they will be receiving a proposal tomorrow and will send that information to the Commissioners.

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

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 5:48 p.m. to 6:08 p.m.

Public Comment

William Shallcross, 450 Bonnie Burn Circle, disagreed with the City spending approximately \$17,000 for 10 garbage can recycle containers on Park Avenue. He encouraged the Commission to look into a lower cost alternative.

Public Hearings

- a. ORDINANCE NO. 2837-11: 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 Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Leary. 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. ORDINANCE NO. 2838-11: 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. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel.**

Rod Sward, 292 Sylvan Boulevard, requested that they do not rescind the user fee.

Joseph Brock, 2341 Randall Road, indicated that all across America all dogs are required to have rabies vaccinations. They can require all dogs to show proof by wearing their rabies tags. He showed the size of FPP in comparison to other Florida parks and noted how much smaller FPP really is and that the other parks are free.

Nancy Shutts, 2010 Brandywine Drive, said that rescinding the fees is only the first step of the bigger plan. They need to discuss Friends Groups for all parks and to redesign the park so that everyone can use it.

Marti Miller, 1399 Aloma Avenue, asked for unity and said they need to compromise more by not spending more taxpayer dollars on this park.

Michael Palumbo, 559 Oak Reserve Lane, said this is not a single use park since you can fish, boat and play on the playground. But when you bring your dog to the park you are required to pay a fee and he feels it is not appropriate to have to pay for his dog to be off leash.

Mary Randall, 1000 South Kentucky Avenue, said she is in favor of keeping the fee and that it is very reasonable.

Rick Frazee, 1921 Englewood Road, said there is no scientific evidence that says there will be a problem with this park. He said there is a county and state law that says all dogs need to be vaccinated for rabies and if they are not then it should be reported.

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.

- c. ORDINANCE NO. 2839-11: 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 Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel. 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.**

- d. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT CLINICS" FOR 320 DAYS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE First Reading

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

- e. Adoption of fee schedule effective May 1, 2011

Motion made by Commissioner Cooper to adopt the Fee Schedule; seconded by Commissioner Sprinkel.

Motion amended by Commissioner McMacken that the fees be adopted except for those slated for the Tennis Center; seconded by Commissioner Cooper for discussion.

Parks and Recreation Director John Holland explained that these fees are part of the contract documents and that we are contractually obligated to use these fees. He said they renegotiated with the contractor and the fees are actually lower than they were initially. He clarified that they now have two tennis instructors that offer \$40-\$95 fees for private lessons and they are more comparative with other local tennis facilities.

Commissioner McMacken withdrew the amendment.

Nancy Shutts, 2010 Brandywine Drive, said the fee schedule includes the pavilion for FPP. She feels that some alterations need to be made to the park so the fee can be implemented like all of the other pavilions in the City.

Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Commissioner Reports:

- a. Commissioner Leary

Commissioner Leary applauded Ms. DeBord for the Economic Development Plan and appreciates all of their efforts. He also thanked City staff for doing an excellent job during the recent storm event.

- b. Commissioner Sprinkel

Commissioner Sprinkel indicated that she shares the same comments as Commissioner Leary.

c. Commissioner Cooper

Commissioner Cooper indicated that this past week she attended the Citizen Advisory Board and Committees Class that was held by Tri-County League of Cities and Marilyn Crotty. She noted that 22 persons attended and 10 were from our City. She said it was very enlightening and that she would be glad to share the information in the packet she received which includes a self evaluation and a committee evaluation to be used by each board.

d. Commissioner McMacken

Commissioner McMacken recalled that during their Strategic Planning Session there were some graphics that were presented on the Form Based Code that PlaceMakers is working on. Since the potential redevelopment of Fairbanks Avenue is a 5-20 year process he wanted to see if they could see some interim graphics of what it would look like as it progresses. Planning Director Jeff Briggs said they have some money in the budget if they would like him to do that. There was consensus for Mr. Briggs to prepare an agenda item to illustrate what they have graphically for discussion and action.

e. Mayor Bradley

i. Create a consistent hours of operation for establishments within the City of Winter Park. Review ordinances / discussion

Mayor Bradley explained that there are inconsistencies with numerous facilities in the City and in local neighborhoods that certain establishments can remain open until 2:00 a.m. and some that are not. He asked for support to go forward with something that will make it consistent throughout the community. Commissioner McMacken said there are two separate items here and explained the difference. He said there are general inconsistencies and then there are some establishments that were granted by the City based on part of a conditional approval. There was consensus for Mr. Briggs to prepare an agenda item for discussion and action.

ii. Resolution in support of SunRail

Mayor Bradley requested to schedule a Resolution in support of the continuation of SunRail for discussion at their next meeting. There was consensus to schedule this item for April 25.

iii. Tree Survey

Mayor Bradley spoke briefly about unsafe trees in the City and wanted to know what we are doing about it. He asked if we have an extensive tree survey of our City and if we know what trees are good or bad and what trees have been requested to be removed by our citizens. Parks and Recreation Director John Holland said we have a tree survey for trees within the City right-of-way that was done about 5 years ago. He said they have records when citizens call the Forestry Department and they record the visits they make. They also keep track of work orders for tree trimming or tree removals.

City Manager Knight said this is a debate that recurs in the City all of the time. He said there are citizens who do not want certain trees in their yard and then a Certified Arborist informs them that it is a healthy tree and that it cannot be removed. He said the City has a very strict

permitting process and we are very protective of the trees; however, if it is a public safety issue we can remove the tree. Mayor Bradley said there needs to be a way to handle the disagreements on removal of trees and he would like to find a happy medium. Commissioner Leary indicated that he does not want the process to get in the way of safety.

Code Enforcement Director George Wiggins explained if the tree is on private property Code Enforcement will coordinate with our Arborist Enforcement Officer and examine the tree. If it is determined to be hazardous they will notify the property owner and take the action required to remove the tree and if desired they could appeal that action to our Tree Preservation Board. He said if the tree is on the public right-of-way our Parks Department assesses the situation. He said with regard to the fairness of the tree ordinance regarding the removal of a tree next to a house, if it is denied by their department they can appeal it to the Tree Preservation Board and then to the City Commission. The issue on the cost is a fee schedule item and if they feel it is too expensive they have the ability to change it. Mayor Bradley said he will leave alone at this point but he is still very concerned.


iv. Resolution governing communications by Advisory Board members and Elected officials

Mayor Bradley spoke about the use of City Board titles and asked the City Manager if his letter that was sent out to board members last month was sufficient or if they need a resolution or ordinance that codifies his letter. City Manager Knight said they can place this as an agenda item on each citizen board meeting and have a conversation regarding the letter and the reasons for it. Mayor Bradley said he would encourage that to happen. City Manager Knight acknowledged.

Mayor Bradley asked Attorney Brown about the process of Commissioners sending out letters, surveys, etc. and would like to know how it relates to the Sunshine Law and how it relates to elected officials, political conversation and how it works. Attorney Brown provided legal counsel and noted that a Commissioner has a right to send out their personal viewpoint as a Commissioner. It is better practice for Commissioners not to send emails to each other. He explained that the Charter provides that individual Commissioners do not have the authority to actually interfere with or direct staff but they have a right to communicate ideas for improvement typically through the City Manager and they have a right to request information. He said the law does not prohibit an elected official from communicating with their constituents subject to ex-parte communications (if something is pending as a quasi judicial matter) or if a competitive procurement solicitation has been issued the purchasing manual that they are working on will address this.


Commissioner Sprinkel requested that they include this information in the Advisory Board ordinance they are working on. City Manager Knight acknowledged.

The meeting adjourned at 7:35 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham