

REGULAR MEETING OF THE CITY COMMISSION
August 8, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Weaver Blondin, Mt. Moriah Missionary Baptist church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

City Manager Knight removed Action Item 11-b to come back at a later date.

Motion made by Commissioner Sprinkel to approve the agenda with the deletion of Action item b; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Citizen Budget Comments:

No budget citizen comments were made.

Mayor's Report

Mayor Leary spoke about the City Manager reviewing resumes submitted for the police chief position and about the many compliments he has received from the applicants about the City.

City Manager's Report

No report.

City Attorney's Report

City Attorney Ardaman stated they do not yet have anything to bring to the Commission at this time regarding the drone ordinance but they will. He addressed a memo regarding funding issues that had been asked for by Commissioner Cooper that will be coming.

Commissioner Cooper asked about dates for the bond validation. Attorney Ardaman stated they are trying to coordinate dates with everyone but expect it to be sometime in October or November.

Non-Action Item

a. Financial Report – June 2016

Finance Director Wes Hamil presented the June 2016 financial report. Upon questioning concerning the power usage compared to last year, Mr. Hamil will provide that information.

Consent Agenda

- a. Approve the minutes of July 25, 2016.
- b. Approve PR160307 to Electric Supply of Tampa: Inventory items for electric utility to continue undergrounding projects (wire and transformers)
- c. Approve Amendment #1 of the August 13, 2015, Quiet Zone Improvement Agreement between the State of Florida Department of Transportation (FDOT) and the City of Winter Park (CWP), adding \$987,313 in funding by FDOT to the Quiet Zone Project with no additional funding match required from the City.
- d. Approve the execution of the Interlocal Agreement between Seminole County and the City of Winter Park for Tanglewood Canal Drainage Improvements.
PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.
- e. Approve the temporary fee schedule for the Winter Park Golf Course.

Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b, c and e; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda Item d:

Commissioner Cooper spoke about a petition from the residents residing in that area and wanted to thank staff for their work on this. She addressed the capital improvements plan where the study was budgeted in 2016 but the implementation is not budgeted until 2018. She hoped that could be moved up so the residents can have the problem actually corrected. City Manager Knight stated this can be moved up during the budget process.

Motion made by Commissioner Cooper to approve Consent Agenda item 'd'; seconded by Mayor Leary. Kathy Keily, 1800 Oneco Avenue, thanked the Commission for approving the agreement for the canal drainage improvements. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. Guidelines for City Proclamations

City Manager Knight stated this is a policy the Commission asked staff to provide. There was no discussion or presentation made.

Motion made by Commissioner Sprinkel to approve the guidelines; seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0.**

b. Permitting process for public awareness campaigns

Item pulled from the agenda for a future time.

c. Petitioner's Committee certificate of insufficiency

Attorney Ardaman addressed the appeal of the City Clerk's determination with respect to the Petitioner's Committee appeal of the City's Clerk's Certificate of Insufficiency. He summarized what has taken place to date with the Petitioner's Committee members filing a proposed initiative ordinance with the City Clerk who reviewed it and made a determination that it was not an initiative but a reconsideration of the City Commission's prior adopted ordinance. After the determination was provided in writing, it was appealed by the Petitioner's Committee. He stated the single question today is whether to uphold the City Clerk's certificate finding the petition to be insufficient or to overturn the City Clerk's certificate finding the petition to be insufficient. He summarized the three reasons for the City Clerk's decision as outlined in the certification.

Michael Poole, Chairman of the Petitioner's Committee addressed and read to the Commission his comments regarding their support of the library but not in MLK Park, the signatures they collected, and disagreeing with the City Clerk's certificate of insufficiency among other things.

Attorney Virginia Cassady of the Shepard, Smith & Cassady Law Firm, 2300 Maitland Center Parkway, Maitland, and representing the Political Action Committee (PAC) that circulated the petition (Petitioner's Committee), disagreed with how the Charter is being interpreted and that it should be handled as an initiative ordinance and not reconsidering Ordinance No. 3020-15.

After comments, City Manager Knight stated for the record that he wanted to clear up a comment made that the motion from 2015 was to identify the library/events center going in the northeast corner of MLK Park and another Commissioner spoke about utilizing another corner in the park, so the discussion was revolving about where in the park it was being proposed.

The following opposed the City Clerk certification and/or the library location in MLK Park or how the referendum language from the March election was written:

Joe Terranova, 151 N. Virginia Avenue
Peter Gottfried, 1841 Carollee Lane
John Kern, 1615 Roundelay Lane
Keith Reeves, 255 Sylvan Boulevard
Kim Allen, 1800 W. Fawsett Road
Kathy Kiely, 1800 Oneco Avenue
Sally Flynn, 1400 Highland Road
Judith Meyers, 235 N. Knowles Avenue
Charley Williams, 757 Antonette Avenue
Laura Brock, 770 Green Oaks Court
Pat McDonald, 2348 Summerfield Road
Barry Greenstein, read an email from Vicki Krueger who could not attend
Maria Bryant, 450 S. Virginia Avenue
Sandy Womble, 940 Old England Avenue
Forest Michael, 358 W. Comstock Avenue

The following spoke in favor of the location of the library and to move forward with the process to build the library:

Daniel Butts, 120 W. Reading Way
Thaddeus Seymour, 1804 Summerfield Road
Shawn Shaffer, 151 N. Orlando Avenue (corrected comments made)
Stacey Busick, Yorkshire Drive
Jeffry Blydenburgh, 204 Genius Drive
Phyllis Corkum, 1815 Alice Avenue

Mary Daniels, 650 W. Canton Avenue, agreed with the new library but opposed the location and the clarity of what they were voting on. She asked about the plaque that was never installed at the MLK Park.

Mayor Leary clarified they were not there this evening to discuss the location, the bond referendum process or the funding. He asked that the Commission address whether or not to validate the City Clerk's ruling on the petition.

Commissioner Seidel spoke about working with the task force to make sure there was as minimal an impact to the park once the decision was made to put it in the park. He spoke about the 2,000 people who signed the petition that want this to be reheard. He stated that he believed the City Clerk to be correct but because there were 2,000 who signed the petition he believed it should be put to the ballot again.

Commissioner Sprinkel addressed how referendum language is written and that she trusted the language our attorney provided. She provided comments that nothing was hidden from the public and there was no deception as some people spoke about and that she cannot discount the residents who voted for the bond referendum. She supported the certificate.

Commissioner Cooper addressed the Charter and that they need to decide whether or not they support the City Clerk's interpretation and determination. She disagreed with this being a referendum and that she believed this to be a citizen's initiative that has met all the criteria. She stated she cannot support the City Clerk's determination and did not believe this reverses the vote on building the library.

Commissioner Weldon stated he would like to refer those interested in this subject to listen to the audio of the May 23 meeting between Commissioner Cooper, Commissioner Seidel and himself. He spoke about an incident from prior years where all Commissioners were individually sued by a number of citizens because they did not like the decision. He countered Commissioner Cooper's legal interpretation by noting that if we went down that road there will be no end to the lawsuits. He determined that the City Clerk is correct and that this petition is insufficient and will support a vote to that effect.

Mayor Leary spoke about everyone spending a lot of time with this and maybe some of their hesitance to speak is in consideration of possible pending litigation. He stated some of the things presented and some comments that were heard or read online and forwarded to him are completely inaccurate. He stated this process has been one of the most public processes he has seen since being on the Commission. He addressed the task force and appointees who met for several months with public meetings who made the recommendation that MLK Park was the best location that the Commission approved. He spoke about putting the task with keeping the public informed to the task force and library which he believed they did. He stated he has to support the people who voted for this and supported the position of our City Attorney and City Clerk. He reminded the people who signed the petition that it was made very clear early on to the petitioner's committee that the petition was invalid.

Motion made by Mayor Leary to deny the appeal and support the City Clerk's certificate of insufficiency; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.

Recess

A recess was taken from 5:34 to 5:46.

Public Comments (items not on the agenda):

Joseph Cras, 264 Blossom Lane, spoke about obtaining a permit for work at his home. Chief White helped Mr. Cras during the break.

Public Hearings:

- a. ORDINANCE NO. 3044-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, GRANTING THE PETITION OF THE RAVAUDAGE COMMUNITY DEVELOPMENT DISTRICT AND DISSOLVING THE RAVAUDAGE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.046(9), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Leary to adopt the ordinance, seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

City Commission Reports:

a. Commissioner Seidel – Asked about the status of the MLK Park memorial that Ms. Daniels believed was to be installed. City Manager Knight stated the Commission has never addressed this at a meeting and was not part of what our task force came up with. He stated it was a group of people that got together after the task force ended and it did not go to the Parks Board for approval. Mayor Leary stated this needs to go to the Parks Board to adopt a policy on memorials because this is out of line to what has been considered so far in the City.

Mary Daniels, 650 Canton Avenue, stated she thought things were moving forward but found out it was not and asked that something be done.

Upon discussion, City Manager Knight will review this with Parks Director John Holland and bring back to the next meeting.

b. Commissioner Sprinkel – Spoke about our police vehicles with new paint/decals and asked about the process as to how this happens as it caught her by surprise. Police Chief Railey commented about the officer committee wanting to change the design of the police car to look more modern. After studying it, this one rose to the top so they took the design that everyone liked to only put on new vehicles. Mayor Leary spoke about it not matching anything else we are doing in the City. Police Chief Railey stated if the Commission wants to change this design the City Manager can direct the new Police Chief to change the design. Commissioner Sprinkel thought it was great that the police officers came up with something but would like to know that sort of thing beforehand. Upon discussion, Mayor Leary asked that we hold off on doing more of these until the Communications Department is brought into the discussion.

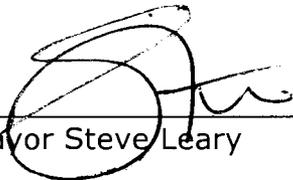
c. Commissioner Cooper – Reported that she attended the opening for the Center for Reproductive Health. She also attended the Ideal Women's Club celebration of "I Know Something Good About You" whereby Maria Bryant was the recipient.

Commissioner Cooper asked if it would be possible to allow the residents the opportunity to vote on the location; not overturn the bond referendum. She stated she realizes we worked hard to make it transparent and that her motions were not supported to put the location on the ballot for different reasons to allow for flexibility and latitude. She stated it would be a great gesture toward our community.

d. Commissioner Weldon - Spoke about his interest in the strategic issues. He stated he does not mean to disagree with anyone but disagrees with hiring more police officers in the CRA because it takes dollars away from any strategic considerations they may want to consider. He stated he is not against the New York Avenue improvements but that we will be better off if we look at the value proposition that is in front of them. He stated he wants to come up with a strategic way to plan make sure the funds are spent wisely for the citizens. Upon discussion, a work session will be scheduled to discuss this as the CRA Agency.

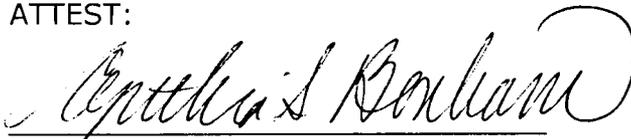
e. Mayor Leary - Provided positive comments regarding our fire emergency personnel and our police officers during an emergency this past week for their professionalism.

The meeting adjourned at 6:10 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC