
CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, AUGUST 13, 2018 – 5:15 P.M.

**CITY HALL – COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor Charles Lacey
Deputy Mayor Geoff Kendrick - Seat Five
Commissioner Jean Hovey - Seat One
Commissioner Kevin Cannon - Seat Two
Commissioner Ken Greenberg - Seat Three
Commissioner Jack D. Hays - Seat Four

CALL TO ORDER

The Regular Meeting of Monday, August 13, 2018 of the City Commission was called to Order by Mayor Charles Lacey at 5:15 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor Charles Lacey, present
Deputy Mayor Geoff Kendrick, present
Commissioner Jean Hovey, present
Commissioner Kevin Cannon, present
Commissioner Ken Greenberg, present
City Manager Kevin L. Smith, present
City Attorney Anthony A. Garganese, present
City Clerk Andrea Lorenzo-Luaces, present

A moment of silence was held, followed by the Pledge of Allegiance.

Regarding the Agenda and whether there were any possible Agenda Changes, Mayor Lacey asked the City Commission, “May we adopt the Agenda as presented?” Hearing no objections, Mayor Lacey stated that it was adopted.

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

100. Parks and Recreation Department

REQUEST:

The Parks and Recreation Department requests that the Mayor and City Commission assist with the Presentation of Awards recognizing specific Camp Sunshine campers in the Camp Sunshine Summer Camp Program for their outstanding character traits.

Mr. Chris Caldwell, Director, Parks and Recreation Department noted the outstanding character traits associated with this program which are courage, integrity, kindness, perseverance, respect, responsibility, self-discipline, cleanliness, and forgiveness.

Continuing, Mr. Caldwell then recognized Ms. Melissa Sileo, Program Coordinator, Special Events and Recreation Programs, Parks and Recreation Department and Mr. Mike Barclay, Recreation Superintendent, Parks and Recreation Department who assisted with this program.

A Certificate was then read by Mayor Lacey which recognized the participants in the Camp Sunshine Summer Camp Program. Certificates were then presented to participants of the Camp Sunshine Summer Camp Program who were in attendance: Avery Francis, Hailey Garza, William Sanders, Evan Thomas, Owen Weir, Joy Yacoub.

INFORMATIONAL AGENDA

INFORMATIONAL

200. Community Development Department

REQUEST:

The Community Development Department is advising the City Commission of the status of current development projects within the City.

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission receive and review the information provided.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Mr. Denis Striepe, 90 Tarpon Court, Winter Springs, Florida: spoke in favor of Mr. Jack Hays for the Interim District Four Commission Seat and noted his integrity, his interest in considering both sides of an issue, and reflected on his service to his church and the ministries he has been involved with.

Mr. Tom Vagnini, 1214 Jaguar Court, Winter Springs, Florida: mentioned that he thought the City needed a hotel, so visitors to the City can stay in town, rather than in other communities.

Mr. Phil Kaprow, 1005 Antelope Trail, Winter Springs, Florida: handed out a copy of Resolution 2012-20, addressed issues with temporary Election signage and suggested the City Commission adopt a temporary waiver Resolution like in past years

Ms. Candice Southwick, 584 Seven Oaks Boulevard, Winter Springs, Florida: commented on her support of Mr. Jack Hays for the Interim District Four Commission Seat, referenced his business

perspectives, management and leadership skills, and that he would be a super addition to the City Commission.

Mr. Jack Hays, 823 Maple Leaf Loop, Winter Springs, Florida: spoke of his interest in the Interim District Four Commission Seat and noted his background, education, experience with strategic planning, past community involvement, that he works well with people, is interested in finding solutions, and noted his past volunteer efforts.

Ms. TiAnna Hale, 548 Seven Oaks Boulevard, Winter Springs, Florida: commented on her interest in the Interim District Four Commission Seat, her family's love of Winter Springs, efforts serving several military organizations, her close friendship with the late Commissioner Pam Carroll, her background, and that she has no agenda except to see the City prosper.

Mayor Lacey closed "Public Input".

Next, Mayor Lacey recognized former Mayor Paul P. Partyka and former Commissioner Joanne M. Krebs who were in attendance.

REGULAR AGENDA – PART II

REGULAR

500. Office of the City Manager

REQUEST:

The City Manager requests that the City Commission make an appointment to fill the vacant Commission District Four Seat.

FISCAL IMPACT:

There is no direct fiscal impact related to the City Commission's consideration of this Agenda Item.

COMMUNICATION EFFORTS:

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Once the August 13, 2018 City Commission Agenda goes out, this Agenda Item will be forwarded to the two (2) individuals (noted in this Agenda Item) who submitted an application for the Interim Commission District Four Seat.

RECOMMENDATION:

Staff recommends the City Commission discuss and select a resident of District Four to serve as the Interim Commission District/Seat Four Commissioner as they deem suitable.

Mayor Lacey spoke on this Agenda Item and the process regarding how a new Commissioner would be Appointed.

COMMISSIONER CANNON NOMINATED MS. TIANNA HALE.

COMMISSIONER GREENBERG NOMINATED MR. JACK HAYS.

MAYOR LACEY THEN ASKED IF THERE WERE ANY MORE NOMINATIONS. HEARING NONE, MAYOR LACEY THEN CLOSED NOMINATIONS.

VOTE:

DEPUTY MAYOR KENDRICK: JACK HAYS

COMMISSIONER HOVEY: JACK HAYS

COMMISSIONER CANNON: TIANNA HALE

COMMISSIONER GREENBERG: JACK HAYS

MOTION CARRIED FOR JACK HAYES.

Mr. Jack D. Hays was announced as the new District Four Commissioner.

The Oath of Office was then held with Mr. Jack D. Hays, Jr. and was sworn into Office by City Attorney Anthony A. Garganese.

Commissioner Jack D. Hays then took his seat on the dais as the new Commissioner for District Four.

Mayor Lacey commented briefly on the District Four Commission Seat, the upcoming Election and Term of Office and thanked Mr. Hays and Ms. Hale for volunteering to take on this position.

CONSENT AGENDA

CONSENT

300. Community Development Department

REQUEST:

The Community Development Department requests the City Commission approve: 1) the Tuskawilla Crossings Phase 1 plat; 2) an associated Developer's Agreement Amendment; and 3) Resolution 2018-15, and authorize these documents to be recorded, subject to satisfaction of the conditions of approval.

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve the Tuskawilla Crossings Phase 1 plat, the associated Developer's Agreement Amendment, and Resolution 2018-15, subject to satisfaction of the conditions of approval, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

No discussion.

CONSENT

301. Office of the City Manager

REQUEST:

The City Manager requests the Commission appoint Mayor Lacey to the South Seminole and North Orange County Wastewater Transmission Authority (SSNOCWTA) to fill the current vacancy for the City of Winter Springs representative, as required by Legislative Act 78-617 (Senate Bill 1341).

FISCAL IMPACT:

There is no noted Fiscal Impact related to this Appointment.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the Commission appoint Mayor Charles Lacey as the City of Winter Springs representative to the governing board of the South Seminole and North Orange County Wastewater Transmission Authority (SSNOCWTA) in accordance with Legislative Act 78-617.

There was no discussion on this Agenda Item.

CONSENT

302. Finance and Administrative Services Department

REQUEST:

Finance and Administrative Services Department requests Commission to approve Resolution 2018-14, accepting the proposal of Florida Community Bank to purchase the City's Not to Exceed \$2 million Water and Sewer Revenue Refunding Notes, Series 2018, to refund all the of the City's outstanding Water and Sewer Refunding Revenue Bonds, Series 2000, that mature on October 1, 2030.

FISCAL IMPACT:

Upon acceptance of the refinancing of the Water and Sewer Refunding Revenue Bonds, Series 2000 (maturing on October 1, 2030) through Florida Community Bank, the City will realize a nominal savings of \$623,736.78 (net) over the remaining 12 years until final maturity of the bank note on 10/1/2030. This equates to a savings for the City of \$51,978 (nominal) annually.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission accept the Florida Community Bank proposal to issue a bank note to refund the City's Water and Sewer Refunding Revenue Notes, Series 2000, (maturing on October 1 2030) not to exceed \$2 million dollars, adopt Resolution 2018-14, and authorize the City Attorney to prepare and City Manager and Mayor to execute any and all applicable documents necessary to complete this refinancing.

No discussion.

CONSENT

303. Finance and Administrative Services Department

REQUEST:

The Finance and Administrative Services Department is requesting that the City Commission adopt Resolution 2018-13 authorizing submission of the Certificate to Non-Ad Valorem Assessment Roll, Assessment Summary and FY 2018-2019 Annual Assessment Roll for Tax Year 2018 Relating to the Oak Forest Wall and Beautification District, the Tusawilla Lighting and Beautification Assessment Area and Tusawilla Phase III Assessment Area to the Seminole County Tax Collector by September 15, 2018

FISCAL IMPACT:

A rate schedule for each assessment follows, with last year’s assessment and the proposed assessment for the 2018 tax year, all of which remain unchanged:

	Legal Max	TAX YEAR		Incr (Decr)
		2017 Assessment	2018 Proposal	
Tusawilla Lighting and Beautification District (per ERU):				
TLBD Maintenance (Phases I & II)	\$128	\$120	\$120	\$0
TLBD Phase I Capital/Debt Service	\$43	\$36	\$36	\$0
	\$171	\$156	\$156	\$0
Oak Forest (per BU):				
Oak Forest Maintenance	\$63	\$60	\$60	\$0
Tusawilla III (per BU):				
Tusawilla III Maintenance	\$87	\$75	\$75	\$0
Tusawilla III Capital/Debt Service	\$88	\$85	\$85	\$0
	\$175	\$160	\$160	\$0

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Detailed information regarding the Tusawilla Lighting and Beautification District, the Oak Forest Wall and Beautification District and the Tusawilla Phase III assessment programs, including annual reports, is available to the public via the City’s website at:

<http://www.winterspringsfl.org/EN/web/dept/pw/SpecAssessmntDist.htm>

RECOMMENDATION:

Staff recommends that the City Commission adopt Resolution 2018-13 authorizing the submission of the Certificates to Non-Ad Valorem Assessment Roll, Assessment Summary and FY 2018-2019 Annual Assessment Roll for Tax Year 2018 relating to the Oak Forest Wall and Beautification District (Maintenance only), the Tusawilla Lighting and Beautification Assessment Area – Maintenance and Phase I Capital) and Tusawilla Phase III Assessment Area (Maintenance and Capital) to the Seminole County Tax Collector by September 15, 2018.

This Agenda Item was not discussed.

CONSENT

304. Finance and Administrative Services Department

REQUEST:

The City Manager requests the City Commission rescind/cancel the July 9, 2018 bid award to Playworx Playsets, LLC., reject any and all bids submitted in furtherance of the associated RFP#005/18/MR, and direct that a new RFP be published by the City to solicit new bids for the replacement of recreation equipment covered by the proposed park project at Central Winds Park, Torcaso Park, and Trotwood Park.

FISCAL IMPACT:

There is no direct financial impact to the City for this item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

The City Manager requests the City Commission rescind/cancel the July 9, 2018 bid award to Playworx Playsets, LLC., reject any and all bids submitted in furtherance of RFP#005/18/MR, and direct that a new RFP be published by the City to solicit new bids for the replacement of recreation equipment covered by the proposed park project at Central Winds Park, Torcaso Park, and Trotwood Park.

No discussion.

CONSENT

305. Public Works Department

REQUEST:

The Public Works Department is requesting City Commission authorization to enter into an agreement with MCG Services, LLC for concrete sidewalk and curb replacement in the amount of \$37,531, plus a 5% contingency.

FISCAL IMPACT:

The project cost is \$37,531, plus a 5% contingency, for a total authorization of \$39,407.55, funded by the Transportation Improvement Fund.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve entering into an agreement with MCG Services, LLC for the Concrete Sidewalk and Curb Replacement project in the amount of \$37,531, plus 5% contingency, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

There was no discussion on this Agenda Item.

CONSENT

306. Utility Department

REQUEST:

The Utility Department is requesting City Commission approval to purchase a Genie TZ-34 Towable High Reach Lift from United Rentals in the amount of \$27,100.

FISCAL IMPACT:

This item is budgeted in the FY18 Utility Enterprise Fund.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission award a contract to United Rentals in the amount of \$27,100 for the purchase of one (1) Towable Genie High Reach Lift, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents

No discussion.

CONSENT

307. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, July 9, 2018 City Commission Regular Meeting Minutes.

FISCAL IMPACT:

There is no fiscal impact related to this Agenda Item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission review and consider offering their Approval of the Monday, July 9, 2018 City Commission Regular Meeting Minutes.

This Agenda Item was not discussed.

Mayor Lacey spoke of the typical process of approving the Consent Agenda in its entirety and asked for a Motion. No objections were voiced.

MOTION TO APPROVE THE CONSENT AGENDA. MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER GREENBERG. DISCUSSION.

VOTE:

COMMISSIONER CANNON: AYE

COMMISSIONER GREENBERG: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR KENDRICK: AYE

COMMISSIONER HAYS: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

400. Community Development Department

REQUEST:

The Community Development Department requests that the City Commission hold a Public Hearing for consideration of a Conditional Use request for a proposed 40-student remedial education private school (K-12) to be operated within the Temple Israel Synagogue, located at 50 South Moss Road.

FISCAL IMPACT:

The existing synagogue where the private school is proposed is tax exempt, as it is a religious use. According to the Seminole County Property Appraiser's Office, the portion of the synagogue used for the private school may become taxable if it is leased to the school and the area used for the school is no longer available for the synagogue's use.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve a Conditional Use to allow a proposed 40-student remedial education private school (K-12) to be operated within the Temple Israel Synagogue, located at 50 South Moss Road.

Mr. Brian Fields, P.E., Director, Community Development Department gave a brief overview of this Agenda Item.

Mayor Lacey opened “Public Input” on this Agenda Item.

No one addressed the Mayor and City Commission.

Mayor Lacey closed “Public Input” on this Agenda Item.

MOTION TO APPROVE PUBLIC HEARINGS “400”. MOTION BY COMMISSIONER CANNON. SECONDED BY COMMISSIONER GREENBERG. DISCUSSION.

VOTE:

COMMISSIONER GREENBERG: AYE

COMMISSIONER CANNON: AYE

COMMISSIONER HAYS: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR KENDRICK: AYE

MOTION CARRIED.

PUBLIC HEARINGS

401. Community Development Department

REQUEST:

The Community Development Department requests the City Commission hold a Public Hearing to consider five special exception requests, based on a revised conceptual plan, on a 6.46-acre property north of Blumberg Blvd and west of Tuskawilla Road in the T4 Transect of the Town Center. The special exceptions are to permit a multifamily residential use (senior condominiums) in the T4 transect, plus four related special exception requests based on the proposed location and orientation of the buildings.

FISCAL IMPACT:

If the special exceptions are approved, and the project is developed as an age restricted (55+) fee-simple owned senior condominium project with 108 units, then the project will provide an increase to the City's taxable value. The potential tax revenue of the proposed project is still to be determined; however, the project at completion is preliminarily estimated to have an assessed taxable value of \$30 million.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission hold a Public Hearing for consideration of five special exception requests on a 6.46-acre property north of Blumberg Blvd and west of Tuskawilla Road in the T4 Transect of the Town Center.

This Agenda Item began with introductory comments on the proposed project and the requested Special Exceptions from Mr. Fields.

Mr. J. Marc Jones, Esquire, 2572 West State Road 426, Suite 3024B, Oviedo, Florida: addressed the City Commission on this planned project and mentioned that the Developer listened to the comments previously noted. Mr. Jones then remarked, "One of the biggest changes that was made involved moving this pond up to the front and I believe what we have done is making it an addition to this park."

Commissioner Kevin Cannon asked, "When you say single story accessory buildings, about how tall would they be, vertical wise, to the roof line, approximately?" Mr. Jones stated, "The response is thirteen to fifteen feet (13 - 15')..." Commissioner Cannon added, "...To the peak of the roof?" Mr. Jones responded, "Yes, Sir."

Further, Commissioner Cannon inquired, "And this is all going to be limited to the 6.5 acres, which is the east half of Mrs. Blumberg's property, correct?" Mr. Jones replied, "That's Correct."

Regarding whether this project could be three (3) stories, Mr. Jones said it would need to be four (4) stories to make the project work.

As to if this would be a gated property, Mr. Fields suggested the perimeter would most likely be gated and then noted that this was not a binding condition.

Deputy Mayor Geoff Kendrick said, “Is there going to be a sidewalk either through the Developers Agreement or in the Easement through the City of Winter Springs, all the way around the perimeter; because we hold so many festivals, we want to be able to have access for pedestrians.”

Mr. Fields stated, “The existing sidewalk, on this side of Blumberg Boulevard and Tuskawilla Road, what we are recommending is that sidewalk be continued along the school area.” Deputy Mayor Kendrick added, “My recommendation would be to have one around the whole perimeter.” Commissioner Cannon said, “I agree.”

Related to trees, Commissioner Ken Greenberg said he also liked oxygen and that he had walked the property, then reviewed the plans and noted, “I was able to ascertain that better than sixty to sixty-three percent (60 - 63 %) of that property has no trees on it. Is that a fair statement?” Mr. Jones commented, “That’s pretty accurate.”

Further, Commissioner Greenberg said, “So, given that sixty-three percent (63 %) doesn’t have, there are some trees - closer to PHASE 2, that clearly will be coming down, but the way I counted on the plans, the amount of trees that are coming down versus the amount of trees that you are going to put back, you will exceed most likely, the amount of trees that will come down and trees are of course a renewable resource, as we know. Is it a fair statement to say that the net loss of trees will be negligible if any, if not a possible gain?”

Mr. Jones responded, “At this point, that’s the way we’re looking at it. I think our number is a little over thirty percent (30%) of the property is affected, as far as tree loss.”

Commissioner Greenberg referenced the promenade and added, “Now, you are significantly improving it, you are going to put in a retention pond, so there is going to be a water feature... Mr. Jones noted, “...With two (2) fountains...” Commissioner Greenberg then mentioned, “...With fountains, so that will certainly enhance that area. Is that a fair statement that that is the full intent of what is going to happen?” Mr. Jones replied, “Yes, Sir.”

Furthermore, Commissioner Greenberg pointed out, “We have now moved the entry off the main point so the argument everybody had was what do we do during festivals because obviously we could not shut down for four (4) hours and not give people access to their homes, but that has been addressed now.” Mr. Jones stated in agreement, “Yes.”

Mr. Jones added, “The property owner, Ms. (Juanita) Blumberg, sold this property at a very discounted rate to the State of Florida and it’s preserved in perpetuity; this is not going to get touched; so, all this tree structure here, isn’t going anywhere.” Commissioner Greenberg added, “All along the promenade, that goes all the way up, that is permanently going to be trees?” Mr. Jones replied, “That will never be touched by any Developer or anybody.” With further remarks, Mr. Jones mentioned, “Any tree loss that happens on the main property, there will be re-landscaping on the entire property.”

Commissioner Greenberg commended the Developer on their efforts to accommodate what the public and the City Commission suggested at a recent meeting.

Mayor Lacey agreed with what Commissioner Greenberg said about being “pro-oxygen” and then addressed the City’s Arbor Fund. Mayor Lacey asked if he heard that “You are going to plant more than you take down, or at least compensate for that?” Mr. Jones commented, “Compensate certainly. I’m not sure I said ‘plant more’. Again, with this project - a tree survey will be done, right. We’re just not there yet. But, based upon the plan that’s in front of us, you can guess estimate it, if there is a thirty plus percent (30+%) of the existing trees that are going to be affected, they will be replaced on site.”

Mayor Lacey remarked, “So, you would not anticipate contributing to the City-maintained Arbor Fund – depending where the survey takes you...” Mr. Jones noted, “...Correct.” Mayor Lacey pointed out, “You are aware you won’t get a Certificate of Occupancy until that is addressed.” Mr. Jones stated, “I am aware.”

Mayor Lacey opened “Public Input” on this Agenda Item.

Ms. Adaire Fluno, 717 Barrington Circle, Winter Springs, Florida: said she was against more building, did not think Seniors wanted to live in this kind of a project, mentioned that predators/coyotes have been seen in the area and do not seem to respond to people.

Ms. Colleen Murphy, 684 Fanning Drive, Winter Springs, Florida: referenced a previous similar project that had comments on Development Agreements, discussions on the possibility of building in monetary penalties for non-performance, mentioned issues with clear cutting and replacing large trees with what she thought were “stick” trees, development, and thought there were some things the City Commission can do. Ms. Murphy showed some photographs of debris and safety issues on the Blake Apartments project site and hoped the City could hold the Developer accountable.

Ms. Marie Cashmin, 1529 Woodsglen Drive, Winter Springs, Florida: spoke against high density, that she has had coyotes in her driveway, mentioned an incident with an alligator, and did not think that anything in the Town Center appealed to Senior Citizens as Senior Citizens would not live in a four (4) story building, which she thought would be an eyesore.

Ms. Gina Novella-Shafer, 457 Buckhorn Drive, Winter Springs, Florida: noted that these meetings started too early, did not think a four (4) story building in that area would fit in, asked if a Traffic Study could be done sooner than later, thought the traffic was insane, and mentioned that some of the roads near Winter Springs High School were very narrow, and thought Elected Officials needed to listen to the speakers.

Ms. Bobbie Demme-San Filippo, 108 Viewpoint Place, Winter Springs, Florida: said she was in favor of what others had said this evening, commented on zoning regulations, why the City Commission was considering Special Exceptions, concerns with traffic and getting around school and City events, possible issues with Senior drivers which she did not think was “healthy” for our school or for the other drivers in this area, and had a concern with this issue setting precedents.

Mr. Paul Partyka, 404 Park Lane Drive, Winter Springs, Florida: congratulated Commissioner Hays, then pointed out that he had been involved with the Town Center and spoke of what should be included in a Town Center concept for an active community, the need for residents, and that he was in support of this proposed project as it was good for the tax base and the community.

Mr. John Iriye, 150 Tuskawilla Road, Winter Springs, Florida: mentioned he was a property owner near this planned project, was in favor of it, then commented on traffic and events in the area, and how it fit well with the Town Center concept.

Mr. Phil Kaprow, 1005 Antelope Trail, Winter Springs, Florida: spoke in favor of personal property rights, was supportive of this proposed project, thought that if a Developer wanted to build this kind of a project, that it was their right and suggested that potential condominium owners should know of potential noise and traffic issues before buying into such a project.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: congratulated Commissioner Hays, said he had checked into this project, then commented on trees, how special event vendors could be affected by such a project, asked if the City had a plan in place to handle any such matters if this project was to go through, hoped a high level of compliance with City standards would be included in a Development Agreement so that the current problems along Michael Blake Boulevard did not happen again, and that penalties should be included in any Development Agreement. Mr. Evans then spoke of school events and noise, and noted he supported this proposed project.

Mr. Lynn DeKrey, 219 Toracso Court, Winter Springs, Florida: said he thought the proposed project was too high and did not fit with the longtime residents in the Tuscawilla community, was concerned with traffic and thought that there would be issues with the roads and area high school traffic, did not like trees being cut down, hoped we could manage development in the City, suggested that Developers should take care of their construction sites, and recommended we put “teeth” in any construction or Development Agreements.

Ms. Gretchen Hyde, 1166 Orange Avenue, Winter Springs, Florida: mentioned previous projects, that many business have come in and then left the Town Center, thought there should be more signage, would prefer that single family homes be built here, did not like the clearing of trees, spoke of traffic and recommended that current problems be solved before new projects are built.

Mr. Danny Persad, 684 Fanning Drive, Winter Springs, Florida: suggested the proposed project could be scaled back, that there were no renderings of what was planned, that trees along the boundary could be saved, stricter guidelines should be included in any Development Agreement to protect the subdivision of Winter Springs Village where he lives, and asked if there was a back-up plan if no one bought into this project if built, as not all construction projects are successful.

Ms. Nancy Niemetschek, 366 Twelve Oaks Drive, Winter Springs, Florida: spoke of her concern with many buildings along State Road 434, that she did not think traffic had been considered, hoped a Moratorium against building would be implemented, and that some of the land affiliated with this project could be used for parks and events.

Ms. Alaine Huet, 1131 Eagle Bluff Point, Winter Springs, Florida: noted the need for City Commission Meetings to start later, was in agreement with previous comments, said she moved here from Altamonte Springs because of the trees, disagreed with new urbanism, was not in favor of the Special Exceptions and hoped we would consider what we want to be and where we are heading.

Mr. Michael Cusick, 1283 Marley Lane, Winter Springs, Florida: mentioned that the Trail near the Tusawilla Crossings project is a mess, thought the City should be supervising the Developer more, was dismayed at the loss of trees, noted the number of planned units of recently approved and ongoing potential projects, and spoke of his concern with congestion on the roads.

Mayor Lacey closed “Public Input” on this Agenda Item.

Mr. Jones stated, “The Developer is prepared to enter into a Developer’s Agreement and be bound there by. That would be negotiated with Staff and we will be bound by it. If the City or Staff wants to consider ‘teeth’, I think is what I heard, let’s get it in a Developers Agreement. The access and the usage of the high school road – most residents don’t know this but Ms. (Juanita) Blumberg deeded that road to the School Board. She literally gave it to them. And when she did so, she reserved Easement access rights - to her property, so the owner of the property and the Developer who purchase that property will have access and usage rights over that road. So, that’s really not an issue.

Traffic - a Traffic Study will be done. we don’t have a crystal ball. We’ll bring in experts to come in and do a Traffic Study and we address the concerns brought up on that study. Trees – the Developer will hire a Certified Arborist that will come in and do a full tree survey and we’ll attempt to mitigate any loss.”

Furthermore, Mr. Jones added, “There will be a tree survey done. We’re not going to level the property. Nobody wants that.”

Continuing, Mr. Jones pointed out, “The other concern about the access on the school board road. The Developer said it is possible to make that access only for emergency ingress and egress; it can be closed most of the times and opened only in the event of a festival; so that way, we’re not dealing with high school traffic.”

Comments followed on how this project might progress.

Commissioner Cannon addressed how previous projects have panned out, recorded rights, that he had asked to see documents related to 55+ [and over], what might happen if this project does not build out as being proposed and if a Special Exception for Multi-Family was granted, elevators, balance and the need for commercial and retail and that the City Commission can enter into a Development Agreement, and referenced Section 20-321. (c) of the City’s Code. Furthermore, Commissioner Cannon asked Attorney Garganese, “If there is a transfer of ownership, a change in the project that that Special Exception immediately comes back to the Commission.”

Commissioner Cannon added, related to Ordinance 2016-09, “I have not had any if not initiated or considered any ex parte communication regarding this project with the Developer.” Commissioner Cannon additionally suggested that references to any pollution be included in a Development Agreement.

Attorney Garganese said, “The Commission has historically imposed conditions at various levels of the development process. If the Commission wants to impose certain conditions on this proposed ‘Use’, it is certainly within the Commission’s right to do so. I would recommend that if the Commission does want to impose conditions that they either be very well stated in a Motion or you can have them put it into a Development Agreement, and of course, the City Commission can always make any approval on development projects subject to conditions. As you noted, the Development Agreement being one condition if that’s the direction the Commission wants to go.”

Commissioner Cannon asked Attorney Garganese if a Development Agreement was the best way to handle the concerns the City Commission has and hoped some safeguards would be put in place.

Attorney Garganese pointed out, “That is the most secure way to do it if you want it to run with the land. It has to be recorded, recorded against the land.”

Continuing, Attorney Garganese remarked, “There are going to be subsequent Applications coming to you as the project gets further refined down the road, that you can incorporate further conditions to the extent that the Commission needs to.”

Attorney Garganese noted, “They are going to be coming back with additional Applications for the project. The Commission could enter in an approval subject to certain conditions being memorialized in a Development Agreement and brought back to the Commission when additional Applications get presented to you for approval.”

Commissioner Cannon then inquired of Attorney Garganese, “If we cannot reach a Development Agreement with a good faith effort by both sides, does that negate and kill the Special Exception?” Attorney Garganese responded, “If the Commission made the approval subject to that Development Agreement being finalized and approved by the Commission, at later stages of the development project, then that would be a condition.”

Regarding an approved Special Exception, Deputy Mayor Kendrick asked, “Can we call it back somehow?”

Attorney Garganese explained, “If the Development Agreement is subject to a termination clause then the project would be subject to the termination. And, we’ve structured Agreements like that in the past to make sure that the project that the Commission approves, gets developed within a reasonable period of time and if it doesn’t - circumstances change, and the approval that the Commission made, may not occur in five (5), six (6), ten (10) years down the line, We try not to have Development Agreements that will sit out there, into the future and never get implemented. We try to put some finality to that entitlement – it either gets built as planned or it just languishes and it never gets constructed and there’s a right to terminate the approvals that were previously granted.”

Commissioner Cannon then asked, “Once the Special Exception is granted, is there a mechanism for it to be unwound if the project doesn’t go forth or it changes dramatically?” Attorney Garganese said, “If it’s incorporated into a Development Agreement, then the whole project is.”

Mayor Lacey noted, “The Applicant has indicated they are willing to enter into a Developers Agreement, is your recommendation Anthony - that the Special Exceptions should be contingent upon a Developers Agreement tonight if they are approved, or that we can take time and luxury and get to the Developers Agreement with assurance that we won’t lose any of those provisions and these entitlements will be used without our chance to review them.”

Attorney Garganese said, “The Commission can make this approval which you have before you, the Special Exception, plus five (5) Special Exceptions related primarily to the building layout - and subject to a Development Agreement.”

Mayor Lacey added, “So, your suggestion is if there is a Motion to approve, that Motion include negotiations of a Development Agreement.” Attorney Garganese stated, “My suggestion is that if you are going to impose conditions that you articulate them verbally at the very least or require that they be incorporated into a Development Agreement.”

Further discussion followed on Special Exceptions and suggested expiration dates.

Commissioner Greenberg stated, “Can we have a Development Agreement with these Special Exceptions that is not transferable to another party. In other words, this project, specific to Beazer building this project, as approved down the path.”

Attorney Garganese commented, “Yes, I think it can be done. For example, it would be approval of a Special Exception; Special Exceptions subject to the Applicant Beazer negotiating a Development Agreement that’s acceptable to the City, incorporating some of the basic conditions which we know now, 55+ [and over], condominium, etc. We could stop there or we can also tackle the other development applications cumulatively, when and if they’re filed, and have a Development Agreement at that point as well.”

Further remarks.

Attorney Garganese added, “I think you can tie it to the Developer at this particular junction, based upon this Application, and recording a Development Agreement is probably not the direction you want to go in at this point...” Commissioner Greenberg noted, “...Not today...” Attorney Garganese continued, “...Because once you record it, it’s transferable, it technically runs with the land.”

Further, Attorney Garganese asked if the Applicant understood the discussion and was in agreement.

Mr. Jones stated, “I’m sure Beazer is okay with that. Ms. Blumberg may have issues with that. She’s not here tonight.”

Discussion.

“I MAKE A MOTION THAT WE DENY THE SPECIAL EXCEPTION ITEM ‘401’ ON THE AGENDA AT THIS TIME, UNTIL WE HAVE A DEVELOPMENT AGREEMENT NOT WITH TRAFFIC AND ALL THE REST OF THAT, BUT A DEVELOPMENT AGREEMENT THAT IS SPECIFIC FOR 55[+ AND OVER], THE DOCUMENTS THAT WILL BE RECORDED WITH THE CONDOMINIUM ADDRESSING RENTAL AND ALSO ADDRESSING VACATION RENTALS AS WELL, WHICH IS ANOTHER PROBLEM THAT HAS BEEN EVOLVING, AND OTHER CONDITIONS.” MOTION BY COMMISSIONER CANNON.
MOTION DIED FOR LACK OF A SECOND.

“I MAKE A MOTION WE ACCEPT THE FOUR (4) SPECIAL EXCEPTIONS.” MOTION BY COMMISSIONER GREENBERG. SECONDED BY DEPUTY MAYOR KENDRICK. DISCUSSION.

COMMISSIONER CANNON SAID HE THOUGHT THERE WERE FIVE (5) SPECIAL EXCEPTIONS REQUESTED. WITHOUT OBJECTION, MAYOR LACEY NOTED, “WITHOUT OBJECTION FROM THE COMMISSION, THE MOTION IS MODIFIED TO SPECIFY FIVE (5).”

VOTE:

COMMISSIONER CANNON: NAY

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR KENDRICK: AYE

COMMISSIONER HAYS: AYE

COMMISSIONER GREENBERG: AYE

MOTION CARRIED.

REGULAR AGENDA – PART II

REGULAR

501. Office of the City Clerk

REQUEST:

Office of the City Clerk is requesting Commissioner Ken Greenberg review the information in this Agenda Item regarding making an Appointment to fill the Seat Three position on the Board of Trustees.

FISCAL IMPACT:

There is no noted Fiscal Impact related to this Appointment opportunity as referenced in this Agenda Item.

COMMUNICATION EFFORTS:

This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City’s Website, LaserFiche, and the City’s Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City’s Website, LaserFiche, and the City’s Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner’s Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.

At the July 9, 2018 City Commission Regular Meeting, Commissioner Ken Greenberg asked that an Agenda Item be provided at this meeting for the purpose of making an Appointment.

RECOMMENDATION:

Staff recommends that any Appointment(s) be made via an individual Motion:

SEAT THREE APPOINTMENT: COMMISSIONER KEN GREENBERG

Board of Trustees

Vacant Seat

Term Expires: January 1, 2022

OTHER MAYOR/COMMISSION APPOINTMENTS:

Included in this Agenda Item is the ability for the Mayor and/or any City Commission Member to make any other Appointment(s) that are deemed pertinent.

If any Appointment(s) are not made at this Meeting, subsequent Agenda Items can be brought forward on upcoming City Commission Meeting Agendas as so desired.

MOTION TO APPOINT MICHAEL S. BLAKE TO THE BOARD OF TRUSTEES. MOTION BY COMMISSIONER GREENBERG. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

VOTE:

DEPUTY MAYOR KENDRICK: AYE

COMMISSIONER HAYS: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER CANNON: AYE

COMMISSIONER GREENBERG: AYE

MOTION CARRIED.

REPORTS

REPORTS

600. Office of the City Attorney – Anthony A. Garganese, Esquire

No Report.

REPORTS

601. Office of the City Manager – Kevin L. Smith

No Report was given.

REPORTS

602. Office of the City Clerk – Andrea Lorenzo-Luaces, MMC

No Report.

REPORTS

603. Office of the Mayor - The Honorable Charles Lacey

Mayor Lacey thanked the City Clerk's Staff for assisting with the latest Board and Committee Appreciation Dinner.

Next, Mayor Lacey spoke of a Proclamation he presented to Zechariah Cartledge, a nine (9) year old who raised funds related to supporting families affected by 9/11.

Mayor Lacey then noted that he attended the recent Winter Springs Pet Suites Grand Opening

Mayor Lacey referenced Resolution 2012-20 that was provided to the Mayor and City Commission by Mr. Phil Kaprow during Public Input; and Mayor Lacey said, "Resolution 2012-20 looks to me like a Resolution that we could pass tonight, updated to reference 2018 instead of 2012 and would accomplish the first amendment objectives that Mr. Kaprow enunciated to us." Mayor Lacey then asked if the City Commission was interested in considering this matter tonight.

"MOTION TO APPROVE THE RESOLUTION - THAT WAS PRESENTED TO US EARLIER ON THE SIGNS - AS UPDATED TO 2018." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER GREENBERG. DISCUSSION.

COMMISSIONER CANNON MENTIONED CAMPAIGN RELATED SIGNS.

ATTORNEY GARGANESE SAID, "I WOULD RECOMMEND THAT IT BE TEMPORARY SIGNS DUE TO FIRST AMENDMENT ISSUES, IT'S ALL OR NOTHING. AND THE ONLY CHANGE TO THE RESOLUTION WOULD BE THAT THE EFFECTIVE DATE WOULD BE TODAY, THE DATE OF APPROVAL AND WOULD RUN THROUGH THE ELECTION DATE OF NOVEMBER 6TH."

COMMISSIONER CANNON NOTED THAT THERE IS NORMALLY SEVERAL DAYS TIME FOR THE CLEANING UP OF SIGNS AFTER AN ELECTION AND SUGGESTED NOVEMBER 10TH.

"IF THERE IS NO OBJECTION, WE WILL AMEND THE MOTION TO HAVE THE TERMINATION DATE OF NOVEMBER 10TH." NO OBJECTIONS WERE VOICED.

VOTE:

COMMISSIONER HOVEY: AYE
COMMISSIONER HAYS: AYE
COMMISSIONER CANNON: AYE
COMMISSIONER GREENBERG: AYE
DEPUTY MAYOR KENDRICK: AYE
MOTION CARRIED.

REPORTS

604. Office of Commissioner Seat One - The Honorable Jean Hovey _____

Commissioner Jean Hovey said she thought the renovated Commission Chambers looked great and stated, “Mr. Smith, good job!” On a related note, Commissioner Hovey asked if a clock could be added. Mayor Lacey inquired if a clock could possibly be placed on the screens. Commissioner Greenberg suggested a wall clock be hung where it was before.

Commissioner Hovey asked Attorney Garganese if anything could be done regarding the debris that was shown earlier on the photos of the apartment site. Attorney Garganese said he would get with Mr. Fields on this. City Manager Kevin L. Smith apologized for the Contractor and spoke of efforts that City Staff had been trying to do to improve the issue regarding debris along Michael Blake Boulevard. Mr. Fields spoke further of what the City has recently done to remedy the situation. Further remarks.

Commissioner Hovey thanked the Staff of the Office of the City Clerk for their assistance with the recent Board and Committee Appreciation Dinner.

Next, Commissioner Hovey reminded everyone to Vote on August 28th.

Commissioner Hovey then congratulated the Police Department on the Lip Sync challenge and remarked, “We are proud of you!”

REPORTS

605. Office of Commissioner Seat Two - The Honorable Kevin Cannon _____

Commissioner Cannon thanked Mr. Ed DeJesus and Office of the City Clerk Staff for their efforts with the Commission meetings held over the summer at the Senior Center.

Secondly, Commissioner Cannon referenced the Arbor Ordinance and spoke of replacing trees.

“MOTION THAT ON A FUTURE AGENDA WE REVISIT SOME MATRIX, WITH THE INPUT OF STAFF ON USE OF THOSE DOLLARS, NOT JUST FOR SHRUBS, BUT REALLY TO TRY TO REPLICATE SOME OF THE LARGE SPECIMEN TREES THAT ARE COMING DOWN, TO REPLACE THE HABITAT THAT WE ARE REMOVING THAT IS A NECESSARY PART OF THE CONSTRUCTION.” MOTION BY COMMISSIONER CANNON.
MOTION DIED FOR LACK OF A SECOND.

Mayor Lacey suggested that Mr. Fields could address this matter.

Manager Smith noted that Staff was already working on bringing this back to the City Commission and asked if Staff could be given some time to further review this.

Commissioner Kendrick inquired if this would be a discussion on commercial arbor issues. Commissioner Cannon further noted, “What I am specifically talking about, is how we spend this substantial sum of money that is in the Arbor Fund, and looking at the relationship of the habitat and the really large specimen trees, the kind of trees that would offer an eagle to make a nest in, if they come down. Having a definitive plan of where the City is going to spend the money and on what kind of trees.”

With further comments, Mr. Fields suggested he hoped to have a draft available by the first City Commission Regular Meeting in October; and added, “We are looking at every aspect of the Arbor Ordinance right now.”

Commissioner Cannon mentioned this would be agreeable to him.

Next, Commissioner Cannon referenced the sidewalk in front of the former Winter Springs Golf Club property and mentioned he saw a boy on a bicycle go onto State Road 434 to avoid the overgrowth on the sidewalk and asked if this could be trimmed.

Manager Smith said, “Certainly Commissioner, we will take a look at that.”

Commissioner Cannon next mentioned that he had seen decorative lighting with burned out bulbs on the west side of the City. Mr. Fields spoke of some issues with Duke Energy and said this would be taken care of.

Lastly, Commissioner Cannon then inquired about the lighting in front of the Creeks Run subdivision and asked if Duke Energy had worked with Staff on any shielding. Mr. Fields spoke of efforts that Staff had made, that Duke Energy has looked into this also and pointed out, “This is still an open item that we’re working with Duke on.” Commissioner Cannon mentioned he thought the residents were interested in some kind of shielding.

REPORTS

606. Office of Commissioner Seat Three – The Honorable Ken Greenberg

Commissioner Greenberg congratulated Commissioner Hays.

Next, Commissioner Greenberg referenced the upcoming Florida League of Cities Annual Conference.

Commissioner Greenberg also said he supported Mr. Vagnini’s comments from earlier in this meeting about the need for a hotel in the City and hoped we could find a suitable site. Commissioner Greenberg then noted some changes to a building at the Oviedo Mall.

Continuing his Report, Commissioner Greenberg then thanked the City Clerk’s Staff for assisting with the latest Board and Committee Appreciation Dinner.

Commissioner Greenberg noted the recent Grand Opening of the Pet Suites that he also attended and also spoke of going to the Grand Opening of a new entertainment district in the City of Oviedo.

Concluding, Commissioner Greenberg commented on a fundraiser to help an ailing child, and also spoke of a Proclamation that was presented to Zechariah Cartledge for his fundraising efforts.

REPORTS

607. Office of Commissioner Seat Four

Commissioner Hays thanked the City Commission and former Commissioner Cade Resnick for their support; commented on some City Staff he had worked with, and noted that he was looking forward to working with everyone.

REPORTS

608. Office of Commissioner Seat Five/Deputy Mayor - The Honorable Geoff Kendrick

Deputy Mayor Kendrick thanked the City Clerk’s Staff for assisting with the latest Board and Committee Appreciation Dinner.

Next, Deputy Mayor Kendrick also said he thought the Commission Chambers renovations looked great.

Deputy Mayor Kendrick also commented on a fundraiser to help an ailing child and also commented on the great Pet Suites facility.

Furthermore, Deputy Mayor Kendrick also welcomed Commissioner Hays.

Deputy Mayor Kendrick then asked Mr. Fields about the swale in the creek in Oak Forest. Mr. Fields spoke of a plan to handle this, and as to when it would be done, Mr. Fields stated, “Plus or minus a week, probably less than that.”

Lastly, Deputy Mayor Kendrick then thanked the Hale family for their service.

PUBLIC INPUT

Mayor Lacey opened “Public Input”.

Mr. Phil Kaprow, 1005 Antelope Trail, Winter Springs, Florida: commented further on the Resolution related to temporary signs.


Mr. Matt Benton, 416 Cedarwood Court, Winter Springs, Florida: mentioned he thought that City Commission meetings start too early and that he had to close his business early to attend tonight's meeting, and knew of several others who could not attend tonight.

Mayor Lacey closed "Public Input".

ADJOURNMENT


Mayor Lacey adjourned the Regular Meeting at 8:07 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the September 10, 2018 City Commission Regular Meeting.