# CITY OF WINTER SPRINGS, FLORIDA



# **CITY COMMISSION**

# **MINUTES**

# REGULAR MEETING MONDAY, MAY 14, 2018 – 5:15 P.M.

CITY OF WINTER SPRINGS – SENIOR CENTER 400 NORTH EDGEMON AVENUE, WINTER SPRINGS, FLORIDA

Mayor Charles Lacey
Deputy Mayor Cade Resnick - Seat Four
Commissioner Jean Hovey - Seat One
Commissioner Kevin Cannon - Seat Two
Commissioner Ken Greenberg - Seat Three
Commissioner Geoff Kendrick - Seat Five

# **CALL TO ORDER**

The Regular Meeting of Monday, May 14, 2018 of the City Commission was called to Order by Mayor Charles Lacey at 5:15 p.m. at the Winter Springs Senior Center (400 North Edgemon Avenue, Winter Springs, Florida 32708).

#### Roll Call:

Mayor Charles Lacey, present
Deputy Mayor Cade Resnick, present
Commissioner Jean Hovey, present
Commissioner Kevin Cannon, present
Commissioner Ken Greenberg, present
Commissioner Geoff Kendrick, 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.

**MINUTES** 

Regarding the adoption of the Agenda, and hearing no objections, Mayor Lacey commented that the Agenda was adopted.

### AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

100. Office of the City Manager

The City Manager is requesting the Mayor and City Commission receive a presentation from Ms. Elisha González, Community and Government Relations Manager, Duke Energy regarding Duke Energy's 2018 Hurricane Preparedness Efforts.

Ms. Elisha González, Community and Government Relations Manager, Duke Energy: addressed the Mayor and City Commission on the number of clients they service, their service area, and noted that Hurricane Irma proved to be the most "devasting hurricane in Duke Energy Florida's history". Ms. González also mentioned that it seemed like many customers were frustrated with the technical issues related to Duke Energy's "Outage Management System" (OMS) which resulted in many customers being unable to reach Duke Energy during this storm event.

Continuing, Ms. González explained, "Our lessons learned, what we're going to do is we've identified the bug issue on "OMS" (Outage Management System), we've made repairs and done extensive testing on the system recreating the same volume and worst case storm conditions, and we continue to test our systems for readiness."

Ms. González further commented on social media and communication improvements Duke Energy had made, setting more realistic time frames, educating the public and governments, emergency plans, that outage prevention and restoration is year-round work, tree trimming efforts, that they have a good relationship with Emergency Operations Center staff and Elected Officials.

Referring to a slide image, Ms. González referenced various aspects of their service operation, and then spoke of how they were investing in their systems to include wood pole inspections, vegetative management, tree mitigation programs, plans for modernizing their system and related technology and transmission upgrades, as well as underground utilities.

Mayor Lacey inquired about past contacts with another Duke Energy representative during Hurricane Irma and asked how outages should be reported for any future storm events. Ms. González noted that the person affiliated with a telephone line reporting an outage, needs to be the individual making a report.

Deputy Mayor Cade Resnick suggested that Duke Energy might want to consider "SMS" (Short Message Service) to which Ms. González commented that she would share that feedback. Next, Deputy Mayor Resnick asked if power lines would be installed underground for new development projects. Ms. González noted that such would be up to a Developer.

Mr. Brian Fields, P.E., Director, Community Development Department pointed out that in Winter Springs, all utilities are required to be underground for all new development.

Deputy Mayor Resnick asked about the assessing of Winter Springs to which Ms. González remarked, "Our team is still accessing Florida."

Commissioner Kevin Cannon mentioned storm events and suggested that Duke Energy check if there was a way to improve communications with Staff at EOC's (Emergency Operations Centers) so that any City Staff who are out in the field, and might see issues that may be of a high priority can get such information to Duke Energy staff at EOC's (Emergency Operations Centers).

Further comments followed and Commissioner Cannon mentioned that he supported Deputy Mayor Resnick's "SMS" (Short Message Service) suggestion.

Commissioner Geoff Kendrick asked if there was technology available to show which underground utilities were experiencing problems. Ms. González said she would need to check on that.

Next, Commissioner Kendrick spoke of trees that may need to be trimmed and inquired if Duke Energy has a procedure that should a resident not want Duke Energy to trim their tree, could Duke Energy bring such a situation to the City for resolution.

Ms. González said she understood these types of circumstances, commented on communications, and said if they could do better, they would like to.

Commissioner Cannon asked about the power restoration process and inquired if it was correct that often, power is restored first to areas with more development in order to assist more people at one time, than rather to areas with fewer houses. Ms. González elaborated on this and mentioned different situations and they were assessing those types of matters.

Next, Commissioner Ken Greenberg spoke of complaints the City had received from residents with easements on their property, and who were upset by trees that had been trimmed and fences that had been removed. Regarding how Duke Energy could educate and communicate better with citizens on such matters, Ms. González said, "I will take that back."

# 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.

No discussion.

# **PUBLIC INPUT**

Mayor Lacey opened "Public Input".

Mr. Michael Schuh, 14320 Sky Flower Lane, Tampa, Florida: speaking for the Barclay Group, Mr. Schuh referred to a slide depicting a self-storage facility and noted that the Barclay Group contracted to purchase property with the hopes of building a self-storage facility similar to the image shown on the slide.

Commissioner Kendrick asked about the size of the facility they were considering.

Mr. Schuh stated, "It'd be a three (3) story facility and as you can see on the rendering, there's actually retail on the bottom, so, we're trying to take the industrial look away from the self-storage and give the opportunity for local businesses to add to the component. This particular facility has no access outside, it's all drive-through." Continuing, Mr. Schuh stated, "As you can see on the right hand side, the drive-through, where at ten o'clock at night, that goes down and there's no access to the building from that point forward."

Mr. Schuh added that access would be from six a.m. to ten p.m., with access by elevators and driving up, that the company he represents has a contract on the property, and they are a national operator who only build this type of project.

Commissioner Greenberg inquired about the size of the project shown.

Mr. Schuh remarked, "It all depends on the number of floors – this would be about 300,000 feet." As to the number of acres, Mr. Schuh responded, "Two-three (2-3) acres."

Discussion followed that very little would go in the outdoor footprint, there would be two (2) elevators for this project, that boats and recreational vehicles would not be housed with this project, and the retail component could be comprised of about 8-10,000 square feet, housing four to five (4-5) local businesses.

Commissioner Kendrick asked why they selected this location to which Mr. Schuh said they thought that east of State Road 417 would be more acceptable to the City; and as to how long it might take to get to capacity, Mr. Schuh said, "Three (3) years."

Commissioner Cannon asked if there was a contract on the property? Mr. Schuh stated, "Yes."

Next, Commissioner Cannon mentioned this was his Commission District and spoke of resident's concerns, new residential projects in the area, and the impact of such a high building next to single family homes.

Mr. Schuh pointed out, "We have five (5) acres under contract - we would have no problem with some sort of agreement on setbacks." Mr. Schuh noted they could possibly center their building and were interested in making area residents happy.

Mayor Lacey mentioned to the City Commission that this was still "Public Input" and this matter was not listed on the Agenda.

Further addressing the footprint of the suggested building, Commissioner Greenberg asked if this project could work as a two (2) story building. Mr. Schuh said that could probably work.

Mayor Lacey closed "Public Input".

# CONSENT AGENDA

CONSENT

300. Finance and Administrative Services Department

**REQUEST:** 

Finance and Administrative Services Department requests Commission authorization to dispose of surplus assets according to the attached disposition sheet.

### **FISCAL IMPACT:**

There is no cost to dispose of these surplus assets. The City receives revenue generated from items sold at auction.

# **COMMUNICATION EFFORTS:**

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# RECOMMENDATION:

Staff recommends that the City Commission approve the disposition of the attached list of surplus assets.

No discussion.

#### CONSENT

301. Community Development Department

## **REQUEST:**

The Community Development Department requesting authorization to increase the contingency amount from 10% to 18% on The Middlesex Corporation's current purchase order for Asphalt Resurfacing of Various City Streets, in order to complete asphalt repairs on Seneca Boulevard from damages sustained during Hurricane Irma.

# FISCAL IMPACT:

The current purchase order is for \$532,296.30 plus a 10% contingency. The increase of the contingency from 10% to 18% will increase the total authorization to for a total authorization of \$628,109.63, with the additional 8% contingency to be funded by the Infrastructure Surtax Fund (One Cent Sales Tax - 3rd Generation).

# COMMUNICATION EFFORTS:

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Staff will notify residents in Chelsea Woods that may be impacted by the asphalt resurfacing on Seneca Boulevard, as needed, several days in advance of construction.

### **RECOMMENDATION:**

Staff recommends that the City Commission authorize an increase to the contingency amount from 10% to 18% on The Middlesex Corporation's purchase order for Asphalt Resurfacing of Various City Streets, in order to complete asphalt repairs on Seneca Boulevard from damages sustained during Hurricane Irma, 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

302. Community Development Department

# REQUEST:

The Community Development Department requests City Commission approval of Resolution 2018-08 for a proposed lot split at 220 East Tradewinds Road.

### FISCAL IMPACT:

The lot split creates one new single-family residential lot, which is buildable for a new single-family home and subsequent payment of the associated fees and taxes.

# **COMMUNICATION EFFORTS:**

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### RECOMMENDATION:

Staff recommends the City Commission approve Resolution 2018-08 for a proposed lot split at 220 East Tradewinds Road.

No discussion.

#### CONSENT

303. Community Development Department

## REQUEST:

The Community Development Department requesting City Commission authorization to approve Resolution 2018-09 and enter into a Community Development Block Grant (CDBG) Cooperation Agreement with Seminole County.

### FISCAL IMPACT:

Resolution 2018-09 and the City's execution of the CDBG Agreement have no fiscal impact. Any funding requested through the CDBG program for particular projects, and any associated fiscal impacts, would be submitted separately for City Commission approval.

# **COMMUNICATION EFFORTS:**

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**MINUTES** 

### RECOMMENDATION:

Staff recommends the City Commission approve Resolution 2018-09 and authorize the City to enter into a Community Development Block Grant (CDBG) Cooperation Agreement with Seminole County, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

This Agenda Item was not discussed.

#### CONSENT

304. Community Development Department

### REOUEST:

The Community Development Department requesting the City Commission: 1) validate the Staff recommendation finding the Integra 360 Phase 2 sitework to be built in substantial accordance with the Final Engineering plans, subject to the enclosed punchlist; and 2) accept the public infrastructure improvements for ownership and maintenance.

### FISCAL IMPACT:

There is no fiscal impact associated with this site acceptance.

# **COMMUNICATION EFFORTS:**

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# RECOMMENDATION:

Staff recommends that the City Commission: 1) validate the Staff recommendation finding the Integra 360 Phase 2 sitework to be built in substantial accordance with the Final Engineering plans, subject to the attached punchlist; and 2) accept the public infrastructure improvements for ownership and maintenance.

No discussion.

CONSENT

305. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, April 23, 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, April 23, 2018 City Commission Regular Meeting Minutes.

There was no discussion on this Agenda Item.

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

VOTE:

DEPUTY MAYOR RESNICK: AYE COMMISSIONER CANNON: AYE COMMISSIONER HOVEY: AYE

COMMISSIONER GREENBERG: AYE COMMISSIONER KENDRICK: AYE

**MOTION CARRIED.** 

# PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS 400. Not Used

### REGULAR AGENDA

REGULAR

500. Finance and Administrative Services Department

**REQUEST:** 

The Finance and Administrative Services Department requests the Mayor and City Commission review the information in this Agenda Item regarding City Attorney/Legal Services and provide staff with further direction as deemed appropriate.

### FISCAL IMPACT:

The 2018 budget for legal services is \$235,000. The fiscal impact will be determined by the City Commission's decision and direction relative to this RFP.

# **COMMUNICATION EFFORTS:**

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# RECOMMENDATION:

Staff recommends the Commission receive this information and provide any direction that it deems appropriate.

Mayor Lacey began the discussion on this Agenda Item, noted that the City Manager had no role in this issue as it was a Commission matter, and asked for any input from the City Commission.

Commissioner Kendrick inquired if any of the firms who submitted a proposal for this Request for Proposal (RFP) were present at this meeting.

Ms. Nancy Ann Stuparich representing the Vose Law Firm stated that she was present and Mayor Lacey noted it for the Record.

Deputy Mayor Resnick mentioned that as a result of what had been submitted, the financials were all about the same, that there was not a specific guide in our City Charter for such matters, referenced the two (2) proposals and thought what they offered is what we should be getting from our City Attorney and he would entertain a continued discussion on provided services and this topic.

Following up on Deputy Mayor Resnick's remarks, Commissioner Cannon mentioned that his legal practice was different than what was being addressed.

Mayor Lacey stated, "I have no other requests from Commissioners to address the topic so in the absence of that, I assume that the Commissioner or at least two (2) members is all it takes, are interested in keeping the status quo – if I am wrong, someone can correct me."

Further regarding this Agenda Item, City Manager Kevin L. Smith asked if there was any further direction for him. Mayor Lacey said that he thought Manager Smith had been put in an awkward situation but "Performed extremely well under those circumstances; and unless there is objection from the Commission and they want to express it now, I think that we can say this closes out your mission for us."

#### REGULAR

501. Office of the City Clerk

### REQUEST:

Office of the City Clerk is requesting the Mayor and City Commission review the information in this Agenda Item regarding possible Board and Committee openings, specifically on the Bicycle and Pedestrian Advisory Committee, the Code Enforcement Board, the Oak Forest Wall and Beautification District Advisory Committee, the Planning and Zoning Board/Local Planning Agency, and the Tuscawilla Lighting and Beautification District, and make any Appointments/Reappointments as applicable.

### FISCAL IMPACT:

There is no noted Fiscal Impact related to any of these Appointments/Reappointments referenced in this Agenda Item.

# **COMMUNICATION EFFORTS:**

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**MINUTES** 

The Mayor and City Commission will be informed under separate cover about the openings/vacancies noted in this Agenda Item.

The (Advisory) Board and Committee Members noted in this Agenda Item have all been notified, and interested in Reappointment, and have submitted an updated Board/Committee Application will be added to Dropboxes.

Additionally, the Mayor and City Commission will be informed about the Board/Committee Applications and related information on file and in dropboxes.

# **RECOMMENDATIONS:**

Staff recommends that the following Appointments/Reappointments be made with an individual Motion for each Nomination please:

SEAT ONE APPOINTMENT: COMMISSIONER JEAN HOVEY Oak Forest Wall and Beautification District Advisory Committee Vacant Seat

Term Expires: August 2019

SEAT TWO APPOINTMENTS: COMMISSIONER KEVIN CANNON Oak Forest Wall and Beautification District Advisory Committee Mr. William Hogaboom - Would like to be Reappointed Term Expires: August 2018

Planning and Zoning Board/Local Planning Agency Mr. Bart Phillips - Would like to be Reappointed Term Expires: July 2018

#### MINUTES

SEAT THREE APPOINTMENT: COMMISSIONER KEN GREENBERG

**Code Enforcement Board** 

Ms. Carole Giltz - Would like to be Reappointed

Term Expires: July 2018

Tuscawilla Lighting and Beautification District Advisory Committee

Ms. Ellen Paul - Would like to be Reappointed

Term Expires: July 2018

SEAT FOUR APPOINTMENTS: DEPUTY MAYOR CADE RESNICK

Oak Forest Wall and Beautification District Advisory Committee

Mr. Robert Carril - Would like to be Reappointed

Term Expires: August 2018

Planning and Zoning Board/Local Planning Agency Ms. Sarah Miller – DOES NOT want to be Reappointed

Term Expires: July 2018

SEAT FIVE APPOINTMENTS: COMMISSIONER GEOFF KENDRICK

**Bicycle and Pedestrian Advisory Committee** 

Vacant Seat

(Partial) Term Expires: February 1, 2021

Oak Forest Wall and Beautification District Advisory Committee

Vacant Seat

Term Expires: August 2019

Tuscawilla Lighting and Beautification District Advisory Committee

Mr. Kevin McCann – Would like to be Reappointed

Term Expires: July 2018

AT LARGE APPOINTMENT: THE MAYOR OR ANY COMMISSIONER

Code Enforcement Board

Mr. Dennis Robinson - Would like to be Reappointed

Term Expires: July 2018

# 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.

Commissioner Hovey mentioned the Oak Forest Wall and Beautification District Advisory Committee, and that she would wait until the next City Commission meeting.

MOTION TO REAPPOINT CAROLE GILTZ TO THE SEAT THREE POSITION ON THE CODE ENFORCEMENT BOARD. MOTION BY COMMISSIONER GREENBERG. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

# VOTE:

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

REGARDING THE SEAT THREE POSITION ON THE TUSCAWILLA LIGHTING AND BEAUTIFICATION DISTRICT ADVISORY COMMITTEEE, MOTION TO REAPPOINT ELLEN PAUL. MOTION BY COMMISSIONER GREENBERG. SECONDED BY DEPUTY MAYOR RESNICK. DISCUSSION.

### VOTE:

COMMISSIONER HOVEY: AYE COMMISSIONER GREENBERG: AYE COMMISSIONER KENDRICK: AYE DEPUTY MAYOR RESNICK: AYE COMMISSIONER CANNON: AYE

**MOTION CARRIED.** 

FOR THE AT LARGE POSITION ON THE CODE ENFORCEMENT BOARD, MOTION TO REAPPOINT DENNIS ROBINSON. MOTION BY COMMISSIONER GREENBERG. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

MAYOR LACEY MENTIONED THAT THIS AT LARGE APPOINTMENT WAS NOT A SEAT THREE APPOINTMENT AND COULD BE MADE BY ANYONE.

NO FURTHER COMMENTS WERE OFFERED.

VOTE:

COMMISSIONER CANNON: AYE

COMMISSIONER GREENBERG: AYE

COMMISSIONER HOVEY: AYE COMMISSIONER KENDRICK: AYE DEPUTY MAYOR RESNICK: AYE

MOTION CARRIED.

On a related note, Commissioner Greenberg remarked about the recent opening on the Board of Trustees to which Mayor Lacey said that the City Clerk could include it on the next City Commission Agenda for consideration.

# 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 Commissioner Seat Three - The Honorable Commissioner Greenberg

No Report was given.

#### REPORTS

# 604. Office of Commissioner Seat Four/Deputy Mayor - The Honorable Cade Resnick

Deputy Mayor Resnick referenced the earlier comments under "Public Input" and said that in terms of any possible self-storage projects, this matter was at the Staff level.

Mayor Lacey added that Staff is not actively working on this, as Staff would need guidance from the City Commission.

### REPORTS

### 605. Office of Commissioner Seat Five - The Honorable Geoff Kendrick

Commissioner Kendrick thanked Mr. Schuh for sharing his comments with the City Commission, and mentioned the importance of listening to those interested in investing in our City as well as our residents.

Next, Commissioner Kendrick offered a belated Happy Mother's Day.

Continuing his Report, Commissioner Kendrick remarked about a recent Leadership Seminole class, what had transpired, and that the Leadership Seminole "Community Leadership Celebration" luncheon would be held on Friday, May 18<sup>th</sup>, 2018.

#### REPORTS

# 606. Office of the Mayor - The Honorable Charles Lacey

Mayor Lacey commented on Mr. Schuh's remarks during "Public Input" about self-storage and said that the photo that had been shown was helpful.

Secondly, Mayor Charles Lacey mentioned that the Tri-County League of Cities was offering an Ethics class for Elected Officials this week if anyone wanted to sign up to attend.

#### REPORTS

# 607. Office of Commissioner Seat One - The Honorable Jean Hovey

Commissioner Jean Hovey noted she was attending the upcoming Ethics session.

Next, Commissioner Hovey addressed the Constitutional Amendments approved by the Congressional Review Commission which will be on this year's ballot, and suggested that everyone be educated on the proposed Amendments before voting, because once any Amendments are approved, they will not be able to be changed for twenty (20) years.

#### REPORTS

# 608. Office of Commissioner Seat Two - The Honorable Kevin Cannon

Commissioner Cannon also commented on the Constitutional Amendments and reminded everyone that the devil was in the details.

Secondly, Commissioner Cannon said he and some members of the Lake Monroe Amateur Radio Society (LMARS) spent some time with students at Indian Trails Middle School teaching some STEM (Science, Technology, Engineering, and Math) activities and that the students were interested in what was being offered.

# PUBLIC INPUT

Mayor Lacey opened "Public Input".

No one spoke.

Mayor Lacey closed "Public Input".

### ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 6:14 p.m.

RESPECTFULLY SUBMITTED:

ANDREA LORENZO-LUACES, MMC

CITY CLERK

APPROVED:

NOTE: These Minutes were approved at the June 11, 2018 City Commission Regular Meeting.