
CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, FEBRUARY 26, 2018 – 5:15 P.M.

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

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

CALL TO ORDER

The Regular Meeting of Monday, February 26, 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 Cade Resnick, present
Commissioner Jean Hovey, present
Commissioner Kevin Cannon, 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.

Regarding the Agenda and whether there were any possible Agenda Changes, Mayor Lacey inquired of the City Commission, “Are there any changes to the Agenda or may we proceed with it as adopted?” Commissioner Kevin Cannon remarked, “No objections.” Mayor Lacey then noted there were no objections.

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

100. Not Used

INFORMATIONAL AGENDA

INFORMATIONAL

200. Not Used

Mayor Lacey recognized former Mayor John F. Bush.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

No one officially spoke at this time.

Mayor Lacey closed "Public Input".

CONSENT AGENDA

CONSENT

300. Community Development Department

REQUEST:

The Community Development Department is requesting City Commission authorization of \$170,000 for Universal Engineering Sciences' performance of Professional Building Department Services.

FISCAL IMPACT:

The requested authorization in the amount of \$170,000 is funded by the Development Services Enterprise Fund.

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.

RECOMMENDATION:

Staff recommends City Commission authorization of \$170,000 for Universal Engineering Sciences' performance of Professional Building Department Services, and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

There was no discussion on this Agenda Item.

CONSENT

301. Community Development Department

REQUEST:

The Community Development Department requesting the City Commission: 1) validate the Staff recommendation finding the Red Bug Self Storage 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 agenda item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission validate the Staff recommendation finding the Red Bug Self Storage sitework to be built in substantial accordance with the Final Engineering plans, subject to satisfactory completion of the remaining open punchlist items.

No discussion.

CONSENT

302. Utility Department

REQUEST:

The Utility Department requesting City Commission approval to award a contract to Layne Inliner, LLC in the amount of \$243,819.50 plus a 2% contingency to perform Sanitary Sewer Line Rehabilitation, piggybacking off of the City of Orlando Contract (No. IFB 16-0007) for Cured-in-Place Pipe (CIPP) Rehabilitation.

FISCAL IMPACT:

Funding is appropriated in the Utility Enterprise Fund Construction in Progress (CIP) line code for sewer and manhole relining for FY2018. The project cost of \$243,819.50 will be paid from this fund.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission authorize piggybacking off of the City of Orlando Contract No. IFB 16-0007 with Layne Inliner, LLC for the rehabilitation of sanitary sewer lines at a cost of \$243,819.50 plus a 2% contingency, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

This Agenda Item was not discussed.

CONSENT

303. Utility Department

REQUEST:

The Utility Department requesting City Commission approval to award a contract to Danus Utilities Inc. in the amount of \$42,657.00 plus a 10% contingency for replacement of Lift Station 5W force main pipe at Gee Creek.

FISCAL IMPACT:

The project cost is \$42,657.00 plus a 10% contingency funded by the Utility Enterprise Fund Construction in Progress (CIP) line code.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission authorize Danus Utilities Inc. to perform the force main reroute, 6" plug valve install, and 2" air release valve install at Lift Station 5W at Gee Creek in the amount of \$42,657.00 plus a 10% contingency, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

No discussion.

CONSENT

304. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, February 12, 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, February 12, 2018 City Commission Regular Meeting Minutes.

There was no discussion on this Agenda Item.

MOTION TO APPROVE. MOTION BY COMMISSIONER CANNON. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR RESNICK: AYE

COMMISSIONER CANNON: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

400. Community Development Department

REQUEST:

The Community Development Department, City Manager, and City Attorney's Office request that the City Commission hold a Public Hearing to consider the First Reading of Ordinance 2018-01, which proposes the prohibition of medical marijuana treatment center dispensing facilities within the City of Winter Springs.

FISCAL IMPACT:

There is no direct fiscal impact related to the City Commission's adoption of Ordinance 2018-01.

COMMUNICATION EFFORTS:

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This ordinance was advertised for First Reading in the Orlando Sentinel on Sunday, February 18, 2018.

RECOMMENDATION:

Staff recommends the City Commission approve the First Reading of Ordinance 2018-01.

RELATED TO THE FIRST READING OF ORDINANCE 2018-01, "MOTION TO READ BY 'TITLE' ONLY." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

City Attorney Anthony A. Garganese read Ordinance 2018-01 by “Title” only.

Commissioner Cannon referenced the first Medical Marijuana Constitutional Amendment and the City’s adoption of an Ordinance related to cottage food operations and inquired, “Based upon the statute that was adopted in the summer of 2017 by the Legislature, is there anything in that home-based business Ordinance that we would need to address to carry out the intent of the Ordinance that is before us today?”

Attorney Garganese said he could do another check between the First and Second Readings.

Commissioner Cannon added, “And to the extent that this Ordinance, if we choose to adopt it today, conflicts with the home-based business Ordinance, which one would prevail?” Attorney Garganese noted, “I don’t believe there is a conflict, but to the extent there is, this is the last enacted law of the Commission that would prevail in the event there is a conflict; and we also have a general conflict provision in the Ordinance that any prior inconsistent Ordinances that are in conflict with this Ordinance would stand repealed regardless if it’s an expressed repeal.”

Mr. Fields noted, “In our home occupation section of our Code, it does not permit a pharmacy to be a home occupation. So, in the context of Medical Marijuana being allowed where a pharmacy is allowed, it would not be allowed.”

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

No one addressed the City Commission at this time.

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

RELATED TO THE APPROVAL OF THE FIRST READING OF ORDINANCE 2018-01, “I WILL MAKE A MOTION TO MOVE TO SECOND READING.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

VOTE:

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

REGULAR AGENDA

REGULAR

500. Office of the City Manager

REQUEST:

City Manager requesting the City Commission discuss the current policies governing Mayor and Commission travel.

FISCAL IMPACT:

At this time, there is no Fiscal Impact related to this discussion.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission discuss the current policies governing Mayor and Commission travel and provide direction as deemed appropriate.

Mayor Lacey began the discussion on this Agenda Item and comments followed on whether a new policy was needed, and that this was a budgetary matter.

With further remarks, Mayor Lacey suggested to the City Manager, “When we get to Budget time, let’s be a little more specific about what items are in the Budget that are covered, so there is some guidance going into it, and then give us an opportunity to discuss it.”

Commissioner Cannon asked about a scenario of possible unexpected business travel opportunities for an Elected Official during this Fiscal Year, to which City Manager Kevin L. Smith summarized that he understood that “The Commission would stay within the allotted budget. I would infer that would apply also to this year; so, if I’m hearing it correctly, anything outside of what is appropriated this year would need to come back to this dais for discussion.”

Commissioner Cannon asked if Manager Smith could email the City Commission with what has been budgeted and used thus far. Manager Smith said he could and mentioned most of the current Budget was allotted for an upcoming Florida League of Cities conference.

Further discussion ensued on the City Commission attending various events, the Budget, and possibly having the flexibility to go to a different event in lieu of one already budgeted.

Commissioner Jean Hovey asked that a document with itemized travel information be provided during the discussion on the Budget.

Mayor Lacey commented on local travel, and suggested that unplanned new occurrences involving possible expenses by the City Commission should be brought to the City Commission for their consideration.

REGULAR

501. Office of the City Attorney

REQUEST:

Office of the City Attorney requests the Commission approve Resolution No. 2018-06 declaring a vacancy in City Commission District 3 Seat, and take whatever action the City Commission deems legally necessary to fill the District 3 Seat vacancy on the City Commission pursuant to Section 4.08(c) of the City Charter.

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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RECOMMENDATION:

Staff recommends the City Commission approve Resolution No. 2018-06 declaring a vacancy in Commission District 3, and take whatever action the City Commission deems legally necessary to fill the District 3 Seat vacancy on the City Commission pursuant to Section 4.08(c) of the City Charter.

Introductory comments were made by Mayor Lacey.

Mayor Lacey asked, “I would look for a Motion to Approve Resolution 2018-06.”

“SO MOVED.” MOTION BY COMMISSIONER HOVEY. SECONDED. DISCUSSION.

VOTE:

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

Continuing with the rest of this Agenda Item, Mayor Lacey pointed out, “The Charter provides some provisions for what we have to do and may do in this circumstance and it was changed in the Charter Review of 2010.”

Furthermore, Mayor Lacey said, “The Seat Three is next scheduled to come up for Election in 2020, nearly three (3) years from now and the Charter provides for this Commission to fill an interim appointment by majority vote of the Commission at any point within the next two (2) meetings after this; and then that person who is designated will serve to the term of the next General Election which is November of 2018; and then a special election will be held but on the regular election date, only special in the sense that it would not have normally been that Seat; and then that will be for the remaining two (2) years of Commissioner Carroll’s term that will come up in 2020. And then we will be back on the normal cycle of a four (4) year Term in 2020 at that Election cycle.”

With additional remarks, Commissioner Geoff Kendrick thought not having a rigid structure would be best, and that it should be the will of the City Commission in filling this current vacancy.

Commissioner Cannon suggested using an application similar to what was used for Board and Committee Appointments, set a deadline, have applicants perhaps provide some background information, and then the City Clerk could verify the Charter requirements.

Discussion followed on an application that could be used, imposing a deadline for applications to be submitted, that some background information would help, what deadline would be best, and that Commissioner Hovey should be in attendance for any Vote.

Regarding a possible Application deadline of Friday, March 9th, 2018, and then making a decision at the March 26th, 2018 Regular Meeting, Commissioner Cannon said, “I am very good with that.” Deputy Mayor Cade Resnick noted that he was in agreement. Mayor Lacey then inquired, “Do we have Consensus on the March 9th?” Commissioner Cannon stated, “Yes.” No objections were voiced.

In terms of whether some kind of an Agenda Item should be on the March 12th City Commission meeting, Mayor Lacey suggested, “Let’s put it on the Agenda so we have the ability to discuss it – just in case there is something about the process that comes up that needs a mid-course direction, we can do it because it is on the Agenda.” Mayor Lacey added, “The Agenda Item would not be styled as a selection.”

City Clerk Andrea Lorenzo-Luaces suggested applications that have been received could be added to Dropboxes on the 9th of March.

Continuing, City Clerk Lorenzo-Luaces asked what time on March 9th the City Commission would prefer for the Application deadline. Commissioner Hovey stated her preference was Noon. Commissioner Cannon agreed with the Noon timeline.

City Clerk Lorenzo-Luaces then referenced the proposed application and noted, “We would ask people to submit that. If they want to submit a bio or resume - that’s all you would like; and we’ll verify based on the residency and the Voter status.”

Mayor Lacey remarked, “I think what you just outlined covers all the Charter and statutory requirements for someone to be Elected to Office; so as long as they meet that criteria, I think we are good.”

Comments followed on communication with the City Commission, past noticing efforts, and how best to promote the application process.

Attorney Garganese suggested that the City needed to get the word out and comments followed that Facebook was not the best communication method at this time for this kind of a process.

Manager Smith recommended “A short Notice that the Commission is seeking applicants – for further information please contact the Office of the City Clerk. And we would do the same thing in responses to Facebook, I would just ask Staff to further refer to the Clerk for more information.” Deputy Mayor Resnick agreed.

REPORTS

REPORTS

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

No Report.

REPORTS

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

Manager Smith complimented Mayor Lacey on his pitch at the recently held Winter Springs Babe Ruth Opening Day Ceremony.

REPORTS

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

No Report was given.

REPORTS

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

Deputy Mayor Resnick offered his appreciation to Mr. Chris Caldwell, Director, Parks and Recreation Department and his Staff on the Winter Springs Babe Ruth Opening Day Ceremony and stated, “Really good job!”

REPORTS

604. Office of Commissioner Seat Five - The Honorable Geoff Kendrick

Related to the recent Father-Daughter Dance and the Parks and Recreation Department, Commissioner Kendrick remarked, “Another phenomenal event.”

Next, Commissioner Kendrick asked the City Commission how they felt about having an Agenda Item to hold a discussion on self-storage as an allowable Use and when the City Manager could bring something back.

Mayor Lacey said he would be supportive of a future discussion on this topic. Continuing, Mayor Lacey addressed this matter being brought forth as an Agenda Item for discussion.

Commissioner Cannon spoke of this subject and suggested, “We would need to get Staff input and recommendation on that from a compatibility standpoint and what would be good areas.”

Mayor Lacey commented, “I think if we bring it back, that is what we would ask Staff, to tell us what the process is to entertain these applications and see whether it is feasible or not. Is that supportive, Commissioner Cannon?” Commissioner Cannon responded, “Yes, I don’t have a problem with that, with Staff’s input in the front-end.”

Furthermore, Mayor Lacey noted, “I hear from Commissioner Hovey so I think we are unanimous – so I am going to take this that there is no objection. So, without objection from the Commission, Kevin (Smith) we are asking for the plan for allowing self-storage with the various permutations of what that would look like.”

Manager Smith was asked if he understood what the Commission was looking for, to which Manager Smith stated, “A general discussion that could lead into a couple of different areas.”

Mayor Lacey mentioned, “I would style it as, if it were the will of the Commission to allow self-storage applications to go into C-1, what would be the process that the City would need to undergo.” Commissioner Cannon noted, “I don’t know necessarily I want to just pre-suppose it would go in C-1 - Staff might recommend another...” Commissioner Kendrick added, “...Understand the process and a map.” Commissioner Cannon pointed out that his interest was from a City planning standpoint.

Commissioner Kendrick mentioned that he was not expecting an Agenda Item on this at the next meeting, and pointed out, “I want everyone to be present.”

Manager Smith summarized, “An overview of where we are, what’s allowed, what isn’t allowed, what maps and such - I think we can put together something that will help inform and lay the land for where we are and where we could or could not go. Understood.”

REPORTS

605. Office of the Mayor - The Honorable Charles Lacey

No Report.

REPORTS

606. Office of Commissioner Seat One - The Honorable Jean Hovey

Commissioner Hovey spoke of travel plans to Washington D.C.

Secondly, Commissioner Hovey addressed school safety and for any interested parent or member of the community, Commissioner Hovey noted that school security was mainly handled by the Seminole County Sheriff’s Office and Seminole County Public Schools.

Chief of Police Kevin Brunelle, Police Department commented on School Resource Officers and mentioned the assistance that his Department also provides. Further comments followed and Chief Brunelle offered to get with anyone that had any questions or concerns.

Thirdly, the “RUOK” program was then addressed to which Chief Brunelle mentioned that this program was an active program and pointed out this program was primarily for elderly citizens or individuals with special needs.

Lastly, Commissioner Hovey asked Chief Brunelle about the “Lock-Box” program. Chief Brunelle said this program was also basically for individuals with special needs or elderly citizens that meet the criteria and was provided at no cost; however, for others not meeting the criteria, there would be a cost to be included in this program.

REPORTS

607. Office of Commissioner Seat Two - The Honorable Kevin Cannon

Commissioner Cannon spoke of school security and it was noted that in the case of a major incident, Winter Springs Police Department Officers would also be assisting and very involved. Further comments followed on timelines and how law enforcement would respond and handle such situations.

Next, Commissioner Cannon mentioned that a health matter kept him from attending the recent Babe Ruth Opening Day and the Memorial Service for former Commissioner Pam Carroll.

Commissioner Cannon also thanked Mayor Lacey, the City Manager and Staff for their quick response regarding notifications and other matters related to the passing of former Commissioner Carroll.

REPORTS

608. Office of Commissioner Seat Three

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Mr. John Bush, 21 Tarpon Circle, Winter Springs, Florida: referenced the Application for the Interim Seat Three and said that he intended to submit paperwork; and additionally mentioned that he had begun the process to run for Seat Three that will be held in November of this year, as well as his interest in running in the 2020 Election.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: spoke of updates that he adds to his Facebook page regarding the City and that it reaches about 3,000 people, and suggested that if the City Clerk could send him the Application for the Interim Seat Three vacancy, he could place a copy of it on his Facebook page and would point anyone interested to the City. Further, Mr. Evans commented on mutual aid between the Seminole County Sheriff's Office and Winter Springs Police Department and how well both agencies work.

Brief remarks followed on the City Clerk providing Mr. Evans with the requested Application for the Interim District/Seat Three opening.

Dr. Ted Johnson 1107 Pheasant Circle, Winter Springs, Florida: commented further on school safety and security and new protection that school administrators now have available to them in Seminole County.

Chief Brunelle spoke further on this.

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: noted the sad events of the February 12th City Commission meeting and commended the City Commission, City Manager, and Chief Brunelle for the obvious concern everyone had about Commissioner Pam Carroll.

Mayor Lacey closed "Public Input".

Mayor Lacey mentioned that three (3) Commissioners were needed at the March 12th, 2018 City Commission Regular Meeting for a quorum and for Voting.

ADJOURNMENT

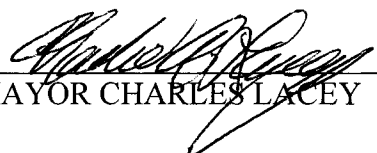
Mayor Lacey adjourned the Regular Meeting at 6:07 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the March 12, 2018 City Commission Regular Meeting.