
CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING

MONDAY, FEBRUARY 12, 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 Pam Carroll - Seat Three
Commissioner Geoff Kendrick - Seat Five

CALL TO ORDER

The Regular Meeting of Monday, February 12, 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 Pam Carroll, absent
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 asked, “Any objection to Adopting the Agenda?” Commissioner Kevin Cannon said, “No objection.” Mayor Lacey then noted, “Hearing none, it is Adopted.”

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

100. Office of the City Manager and Parks and Recreation Department

REQUEST:

The City Manager and Parks and Recreation Director wish to present to the Mayor and City Commission the Parks and Recreation Department "Employee of the Month" and the Parks and Recreation Department "Employee of the Year" Winners.

Mr. Chris Caldwell, Director, Parks and Recreation Department showed a brief video that highlighted his staff members who had been named “Employee of the Month” over the past year, and then recognized those same staff members who were in attendance.

Next, Mr. Caldwell announced that Mr. Brian Dunigan, Parks and Recreation Department had been selected by his peers as the Parks and Recreation Department’s “Employee of the Year”.

AWARDS AND PRESENTATIONS

101. Office of the Chief of Police and the Winter Springs Police Department

REQUEST:

The Chief of Police wishes to present the following Award and Commendations from the Winter Springs Police Department: The "Officer Mark Messeguer Community Service" Award to Corporal Tracy Fugate; and the "Life Saving" Award to Sergeant Bill Mayhugh and Mr. Shaun Oden.

Chief of Police Kevin Brunelle, Police Department presented the "Life Saving" Award to Sergeant Bill Mayhugh and Mr. Shaun Oden in honor of their recent life saving efforts.

Next, Chief Brunelle bestowed the "Officer Mark Messeguer Community Service" Award to Corporal Tracy Fugate in acknowledgement of her efforts and contributions.

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.

INFORMATIONAL

201. Utility Department

REQUEST:

The Utility Department wishes to inform the City Commission of the potable and reclaimed water use for calendar year 2017.

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff requests the City Commission receive and review the information provided in this Agenda Item.

This Agenda Item was not discussed.

PUBLIC INPUT

Mayor Lacey opened “Public Input”.

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: representing the Tuscawilla Homeowners Association, Mr. McCann said the Medical Marijuana matter was a Zoning issue, spoke of the zoning of dispensaries, the choices the City Commission will have to consider, what he thought a “No” Vote might mean to residents, noted that as the City of Winter Springs is ninety percent (90%) residential, any dispensary would most likely go in our neighborhoods, and spoke of access to Medical Marijuana and pointed out that Medical Marijuana can be delivered.

Mayor Lacey commented briefly on the Medical Marijuana Agenda Item.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: spoke on the integrity of the City, Zoning Codes, that this was also a capitalism matter and thought that the maximum number of dispensaries that could go in the City would be three (3), noted a previous personal medical issue, and suggested that for the residents, access should be given.

Mayor Lacey recognized former Winter Springs' Commissioner and Mayor, Paul P. Partyka.

Mr. Paul P. Partyka, 404 Park Lake Drive, Winter Springs, Florida: referenced the American Osteopathic Association and their comments on cannabis based medicines and opiod addictions, mentioned a family member who has experienced serious pain issues, and suggested that residents be given easy access to Medical Marijuana for pain relief.

Mayor Lacey closed "Public Input".

CONSENT AGENDA

CONSENT

300. Community Development Department

REQUEST:

The Community Development Department requesting City Commission authorization to approve Resolution 2018-02 and enter into a Landscape Construction and Maintenance Memorandum of Agreement with the Florida Department of Transportation for improvements in the State Road 434 FDOT right-of-way at 1126 East State Road 434.

FISCAL IMPACT:

Resolution 2018-02 and the Maintenance Agreement have no fiscal impact. The City Hall Turn Lane improvements, including the items within the FDOT right-of-way, are funded for construction through the Transportation Impact Fee Fund.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve Resolution 2018-02 and authorize the City Manager to enter into a Landscape Construction and Maintenance Memorandum of Agreement with the Florida Department of Transportation for improvements in the SR 434 FDOT right-of-way at 1126 East SR 434, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

No discussion.

CONSENT

301. Community Development Department

REQUEST:

The Community Development Department requesting City Commission approval to award a construction contract to Morton Construction Company, Inc. in the amount of \$442,000 plus a 10% contingency, for City Hall Renovations including the Commission Chambers and the Community Development Customer Service Front Counter (ref. ITB #08-17-BS).

FISCAL IMPACT:

The project cost is \$442,000 plus a 10% contingency, for a total funding authorization of \$486,200. The funding split is 70% for the Commission Chambers, or \$340,340, to be funded from the #305 Capital Project Fund using \$300,000 in budgeted funds and a supplemental appropriation from fund balance in the amount of up to \$40,340. The Community Development front counter is 30% of the project cost, or \$145,860, to be funded by the Development Services Fund (#420) through a supplemental appropriation from fund balance.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve awarding a construction contract to Morton Construction Company, Inc. in the amount of \$442,000 plus a 10% contingency, for City Hall Renovations including the Commission Chambers and the Community Development Customer Service Area, 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 2018-05 for a Boundary Line Adjustment at the Seminole Trail Animal Hospital located at 383 Vistawilla Drive in the Tuscawilla PUD.

FISCAL IMPACT:

There is no fiscal impact associated with this Boundary Line Adjustment.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission approve the Boundary Line Adjustment at 383 Vistawilla Drive, and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

No discussion.

CONSENT

303. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, January 22, 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, January 22, 2018 City Commission Regular Meeting Minutes.

This Agenda Item was not discussed.

CONSENT

304. Public Works Department - Urban Beautification Division

REQUEST:

The Public Works Department - Urban Beautification Division is requesting authorization for a \$0.28 increase for the streetlight reimbursement rate. The current rate of \$13.36 per light would be increased to \$13.64 per light for communities with decorative streetlights. A \$0.27 rate increase is also proposed for the Tusawilla Lighting and Beautification District (TLBD), which would bring the reimbursement from \$13.20 to \$13.47 for 2018. The increase is in accordance with the revised rate schedule from Duke Energy, effective January 1st, 2018.

FISCAL IMPACT:

As a result of the January 2018 Duke Energy rate increase, the City will pay approximately \$4,180 more for streetlight reimbursement for 2018 as compared to the previous year.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission approve the revised streetlight reimbursement rate of \$13.64 for applicable communities with decorative streetlights and \$13.47 for the TLBD.

No discussion.

CONSENT

305. Community Development Department

REQUEST:

The Community Development Department requesting the City Commission: 1) validate the Staff recommendation finding The Professional Offices at Winding Hollow (east side) 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 Professional Offices at Winding Hollow sitework to be built in substantial accordance with the Final Engineering plans, subject to satisfactory completion of the remaining open punchlist items.

There was no discussion on this Agenda Item.

REGARDING THE APPROVAL OF THE CONSENT AGENDA, "MOTION TO APPROVE – SO MOVED." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

VOTE:

COMMISSIONER CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR RESNICK: 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 to consider the 1) Conditional Use Application, 2) Final Engineering Plans, and 3) Aesthetic Review Plans for Octopus Car Wash located at 510 W SR 434.

FISCAL IMPACT:

Approval of the Conditional Use, Final Engineering Plans, and Aesthetic Review allows the subject property to be re-developed into 6,271 sq ft car wash facility. Re-development of the subject property is anticipated to provide an increase to the City's taxable value.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission approve of the Conditional Use, Final Engineering, and Aesthetic Review Plans for Octopus Car Wash.

Mr. Brian Fields, P.E., Director, Community Development Department introduced this Agenda Item for discussion.

Next, Mr. Bryant Smith, P.E., Senior Civil Engineer, Community Development Department reviewed the Final Engineering associated with this Agenda Item.

Commissioner Cannon referenced the couple of homes on the north side of the property and asked about sound buffers. Mr. (Bryant) Smith noted there is a concrete masonry wall to the north side as well as trees which will serve as a buffer.

Continuing, Commissioner Cannon asked if Staff had heard of any concerns from area homeowners to which Mr. (Bryant) Smith said they had not.

Furthermore, Commissioner Cannon asked about the hours of operation. With confirmation from the business owner, Mr. (Bryant) Smith stated "7:00 to 9:00 p.m."

Aspects related to the Aesthetic Review of this proposed project were reviewed by Ms. Alyssa Henriquez, Planner, Community Development Department who presented views of the current building as well as the proposed building elevations, color theme, and signage.

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

No one spoke.

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

MOTION TO APPROVE. MOTION BY COMMISSIONER CANNON. SECONDED BY DEPUTY MAYOR RESNICK. DISCUSSION.

DEPUTY MAYOR RESNICK INQUIRED ABOUT ANY POTENTIAL INCREASE OF TRAFFIC EXPECTED ON THE AREA SIDE STREETS. MR. (BRYANT) SMITH REFERENCED TRANSPORTATION IMPACT STUDIES THAT WERE DONE AND NOTED THAT HE DID NOT THINK THERE WOULD BE ANY ISSUES.

VOTE:

DEPUTY MAYOR RESNICK: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER CANNON: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

REGULAR AGENDA

REGULAR

500. Community Development Department

REQUEST:

The Community Development Department, City Manager, and City Attorney’s Office request that the City Commission provide direction on medical marijuana dispensing facilities in light of the passage of SB 8-A by the Florida Legislature in Special Session, approved by the Governor and effective on June 23, 2017.

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 provide feedback and direction regarding the possible future location of medical marijuana treatment center dispensing facilities within the City.

City Attorney Anthony A. Garganese began with an overview of this Agenda Item.

Discussion.

Referencing a map shown to the City Commission as to where pharmacies could be located, Commissioner Cannon and Mr. Fields reviewed various locations throughout the City. Commissioner Cannon then pointed out, “There is a bank parcel that is sitting empty, right in front of Parkstone – would that be zoned for this type of business?”

Mr. Fields stated, “That’s something we would have to research specifically.” Mr. Fields added, “That’s one that would have to be further evaluated.”

Deputy Mayor Cade Resnick commented, “As similar to our two (2) sister cities being Altamonte Springs and Oviedo who recrafted and readdressed their pharmacy rulings, are we eligible to do the same?” Attorney Garganese remarked, “Yes.”

Deputy Mayor Resnick then asked, “How would that affect us?” Mr. Fields added, “That is one option that the City Commission can consider is ‘How to address where pharmacies are allowed under our current zoning requirements’.”

Next Deputy Mayor Resnick asked Attorney Garganese about possibly extending the current Moratorium.

Attorney Garganese stated, “Yes, the Commission could extend the temporary Moratorium however, and as noted in the Agenda Item, the Commission could probably just as easy, without some of the legal complications, for the Commission to adopt the ban on dispensing facilities and then, when and if the Commission wanted to readdress the issue, then you can eliminate the ban. So, my recommendation would be not to do a temporary Moratorium extension; in order to avoid some legal issues - use the ban that is afforded by the Florida Legislature.”

Commissioner Geoff Kendrick commented on what other cities had done, protecting the citizens, and Federal Law.

Continuing, Commissioner Cannon asked Staff if they “Were able to find any Physicians in our City limits that prescribe the Medical Marijuana.” Mr. Fields responded by saying, “That is something we’d have to look up.”

Commissioner Cannon also spoke of the City Commission’s current approach, and that residents could access Medical Marijuana in neighboring cities with a fifteen to twenty (15-20) minute drive. Commissioner Cannon then referenced for the Record, an October 2017 Report entitled, “The Legalization of Marijuana in Colorado: The Impact” from the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA).

Deputy Mayor Resnick spoke of a weekly email from the Department of Compassionate Use that offers related information, and spoke of the capitalist aspects.

Mayor Lacey called a recess at approximately 6:17 p.m.

The Regular Meeting reconvened at approximately 6:20 p.m.

Mayor Lacey asked for a Motion on how to proceed.

“I WILL MAKE THAT MOTION BASED ON INFORMATION TONIGHT AND DIRECTION TO STAFF TO BRING BACK DOCUMENTATION FOR A BAN ON THE MEDICAL MARIJUANA.” MOTION BY DEPUTY MAYOR RESNICK. SECONDED BY COMMISSIONER CANNON. DISCUSSION.

VOTE:

COMMISSIONER KENDRICK: AYE

COMMISSIONER CANNON: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR RESNICK: AYE

MOTION CARRIED.

On a sad note, Mayor Lacey announced that Commissioner Pam Carroll had passed away and the meeting would now be adjourned.

❖❖ AGENDA NOTE: THE FOLLOWING WERE NOT DISCUSSED DURING THIS MEETING. ❖❖

REGULAR AGENDA

REGULAR

501. 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.

REPORTS

REPORTS

600. Office Of The City Attorney – Anthony A. Garganese, Esquire

REPORTS

601. Office Of The City Manager – Kevin L. Smith

REPORTS

602. Office Of The City Clerk – Andrea Lorenzo-Luaces, MMC

REPORTS

603. Office of Commissioner Seat Three - The Honorable Pam Carroll

REPORTS

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

REPORTS

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

REPORTS

606. Office of the Mayor - The Honorable Charles Lacey

REPORTS

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

REPORTS

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

PUBLIC INPUT

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 6:22 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the February 26, 2018 City Commission Regular Meeting.