
CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, JANUARY 22, 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, January 22, 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, absent
Commissioner Kevin Cannon, present
Commissioner Pam Carroll, 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.

In terms of the Agenda, Mayor Lacey said to the City Commission, “May we adopt the Agenda without objection?” Commissioner Kevin Cannon stated, “No objection.”

With no objections voiced, Mayor Lacey then said, “Hearing none, it stands Adopted.”

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

100. Office of the City Manager

REQUEST:

The Office of the City Manager wishes to present Employee Service Awards to the City Of Winter Springs Employees.

Accompanied by Mayor Lacey and the City Commission, City Manager Kevin L. Smith presented Employee Service Awards to the following City of Winter Springs’ Employees who were in attendance at this meeting:

5 Years of Service:

Mr. Jason Helms, Utilities Department; Mr. Greg Moore, Parks and Recreation Department; Ms. Marla Mullis, Finance and Administrative Services Department; Ms. Michelle Rozanski, Parks and Recreation Department; and Lance Corporal Dan Williams, Police Department.

10 Years of Service:

Ms. Christy Garred, Community Development Department; Corporal Jorge Melendez II, Police Department; and Mr. Jamie Strother, Public Works Department.

15 Years of Service:

Corporal Michelle Angeloff, Police Department.

20 Years of Service:

Mr. Jason Simpkins, Utilities Department.

25 Years of Service:

Mr. Scott Coffman, Utilities Department; and Captain Chris Deisler, Police Department.

INFORMATIONAL AGENDA

INFORMATIONAL

200. Not Used

PUBLIC INPUT

Mayor Lacey opened “Public Input”.

No one spoke.

Mayor Lacey closed “Public Input”.

CONSENT AGENDA

CONSENT

300. Community Development Department

REQUEST:

The Community Development Department requesting the City Commission: 1) validate the Staff recommendation finding the Vistawilla Assisted Living Facility 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:

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 that the City Commission validate the Staff recommendation finding the Vistawilla Assisted Living Facility 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

301. Community Development Department

REQUEST:

The Community Development Department requesting City Commission approval to extend the existing continuing services agreements for civil engineering services with Pegasus Engineering, CPH, and CDM Smith by one year to February 2019.

FISCAL IMPACT:

No funding is required to execute the continuing services agreement extensions with the three consultants. Funding for project assignments performed under these agreements will follow the City's normal budgeting and approval process.

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 the City Commission approve extending the continuing services agreements for civil engineering services with Pegasus Engineering, CPH, and CDM Smith by one year to February 2019.

This Agenda Item was not discussed.

CONSENT

302. Community Development Department

REQUEST:

The Community Development Department requesting City Commission authorization to enter into an agreement with Carr & Collier Inc. for the Solary Canal Stormwater Treatment Area Improvements project in the amount of \$169,074.00 plus a 10% contingency.

FISCAL IMPACT:

The project cost is \$169,074.00 plus a 10% contingency, for a total authorization of \$185,981.40, funded by the St. Johns River Water Management District through an agreement with the City.

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 the City Commission approve entering into an agreement with Carr & Collier Inc. for the Solary Canal Stormwater Treatment Area Improvements project in the amount of \$169,074.00 plus a 10% contingency, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

No discussion.

CONSENT

303. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, January 8, 2018 City Commission Regular Meeting Minutes.

FISCAL IMPACT:

There is no fiscal impact related to 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.

RECOMMENDATION:

Staff recommends the City Commission review and consider offering their Approval of the Monday, January 8, 2018 City Commission Regular Meeting Minutes.

There was no discussion on this Agenda Item.

REGARDING APPROVAL OF THE CONSENT AGENDA, "MOTION TO APPROVE." MOTION BY COMMISSIONER CANNON. SECONDED BY DEPUTY MAYOR RESNICK. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

400. Community Development Department

REQUEST:

The Community Development Department requests the City Commission hold a Public Hearing to consider the Final Engineering, Aesthetic Review Plans, and Developer's Agreement for the Winter Springs Retirement Residence (Hawthorn ILF).

FISCAL IMPACT:

Approval of the Final Engineering Plan and Aesthetic Review allows the subject property to be developed into a 145-unit senior living facility. Development of the subject property is anticipated to provide an increase to the City’s taxable value. According to the project’s Economic Impact Report, the project creates 21 jobs and generates approximately \$40,000 per year in property tax revenue. The one-time water main reimbursement has a cost of up to \$40,000 to be funded by the Utility 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 the City Commission approve the Final Engineering, Aesthetic Review Plans, and Developer’s Agreement for the Winter Springs Retirement Residence, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

Mr. Brian Fields, P.E., Director, Community Development Department introduced this Agenda Item and spoke of the proposed project and addressed aspects related to Special Exceptions. Regarding Special Exceptions on the Development Agreement, Mr. Fields pointed out, “If the DA (Development Agreement) expires, the whole project expires including the Special Exceptions.”

Addressing Aesthetic Review information, Mr. Fields noted the urban style FIN sign and remarked, “It says ‘Winter Springs’ here on display, that will have a specific name for this project that’s yet to be determined. So, that’s really a placeholder at this time. We don’t know that name.”

Final Engineering was referenced next by Mr. Fields who mentioned signalization, sidewalks, parking, stormwater and a new lift station in addition to other comments.

Commissioner Cannon asked about the definition of adult congregate living.

Next, Commissioner Cannon asked if there was a need for a right deceleration lane, to which Mr. Fields said it had been discussed although nothing was definite right now.

Commissioner Pam Carroll referenced the comments about when Michael Blake Boulevard and Tuskawilla Road might meet and inquired whether drivers would have to turn right or would drivers have to cross Tuskawilla Road. Mr. Fields noted, “It would be a full median opening on Tuskawilla, so you could go out to Tuskawilla and make a left and go south on Tuskawilla.” Mr. Fields added, “To your point, it needs to be very closely monitored for safety.”

Further comments followed on the setbacks, electric power lines, traffic signalization, and the brick exterior.

Deputy Mayor Cade Resnick inquired about staffing.

Mr. Mark Lowen, Senior Land Use Specialist, Lenity Architecture, 3150 Kettle Court, SE, Salem, Oregon: stated, “Our staffing is about twenty-four (24). The majority of that staff is early a.m. to early afternoon. The rest comes late morning, late afternoon to cover all of our meals. We do have a manager and co-manager couple who live on site 24/7. Each one of our individual suites have pull cords in the bathrooms and near the bed. It’s a non-medical facility so we don’t have medical staff but we have people on staff 24/7, and our management staff is trained to deal with and evaluate situations, dial 9-1-1.”

Next, Deputy Mayor Resnick asked if the building FIN sign was required to which Mr. Fields said, “The sign is subject to review.” Mr. Fields then mentioned options for signage. Commissioner Carroll mentioned she thought the proposed signage resembled art deco style and thought it was innovative.

Continuing the discussion, Commissioner Cannon further inquired about adult congregate living. Mr. Lowen stated, “Unless stipulated by a jurisdiction, our standard lease is fifty-five (55) years or older.” Commissioner Cannon noted that he did not want this project to turn into an apartment complex. Mr. Lowen remarked, “And neither do we.”

Commissioner Cannon asked City Attorney Anthony A. Garganese if this could be included in a Development Agreement. Attorney Garganese then said, “I would recommend the Developer agrees to put it into the Development Agreement.” Mr. Lowen stated, “We have no problem with that whatsoever.”

Commissioner Carroll asked if a resident of this proposed community became a guardian for say a grandchild, how would that be handled? Furthermore, Commissioner Carroll specifically inquired, “Can the grandchild live there or would they have to move out?” Mr. Lowen stated, “Unfortunately, I guess she would.” Mr. Lowen further pointed out that there is a guest suite for visitors and remarked, “No minor residents.”

Commissioner Geoff Kendrick asked about their anticipated absorption rate. Mr. Lowen responded, “We anticipate once we break ground, about a twelve to fourteen (12 – 14) month construction process. Once we’re completed beyond that, in this area, I would say we’re probably going to be – eighty to ninety percent (80 - 90%) occupied in the first six to nine (6 - 9) months, and I think we’ll be completely full within a year.”

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

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: asked if Tuskawilla Crossings was to be gated.

Mr. Fields responded that streets in the Town Center are all public streets.

Mr. Charles “Chuck” Costar, III, Partner, Shutts & Bowen LLP, 300 South Orange Avenue, Suite 1600, Orlando, Florida: representing Hawthorn Retirement Group, Mr. Costar remarked about the age restriction comments and stated, “I think everything is fine if we stick with an age restricted community definition.”

Furthermore, Mr. Costar added, “It provides some flexibility so that you could have somebody who is less than fifty-five (55) years of age but it’s restricted, it’s limited. I mean that’s the purpose of the community. So, I’d like to go make sure that we’re clear that we go with some of those statutory restrictions I think that there are for those kinds of communities.”

Continuing, Mr. Costar added, “There may be a possibility under the law that someone who is younger than fifty-five (55) years could be in there but it would be as part of someone who is fifty-five (55) or older, that is a resident of the facility.” Commissioner Cannon mentioned his preference would be “Fifty-five (55) and older”.

Further discussion.

Attorney Garganese addressed the City’s Code and *Florida Statutes* in terms of adult congregate living facilities and other similar terminology. Remarks continued.

Commissioner Carroll asked if the Applicant had experienced any situations with age related special exceptions. Mr. Costar commented on school concurrency matters, restrictive covenants, and not discriminating against individuals of a particular age.

Mr. Lowen mentioned a few situations they have experienced related to a change in level of care for a resident, as well as a resident over age fifty-five (55) with a spouse younger than fifty-five (55). Mr. Lowen added, “I think our lease says, ‘Fifty-five (55) years and older or with similar levels of need’; and - we are not a care facility. I want to always underline, we are not a licensed care facility.”

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

Commissioner Cannon suggested that we could always amend the Development Agreement in the future if a need arises, and asked Attorney Garganese for his suggestions on what should be included in the Motion.

Attorney Garganese suggested some wording and pointed out, “I know there is a *Florida Statute* about a safe harbor for fifty-five (55) and older communities...” Mr. Costar stated, “...That’s right...” Attorney Garganese continued, “...I’m sure that’s what you’re getting at, you want to fit into that safe harbor and not be subject to an age discrimination claim...” Mr. Costar responded, “...Correct.”

Attorney Garganese also addressed related Federal Laws.

Deputy Mayor Resnick referred to some *Florida Statutes* that he had reviewed and mentioned concern with some guidelines and rules. Further brief discussion.

Attorney Garganese then asked the Applicant, “How would you handle that under your admission criteria? You have a husband and wife, they go to independent living, and one meets the fifty-five (55) and older requirement, and the other does not?”

Mr. Lowen pointed out, “Let’s say we had a sixty (60) and we have a fifty (50) or fifty-four (54), we’d probably let them stay, both of them. But it’s incredibly rare. Again, keep in mind that our median age is eighty-two (82) years old and they usually live with us until they are in their late eighties...” Deputy Mayor Resnick then said, “...So, then my question is, by dictating this, do we limit that couple from moving in?”

Mr. Costar stated, “I think as long as we stick with an age restricted community and protect the safe harbors under the Florida and Federal Statutes, that will be okay...” Deputy Mayor Resnick added, “...Which was what your intention was originally.” Mr. Costar responded, “Correct.”

“I MAKE A MOTION TO APPROVE ITEM ‘400’ WITH A MODIFICATION OF THE DRAFT DEVELOPMENT AGREEMENT TO INCLUDE LANGUAGE THAT THIS IS INTENDED TO SERVE A POPULATION OF RESIDENTS OF FIFTY-FIVE (55) YEARS OR OLDER SUBJECT TO SAFE HARBOR PROVISIONS OF LAW FOR FIFTY-FIVE (55) AND OLDER COMMUNITIES.” MOTION BY COMMISSIONER CANNON. SECONDED BY COMMISSIONER CARROLL. DISCUSSION.

VOTE:

DEPUTY MAYOR RESNICK: AYE

COMMISSIONER CARROLL: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER CANNON: AYE

MOTION CARRIED.

Further comments.

Commissioner Cannon extended his thanks to the Applicant.

REGULAR AGENDA

REGULAR

500. Not Used

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 Two - The Honorable Kevin Cannon

Commissioner Cannon stated that he enjoyed last weekend’s Scottish Highland Games and commented to Mr. Chris Caldwell, Director, Parks and Recreation Department, “As always, your Staff supported that event beautifully.”

Next, Commissioner Cannon pointed out that he had attended the recent Institute for Elected Municipal Officials (IEMO) and enjoyed the opportunity.

REPORTS

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

Commissioner Carroll also spoke well of the recent Scottish Highland Games and offered her appreciation to the Parks and Recreation Department, the Public Works Department, and the Police Department.

Secondly, Commissioner Carroll mentioned that the Father-Daughter Dance will be held on Friday, February 9th, 2018 and clarified that Mothers and Sons are also welcome to attend.

REPORTS

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

Deputy Mayor Resnick echoed what had been said about the Scottish Highland Games and remarked, “Good job!” Deputy Mayor Resnick also addressed Mr. Caldwell on the weather.

REPORTS

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

Commissioner Kendrick also referred to the recent Scottish Highland Games and said to Mr. Caldwell, “Wonderful job.”

Next, Commissioner Kendrick further mentioned the upcoming Father-Daughter Dance and acknowledged what a great event it is.

Furthermore, Commissioner Kendrick referenced the Tuscawilla Homeowners Association (THOA) and inquired if Duke Energy has been in touch regarding clearing Easements as part of the storm prevention process. Mr. Fields conveyed that they had a recent meeting, spoke of some potential vegetative issues and that Duke Energy has a schedule in mind for such improvements.

REPORTS

607. Office of the Mayor - The Honorable Charles Lacey

Mayor Lacey said that since Hurricane Irma, he has met with the President of Duke Energy Corporation twice and communicated to the President that we want to be as prepared as possible before any future storm events, and how we would appreciate Duke Energy Corporation clearing under their power lines.

REPORTS

608. Office of Commissioner Seat One – The Honorable Jean Hovey

Absent.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

No one addressed the Mayor and City Commission.

Mayor Lacey closed "Public Input".

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 6:11 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY