
CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, JANUARY 28, 2019 – 6:30 P.M.

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

Mayor Charles Lacey
Commissioner/Deputy Mayor Kevin Cannon - Seat Two
Commissioner Jean Hovey - Seat One
Commissioner Ted Johnson - Seat Three
Commissioner TiAnna Hale - Seat Four
Commissioner Geoff Kendrick - Seat Five

CALL TO ORDER

The Regular Meeting of Monday, January 28, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 6:30 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 Kevin Cannon, present
 Commissioner Jean Hovey, present
 Commissioner Ted Johnson, present
 Commissioner TiAnna Hale, 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.

Related to any possible Agenda Changes, Mayor Lacey inquired, “Is there any objection to adopting the Agenda?” Deputy Mayor Kevin Cannon said, “I would like to pull item ‘302’ for discussion with the Commission.” With no other comments voiced, Mayor Lacey continued, “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 City of Winter Springs Employees.

City Manager Kevin L. Smith presented Employee Recognition Awards to the following City of Winter Springs Employees who were in attendance:

5 Years of Service:

Mr. Ed DeJesus, Finance and Administrative Services Department.

15 Years of Service:

Ms. Kelly Balagia, Finance and Administrative Services Department; Mr. Vernon Prawl, Parks and Recreation Department, and Mr. Gerald Sullivan, Utilities Department.

20 Years of Service:

Ms. Valarie Riddick, Police Department.

25 Years of Service:

Ms. Tina Kimball, Parks and Recreation Department.

30 Years of Service:

Mr. William Maxwell, Police Department; and Chief of Police Kevin Brunelle, Police Department.

INFORMATIONAL AGENDA

INFORMATIONAL

200. Not Used

PUBLIC INPUT

Mayor Lacey opened “Public Input”.

No one spoke at this time.

Mayor Lacey closed “Public Input”.

CONSENT AGENDA

CONSENT

300. Office of the City Attorney

REQUEST:

Pursuant to the requirements of the City Charter, the City Attorney requests the City Commission adopt Resolution 2019-01 formally establishing the 2019 Districting Commission and providing for the Districting Commission’s scope of duties and other administrative duties of City Staff for purposes adjusting the City Commission Voting District boundaries to the extent necessary in accordance with the time frames imposed by the City Charter.

FISCAL IMPACT:

There is no direct fiscal impact related to the adoption of the Resolution other than staff and attorney time to prepare the Resolution and assist the Districting Commission complete its report.

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 approve Resolution 2019-01.

No discussion.

CONSENT**301. Police Department****REQUEST:**

The Police Department requests Commission approval to purchase eight (8) fully-equipped 2018 Ford Interceptor SUV patrol vehicles from Prestige Ford and related full-cage utility patrol package from Public Safety USA. The total capital cost for vehicles, patrol package and vehicle markings is \$306,083.

FISCAL IMPACT:

The funding source for the purchase of these police Ford Interceptor vehicles and related emergency equipment is the FY 2019 vehicle budget (\$120K) and realized savings from FY2019 personnel vacancies. Taking into consideration anticipated proceeds of \$35K results in a net cost outlay of \$271,083.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends approval of the purchase of eight (8) fully-equipped police vehicles using vendors Prestige Ford under State contract and Public Safety USA for a total cost of \$306,083.

This Agenda Item was not discussed.

CONSENT

302. Office of the City Attorney

REQUEST:

At the direction of the City Commission at its January 14, 2019 meeting, staff is presenting this agenda item for the City Commission to consider rescinding its March 26, 2018 directive to staff to prepare a draft ordinance to permit self-storage facilities as a conditional use in the C-1, C-2 and Industrial zoning districts.

FISCAL IMPACT:

There is no direct fiscal impact related to this Agenda Item other than relieving Staff, P&Z Board and City Commission from the work-hours required to complete and adopt the ordinance.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission rescind the March 26, 2018 City Commission directive which directed City staff to prepare a draft ordinance to permit self-storage facilities as a conditional use in the C-1, C-2 and Industrial zoning districts.

As noted during Agenda Changes, this Agenda was pulled for separate consideration.

CONSENT

303. Office of the City Clerk

REQUEST:

The City Clerk is requesting the City Commission Review and Approve the Monday, January 14, 2019 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 14, 2019 City Commission Regular Meeting Minutes.

There was no discussion on this Agenda Item.

Mayor Lacey stated, “What is before us is the Consent Agenda Items except item ‘302’ which will be considered separately.”

“MOTION TO APPROVE.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MAYOR LACEY NOTED THE MOTION WAS “TO APPROVE THE CONSENT AGENDA LESS ITEM ‘302’.”

VOTE:

**COMMISSIONER JOHNSON: AYE
COMMISSIONER KENDRICK: AYE
DEPUTY MAYOR CANNON: AYE
COMMISSIONER HOVEY: AYE
COMMISSIONER HALE: AYE**

MOTION CARRIED.

Summarizing, Mayor Lacey remarked, “Items ‘300’, ‘301’, and ‘303’ have been approved.”

❖❖ **AGENDA NOTE: THE FOLLOWING AGENDA ITEM, PREVIOUSLY LISTED ON THE CONSENT AGENDA WAS DISCUSSED NEXT, FOLLOWED BY THE REST OF THE AGENDA AS DOCUMENTED. ❖❖**

FORMERLY LISTED ON THE CONSENT AGENDA AS CONSENT "302"

Office of the City Attorney

REQUEST:

At the direction of the City Commission at its January 14, 2019 meeting, staff is presenting this agenda item for the City Commission to consider rescinding its March 26, 2018 directive to staff to prepare a draft ordinance to permit self-storage facilities as a conditional use in the C-1, C-2 and Industrial zoning districts.

FISCAL IMPACT:

There is no direct fiscal impact related to this Agenda Item other than relieving Staff, P&Z Board and City Commission from the work-hours required to complete and adopt the ordinance.

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 rescind the March 26, 2018 City Commission directive which directed City staff to prepare a draft ordinance to permit self-storage facilities as a conditional use in the C-1, C-2 and Industrial zoning districts.

Deputy Mayor Cannon asked if the U.S. Highway 17/92 corridor, under the Future Land Use Map (FLUM), would that be the designated area for storage units. Manager Smith responded, "That is correct."

"I WILL MAKE A MOTION TO APPROVE '302'." MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

VOTE:

**DEPUTY MAYOR CANNON: AYE
COMMISSIONER HALE: AYE
COMMISSIONER JOHNSON: AYE
COMMISSIONER KENDRICK: AYE
COMMISSIONER HOVEY: AYE**

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

400. Office of the City Manager

REQUEST:

The City Attorney and City Manager recommend that the City Commission consider adopting Ordinance No. 2019-01 on Second and Final Reading amending the City Commission Rules and Procedures (Sec. 2-27, City Code) regarding agenda items and reports; specifically expressly permitting the mayor and any city commissioner to place a matter on a City Commission agenda for timely consideration and action.

FISCAL IMPACT:

There is no direct fiscal impact related to the adoption of the Ordinance other than the cost of advertising (\$300) and staff and attorney time to prepare the Ordinance.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission conduct a public hearing and consider, at its discretion, passing Ordinance No. 2019-01 on Second and Final Reading amending the City Commission Rules and Procedures (Sec. 2-27, City Code) regarding agenda items and reports; specifically expressly permitting the mayor and any city commissioner to place a matter on a City Commission agenda for timely consideration and action.

City Attorney Anthony A. Garganese read Ordinance 2019-01 by "Title" only.

Mayor Lacey opened "Public Input" on this Agenda Item.

No one addressed the Mayor and City Commission.

Mayor Lacey closed "Public Input" on this Agenda Item.

“MOTION TO APPROVE 2019-01.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS

401. Community Development Department

REQUEST:

The Community Development Department requests that the City Commission conduct a Public Hearing for First Reading of Ordinance No. 2019-02, which proposes a temporary moratorium within the jurisdictional limits of the City of Winter Springs regarding filing, processing, consideration, or decision of Conditional Uses, Special Exceptions and Waivers (“Special Zoning Permits”) under Chapter 20 of the City’s zoning code in the R-3 Multi-Family Dwelling, C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Highway 17-92, CC Commerce Center, I-1 Industrial, Greenway Interchange, and Town Center Zoning Districts.

FISCAL IMPACT:

There is no anticipated fiscal impact with this temporary moratorium.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends the City Commission conduct a Public Hearing for consideration of passing Ordinance 2019-02 on First Reading.

IN TERMS OF THE FIRST READING OF ORDINANCE 2019-02, “MOTION TO READ BY ‘TITLE’ ONLY.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Attorney Garganese read Ordinance 2019-02 by “Title” only.

Discussion followed on an advisory board’s vote, concerns that the City might be sending a message that the City was not supportive of commercial ventures, an upcoming Workshop, the Town Center District Code, and Special Exceptions.

Deputy Mayor Cannon asked Staff if this Temporary Moratorium had possibly caused any concerns related to any potential projects.

Mr. Bryant Smith, III, P.E., CFM, City Engineer, Community Development Department said that the possible Moratorium did not seem to be an issue.

Discussion ensued on Special Exceptions, and how multi-family projects can be brought before the City Commission.

Commissioner Ted Johnson pointed out that the Ordinance was written with an April 30th date or sooner, and that he hoped that this matter could be expedited, and asked if more than one Workshop would be planned.

Manager Smith commented, “We had included in this Agenda Item, that we recommend our first Workshop take place on the Monday immediately after Second Reading which is February the 18th. Then it would be my intent to Commissioner Johnson’s point, I believe that if we were to move with Workshops to be tentatively scheduled for every off Monday, we could be able to work through this in a systematic and expeditious manner while still being comprehensive and getting our work done.”

Continuing, Manager Smith inquired, “Would the Commission be agreeable to a February 18th Workshop and would the Commission be agreeable to tentatively scheduling subsequent Workshops as needed for each off Monday subsequent to that date.”

Mayor Lacey asked the City Commission about the proposed February 18th, 2019 date to which Commissioner Geoff Kendrick mentioned that February 18th, 2019 was Presidents Day; however, he added, “I don’t have a problem with it.” No other Commissioners noted any objections.

Manager Smith then asked, “6:30 p.m.?” Deputy Mayor Cannon said, “Right.” No disagreements from the rest of the City Commission were voiced. Summarizing, Manager Smith commented on the first Workshop scheduled for February 18th and if further Workshops were needed, such could be considered as applicable.

Mayor Lacey then inquired of Attorney Garganese, “What would the process be to relieve the Moratorium sooner than April 30th?”

Attorney Garganese noted, “The language contemplates that the City Commission would adopt those regulations that you all direct during the Workshops so that would entail the Commission giving clear direction, the Ordinances being prepared, go to the land planning agency for one (1) Hearing and then two (2) Hearings before the City Commission – that’s the process for adopting the changes.”

Mayor Lacey then asked if that all took place before mid-March for example, how would the Moratorium be suspended.

Attorney Garganese noted, “The objective is to put the new regulations in place before the Moratorium expires. When you put the new regulations in place, then the Moratorium will be lifted. That is how it is designed to work – self-lifting.”

Comments followed that Mr. John Iriye’s proposed project was exempt from the planned Moratorium as the Iriye application had already been submitted to the City.

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

Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida: commented on his professional relationships, that he supported what the City was trying to do, thought that the perception affiliated with a Moratorium was not conducive to any community, and thought Workshops should be held.

Mr. Bryan Schultz, 6414 Montclair Bluff Lane, Windermere, Florida: as the present owner/Developer of the new Starbucks being built in the City, Mr. Schultz mentioned the economic downturn some years ago, that he has already noticed similarities in current business developments, and agreed that Moratoriums do present a negative connotation.

Mr. Ryan Stahl, 143 Harston Court, Lake Mary, Florida: referenced a Moratorium and suggested that updating the Code was a more positive statement, complimented City Staff on working through the Code as it was, thought updating City Code and holding Workshops were proactive moves and referenced the market and projects in Central Florida.

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: noted he was the President of the Tusawilla Homeowner’s Association and from a resident’s standpoint, Mr. McCann thanked the City Commission for considering residents and slowing down Special Exceptions.

Ms. Gina Shafer, 457 Buckhorn Drive, Winter Springs, Florida: also spoke as a resident to which she commented on previously requested Special Exceptions, land use, impacts on roads and schools and thanked the City Commission for listening to the residents.

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

Discussion followed on whether commercial ventures could approach the City during this time. Attorney Garganese pointed out, “During the Moratorium, the City will not accept any Applications on which the Moratorium could apply. Further comments ensued.

Remarks ensued on Special Exception, if C-1 and C-2 were excluded from the Moratorium, and that new restaurants would not be affected by the Moratorium. Deputy Mayor Cannon mentioned that he thought the City’s Comprehensive Plan was due to be updated. Manager Smith noted, “The plan is for it to be done during the Workshops, concurrent with the Commission’s review of these matters in front of you.

**“I MAKE A MOTION MAYOR TO APPROVE ORDINANCE 2019-02 ON FIRST READING.”
MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE.
DISCUSSION.**

VOTE:

COMMISSIONER KENDRICK: NAY

COMMISSIONER HOVEY: NAY

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

DEPUTY MAYOR CANNON: AYE

MOTION CARRIED.

PUBLIC HEARINGS

402. Community Development Department

REQUEST:

The Community Development Department requests the City Commission hold a Public Hearing to consider a special exception application to permit a multifamily residential apartment use for the proposed “Iriye Suites” live-work community, located in the T5 Transect of the Town Center on a 1.2-acre property at 150 Tuskawilla Road.

FISCAL IMPACT:

If the special exception is approved, and the project is developed as a mixed use live-work community, then the project will provide an increase to the City’s taxable value. The potential tax revenue of the proposed project is still to be determined; however, the project at completion is estimated by the applicant’s fiscal analysis to have an assessed taxable value of \$1.3 million.

COMMUNICATION EFFORTS:

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RECOMMENDATION:

Staff recommends that the City Commission hold a Public Hearing and consider the requested special exception to allow multifamily residential use in the T5 Transect of the Town Center. If the Commission is inclined to approve the special exception, Staff recommends the special exception be subject to the terms and conditions of the attached Developer's Agreement.

Mr. (Bryant) Smith briefly introduced this Agenda Item; followed by comments from Attorney Garganese.

Discussion followed on how the Development Agreement addressed ingress/egress at Blumberg Boulevard and Tuskawilla Road.

Mayor Lacey opened "Public Input" on this Agenda Item.

Ms. Gina Shafer, 457 Buckhorn Drive, Winter Springs, Florida: spoke of signage in front of property on Tuskawilla Road, suggested the City further consider the amount of traffic in this area, especially in light of high school traffic, as well as local events and traffic using the roads in her community.

Mr. Jim Thompson, 931 Ginnie Way, Winter Springs, Florida: remarked about the fountain round-about and how this road was not very wide, especially when larger vehicles travel down that road, and hoped the City would fix this road, especially with consideration of any other projects.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: also agreed with the road and fountain issue, spoke of how important egress and ingress was, property rights, and noted that this Developer has done a lot of things to keep the footprint smaller than it could actually have been.

Mayor Lacey closed "Public Input" on this Agenda Item.

An aerial view of the land associated with this proposed project was shown; and comments followed about parking, how adding a curb-cut would be relatively inexpensive, whether two (2) lanes of traffic could go along Blumberg Boulevard for an emergency type situation, and that the Developer for this suggested project does not have fee simple ownership of the adjoining land.

Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida: introduced himself and congratulated Chief Brunelle, Will Maxwell, and Valarie Riddick on their esteemed service to the City, and recognized Commissioner TiAnna Hale.

Regarding this Agenda Item, Mr. Partyka referenced the live-work concept, some of the merits of live-work projects in a Town Center, and named some of the cities around the country where live-work units are available. Mr. Partyka commented further regarding density, their willingness to allow the City to decide on the emergency access that was preferred, and provided the City with information he had shared about live-work projects.

Mr. John Iriye, 150 Tuskawilla Road, Winter Springs, Florida: addressed the Mayor and City Commission and stated, "We're pretty much in agreement with everything in the Developer's Agreement that as set forth with one (1) minor exception. It's the last sentence in paragraph 4.0." Continuing, Mr. Iriye suggested, "Strike that sentence and replace it with 'In order to maintain the live-work environment, the Developer shall have a policy with regard to the use of the work space'."

Discussion followed on the importance of City events to our community, the need for emergency access, that police power was available for regulating traffic, affording access for property owners, traffic control, emergency situations and powers.

Deputy Mayor Cannon asked Mr. Iriye if he had made any efforts to contact the adjoining property owner to which Mr. Iriye said that he had reached out. Comments followed regarding could Mr. Iriye obtain a contract for an access Easement, and whether this could be included in a Development Agreement. Mr. Iriye said he would be opposed to such a clause in a Development Agreement. Further remarks followed.

Discussion ensued on areas similar in size to Winter Springs that had successful live-work concepts, use of cars, density, new urbanism, walking in a Town Center, revamping empty big box stores, and reaching out to an adjacent land owner for emergency access for events and festivals.

Commissioner Hale noted her concerns with safety. Chief Brunelle then addressed safety matters and also plans they deal with in terms of traffic and safety. Discussion ensued on egress and ingress for this proposed project as well as emergency access, and how the Police Department might handle various situations related to access issues.

Further remarks.

Regarding the clause that Mr. Iriye asked be changed, comments followed on suggested language that could be used to replace the current language in the last sentence of paragraph 4.0, and how the proposed project would be configured in addition to potential tenancy. Discussion.

“I WANTED TO MAKE A MOTION TO EXTEND TIME FOR TEN (10) MINUTES TO FINISH THIS ITEM.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION. MAYOR LACEY NOTED THIS WOULD TAKE THE MEETING TO 8:38 P.M.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Comments followed on revising the current language in the last sentence in 4.0 that Mr. Iriye asked be changed.

Mr. Iriye stated, “We are going to manage property responsibly and prudently and the best we can do, but in terms of granting specific rights for tenants to have uses of specific areas, you know I think not necessary. Again, and to preserve the live-work answer, you’ve got two (2) things. You’ve got the fact that the units are all built out, so that they can be used as live-work units. And second, we have the Town Center Code and the home business permissions that are built into the Town Center, is part of what the Town Center’s heart is; and so you know it’s not necessary to provide, require restrictions in terms of use, price, memberships or anything. We will maintain policies that will keep the property consistent with the Town Center’s Code.”

Discussion continued.

Manager Smith then said to Mr. Iriye, “Can you agree to a Development Agreement that says you will operate it as a live-work type operation to include residences and office and not one or the other.” Mr. Iriye responded, “I’m not sure I understand the question.”

Continuing, Manager Smith then said to Mr. Iriye, “Would you be agreeable to a Development Agreement that states in some manner, that this project will operate as a live-work type project. For example, we’ll have an office component, and a residential component and not simply a residential component.”

Mr. Iriye said, “There are office spaces in there that are not suitable for residents. I don’t think you would let me move someone into this twelve by twelve (12 x 12) office space, so I mean just based on the nature of the building, I think it’s being built into the plans so yes.” Mayor Lacey pointed out, “That is a ‘Yes’.” Mr. Iriye added, “It’s part of the building. I don’t think any practical way to turn that section where the conference room and the offices into residential so by nature, obviously. I would agree with that.”

Further discussion.

Mayor Lacey asked the City Commission, “Is it the wish of the Commission to continue past the 8:38 [p.m.] deadline? If so, I need a Motion.”

COMMISSIONER HOVEY STATED, “I WILL MAKE A MOTION THAT WE EXTEND – CAN WE EXTEND IT UNTIL THIS ITEM IS FINISHED...” ATTORNEY GARGANESE NOTED, “...YOUR POLICY ALLOWS TO EXTEND UNTIL AN ITEM IS COMPLETED.”

“I WILL EXTEND UNTIL THIS ITEM IS COMPLETED.” MOTION BY COMMISSIONER HOVEY. MAYOR LACEY COMMENTED, “SECONDED BY DEPUTY MAYOR CANNON.” DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Mr. Partyka remarked, “I just talked to John (Iriye), and I said, John you’re always going to have an office here. He agrees there’s always going to be an office there so you’re going to have residential units that are going to be live-work but you’re always going to have an office space on this project, always. So, it’s not going to be all residential no matter what happens at the extreme, you’re always going to have an office space which defines the idea of live-work space on the project. And that I think it was what Mr. Smith was alluding to that...” Manager Smith noted, “...That’s correct.”

Continuing, Mr. Partyka mentioned, “That’s it, he’s always going to have an office space and his plans say that and he’ll agree to that.”

Regarding the proposed project, Mr. Partyka then pointed out, “The first phase is two (2) buildings - four (4) units on Building A I believe; four (4) units on the second floor, four (4) units on the first floor; and on Building B, two (2) units up on the second floor and on the first floor, is offices.” Continuing, Mr. Partyka added, “There are two (2) buildings in Phase 1 and three (3) buildings when the project is done.”

Further remarks.

Mayor Lacey recessed the meeting at 8:42 p.m.

Mayor Lacey reconvened the meeting at 8:55 p.m.

Regarding suggested language, Manager Smith stated, “I would recommend that if the Commission is so inclined to make any type of Motion to approve this project, that it include the language that Anthony (Garganese) is going to articulate.”

Attorney Garganese noted, “The language for the last sentence in paragraph 4.0 would read, ‘In order to maintain the project’s live-work residential environment, the Developer shall maintain a policy to allow tenants to use the work space and conference meeting room in the project in accordance with the terms and conditions of the policy established for the project.’” Further, Attorney Garganese stated, “Are you alright with that gentlemen?” Mr. Iriye responded, “Yes.”

Deputy Mayor Cannon then asked if there had been any discussion on possible revisions to paragraph 7.0 D., to which Attorney Garganese said that was not discussed.

Commissioner Jean Hovey pointed out, “It says in 7.0 D., ‘The City and Developer shall cooperate fully with each other to effectuate and obtain the written permission’; so, it says in here he needs to continue to obtain the written permission which I believe he will try to do. I mean I don’t know why he wouldn’t; it is going to benefit his property.”

Next, Deputy Mayor Cannon inquired if such written permission would go with the land and/or what if written permission was not obtained? Furthermore, Deputy Mayor Cannon added, “If you have got a recorded Easement, you have got a right to drive through their ingress and egress on this limited basis we are talking about, but is just a written agreement like that or a written permission, is that the same as an Easement? Does it carry the same weight?”

Attorney Garganese explained, “There are different ways to obtain access to other properties and if the Applicant wanted the written permission, that could be a simple letter of agreement between the property owners - which they can revoke, and so can Easements. Easements can be adopted in a limited duration, in terms of term. The intent of the last sentence that we wrote, was that there would be this, with respect to whether it would apply to the property, there would be an ongoing obligation if this was recorded, to cooperate fully with the property and to effectuate and obtain that written permission.”

Deputy Mayor Cannon then remarked, “What is concerning me is that paragraph also has temporary emergency entrance - the word ‘emergency’ is what I think threw everybody off. It is not just for emergency, it is for forty-six (46) vehicles to be able to come and go while we have the road shut down. That is one of the concerns that I had.

I think emergency that everyone was looking at, emergency saying, well the Police can always get a fire engine in, even if they have to drive over the sidewalk or something they will get them in there; but that is my concern is how are these residents and tenants going to get in and out.” Deputy Mayor Cannon inquired if there was a better way to revise the wording in section 7.0 D.

Attorney Garganese suggested, “We can add the word ‘and’. That might’ve been an oversight in the second line because on the fifth line it does refer to private property owners for temporary and emergency ingress and egress - we could add temporary and emergency...” Mayor Lacey noted, “...’7.0 D.’” Mr. Iriye stated, “Yes, That’s fine.”

Commissioner Kendrick offered a possible resolution and stated, “We are building 150 parking spots directly across the street from this. Is there a mechanism, actually it is probably just the will of the Commission, to allow access specifically for all of those residents - however many spots that they need, to have access to that parking space and exclusively that parking space, in the event of a festival.

And that would actually solve this entire problem. They have access to those parking spots specifically theirs, just during the time of the festival across the street so they could come out right there at the McDonald’s, where this new parking lot is going in, that we are building now and it will actually be finished before anything possibly even breaks ground, because we are probably going to finish the parking lot in the next couple of months. So, there will be – added parking spots that they could use, that we could say – okay, because you’re letting us use or because we are blocking off your space, you have access to these spots and we’re going to cordon them off for you during this special event. Is that something that is possible?”

Manager Smith stated, “The exclusivity gives me concern, the temporary may be allowable though I’d have to discuss it with Anthony (Garganese).”

“I WOULD LIKE TO MAKE A MOTION TO APPROVE AS AMENDED...” MAYOR LACEY ADDED, “...BY AMENDED, SPECIFICALLY TO ADOPT THE LANGUAGE...” COMMISSIONER HOVEY CONTINUED, “...THE ATTORNEY HAS PRESENTED.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.

MAYOR LACEY SUMMARIZED, “THE MOTION IS TO APPROVE THE SPECIAL EXCEPTION APPLICATION AS AMENDED BY THE LANGUAGE FROM THE ATTORNEY.”

DEPUTY MAYOR CANNON STATED, “SO, WE WOULD STILL BE WITH NO COMMITMENT ON THE – EASEMENT; IT IS THE LANGUAGE THAT IS IN THERE RIGHT NOW.” MAYOR LACEY NOTED, “AS THIS MOTION IS STATED, YES.”

DEPUTY MAYOR CANNON THEN INQUIRED, “AND ON THE USE OF THE PARKING LOT ANTHONY (GARGANESE), DOES THAT CAUSE YOU ANY CONCERN?”

ATTORNEY GARGANESE SAID, “NO – AS LONG AS IT’S TEMPORARY. AGAIN, I’LL EMPHASIZE THE POINT THAT WHEN THE CITY HOLDS EVENTS, TRAFFIC CONTROL FALLS UNDER THE POLICE POWERS OF THE CITY AND THE CITY POLICE DEPARTMENT ALONG WITH STAFF WILL PLAN ACCORDINGLY AND IF PART OF THE PLAN INCLUDES AFFORDING SOME PUBLIC SPACES TO THESE TENANTS ON A TEMPORARY BASIS...” DEPUTY MAYOR CANNON ADDED, “...IF THEY KNOW THEY NEED TO COME AND GO DURING THE CLOSURE OR WHATEVER...” ATTORNEY GARGANESE CONTINUED, “...THEORETICALLY, THAT’S DOABLE IN MY LEGAL OPINION.”

VOTE:

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: NAY

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR CANNON: NAY

COMMISSIONER KENDRICK: AYE

MOTION CARRIED.

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 9:03 p.m.

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

REGULAR AGENDA

REGULAR

500. Office of the City Clerk

REQUEST:

The City Clerk is requesting the Mayor and City Commission review the information in this Agenda Item regarding possible Advisory Committee openings, specifically on the Bicycle and Pedestrian Advisory Committee, and the Parks and Recreation Advisory Committee 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:

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.

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

The (Advisory) Board and Committee Members noted in this Agenda Item have all been notified, and those interested in Reappointment, and if applicable, any submitted Board/Committee Applications 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.

RECOMMENDATION:

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

SEAT FOUR APPOINTMENTS: COMMISSIONER TIANNA HALE

Bicycle and Pedestrian Advisory Committee:

Ms. Jennifer Cardenas – Has not responded to Staff/No Board/Committee Application has been submitted by Ms. Cardenas

Term would be a new full four (4) year Term of Office

Term Expires: February 1, 2019

Parks and Recreation Advisory Committee:

Mr. Rick Lecky - Has submitted a new Application for Reappointment

Term would be a new full four (4) year Term of Office

Term Expires: February 1, 2019

SEAT FIVE APPOINTMENT: COMMISSIONER GEOFF KENDRICK

Bicycle and Pedestrian Advisory Committee:

Vacant Seat

Term would be a partial Term of Office

(Partial) Term Expires: February 1, 2021

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 requested Appointment(s) are not made at this Meeting, subsequent Agenda Item(s) can be brought forward on upcoming City Commission Meeting Agendas.

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 Two/Deputy Mayor - The Honorable Kevin Cannon

REPORTS

604. Office of Commissioner Seat Three – The Honorable Ted Johnson

REPORTS

605. Office of Commissioner Seat Four – The Honorable TiAnna Hale

REPORTS

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

REPORTS

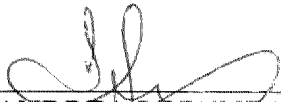
607. Office of the Mayor - The Honorable Charles Lacey

REPORTS

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

PUBLIC INPUT

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the February 11, 2019 City Commission Regular Meeting.