



CITY COMMISSION

REGULAR MEETING MINUTES

MONDAY, APRIL 22, 2019 AT 6:30 PM

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

CALL TO ORDER

The Regular Meeting of Monday, April 22, 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 via telephone
Commissioner Jean Hovey, present
Commissioner Ted Johnson, present
Commissioner TiAnna Hale, present
Commissioner Geoff Kendrick, present
Interim City Manager Shawn Boyle, 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 asked, "Commissioners, may we Adopt the Agenda?" Commissioner Jean Hovey and Commissioner Geoff Kendrick remarked, "Yes." With no objections, Mayor Lacey stated, "It stands adopted." Further comments followed on the Agenda.

AWARDS AND PRESENTATIONS

100. Recognition of Len Hartman, Public Works Superintendent, Guy Meyers, Construction Project Manager, Ken Miller, Parks and Recreation Maintenance, and Clifton Mullis, Public Works Supervisor, for their leadership and initiative during the construction of the Pamela A. Carroll Memorial Pavilion at Trotwood Park

Mr. Chris Caldwell, Director, Parks and Recreation Department introduced this presentation.

Continuing, Mr. Caldwell pointed out that through their ideas, leadership, and a lot of hard work, this new initiative came to fruition. Mr. Len Hartman, Superintendent, Public Works Department, Mr. Guy Meyers, Construction Project Manager, Finance and Administrative Services Department, Mr. Ken Miller, Maintenance Parks and Recreation Department, and Mr. Clifton Mullis, Supervisor, Public Works Department all worked together to plan and construct the new Pamela A. Carroll Memorial Pavilion at Trotwood Park.

Mr. Caldwell then noted that Interim City Manager Shawn Boyle assisted with this project and should also be commended.

Congratulations were offered to these City employees for a great team effort.

Commissioner Hovey then mentioned that she often attends sports events at many parks throughout Seminole County and that parks in Winter Springs, especially Central Winds Park, are really the best in Seminole County. Commissioner Hovey offered her compliments to Mr. Caldwell and his team on how great they maintain the City's parks.

INFORMATIONAL AGENDA

200. Current Development Projects Update

This Agenda Item was not discussed.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Mr. Michael Burns, 1095 Cheyenne Trail, Winter Springs Florida: commented on issues with bears and wildlife in the area, how the food cycle works, his concern with residents feeding wild and feral animals, and to try to solve potential problems, Mr. Burn hoped the City would adopt an Ordinance requiring people who feed feral animals to take full care of them.

Ms. Karina Rivadeneira, 150 Bear Springs Drive, Winter Springs Florida: spoke of her and other people getting nails in their tires at the intersection of Wade Street and Old Sanford Oviedo Road possibly due to streets not being cleaned enough, the costs involved with fixing flat tires, and hoped the City would try to make sure the streets were cleaned more.

Mayor Lacey suggested that Interim City Manager Boyle have someone on staff get in touch with Ms. Rivadeneira regarding this matter.

Mayor Lacey closed "Public Input".

CONSENT AGENDA

300. Acceptance of the 2018 Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant

This Agenda Item was not discussed.

301. Purchase of a new Dehumidification System for the Senior Therapy Pool

No discussion.

302. Resolution 2019-06 establishing rental fees for the Pamela A. Carroll Memorial Pavilion at Trotwood Park

There was no discussion on this Agenda Item.

303. Octopus Car Wash Site Plan Acceptance

No discussion.

304. Resolution 2019-08 in recognition of former City Manager Kevin L. Smith's service to the City of Winter Springs

This Agenda Item was not discussed.

305. Resolution 2019-09 in recognition of former Chief of Police Kevin Brunelle's service to the City of Winter Springs

No discussion.

306. Minutes from the Monday, March 25, 2019 City Commission Regular Meeting

There was no discussion on this Agenda Item.

307. Minutes from the Monday, April 1, 2019 City Commission Workshop

No discussion.

308. Planning and Community Visioning Services Agreement with the East Central Florida Regional Planning Council

This Agenda Item was not discussed.

REGARDING A MOTION TO APPROVE THE CONSENT AGENDA, "SO MOVED." MOTION BY COMMISSIONER HOVEY. MAYOR LACEY STATED, "SECONDED BY COMMISSIONER JOHNSON." DISCUSSION.

VOTE:

COMMISSIONER KENDRICK: AYE

COMMISSIONER HALE: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER JOHNSON: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

400. Public Transmittal Hearing and First Reading of Ordinance 2019-06 regarding EAR based amendments to the Comprehensive Plan related to the Intergovernmental Coordination Element and transmit to the Department of Economic Opportunity and other reviewing agencies

“MOTION TO READ BY ‘TITLE’ ONLY.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

City Attorney Anthony A. Garganese read Ordinance 2019-06 by “Title” only, referenced the basic process and noted, “If the Commission approves this, the Ordinance would be submitted to the Department of Economic Opportunity at which point state reviewing agencies will have about thirty (30) days in which to provide any comments, should they have any, and this Ordinance would then come back to the Commission for Second and Final Reading sometime in July of this year.”

Brief comments followed on updates, possible future agreements, and compliance.

Mayor Lacey opened “Public Input”.

There were no Speakers at this time.

Mayor Lacey closed “Public Input”.

“MOTION TO APPROVE.” MOTION BY COMMISSIONER KENDRICK. MAYOR LACEY CONFIRMED, “SECONDED BY DEPUTY MAYOR CANNON.” DISCUSSION.

VOTE:

DEPUTY MAYOR CANNON: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER JOHNSON: AYE

COMMISSIONER HALE: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

401. First Reading of Ordinance 2019-05 a Temporary Moratorium within the jurisdictional limits of the City of Winter Springs regarding the filing, processing, consideration, or decision of conditional uses, special exceptions and waivers (“special zoning permits”) under Chapter 20 of the City’s zoning code

“Regarding the First Reading of Ordinance 2019-05, Mayor Lacey asked, “Motion to read by ‘Title’ only?”

MOTION. MOTION BY COMMISSIONER JOHNSON. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Attorney Garganese read Ordinance 2019-05 by “Title” only.

Commissioner Kendrick commented on the Ordinance and said that he did not really think the scope was limited, referenced a Moratorium Ordinance related to multifamily that he recently offered, mentioned how some businesses he had been in contact with thought that this suggested Moratorium would actually cut out any competition and provide them with more customers, that the Planning and Zoning Board/Local Planning Agency had recommended a time frame of sixty (60) days rather than ninety (90) days, and his impression was that this Moratorium might set a bad precedent for the future of Winter Springs.

Deputy Mayor Kevin Cannon asked for support for this proposed Ordinance, suggested the City put together a specific and complete plan for Economic Development as we do not have one, and thought we should include various organizations in this effort. Deputy Mayor Cannon also commented on the proposed Visioning program.

Further remarks followed on how a Moratorium might affect a community.

Commissioner Ted Johnson commented on miscommunication related to proposed Moratoriums, said that he supported the suggested proposed Moratorium, and thought it offered protection for citizens.

Next, Commissioner TiAnna Hale said she wanted to ensure a good quality of life for the residents, anticipated that businesses could be included in a plan for the community, and inquired as to possibly modifying the proposed Moratorium from ninety (90) days to sixty (60) days.

Additionally, Commissioner Hale hoped Developers would give the City some time to consider which direction the City Commission wanted to go, spoke of changes to the Comprehensive Plan, and that she wanted Developers to be a part of the Visioning process.

Discussion ensued as to whether the City had received any Applications since the new year for new development projects, if the timeframe of the Moratorium could be adjusted without it affecting the current process, Special Exceptions, future developments, a possible Wendy's project, setbacks, what the City Attorney and the Interim City Manager thought of a possible adjustment in the Moratorium timeline from ninety (90) days to sixty (60) days, the upcoming Visioning process as well as the proposed schedule, and Staff interactions with Developers.

Commissioner Kendrick commented on zero lot line setbacks. Deputy Mayor Cannon said he hoped that Staff and the City Attorney could identify zero lot line setbacks and suggested these could possibly be addressed at the April 29, 2019 Workshop, and then considered for inclusion in revised Land Development Regulations.

Continuing, remarks followed on the proposed Moratorium, timelines, and potential dates related to deliverables associated with the Visioning proposal from the East Central Florida Regional Planning Council.

Commissioner Johnson spoke of perceptions, and then asked Mr. Bryant Smith, III, P.E., CFM, City Engineer, Community Development Department if he was aware of any concerns should this proposed Moratorium be approved, to which Mr. Smith noted he had received some comments of concern from some Developers who potentially might have projects planned for the Town Center.

Deputy Mayor Cannon further inquired of Interim Manager Boyle, Attorney Garganese and Mr. Smith if they had heard from any Developers about potential issues as a result of the proposed Moratorium. Interim Manager Boyle said he had not received any. Attorney Garganese responded that he had heard general comments about uncertainty. Mr. Smith concurred with what Interim Manager Boyle and Attorney Garganese stated.

Mayor Lacey opened "Public Input".

Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida: spoke against the proposed Moratorium Ordinance, said that a Moratorium implies a perception of not being open for business, mentioned that a good Visioning plan would take quite some time, added that the City Commission is who protects and controls growth or issues, and suggested that if this Moratorium Ordinance was passed, he thought the Mayor should Veto such Ordinance.

Mr. Ryan Stahl, 630 South Maitland Avenue, Suite 100, Maitland, Florida: explained why Developers would not be interested in developing a property if a Moratorium was in effect, his preference that going forward, the previously referenced Pinch-A Penny site should be referred to differently, explained that Developers typically have to work with City Managers and cannot contact Elected Officials, and urged the City Commission to hear from Developers.

Comments followed on whether an Application could be submitted during a Moratorium. Attorney Garganese pointed out that the proposed Moratorium is applicable to Special Zoning Permits. With continued remarks, Mr. Stahl added that if roundtable discussions could be held, Developers could converse more with Elected Officials.

Commissioner Hale pointed out that she supported roundtable discussions. Deputy Mayor Cannon suggested Mr. Stahl meet with Interim Manager Boyle and City Staff on his plans and thought if some small setbacks were all that was needed, then that could be reviewed and considered. Deputy Mayor Cannon and Commissioner Kendrick both agreed they were also interested in roundtable discussions with Developers. Further discussion continued.

Mayor Lacey noted, "I agree with Commissioner Hale and that it would be a nice addition to one of our future Workshops, if we were to ask for their guidance and input on what they think is feasible and invite them to participate. Would the Commission have any objection to that?" Commissioner Kendrick and Deputy Mayor Cannon remarked, "No." No objections were heard.

Deputy Mayor Cannon added, "I would like to have them on a very soon - even Monday night's Agenda. I would like for them to highlight for us as Developers, some of the challenges with these setbacks and some of the other Variances in the Town Center - Special Exceptions. Let us get them in at the table, let them lay down some examples of what prospective tenants they have and problems that they are hearing from prospective tenants or problems that they are hearing."

Comments followed including having the Visioning program facilitators hear from local Developers. Deputy Mayor Cannon remarked further about addressing the Land Development Regulations and the preliminary procedural revisions that Attorney Garganese had drafted.

With further remarks, Deputy Mayor Cannon added, "We need the Developers to come to us and to City Staff and say, 'These are specific provisions in the Land Development Regulations that are problematic for us, can we address those now?'"

Mayor Lacey noted, "There are a lot of things we don't know now. I would not like to handcuff the City Manager into insisting that it be the next meeting because there are variables in terms of whether the guests that we would like – can make it or not, whether their schedule can accommodate it. So, I would like for the direction to the City Manager to be to do it as soon as possible. Next week is not too early; but if everything aligns, as soon as possible. Would that be acceptable to the Commission?"

Commissioner Hale nodded affirmatively. Deputy Mayor Cannon mentioned due diligence and thought that even if a Special Meeting was needed, the City Commission needed to have roundtable discussions with Developers. No dissent was voiced.

Mayor Lacey then said that there were a couple of Mondays open before the next Regular Meeting of the City Commission. Commissioner Kendrick agreed with what Deputy Mayor Cannon had suggested and specifically asked that an actual table be used for such a meeting and that if more than one Workshop/roundtable meeting was needed, that was agreeable to him. Deputy Mayor Cannon again stated that he was in agreement with roundtable discussions and also urged Developers to meet with City Staff beforehand to point out what issues they may have with the City's Land Development Regulations.

Mr. Bryan Schultz, 6414 Montclair Bluff Lane, Windermere, Florida: spoke in agreement with what Mr. Partyka and Mr. Stahl had said in opposition to the proposed Moratorium Ordinance, and asked about the timeline when Special Exceptions/Applications could be submitted with consideration of the Moratorium Ordinance being considered, as well as Zoning changes, the process, and related timelines.

Discussion continued.

Mr. Lee Barnes, 2804 Wright Avenue, Winter Park, Florida: said he worked for a land brokerage company and that questions had arisen with potential clients regarding working with the City, and asked how the Moratorium idea had originally been brought up.

Mayor Lacey briefly addressed Mr. Barnes' comments.

Mr. James Vanderkrake, Senior Project Manager, Infinity Engineering Group, LLC., 1208 East Kennedy Boulevard, Suite 230, Tampa, Florida: said that he was working on a potential Wendy's project, and mentioned related plans, setbacks, Special Exceptions and noted that he could have a project ready to go very soon.

Mr. James Evans, 217 Almaden Court, Winter Springs, Florida: commented on remarks related to possibly going around the proposed Moratorium, Special Exceptions, Waivers, interim Code changes, and said that he was against the suggested Moratorium.

Discussion ensued on the process, driving patterns within the Winter Springs Town Center, and adverse impacts to businesses in our City.

“MOTION TO EXTEND THE MEETING TO AT LEAST COVER THE REGULAR AGENDA BECAUSE THERE ARE TWO (2) ITEMS ON THERE THAT WE NEED TO DISCUSS.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

MAYOR LACEY REITERATED THE MOTION WHICH WAS TO “EXTEND THE MEETING PAST THE 8:30 TIME SUFFICIENT TO COVER ITEMS ‘500’ AND ‘501’.” COMMISSIONER HOVEY STATED, “YES.”

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Mayor Lacey closed “Public Input”.

“MOTION TO APPROVE ORDINANCE 2019-05.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

MAYOR LACEY SUGGESTED THE ORDINANCE NOT BE APPROVED AND TO INSTEAD FOCUS ON FIXING ISSUES IN THE CITY.

VOTE:

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

Mayor Lacey pointed out, “This Ordinance will be back for Second Reading in three (3) weeks time.”

402. First Reading of Ordinance 2019-07 amending Chapter 13, Article II Noise regarding prohibited noise disturbances to include the use of power equipment and power ground maintenance equipment outdoors in residential areas during certain late evening and early morning hours and modifying the emergency exception under Chapter 13, Article II

FOR THE FIRST READING OF ORDINANCE 2019-07, "MOTION TO READ BY 'TITLE' ONLY." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Attorney Garganese read Ordinance 2019-07 by "Title" only.

In terms of this proposed Ordinance, Commissioner Kendrick mentioned he thought that this Ordinance seemed more heavy handed than what he originally supported.

Further comments.

Mayor Lacey noted the current time and said, "Without action by the Commission, I am obliged to move on to item '500'. I know we have a number of people here who are interested in this Ordinance. Would there possibly be a Motion for the extension to include conclusion of item '402'?"

"SO MOVED." MOTION BY COMMISSIONER HOVEY. MAYOR LACEY STATED, SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Discussion continued about people not following rules or being considerate of others, and possible future issues with landscape companies if they are not able to do their work.

Mayor Lacey opened "Public Input".

No one spoke.

Mayor Lacey closed "Public Input".

“MOTION TO APPROVE 2019-07.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

COMMISSIONER HALE: NAY

COMMISSIONER JOHNSON: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER KENDRICK: NAY

MOTION CARRIED.

403. First Reading of Ordinance 2019-08 regarding buildings and building administrative regulations and providing for the adoption of Section 6-88 regarding construction site management and related conforming amendments to the City Code

This Agenda Item was not addressed.

REGULAR AGENDA

500. Discussion on preferences for serving on the Florida League of Cities' five Legislative Policy Committees

Commissioner Hovey commented that she had been serving on the “Municipal Administration” Policy Committee.

Deputy Mayor Cannon pointed out that he has been serving on the “Utilities, Natural Resources & Public Works” Policy Committee and would like to continue serving on this Policy Committee for at least another year.

Commissioner Kendrick remarked about possible options and how he was very active with the Tri-County League of Cities as well as the Florida League of Cities and he would like to continue serving on one of these Policy Committees.

Further discussion followed on the process, the upcoming Application deadline, and how Commissioner Hale would be interested in serving and getting more involved.

Mayor Lacey noted that he had been serving on the “Finance, Taxation & Personnel” Policy Committee; how a former Commissioner has been serving on the “Land Use & Economic Development” Policy Committee; Commissioner Hovey had been Appointed to the “Municipal Administration” Policy Committee; and Commissioner Kendrick had been Appointed to serve on the “Transportation and Intergovernmental Relations” Policy Committee. As previously mentioned, Deputy Mayor Cannon had been serving on the “Utilities, Natural Resources & Public Works” Policy Committee.

Further remarks.

Mayor Lacey pointed out that the “Land Use & Economic Development” Policy Committee does not have an incumbent to which Commissioner Johnson stated that he had attended one of their meetings before and that Policy Committee would actually be his preference.

Discussion ensued on the Application and Appointment process.

Next, Commissioner Hovey said to Commissioner Hale, “I will give up the ‘Municipal Administration’ if you are interested in that committee.” Commissioner Hale responded, “I would be happy – thank you very much.”

Commissioner Hovey added that an Application should be sent to Commissioner Johnson and Mayor Lacey suggested that the City Clerk do that. City Clerk Andrea Lorenzo-Luaces stated, “I can do that.”

501. Seat Two Replacement Appointment to the 2019 Districting Commission

Mayor Lacey remarked, “Deputy Mayor, the Appointment to the 2019 Districting Commission to take Ms. (Colleen) Murphy’s place.”

REGARDING A REPLACEMENT FOR THE DISTRICT TWO POSITION ON THE 2019 DISTRICTING COMMISSION, “I NOMINATE DAVID WITHEE TO SERVE IN THAT CAPACITY.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

VOTE:

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

ADJOURNMENT

Mayor Lacey adjourned the Regular Meeting at 8:47 p.m.

❖❖ **AGENDA NOTE: THE REST OF THE AGENDA AS NOTED BELOW WAS NOT DISCUSSED.** ❖❖

REPORTS

600. City Attorney Anthony A. Garganese, Esquire

601. Interim City Manager Shawn Boyle

602. City Clerk Andrea Lorenzo-Luaces, MMC

603. Seat One Commissioner Jean Hovey

604. Seat Two Commissioner/Deputy Mayor Kevin Cannon

605. Seat Three Commissioner Ted Johnson

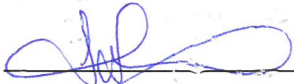
606. Seat Four Commissioner TiAnna Hale

607. Seat Five Commissioner Geoff Kendrick

608. Mayor Charles Lacey

PUBLIC INPUT

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the May 13, 2019 City Commission Regular Meeting.