



CITY COMMISSION

REGULAR MEETING MINUTES

MONDAY, MAY 13, 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, May 13, 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.

Mayor Lacey inquired, "Is there any objection to Adopting the Agenda as presented?" Commissioner Jean Hovey said, "No." Commissioner Geoff Kendrick stated, "No objection." Mayor Lacey then noted, "Hearing none, the Agenda stands Adopted."

AWARDS AND PRESENTATIONS

100. Presentation of Resolution 2019-08 to Kevin Smith

Former City Manager Kevin Smith was recognized with Resolution 2019-08 in honor of his service to the City of Winter Springs.

101. Presentation of Resolution 2019-09 to Kevin Brunelle

Resolution 2019-09 was presented to former Chief of Police Kevin Brunelle in acknowledgement of his years of service to the City of Winter Springs.

102. Recognition of the Winter Springs High School Softball Team, their Coach, Mark Huaman, and their undefeated regular season (24-0)

In honor of their undefeated regular season, the Winter Springs High School Softball Team was recognized.

103. Presentation from the Daughters of the American Revolution to the City and Tuscawilla Homeowners Association

Members of the Sallie Harrison Chapter of the Daughters of the Revolution (DAR) presented a Certificate in recognition of proper flag protocol to the Tuscawilla Homeowners Association (THOA) and the City of Winter Springs.

Mr. Kevin McCann, president of the Tuscawilla Homeowners Association (THOA) thanked Tuscawilla resident Tom Vagnini for his service on the Tuscawilla Lighting and Beautification District Advisory Committee and for his work in the Tuscawilla community.

Mr. Tom Vagnini briefly addressed those in attendance.

Before concluding, Mayor Lacey recognized the late Mr. Don Gilmore who served as former Winter Springs Commissioner, City Committee Member and Tuscawilla resident for his dedicated service, especially recognizing that Mr. Gilmore was primarily responsible for taking care of the flags in the Tuscawilla community.

INFORMATIONAL AGENDA

200. Current Development Projects Update

No discussion.

201. Traffic Safety Management Devices

There was no discussion on this Agenda Item.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

There were no Speakers at this time.

Mayor Lacey closed "Public Input".

CONSENT AGENDA

300. Resolution 2019-10 in recognition of former Officer James Flannigan's service to the City of Winter Springs

This Agenda Item was not discussed.

301. Surplus Assets

No discussion.

302. Tuskawilla Crossings Phase 2 Plat

There was no discussion on this Agenda Item.

303. Tuskawilla Crossings Phase 2 Final Site Acceptance

No discussion.

304. Ocean Bleu Plat

This Agenda Item was not discussed.

305. Minutes from the Monday, April 15, 2019 City Commission Workshop

No discussion.

306. Minutes from the Monday, April 22, 2019 City Commission Regular Meeting

There was no discussion on this Agenda Item.

“MOTION TO APPROVE” (CONSENT AGENDA). MOTION BY COMMISSIONER JOHNSON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

VOTE:

COMMISSIONER HALE: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER JOHNSON: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER KENDRICK: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA

400. Second Reading of Ordinance 2019-07 regarding prohibited noise disturbances in residential areas

City Attorney Anthony A. Garganese read Ordinance 2019-07 by “Title” only and noted there had been no changes since the First Reading.

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

No one addressed the City Commission at this time.

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

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

VOTE:

COMMISSIONER KENDRICK: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER HALE: AYE

COMMISSIONER JOHNSON: AYE

MOTION CARRIED.

401. Second Reading of Ordinance 2019-08 regarding the regulation of construction site management

Attorney Garganese read Ordinance 2019-08 by "Title" only, and noted, "There was one little subtle change that was made to the Ordinance on page 2 that didn't make it into the draft in the Agenda.

If you recall, during First Reading there was some discussion regarding the temporary toilet facilities - apparently there's an ability to tie in to the City sewer systems in some situations where it's available; so, just a minor modification was made, to read that suitable temporary toilet facilities as determined by the building official. It goes on, 'shall be provided and maintained in a sanitary condition'. Such facilities may include temporary hook-up to the city's sewer system or a portable temporary unit."

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

No one spoke.

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

Commissioner Kendrick mentioned that he agreed with allowing access to our utilities and inquired, "Is there - a procedure in place to make sure that liability - permitting and everything like that, is concurrent with our Ordinance that we have right now."

Attorney Garganese responded, "They would have to just go through the Building department and arrange to have a connection and that connection would have to meet technical specifications in order to hook-up if it's available."

Commissioner Kendrick added, "That procedure is already in place, liability and everything is covered..." Attorney Garganese noted, "...Handled administratively."

FOR THE SECOND AND FINAL READING OF ORDINANCE 2019-08, "MOTION TO PASS THE ORDINANCE AS READ." MOTION BY COMMISSIONER KENDRICK. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:

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

402. First Reading of Ordinance 2019-09 regarding the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

REGARDING THE FIRST READING OF ORDINANCE 2019-09, "MOTION TO READ BY 'TITLE' ONLY." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER HALE. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

Attorney Garganese read Ordinance 2019-09 by "Title" only.

Commissioner Kendrick said to Attorney Garganese "On Sec. 20-29. under - number (7) it says - specifically for any kind of undue burden that might be on our citizens, it says 'For all new development, new buildings, conditional uses, existing buildings being altered by 50 percent...'. Okay, is that the underlying requirement for this Ordinance to be in place or does it also apply to anyone looking to build a summer kitchen as well; obviously not fifty percent (50%)."

Attorney Garganese responded, "This is only related to Special Zoning Permits. So if somebody wanted to build a summer kitchen, I would imagine it's just a building permit process that they would have to go through; and they would not need a Special Zoning Permit.

Commissioner Kendrick inquired, "What is the threshold to get up to that Special Zoning Permit? Would it be that fifty percent (50%)?"

Attorney Garganese responded, "We have different Special Zoning Permits as we've discussed, and someone would need to get a Conditional Use, a Variance, a Waiver. That would trigger Rezoning, etc. That would trigger the Application of the Special Zoning Permit requirements that are laid out in the Code."

Continuing, Attorney Garganese noted, "Then there are further requirements regarding the Application for a Special Zoning Permit and then they would have to comply with the Application requirements that you noted in 20-29. With respect to number (7), that is related. They'll be required to then submit all of the other additional application requirements (7) a. through g.

So that would be for all new development, new buildings. Actually, that should read all 'new commercial development, new buildings, conditional uses and then existing buildings that are also greater than fifty percent (50%), or greater than the original floor area or seating capacity', in order to trigger the additional requirements such as, if applicable, the tree survey, the site plan, etc."

Commissioner Kendrick pointed out, "My concern is ninety (90) plus percent of all of our property taxes are derived from our citizens, our homeowners." Commissioner Kendrick continued, "Ninety (90) plus percent of all applications are going to come from our citizens as well. So, I don't want an undue burden put on our citizens - for my aforementioned summer kitchens or any kind of expanded driveways or any kind of improvements to their home."

Furthermore, Commissioner Kendrick stated, "I just want to make sure that our homesteaded residents, the vast majority of everyone in the City are not carrying the burden for this Ordinance."

Attorney Garganese said he might clarify that section and added, "If you go to Sec. 20-29.1, there's some language there that probably should've been put into the section that you just noted - the site plan requirements for example that are required, the tree surveys, those types of application requirements come into play when somebody is doing construction that warrant a review of that type of information.

So, if you look at 20-29.1, based on some of the other comments that were made at the Workshop - I made some modifications in yellow about new commercial development, new residential subdivisions of ten (10) or more lots, Conditional Uses or existing commercial buildings being altered by fifty percent (50%) or greater of the original floor area and for seating capacity; and I added language and requiring a modified Site Plan because there are instances where there could be modifications to existing buildings that don't require any modifications to the Site Plan itself."

Attorney Garganese pointed out, "It was intended to limit the requirement of submitting that information as part of the Application package."

Commissioner Kendrick stated, "In your opinion - our homeowners are not going to slip through a loop hole and all of a sudden they're going to have some of these same requirements. Is it written tight enough that our homeowners are not going to fall or potentially be unintendedly falling into this requirement?"

Attorney Garganese responded, "When an individual homeowner comes in, I would say practically in most cases, if not all cases - we're not requiring a modified Site Plan to the building lot, as it goes through just general permitting, but I can continue to look at this a little bit more."

Commissioner Kendrick mentioned again his concern with any residents who might do any home improvements as this was intended for commercial development. Attorney Garganese remarked, "It is not intended to apply in those circumstances with the individual homeowner and you'll note in other places in the Ordinance, I actually carved out an exception relative to single-family homes."

Next, Deputy Mayor Kevin Cannon referenced, Sec. 20-29.1. (a) on page 7, of the draft Ordinance and commented, "I feel that the notice to be mailed out for one of these Workshops for the larger type developments, I feel like the City should mail those notices out. The cost of that can be borne by the applicant; but I feel like the City should mail out those notification letters. So, I would propose if it is agreeable with the rest of the Commission that we just substitute the word 'city' rather than 'applicant' in those sentences where it says the applicant shall provide notification', the applicant shall mail'."

Commissioner Kendrick asked Attorney Garganese how it was done at other municipalities to which Attorney Garganese said it has been done both ways and was whatever was the pleasure of the City Commission.

Furthermore, Commissioner Kendrick spoke of preemptions and a July 1 date and added, "I want to make sure that some of things that we're doing in the Ordinance, are not going to be affected by that preemption."

Attorney Garganese noted, "Whenever we draft Ordinances, we're always looking at preemption; and the different kinds of preemption. There's expressed preemption and implied preemption by state law."

Additionally, Attorney Garganese said that he reviewed the pending bill and pointed out, "The preemption Statute as written, as I understand it only applies to express preemption; meaning the legislature has to express a desire to preempt a certain area of law, state law not federal."

Continuing, Attorney Garganese remarked, "In that bill interestingly, it does not apply to Ordinances adopted in furtherance of the Florida Building Code, Ordinances adopted in furtherance of the Florida Fire Prevention Code, and most interestingly, Part II of Chapter 163, which is actually the Community Planning Act which is all about land development." Furthermore, Attorney Garganese noted, "I don't believe anything in this Ordinance is preempted by state law."

Deputy Mayor Cannon mentioned whether there was agreement to his suggested verbiage change from earlier, to which Mayor Lacey said to the City Commission, "Is there any objection to adopting the Deputy Mayor's suggested language?" With further remarks, Mayor Lacey asked, "Specifically is there objection to changing from 'applicant' to 'city' doing the mailing?"

Commissioner TiAnna Hale added, "I just want to make sure that they are responsible for the cost..." Mayor Lacey added, "...Anthony (Garganese) will write it that way." With no objections noted, Mayor Lacey stated, "You have concurrence Deputy Mayor."

Next, Deputy Mayor Cannon referenced page 14, paragraph (11) – there is a typo and stated, "It should be the word 'exit' the property. You are talking about trucks coming onto and exiting the property, and it says 'exist'." Deputy Mayor Cannon added that the same error appears in paragraph (11) in Sec. 10-33.1. on page 15; and Deputy Mayor Cannon also noted that at the bottom of page 15, it shows (78), which he thought should instead be (8).

Continuing, Deputy Mayor Cannon referred to page 18 and stated, "Where we are talking about administrative appeals, paragraph (f) - you specify that the 'record on appeal' shall consist of 1) the application and accompanying information; and 2) the written decision of the administrative official and accompanying information.' Generally, on these types of administrative appeals, a transcript if one exists of the testimony offered would also be included in the 'record on appeal', and that would be of particular note if either the applicant or the City or someone else solicited testimony from an expert whether it be an Engineer, whether it be an Economist or a Surveyor or whatever.

So, I would think Anthony (Garganese), but I would ask that a transcript of testimony if any, would also be included in that 'record on appeal'. What are your thoughts there?" Attorney Garganese responded, "It doesn't hurt to put it in."

With further remarks, Deputy Mayor Cannon complimented Attorney Garganese for the work he did.

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

No comments were made.

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

"MOTION TO MOVE TO SECOND READING." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.

VOTE:

COMMISSIONER JOHNSON: AYE

COMMISSIONER KENDRICK: AYE

COMMISSIONER HALE: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

REGULAR AGENDA

500. 2018 Comprehensive Annual Financial Report

Interim City Manager Shawn Boyle introduced this Agenda Item, and offered his appreciation to Ms. Kelly Balagia, Interim Director, and Ms. Holly Queen, Controller, both from the Finance Department for their assistance.

Ms. Tamara Campbell, CPA, Partner, McDirmit Davis and Company, LLC, 934 North Magnolia Avenue, Suite 100, Orlando, Florida: addressed the City Commission and presented the results of the 2018 Comprehensive Annual Financial Report.

In closing out her presentation, Ms. Campbell noted, "So, overall, a very healthy Financial Report."

Mayor Lacey inquired, "Is there a Motion to approve the CAFR (Comprehensive Annual Financial Report)?"

"SO MOVED." MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE:

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

REPORTS

600. City Attorney Anthony A. Garganese, Esquire

No Report.

601. Interim City Manager Shawn Boyle

Interim Manager Boyle advised the City Commission that regarding our net income in the General Fund, "I'm happy to report that we had a positive net income of eight thousand dollars (\$8,000.00). So, our revenue exceeded our expenses by eight thousand dollars (\$8,000.00) in the General Fund."

Further remarks.

602. City Clerk Andrea Lorenzo-Luaces, MMC

City Clerk Andrea Lorenzo-Luaces asked if the Mayor and/or the City Commission had any comments on the upcoming community Visioning Session scheduled for May 20, 2019.

Mayor Lacey noted that on Monday, May 20, 2019, a Special Meeting would be held to address one (1) Agenda Item and then a Visioning Roundtable Session would be held with some City residents.

No further comments were made.

603. Seat Two Commissioner/Deputy Mayor Kevin Cannon

Deputy Mayor Cannon mentioned he attended an Open House and Ribbon Cutting Ceremony for the Clubhouse at Hacienda Village.

Secondly, Deputy Mayor Cannon then spoke of the recent Central Florida Astronomy Society event at Trotwood Park and it was well attended.

Thirdly, Deputy Mayor Cannon mentioned a robotic group he mentors and recognized that they won the top award, the Chairman's Award.

604. Seat Three Commissioner Ted Johnson

Commissioner Ted Johnson commended Lieutenant Doug Seely, Operations Bureau, Police Department for a great job regarding the purchase of gun racks.

Next, Commissioner Johnson noted that he attended a Seminole County Law Enforcement Memorial occasion on May 7th and mentioned that it was a great event.

Commissioner Johnson recognized Mr. Bryant Smith, III, P.E., CFM, City Engineer, Interim Community Development Department Director for his assistance with checking out waterways in the City in preparation for hurricane season.

Furthermore, Commissioner Johnson said he also attended Hacienda Village's Open House and the Ribbon Cutting for their Clubhouse.

Concluding his Report, Commissioner Johnson mentioned that he had received numerous compliments on how well Captain Matt Tracht, Support Services Bureau, Police Department has handled Code Enforcement concerns, and offered his thanks.

Interim Chief of Police Chris Deisler, Police Department briefly addressed the Mayor and City Commission.

605. Seat Four Commissioner TiAnna Hale

Commissioner Hale noted how the last few Commission meetings had ran long and mentioned a Public Input section of the meeting that was not held. Commissioner Hale asked if any future extensions could include the second Public Input section. Further brief comments.

Next, Commissioner Hale remarked that she also attended a Ribbon Cutting Ceremony for Hacienda Village.

Next, Commissioner Hale mentioned she participated in a recent Capitol Connection Trip with Oviedo-Winter Springs Regional Chamber of Commerce; and had attended the Advanced Institute for Elected Municipal Officials (IEMO), as well as some other Florida League of Cities classes.

A Community Volunteer Committee that the City of Longwood had started was brought up by Commissioner Hale who said she would have some information sent out to the City Commission. Commissioner Hale noted that she had various people offer to help the City, and on a related note, that Indian Trails Middle School was having a farm to table event over the summer and they would need volunteers. Commissioner Hale suggested that would be an example of how this program could help; and thought volunteers could help Veterans and Seniors.

Commissioner Hovey pointed out that volunteers for school programs need to be approved and asked about fiscal matters.

Interim Manager Boyle mentioned that Staff was actually working on a volunteer program and said that the City could possibly look into expanding what they had been working on.

Continuing, Commissioner Hale remarked next about a Benefit Dinner that Scouts were holding at the Veterans of Foreign Wars of the United States (VFW) on the 18th.

Lastly, Commissioner Hale complimented landscape maintenance workers for their recent work in the Highlands community.

606. Seat Five Commissioner Geoff Kendrick

Commissioner Kendrick offered belated Mother's Day wishes.

Secondly, Commissioner Kendrick commented on the City's recent fishing event hosted by our Parks and Recreation Department and pointed out that it was a great event. Commissioner Kendrick hoped Staff could look into making next year's event a bigger event.

Thirdly, Commissioner Kendrick recognized former Chief of Police Brunelle and former City Manager Kevin Smith, and that he thought Interim Chief of Police Deisler and Interim Manager Boyle were doing a great job.

Lastly, Commissioner Kendrick spoke of state preemptions and new laws and that he did not want the City to have any issues in terms of compliance with Public Records Requests and the Americans with Disabilities Act (ADA). Attorney Garganese said they were monitoring this.

607. Mayor Charles Lacey

Mayor Lacey noted that Commissioner Kendrick had been appointed to the Florida League of Cities' Board of Directors which was a very distinctive honor.

608. Seat One Commissioner Jean Hovey

Commissioner Hovey commented on the bills passed this year by the Legislature.

Next, Commissioner Hovey remarked that this was National Police Week and asked Interim Chief Deisler to share her well wishes with his staff.

Commissioner Hovey asked about the status of the City Manager search process.

Ms. Casey Howard, Administrative Services Director explained they had a draft for an advertisement. Commissioner Hovey then inquired when the City Commission would be able to view it, to which Ms. Howard stated, "I can send it to Anthony (Garganese) and we can start reviewing what else is missing for that."

Commissioner Hovey said that would be great.

PUBLIC INPUT

Mayor Lacey opened "Public Input".

There were no comments offered by the public.

Mayor Lacey closed "Public Input".

ADJOURNMENT

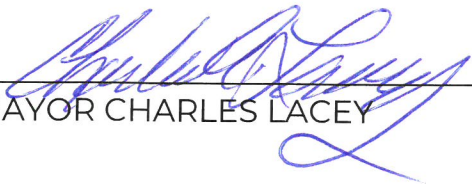
Mayor Lacey adjourned the Regular Meeting at 7:38 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the June 10, 2019 City Commission Regular Meeting.