



CITY COMMISSION

SPECIAL MEETING

MINUTES

MONDAY, APRIL 29, 2019 AT 6:30 PM

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

CALL TO ORDER

The Special Meeting of Monday, April 29, 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
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 gave a brief overview of tonight's Meeting.

❖❖ **AGENDA NOTE: THE REST OF THIS SPECIAL MEETING WAS DISCUSSED AS NOTED.** ❖❖

AWARDS AND PRESENTATIONS

100. Not Used

INFORMATIONAL AGENDA

200. Not Used

Regarding the Agenda and whether there were any possible Agenda Changes, Mayor Lacey asked, "Is there any objection to Adopting the Agenda?" No objections were voiced. Mayor Lacey pointed out, "It stands Adopted."

PUBLIC INPUT

Mayor Lacey opened "Public Input".

Mr. Kevin McCann, 1109 Pheasant Circle, Winter Springs, Florida: noted he was the President of the Tuscawilla Homeowners Association (THOA), offered his thanks for this meeting, and said that residents were not against development, they just wanted to be a part of the process. Mr. McCann then suggested that the reference to notifying other land owners as shown on page 3 of the proposed Ordinance in Agenda Item "500" be increased from the suggested "one hundred fifty (150) feet".

Mayor Lacey asked Mr. McCann about his comment on the "one hundred fifty (150) feet" as Mayor Lacey mentioned that Sec. 20-29.1. stipulated "400 feet".

Mayor Lacey closed "Public Input".

Interim Chief of Police Chris Deisler, Police Department addressed the Mayor and City Commission with an update to comments made by a resident during "Public Input" of the April 22, 2019 City Commission Regular Meeting. Interim Chief Deisler said that regarding scrap metal/nails in a roadway, he had been in touch with the business in question who advised him they would be more proactive in keeping the area clear of metal. Interim Chief Deisler was hopeful that their efforts would rectify the past concerns.

CONSENT AGENDA

300. Not Used

PUBLIC HEARINGS AGENDA

400. First Reading of Ordinance 2019-08 for Construction Site Management

“MOTION TO READ BY ‘TITLE’ ONLY.” MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.

MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.

City Attorney Anthony A. Garganese read Ordinance 2019-08 by “Title” only.

Commissioner Ted Johnson mentioned that he had been advised that if a Contractor set up a temporary office like a construction trailer, that they were not permitted to connect to an existing sewer line and would be required to have portable toilet facilities available. Commissioner Johnson asked if this was correct.

Mr. Bryant Smith, III, P.E., CFM, City Engineer, Interim Community Development Department Director stated, “Typically on a lot of those larger land development projects there is no sewer to connect to at the time, so you’d have a temporary trailer with a portable septic type system that they would pump out. We haven’t run into a lot of situations where there’s sewer available on site and they request a temporary construction trailer.”

Commissioner Johnson then inquired, “But if there is infrastructure to accommodate that need, then the City would go ahead and grant permission for them to tie into it?” Mr. Smith stated, “Yes, if properly designed. I don’t see any issue with them connecting to it.”

Mayor Lacey opened “Public Input”.

No Speakers addressed the Mayor and City Commission at this time.

Mayor Lacey closed “Public Input”.

“MOTION TO APPROVE ON FIRST READING, ORDINANCE 2019-08.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

ATTORNEY GARGANESE NOTED, “THE COMMISSIONER BROUGHT UP THE COMMENT REGARDING THE POSSIBLE TEMPORARY HOOK-UP, DO YOU WANT ME TO ADD SOME LANGUAGE TO THIS ORDINANCE IF THAT’S FEASIBLE?”

MAYOR LACEY INQUIRED, “DOES THE LACK OF THAT LANGUAGE RESULT IN ANY HARDSHIP OR LACK OF ABILITY?”

DEPUTY MAYOR CANNON NOTED, “IF SOMEONE WANTS TO PUT A TEMPORARY TRAILER UP, AND HOOK IT IN WITH WATER AND SEWER, DO WE HAVE ANOTHER PROVISION WHERE THAT COULD BE DONE?”

MR. SMITH EXPLAINED, “FOR WATER WE CURRENTLY DO. SO, IF IT’S JUST A TEMPORARY METER, WE CAN STILL CHARGE THEM FOR SEWER BASED ON A METER USAGE. IT JUST COMES DOWN TO IF THAT SEWER IS AVAILABLE OR NOT.”

COMMISSIONER KENDRICK INQUIRED, “DO THEY NEED TO ASK FOR PERMISSION FIRST?” MR. SMITH RESPONDED, “YES.”

DEPUTY MAYOR CANNON NOTED AS LONG AS NOTICE WAS NOT DISTURBED, “I WOULD BE IN FAVOR OF THAT BEING INTERLINEATED AS AN AMENDMENT TO IT.” ATTORNEY GARGANESE SAID HE WOULD FURTHER REVIEW THE LANGUAGE.

MAYOR LACEY ASKED, “IS THERE ANY OBJECTION FROM THE COMMISSION TO GIVING THAT DIRECTION TO ANTHONY (GARGANESE) TO BRING BACK SECOND READING WITHOUT THOSE MODIFICATIONS?”

NO OBJECTIONS WERE VOICED.

VOTE:

COMMISSIONER KENDRICK: AYE

COMMISSIONER JOHNSON: AYE

DEPUTY MAYOR CANNON: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER HALE: AYE

MOTION CARRIED.

REGULAR AGENDA

500. Draft Ordinance for Amending the Application, Notice, and Review Criteria Procedures for Special Zoning Permits

Attorney Garganese began the discussion on this Ordinance and noted, "On the 18th of February this year, the Commission directed that a draft Ordinance be prepared. One of the primary features would be to consolidate the Town Center Administration Development Permit process with the General Development Permit process that's contained elsewhere in Chapter 20 of the Zoning Code."

Furthermore, Attorney Garganese pointed out that the Ordinance dealt with Special Zoning Permits which would include Conditional Uses, Special Exceptions with respect to the current Town Center Code, Waivers as well as Variances. Attorney Garganese added that the City Commission would also consider during the application process, Administrative Appeals, Final Engineering approvals, Rezoning, Site Plan and Plat approvals; and also referenced the Limited Administrative Waiver Process.

Further comments.

Attorney Garganese noted next that what was not affected by this proposed Ordinance was "The list of Conditional Uses and currently Special Exceptions Uses listed in the Town Center Land Use matrix; that Conditional Uses and Special Exceptions will be considered separately by the Commission and any changes will be addressed by a separate Ordinance. We have the planning council that's going to be assisting the City with some of the Land Use matters and their professional opinion I'm sure, will come into more play with respect to the list of Uses that are in the Code.

I just want to note that the one (1) exception that will be addressed in this Ordinance as proposed, is an exception to that comment and that is currently under the Town Center Land Use matrix - Special Exception Uses will be relabeled, Conditional Uses and that's an important change in that the relabeling from Special Exception to Conditional Uses will merge the Town Center Process with the General Development Process; and Special Exceptions, which will be relabeled Conditional Uses, will be subject to more detailed application and Conditional Use criteria that's currently found in the General Zoning Code."

Next, Attorney Garganese gave an overview of some of the proposed changes to the Ordinance which he explained would include a discretionary Advisory Hearing Officer who could conduct Land Use Permit Hearings if needed; Land Use Permit Applications would be posted on the City's website within five (5) days of filing with the City; an optional Conceptual Plan Review process; a pre-application meeting with the Community Development Department; the Development Permit Application requirements/process would be improved; and Applicants would submit completed Applications with all relevant information which would help the City determine compliance with the City's Comprehensive Plan and Code of Ordinances.

Attorney Garganese added that also included was for all development and redevelopment projects, as well as Conditional Uses that required more than small modifications to existing site plans, to be documented in a binding Development Agreement; a Developer would be required to hold a publicly noticed community workshop consistent with Code requirements; minimum requirements for recommendations from City Staff when issues were presented to the City Commission; improved review criteria for special Zoning Permits and rules for Administrative Appeals when applicable.

Further, Attorney Garganese explained that the proposed Ordinance involved including unique features of the Town Center Code as part of the Limited Administrative Waiver procedure; would allow some limited Waivers without compliance with the Waiver Application process; and the City Commission could utilize limited administrative criteria to approve applicable Waivers.

Attorney Garganese reviewed the many details of the proposed changes to the Town Center Code including a new concept of employing an Advisory Hearing Officer on an as needed basis. Further comments.

Continuing, Attorney Garganese said, "If this Ordinance passes, the Commission could use the Limited Administrative Waiver process – a proposed up to fifteen percent (15%) of the applicable requirement, and the Commission could approve that Waiver in conjunction with some other final decision; so, there wouldn't be a separate Application to request a Waiver from the Town Center Code and go through the other Waiver process."

Attorney Garganese ended the presentation by saying, "What are the next steps? Of course, we certainly need the Commission's comments regarding the draft Ordinance, we need to complete the draft Ordinance. There's some wordsmithing that certainly still needs to be done."

Continuing, Attorney Garganese commented, "Once the draft Ordinance is completed, it needs to be referred to the Land Planning Agency and they need to conduct one (1) Public Hearing and make a recommendation to the Commission by Florida Law; and then the Commission would have to Adopt it and that requires two (2) Public Hearings."

Discussion followed on the proposed Advisory Hearing Officer process.

Attorney Garganese explained, "An Advisory Hearing Officer would conduct a Public Hearing on the Application, just like a Commission would; and it would be scheduled accordingly and then evidence would be presented, a staff presentation would be presented, and the Hearing Officer would be also taking in public comment – and then kind of synthesize all that evidence down and present it to the Commission for consideration with a recommendation."

Furthermore, Attorney Garganese pointed out, "The Applicant would be given the opportunity to present their evidence before a Hearing Officer; so would interested parties, and staff."

Deputy Mayor Kevin Cannon mentioned he had some concerns about the proposed Administrative Hearing Officer but that it might be helpful for more complex issues and suggested the City Commission needed more time to go through the draft Ordinance.

Additionally, Deputy Mayor Cannon commented on the Town Center Code, Development Agreements as addressed in the draft Ordinance, that he did not think 150 feet as noted in Sec. 20-28. was adequate, and that he found out about new projects when they first were noted on Planning and Zoning Board/Local Planning Agency Agendas which he did not feel was adequate notice for the City Commission.

Deputy Mayor Cannon then spoke of including the public, extending notices related to Sec. 20-28., and website notices.

Commissioner Geoff Kendrick agreed with Deputy Mayor Cannon on needing more time to review the draft Ordinance.

Next, Commissioner Kendrick said he thought five (5) business days was a quick turnaround time to give notice to citizens about application submissions and noted that previously ten (10) days had been the preferred timeframe policy.

Commissioner Kendrick then addressed transparency, the Hearing Officer, quasi-judicial roles, undue hardships, the 150 foot rule/ the 400 foot rule, as well as involving citizens which would be very beneficial, especially to Developers.

Next, Commissioner Kendrick inquired who would attend and inquired, "Will this be something that Commissioners attend because if we attend and are compelled to speak because someone wants our opinion, that becomes a problem."

Attorney Garganese noted, "The way it should work - it should be the Applicant and anyone in the public that wants to attend, to have that dialogue and communication, and Staff."

Commissioner TiAnna Hale complimented Attorney Garganese for his work on this Ordinance, and asked if more Public Input could be held during the pre-application meeting timeframe? Attorney Garganese briefly spoke of some potential concerns, then said he could review this further and discuss this with Staff.

Continuing, Commissioner Hale then inquired if public notices could be shared more via social media to which Attorney Garganese said, "Yes, certainly, the City's Facebook page."

Commissioner Jean Hovey suggested that in light of the current time and the Roundtable discussion scheduled, "I think we should Postpone, Table, do whatever we need to do to move this to our next regularly scheduled meeting, to discuss any additional issues that we might have with it." Deputy Mayor Cannon remarked, "I agree." Commissioner Hale stated, "Agreed."

Mayor Lacey pointed out, "If the Commission is in agreement, then we would like for this discussion to continue at the next get together that we have; either at a Workshop or a meeting." No objections were noted.

501. Round-Table Visioning Session with the East Central Florida Regional Planning Council and Local Developers

Mayor Lacey introduced this Agenda Item and representatives Ms. Tara McCue and Mr. Fred Milch from the East Central Florida Regional Planning Council.

Ms. Tara McCue, AICP, Director of Planning & Community Development, East Central Florida Regional Planning Council, 455 North Garland Avenue, Orlando, Florida: addressed those in attendance and remarked, "I just want to give you an overview of what we're going to be doing over the next few months. Two (2) big parts of our process will be reviewing your 2009 Strategic Plan, and the trends that have occurred in the community for the past ten (10) years. So, the Strategic Plan was completed with some goals and objectives so we're going to talk with the City Staff, the Directors, look at the plans that came out of that, and see what was done, see how far they got in implementing that Strategic Plan.

And then we're going to look at development trends, economy trends, demographic trends that have also happened within the City, and see what kind of path the City is moving.

We're also going to engage the public a lot. We're going to have – three (3) Workshops, and then an interactive Survey. Like I said, the Strategic Plan, we're going to look at the goals and objectives, growth, development, demographics, and economic development. When that is completed, we're going to do a report and present to the council in June.

For public engagement - our first Workshop will happen in mid-june. What we'll do is we will have a public Workshop and then a Workshop geared towards the business community. For the public Workshop, we're going to want to ask you guys about your values for here in Winter Springs, what are priorities, what do you guys want to see in the future. So, come ready to talk about all of that.

For the business Workshop, we're going to talk about strategies to grow the businesses here that are wanted or needed. What are needs for the business community to succeed in Winter Springs and what are opportunities.

Then in July, we're going to do an interactive Survey, so we really want to make this stakeholder driven. So, all of the information you guys give to us in those Workshops is really important; so, talk to your neighbors, get as many people out to those workshops as possible. We're going to take that and then put that into a Survey that you can take on line or on your phone. It's really interactive."

Ms. McCue added that the City Commission had spoken of having a booth at the City's "Celebration of Freedom" event on July 4, 2019 and the survey could also be taken while at this event.

Continuing, Ms. McCue noted, "Then we'll finish that up with a Findings Report in August, and then we'll present that Findings Report and Recommendations for the next step to the Commission in September, once everything is all wrapped up and we work through all of the information that you all have provided to us."

Comments ensued.

Mr. Bryan Schultz, 6414 Montclair Bluff Lane, Windermere, Florida: thought that the process outlined during the last Agenda Item and as shown on the Powerpoint presentation was already being adhered to, that he was supportive of any streamlined efforts, commended City Staff for their assistance, and noted that communication was very important.

Mr. Sam J. Sebaali, P.E., President, Florida Engineering Group, 5127 South Orange Avenue, Suite 200, Orlando, Florida: commented that predictability was very important to Developers, how helpful it was for Developers to know what was expected especially early on in the process which saves time and money, thought that this City allowed a lot of public input already and that other municipalities do not usually require a public review for simple site plans, and suggested Winter Springs do something to streamline our processes.

Mr. Dan Edwards, Vice President of Land, Dream Finders Homes, 8529 Southpark Circle, Suite 130, Orlando, Florida: agreed with what had been said thus far, that he was surprised that Elected Officials were not aware of new projects until such projects were listed on Planning and Zoning Board/Local Planning Agency Agendas and that feedback was very helpful.

Comments followed on Workshops.

Mr. Ryan Stahl, 630 South Maitland Avenue, Suite 100, Maitland, Florida: said Developers needed to be aware of what processes are involved and what was required, and mentioned a new process that the City of Oviedo implemented when his company handled a project there.

Further remarks.

Mr. Lee Barnes, 2804 Wright Avenue, Winter Park, Florida: thanked the City Commission for this forum, congratulated Attorney Garganese on his work with Chapter 20, and noted the downside of Moratoriums on a community.

Mr. Dan Edwards: spoke of procedures, community meetings, and wondered if a District Commissioner could meet with a Developer to improve the process.

Further brief remarks continued.

Deputy Mayor Cannon commented on his preference for combined Workshops, and the City Commission being advised about every potential project.

Attorney Garganese said, "If this Ordinance passes, that non-binding preliminary review is available for all development projects within the City."

Deputy Mayor Cannon mentioned the wording included an "optional" reference. In terms of Developers, Deputy Mayor Cannon suggested there be, "An opportunity for them to come in and make a preliminary presentation to the community and then – thirty (30) minutes later to us."

Attorney Garganese said, "I'm hearing from at least the Developers that are in this room they would like to have that feedback from the Commission earlier in the process rather than later. It's always been an optional process in the Town Center, it's never been mandated. Why Developers don't take advantage of that process more often has puzzled me for years, but it's available. If the Commission wanted to mandate not only the Community Workshop but also have a non-binding review, we can look at possibly incorporating that into the Code."

Further, Attorney Garganese added that Developers may prefer to go before the public first and then later provide a more fine-tuned project to the City Commission. Discussion followed.

Commissioner Hale spoke of involving the public more, transparency, and communication.

Mr. Ryan Stahl: commented on processes in other municipalities, getting initial input from a District Commissioner and if Workshops were scheduled, could they be scheduled approximately sixty (60) days out, communication, and his frustration with not being able to directly discuss matters with Commissioners.

Further comments followed on quasi-judicial matters and input.

Mr. Ryan Stahl: noted some issues they had in the past with not receiving clear direction.

Mr. Bryan Schultz: commented on the typical process that is usually adhered to, and that in many communities across the country, City Staff are usually in sync with their Elected Officials therefore when Developers work closely with City Staff, they then are aware of how a project might be viewed by the Elected Officials.

WITH CONSIDERATION OF THE CURRENT TIME, MOTION TO EXTEND TO COMPLETE THIS ROUNDTABLE AGENDA ITEM. MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.

MAYOR LACEY SUMMARIZED THAT THE MOTION WAS “TO EXTEND, UNTIL WE COMPLETE THE WORKSHOP.”

MOTION CARRIED UNANIMOUSLY.

Mr. James Vanderkrake, Senior Project Manager, Infinity Engineering Group, LLC., 1208 East Kennedy Boulevard, Suite 230, Tampa, Florida: explained that he works with national brands who often have corporate images which are hard to modify, that corporate preferred vehicular circulation plans need to be complied with, so if a government agency asks that the orientation of a building be changed to meet a particular setback requirement, that often becomes a difficult situation. Mr. Vanderkrake added that companies often have a specific timeline to have everything completed and such timeframes usually cannot be modified.

Commissioner Johnson commented that he appreciated Mr. Schultz’ last remarks, that Workshops were very helpful to the City, to residents, and to Developers; his preference was to get information as soon as possible, and that he personally would appreciate Developers with new projects hold Workshops early in the process.

Deputy Mayor Cannon mentioned his desire for more timely notifications and that going forward, he hoped to be better informed.

Mr. Dan Edwards: said that Staff had been doing a great job, spoke of processes, unknowns, and thought working with a District Commissioner would be helpful, and that feedback was very important.

Mayor Lacey noted, “We should find some way for the political climate to be relayed to Developers – I think that is what we are talking about doing here.”

Further, Mayor Lacey said, "I certainly understand that what we are trying to protect is the ability of Commissioners to Vote in a quasi-judicial matter, not disqualify themselves by taking any predetermined action that does disqualify them; but given the way our rules are written, if it is the will of the Commission to somehow make that avenue somewhat available, are there approaches that you can look at, that would set guidelines that don't go across the boundaries and allow that communication to happen?"

Attorney Garganese responded, "I'd have to evaluate that Mayor." Attorney Garganese added, "With all the changes that we're making with the Code regarding Workshops and non-binding reviews, there might be opportunities to relax it on the front end before you get into the processing of the official formal application. I can look at that and advise the Commission accordingly."

Mayor Lacey said to those in attendance, "We will give it an effort."

Discussion followed on the project process, vehicular circulation patterns, possible changes to Code requirements, and faux two (2) story requirements in the Town Center.

Commissioner Kendrick suggested that after an Application is submitted, that a Developer could be asked to present their concept to the City Commission which would open up the dialogue.

Mr. Bryan Schultz: thought all Developers would be willing to make adjustments when possible and noted the importance of communication and feedback.

Attorney Garganese asked the Developers for their thoughts on Development Agreements.

Mr. Ryan Stahl: said that having discussions memorialized in a Development Agreement for the most part was fine, however, requiring a Development Agreement for a relatively simple project was probably too much.

Mr. Rob Meyer, Partner, Catalyst Development Partners, LLC, 880 Glenwood Avenue SE, Suite H, Atlanta, Georgia: said that Development Agreements were very beneficial for large apartment projects, and added that communication was very helpful as well as quick timelines.

Mr. James Vanderkrake: thought that Development Agreements were helpful for projects that would be transferred to the public, however for contained stand-alone projects, then a Development Agreement would probably not be of interest to them.

Deputy Mayor Cannon spoke to Mr. Vanderkrake and any Engineers present, and suggested they provide preferred technical modifications to City staff, then any suggestions could possibly be considered. Deputy Mayor Cannon then suggested that Interim Manager Boyle could follow up with the City Commission.

Mr. Ryan Stahl: addressed communication efforts and noted that meetings in the past with Elected Officials had been declared as ex parte communications. Mr. Stahl also mentioned that some communities require a year between the time a project was turned down before they could apply again and was unsure if Winter Springs had a similar policy.

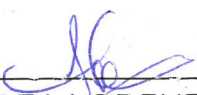
ADJOURNMENT

Mayor Lacey adjourned the Special Meeting at 8:55 p.m.

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

PUBLIC INPUT

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.