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# CITY OF WINTER SPRINGS, FLORIDA



## CITY COMMISSION

## MINUTES

### **REGULAR MEETING MONDAY, DECEMBER 10, 2018 – 5:15 P.M.**

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

Mayor Charles Lacey  
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

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## CALL TO ORDER

The Regular Meeting of Monday, December 10, 2018 of the City Commission was called to Order by Mayor Charles Lacey at 5:15 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

### **Roll Call:**

Mayor Charles Lacey, present  
Deputy Mayor 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.

Regarding the Agenda, Mayor Lacey asked the City Commission, “Is there any objection to adopting the Agenda?” With no objections voiced, Mayor Lacey noted, “No objections, it stands Adopted.”

## AWARDS AND PRESENTATIONS

### AWARDS AND PRESENTATIONS

#### **100. Oviedo - Winter Springs Regional Chamber of Commerce**

#### **REQUEST:**

**The Oviedo-Winter Springs Regional Chamber of Commerce Request the Mayor and City Commission Receive A Presentation of the Winter Springs Festival of the Arts 2018 Poster.**

*Ms. Bridget Lake, President/CEO, Oviedo-Winter Springs Regional Chamber of Commerce, 376 North Central Avenue, Oviedo, Florida:* addressed the City Commission, thanked the City for their support of the 2018 OCTOBERFEST, and spoke of attendance, art categories, and a new scholarship program.

*Ms. Paige Grasso, Director of Sponsorships & Events, Oviedo-Winter Springs Regional Chamber of Commerce, 376 North Central Avenue, Oviedo, Florida:* also thanked the City and those who attended this event, and mentioned participation by children.

The 2018 OCTOBERFEST poster was then presented to the City of Winter Springs.

## **INFORMATIONAL AGENDA**

### **INFORMATIONAL**

#### **200. Community Development Department**

##### **REQUEST:**

The Community Development Department is advising the City Commission of the status of current development projects within the City.

##### **FISCAL IMPACT:**

There is no fiscal impact associated with this agenda item.

##### **COMMUNICATION EFFORTS:**

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##### **RECOMMENDATION:**

Staff recommends the City Commission receive and review the information provided.

This Agenda Item was not discussed.

### **INFORMATIONAL**

#### **201. Parks and Recreation Department**

##### **REQUEST:**

The Parks and Recreation Department wishes to provide the City Commission with our 2019 Community Events Calendar.

##### **FISCAL IMPACT:**

Funds are budgeted in FY19 line code 72-7400-510140 for Public Safety costs. Event costs are budgeted in program promotional accounts and sponsorships/donations/vendor fees are collected to cover these costs.

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**RECOMMENDATION:**

Staff recommends the City Commission receive and review the information provided in this Agenda Item.

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There was no discussion on this Agenda Item.

**PUBLIC INPUT**

*Mayor Lacey opened “Public Input”.*

No one spoke.

*Mayor Lacey closed “Public Input”.*

**CONSENT AGENDA**

**CONSENT**

**300. Community Development Department**

**REQUEST:**

The Community Development Department requesting the City Commission validate the Staff recommendation finding the Starbucks sitework to be built in substantial accordance with the Final Engineering plans, subject to the standard land development checklist.

**FISCAL IMPACT:**

There is no fiscal impact associated with this agenda item.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends that the City Commission validate the Staff recommendation finding the Starbucks sitework to be built in substantial accordance with the Final Engineering plans, subject to Staff review and approval of any open items on the standard land development checklist.

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No discussion.

**CONSENT****301. Community Development Department****REQUEST:**

The Community Development Department requesting City Commission approval of a Cross Seminole Trail Use Agreement with Seminole County for use of an existing unimproved City right-of-way for construction and maintenance of the Cross Seminole Trail between SR 419 and Old Sanford-Oviedo Road.

**FISCAL IMPACT:**

The Trail Use Agreement has no direct fiscal impact. The completion of the Cross Seminole Trail in Winter Springs provides a long-term recreational and economic enhancement.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission approve a Cross Seminole Trail Use Agreement with Seminole County for use of an existing unimproved City right-of-way for construction and maintenance of the Cross Seminole Trail between SR 419 and Old Sanford-Oviedo Road, and authorize the City Attorney and City Manager to prepare and execute any and all applicable documents.

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This Agenda Item was not discussed.

**CONSENT**

**302. Community Development Department**

**REQUEST:**

The Community Development Department requesting City Commission approval to award a construction contract to Atlantic Civil Constructors in the amount of \$613,658.38, plus a 10% contingency, for the construction of the Town Center Parking and Infrastructure Improvements Project, ITB #06-18-BS.

**FISCAL IMPACT:**

The construction project cost is \$613,658.38 plus a 10% contingency for a total construction authorization of \$675,024.22. The project is funded by the Infrastructure Surtax Fund (One Cent Sales Tax).

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission authorize entering into an agreement with Atlantic Civil Constructors Corporation for construction of the Town Center Parking and Infrastructure Improvements Project, ITB #06-18-BS, in the amount of \$613,658.38 plus a 10% contingency, and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

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No discussion.

CONSENT

**303. Utility Department**

**REQUEST:**

The Utility Department requesting City Commission approval to award a contract to Precon Corporation in the amount of \$84,000.00 plus a 20% contingency to make repairs to the 1.0 million gallon (MG) ground storage tank at Water Treatment Plant #1 located on 851 Northern Way.

**FISCAL IMPACT:**

Funding is appropriated in the Utility Enterprise Fund Construction in Progress (CIP) line code for ground storage tank repairs at Water Treatment Plant #1 in FY2019. The amount requested for the repairs (\$84,000.00 plus 20% contingency) will be paid from this fund.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission authorize Precon Corporation to perform the ground storage tank repairs at Water Treatment Plant #1 for \$84,000.00 plus a 20% contingency, and authorize the City Manager and City Attorney to prepare and execute any and all applicable documents.

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There was no discussion on this Agenda Item.

CONSENT

**304. Office of the City Clerk**

**REQUEST:**

The City Clerk is requesting the City Commission Review and Approve the Monday, November 19, 2018 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, November 19, 2018 City Commission Regular Meeting Minutes.

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This Agenda Item was not discussed.

**“MOTION TO APPROVE [THE CONSENT AGENDA].” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.**

**VOTE:**

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

**PUBLIC HEARINGS AGENDA**

**PUBLIC HEARINGS**

**400. Office of the City Manager**

**REQUEST:**

At the request of the City Commission, the City Attorney and City Manager recommend that the City Commission consider, at its discretion, passing proposed Ordinance No. 2018-08 on First Reading amending the start time for regular City Commission meetings to 6:30 p.m.

**FISCAL IMPACT:**

There is no direct fiscal impact related to the adoption of the Ordinance other than staff and attorney time to prepare the Ordinance.



**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends that the City Commission consider, at its discretion, passing proposed Ordinance No. 2018-08 on First Reading amending the start time for regular City Commission meetings to 6:30 p.m.

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Mayor Lacey asked for a Motion to read Ordinance 2018-08 by “Title” only.

**“SO MOVED.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KENDRICK. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

City Attorney Anthony A. Garganese read Ordinance 2018-08 by “Title” only.

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

No one spoke.

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

**“MOTION TO APPROVE ORDINANCE 2018-08 ON FIRST READING AMENDING THE START TIME FOR CITY COMMISSION MEETINGS TO 6:30 P.M.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE:**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER HALE: AYE**

**COMMISSIONER HOVEY: NAY**

**COMMISSIONER JOHNSON: AYE**

**COMMISSIONER KENDRICK: AYE**

**MOTION CARRIED.**

Mayor Lacey pointed out that this was the “First Reading of the Ordinance. It will come back for Second Reading at the first meeting in January and then once that is approved, the meeting start time will change; so the next meeting in January will still start at the time of 5:15 [p.m.]”

**PUBLIC HEARINGS**

**401. 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 limited to 15 apartment units in the live-work community format as represented in the application, and that this condition be documented in a Developer's Agreement.**

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Mr. Brian Fields, P.E., Director, Community Development Department gave an overview of this Agenda Item.

*Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida:* introduced himself to the City Commission.

*Mr. John Iriye, 150 Tuskawilla Road, Winter Springs, Florida:* also introduced himself.

Mr. Partyka spoke of the Town Center Code, the overall plan for this project, and referenced some of the renderings that were part of this Agenda Item.

Mr. Iriye pointed out, “The Master Plan for the Town Center was partially borrowed from the Baldwin Park live-work concept and one of the things that was learned out of that project, was that there’s a central tendency in these live-work neighborhoods, these new urban downtowns, for reversion to residential use. So, at various points through the development cycle, there are going to be times when the commercial uses are going to far outnumber the residential uses and there are going to be other times when residential uses are going to be larger; and so, the whole concept, and it’s written into the Code, it says, the design is flexible and versatile.

And that’s what we’ve done here with these live-work units, so that each of these suites can be separately used as a residence, and because we had them designed where there is a separate entrance into a private office in there, it can be used as a professional office suite with a back office support section, - without having to modify the layout or design. So, that makes it completely flexible on the suites.

Now, on one of the sides, we have a downstairs where there’s a large conference room as well as individual office spaces so people can have their businesses. They may be operating them, they may not need a conference room full-time, and that’s sort of the design here. Separate individual offices - there are going to be some that are going to be always available for the hourly usage and alternatively, people can come in and do monthly rent for the individual offices.”

Referencing the Town Center concept, Mr. Partyka stated, “What better way to start with a couple of nice buildings, two (2) stories, and maybe five (5) years from now, ten (10), fifteen (15) years from now when the business warrants it, so maybe it might be a five (5) story if it’s successful, which hopefully it will be. So, at this point of time with the things that we’ve said, it’s supposed to be from an intensity standpoint, it could be substantially bigger, larger, but at this point in time, all we’re doing is two (2) stories, two (2) buildings, 20,000 feet.” Remarks followed.

Mr. Partyka continued, “In terms of intensity of use, minimal intensity at this point in time, and its consistent and compatible with the surrounding properties and most importantly, it fits the Town Center concept to a ‘t’.”

Deputy Mayor Kevin Cannon referenced comments by Mr. Iriye regarding “flexible and versatile”, and inquired, “Would that include that the office space would suddenly or could suddenly become residential?”

Mr. Iriye responded, “I don’t see how that would work, I would have to make substantial modifications. There’s no kitchens or anything like that in the office suite area. I mean I’d have to do a major...” Deputy Mayor Cannon noted, “...There was discussion on reversion to residential.” Mr. Iriye said, “In the office suites, I mean I can’t see how - it’s not built out at all to do that. What I was talking about was the individual apartment suites; those over time are likely to become all commercial units and so those may go back and forth, just because they’re designed so that they can be flexible, but the individual offices on the other side, there’s no practical way to do that.”

Furthermore, Deputy Mayor Cannon referenced Mr. Partyka's comment about a five (5) story complex, to which Mr. Partyka stated, "I said potentially, depending on how the business is, five (5), ten (10), fifteen (15) years from now. Who knows, we may come back, whoever that person may be and say, 'everybody is happy the way things are going, it's successful, this may be another way of providing a little bit more intensity or density', but that won't even be an issue because you have to go through the whole process again and won't even be a play until some future time, if any."

Deputy Mayor Cannon then inquired about a Development Agreement to accompany the Special Exception. Mr. Fields remarked, "Staff's recommendation is that if the Commission were so inclined to approve this and perhaps with any conditions is that it's subject to memorializing that in a Developer's Agreement."

Commissioner Geoff Kendrick asked about parking and inquired, "Is it going to be all built out concurrent with what you are proposing here?" Mr. Partyka responded, "That's correct. It meets all the standards and we've already had a parking study done." Commissioner Kendrick then mentioned negotiations related to the cross easement. Mr. Fields stated, "Staff has not contacted the owner and specifically asked about that."

Remarks continued on the number of units planned for this project and parking

Commissioner Ted Johnson mentioned Avalon Park, and asked if there were any proposed tenants for this project. Discussion followed on this concept, residents driving demand, and the master lease for Publix, to which Mr. Iriye said that Publix does not control his property. Mr. Partyka added, "We have no one giving any options to have a say on this property at this point in time."

Special Exceptions and a Development Agreement were further addressed. Mr. Iriye then stated, "I was not asked to negotiate a Developer's Agreement. If they had asked me, I would have done that."

Discussion followed on this proposed project, Zoning, how many apartment units were currently in the works in the City, school capacity, and apartments in the Central Florida area.

Regarding the Special Exception, Commissioner Jean Hovey asked Attorney Garganese, "Is there any reason with a Motion why we couldn't include that the Special Exception only pertains to the landowner now; that if it doesn't go through and it is sold, that it wouldn't travel to the next owner."

With further comments, Attorney Garganese suggested, "For example, if the Applicant in this case - the condition is to have a Development Agreement, then certainly you can impose a condition on a preliminary approval that requires the Applicant to negotiate the terms and conditions of a Development Agreement to be subsequently approved by the Commission."

Attorney Garganese added, "In this case, the Special Exception is for multi-family - if you want to tie it to this specific project, then a condition needs to be imposed on that approval. Historically, those types of conditions have been imposed by the City Commission by Development Agreement. At the very least, that condition would need to be artfully presented in a Motion approved by the Commission."

Comments followed on school capacity levels, traffic, area apartment units, school enrollment, and Development Agreements.

Commissioner TiAnna Hale mentioned residents she had spoken to who were against apartments, that our Comprehensive Plan needs to be reviewed thus suggested this matter be Tabled for a while and thought a Visioning Workshop would be helpful. Commissioner Hale then asked to see something in writing about other access being available for this project, should Tuskawilla Road and Blumberg Boulevard be closed down.

Next, Commissioner Johnson said he thought retail space would be more important in this location, and agreed with the recent comments about a review of the Comprehensive Plan as well as the Town Center District Code.

Discussion.

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

*Mr. James Evans, 217 Almaden Court, Winter Springs, Florida:* briefly said he would reserve his comments.

*Ms. Bobbie Demme-San Filippo, 108 View Point Place, Winter Springs, Florida:* thought the City Commission should not rush to make any exceptions, that a lot is currently in the works, and mentioned traffic and that she and her neighbors did not think this matter should be decided in haste.

*Ms. Brenda Lambie, 728 Glen Eagle Drive, Winter Springs, Florida:* said she was a Teacher working in a school portable, suggested a Town Hall be held regarding traffic, and thought the Winter Springs Town Center should have any vacant spaces filled first.

*Ms. Marie Cashion, 1529 Woodsglen Drive, Winter Springs, Florida:* asked where a similar office suites project had been built in the area, asked whether this proposed project would fill up, and did not think this proposed project should be rushed.

*Ms. Margaret Monique Paroline, 1688 Eagle Nest Circle, Winter Springs, Florida:* commented on how she has lived in the City of Winter Springs for many years, and although she likes Winter Park for a day, she prefers living in Winter Springs.

*Ms. Lynette Swigart, 122 Avery Lake Drive, Winter Springs, Florida:* noted that she has not been happy with past decisions, thought too many trees had been taken down with past projects and the Trail had changed, did not think the size of this project would become an issue, and liked the small town atmosphere of Winter Springs.

*Mr. John Hardy, 1412 Winter Wharf Lane, Winter Springs, Florida:* spoke of other housing projects that were in process, thought the City Commission should take their time to make a decision on this project, and did not think many homes had sold in the new Tuskawilla Crossings development thus far.

*Mr. Ralph Waterhouse, 314 Balfour Drive, Winter Springs, Florida:* agreed with others especially regarding the Trail, and spoke of the process to which he hoped it would be followed.

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

**“I MAKE A MOTION THAT WE POSTPONE CONSIDERATION OF THIS, ITEM ‘401’, UNTIL THE APPLICANT SITS DOWN WITH CITY STAFF UNDER 20-321. (c) (1) b. TO INCLUDE THE REASONABLE ADDITIONAL CONDITIONS, RESTRICTIONS, AND LIMITATIONS FOR THIS SPECIFIC PROJECT TO BE MEMORIALIZED IN A DEVELOPER’S AGREEMENT, AND THAT ONCE STAFF HAS COMPLETED THAT WITH THE APPLICANT WHO HAS INDICATED HIS WILLINGNESS TO DO SO, THAT WE BRING THIS BACK FOR CONSIDERATION, OF BOTH THE SPECIAL EXCEPTION AND THE DEVELOPMENT AGREEMENT AT THAT TIME.**

**AND ONE OF THE CONDITIONS THAT WE DON’T HAVE BEFORE US, AS I MENTIONED TO MR. FIELDS, IS THE CROSS EASEMENT FOR EGRESS/INGRESS FROM THE BACK OF THE PROPERTY AND THAT I THINK IS A GO/NO GO ITEM THAT WE NEED THAT BEFORE WE APPROVE THAT SPECIAL EXCEPTION – THAT ITEM IN ADDITION TO WHAT HAS BEEN REPRESENTED AS THIS SPECIFIC PROJECT, WITH BOTH RESIDENTIAL AND OFFICE SUITES.”**

**MAYOR LACEY SAID, “SO, IF THE COMMISSION ADOPTS THE MOTION AS STATED, IT WOULD BE DIRECTING STAFF AND THE APPLICANT TO ADDRESS THAT SPECIFIC ITEM.” DEPUTY MAYOR CANNON NOTED, “CORRECT.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**COMMISSIONER KENDRICK MENTIONED THIS WOULD INVOLVE ASKING THE PROPERTY OWNER TO GET SOMETHING WHICH THEY HAVE NO CONTROL OVER. DEPUTY MAYOR CANNON ADDED, “IF THEY COME BACK TO US AND THERE IS NO WAY TO GET A CROSS EASEMENT WORKED OUT, THEN WE WOULD TAKE THAT INTO CONSIDERATION AT THE MEETING THAT WE VOTE ON IT.”**

**ATTORNEY GARGANESE POINTED OUT THAT THERE WAS NO ADVERTISEMENT REQUIREMENT.**

**VOTE:**

**COMMISSIONER KENDRICK: NAY**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER HALE: AYE**

**COMMISSIONER HOVEY: NAY**

**COMMISSIONER JOHNSON: AYE**

**MOTION CARRIED.**

Mayor Lacey remarked, “I assume the Applicant understands what has transpired, work with Community Development Department in coming up with that and we would request it as soon as you can make it happen.”

## **REGULAR AGENDA**

### **REGULAR**

#### **500. Community Development Department**

##### **REQUEST:**

The Community Development Department is requesting that the City Commission make appointments to the seven member 2019 Districting Commission, pursuant to Section 4.02 of the Charter of the City of Winter Springs.

##### **FISCAL IMPACT:**

This agenda item is for making appointments to the 2019 Winter Springs Districting Commission and it has no fiscal impact.

##### **COMMUNICATION EFFORTS:**

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##### **RECOMMENDATION:**

Staff recommends the City Commission appoint the seven member Districting Commission, as set forth in the provisions of Section 4.02 of the City Charter.

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Mayor Lacey offered introductory comments on this Agenda Item.

**MOTION TO NOMINATE ZOLTAN "SKIP" AROCK. MOTION BY COMMISSIONER JOHNSON. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.**

##### **VOTE:**

**COMMISSIONER HALE: AYE**

**COMMISSIONER JOHNSON: AYE**

**COMMISSIONER KENDRICK: AYE**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER HOVEY: AYE**

**MOTION CARRIED**

Brief comments.

**MOTION TO NOMINATE MARY HOFFMAN-HUGHES. MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE:**

**COMMISSIONER HOVEY: AYE**

**COMMISSIONER KENDRICK: AYE**

**COMMISSIONER JOHNSON: AYE**

**COMMISSIONER HALE: AYE**

**DEPUTY MAYOR CANNON: AYE**

**MOTION CARRIED.**

**REGULAR**

**501. Office of the City Manager**

**REQUEST:**

**At the previous request of the City Commission, the City Attorney and City Manager recommend that the City Commission consider one specific provision of the City Commission Rules and Procedures which is codified in Section 2-27 (m)(2), City Code, and provide whatever direction the City Commission deems appropriate.**

**FISCAL IMPACT:**

**There is no direct fiscal impact related to this Agenda Item.**

**COMMUNICATION EFFORTS:**

**This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.**

**RECOMMENDATION:**

**Staff recommends that the City Commission consider the subject matter presented in this Agenda Item and provide whatever direction the City Commission deems appropriate.**

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Deputy Mayor Cannon began the discussion on this Agenda item.

Remarks followed that Elected Officials should have the ability to have something added to a City Commission Agenda for discussion, checks and balances, the Sunshine Law, and listening to constituents. Discussion.



**“THE MOTION WILL BE TO AMEND Sec. 2-27. (b) TO INSERT AFTER THE FIRST SENTENCE, ‘ANY ONE ELECTED OFFICIAL OF THE CITY SHALL HAVE THE RIGHT TO HAVE A MATTER PLACED ON THE REGULAR AGENDA OF A COMMISSION MEETING FOR TIMELY CONSIDERATION AND ACTION’; AND THE SECOND HALF OF THAT MOTION WILL BE TO AMEND 2-27. (m)(2), TO STRIKE THE LANGUAGE FOLLOWING ‘Reports.’, SPECIFICALLY TO STRIKE ‘but may, at its discretion and by majority vote, place such initiative on a subsequent city commission agenda for consideration.’” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE:**

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

Mayor Lacey noted that an Ordinance would be presented at the January 14<sup>th</sup>, 2019 City Commission meeting.

## **REPORTS**

**REPORTS**

**600. Office of the City Attorney – Anthony A. Garganese, Esquire**

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No Report.

**REPORTS**

**601. Office of the City Manager – Kevin L. Smith**

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No Report was given.

**REPORTS**

**602. Office of the City Clerk – Andrea Lorenzo-Luaces, MMC**

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No Report.

## REPORTS

**603. Office of the Mayor - The Honorable Charles Lacey**

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Mayor Lacey offered kudos to Mr. Chris Caldwell, Director, Parks and Recreation Department for the great Christmas Parade.

## REPORTS

**604. Office of Commissioner Seat One - The Honorable Jean Hovey**

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Commissioner Hovey thanked Mr. Caldwell and City Staff who worked during the Holiday Parade weekend.

Next, Commissioner Hovey commented on the clock in the back of the Commission Chambers.

Commissioner Hovey addressed Mr. Caldwell and asked if there could be a discussion on City Parks and related renovations at a future time, and noted this did not need to be done in January.

## REPORTS

**605. Office of Deputy Mayor/Commissioner Seat Two - The Honorable Kevin Cannon**

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Deputy Mayor Cannon also thought the Christmas Parade went well, and mentioned he liked the float.

Secondly, Deputy Mayor Cannon commended the JROTC (Junior Reserve Officers' Training Corps) from Winter Springs High School on being in the Pearl Harbor Memorial Parade and thought they should be recognized when they return.

Deputy Mayor Cannon mentioned the upcoming Scottish-Highland Games and suggested that a Proclamation in support of the event be issued.

Mayor Lacey asked the City Clerk if she could put a Proclamation together based on past versions. City Clerk Andrea Lorenzo-Luaces confirmed she would assist.

**“I WOULD LIKE TO MOVE TO DIRECT CITY STAFF TO WORK WITH THE CITY ATTORNEY TO PREPARE A MORATORIUM ORDINANCE ON THE CONSIDERATION APPROVAL OR AUTHORIZATION OF CONDITIONAL USES, SPECIAL EXCEPTIONS AND WAIVERS UNDER CHAPTER 20 OF THE CITY ZONING CODE IN THE R-3 MULTI[PLE]-FAMILY DWELLING, C-1 NEIGHBORHOOD COMMERCIAL, C-2 GENERAL COMMERCIAL, C-3 HIGHWAY 17-92 [COMMERCIAL], CC COMMERCE CENTER, I-1 [LIGHT] INDUSTRIAL, GREENEWAY INTERCHANGE, AND TOWN CENTER ZONING DISTRICTS.**

**THE MORATORIUM PERIOD SHALL EXTEND NO LATER THAN APRIL 30 OF 2019 WITH AN OPTION FOR THE CITY COMMISSION TO EXTEND THE MORATORIUM PERIOD FOR AN ADDITIONAL THREE (3) MONTHS IF THE EXTENSION IS NECESSARY TO COMPLETE THE AMENDMENTS TO THE ZONING CODE.**

**IN ADDITION, THE MORATORIUM ORDINANCE SHOULD BE PRESENTED TO THE CITY COMMISSION FOR CONSIDERATION AS SOON AS POSSIBLE AND WE NEED WORKSHOPS SCHEDULED BY THE CITY MANAGER AS SOON AS REASONABLE AND PRACTICAL TO PERMIT THE CITY COMMISSION TO TIMELY CONSIDER ADOPTING IMPROVEMENTS TO THOSE SPECIAL ZONING PERMIT REQUIREMENTS AND PROCEDURES.**

**AND ANTHONY (GARGANESE), IT WOULD NOT BE MY INTENTION TO HAVE THIS AFFECT MR. IRIYE OR HIS PROJECTS SINCE THAT APPLICATION IS ALREADY IN THE DOOR AND IT IS ALREADY WORKING ITS WAY THROUGH OUR PROCESS. THIS WOULD BE PROSPECTIVE – I HAVE HAD SO MANY DISCUSSIONS WITH RESIDENTS OF THIS CITY WITH CONCERNS ABOUT THESE ISSUES AND WE NEED TO HAVE SOME WORKSHOPS AND WE NEED TO GET THAT INPUT AND WE NEED TO SEE WHAT CAN BE DONE AND BE GUIDED ACCORDINGLY BY OUR CITY ATTORNEY.”**

**WITH FURTHER COMMENTS ON A MORATORIUM, ATTORNEY GARGANESE STATED, “FOR THIS PARTICULAR MATTER, YES, IT WOULD REQUIRE AN ORDINANCE, AND THE ADVERTISEMENTS WOULD HAVE TO BE JUST LIKE ANY OTHER ZONING ORDINANCE AND BE PUBLICLY NOTICED.”**

**DEPUTY MAYOR CANNON ADDED, “WE NEED TO FINE TUNE THIS MAYOR, WE NEED TO REALLY LOOK AT THIS CAREFULLY AND CONSIDER AFTER WORKSHOPS AND FURTHER GUIDANCE FROM OUR CITY ATTORNEY, WHAT CHANGES ARE APPROPRIATE, WHAT ARE NOT APPROPRIATE, AND THAT IS THE PURPOSE OF THE WORKSHOPS AND THAT IS THE PURPOSE OF THIS MOTION, AND I DON’T WANT TO DRAG THIS OUT FOR AN EXTENDED PERIOD BECAUSE I DON’T THINK THAT IS APPROPRIATE.**

**I THINK AS I HAVE INDICATED, IT WOULD BE NO LATER THAN APRIL 30<sup>TH</sup> AND THEN AFTER WORKSHOPS, IF WE FEEL, ONLY IF WE FEEL AS A COMMISSION IT NEEDS TO BE EXTENDED, WE COULD. BUT I WOULD HOPE WE DON’T NEED TO AND I WOULD HOPE WE COULD LOOK AT THIS CAREFULLY, EVEN BEFORE THEN, THAT DEADLINE.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.**

*Mayor Lacey opened “Public Input”*

*Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida: thought Moratoriums close a city down for business and did not think such was necessary.*

*Ms. Bobbie Demme-San Filippo, 108 View Point Place, Winter Springs, Florida:* encouraged the City Commission to support this suggested Moratorium.

*Mr. James Evans, 217 Almaden Court, Winter Springs, Florida:* agreed with what Mr. Paul Partyka said regarding a Moratorium, inquired as to what the goal was in terms of changing Zoning laws, and pointed out that he was in favor of Workshops.

**“I WOULD LIKE THE CITY COMMISSION TO CONDUCT A WORKSHOP AND CONSIDER ADOPTING IMPROVEMENTS TO WHAT WE HAVE AS EXISTING LANGUAGE IN OUR LAND DEVELOPMENT REGULATIONS FOR THESE SPECIAL ZONING PERMIT REQUIREMENTS, SPECIFICALLY THE APPLICATION AND SUBMITTAL REQUIREMENTS FOR EXAMPLE BUT NOT LIMITATION, HAVING SPECIAL EXCEPTIONS OR CONDITIONAL USES TRAVEL CONCURRENTLY WITH A DEVELOPMENT AGREEMENT, AS WE HAD MUCH DISCUSSION ON TONIGHT.**

**AND THE LIST OF CONDITIONAL USES, SPECIAL EXCEPTIONS, AND WAIVERS, CURRENTLY ALLOWED IN WHAT I SAID PREVIOUSLY, WHICH WAS NOT THE ENTIRE CITY BUT JUST THE DISCREET R-3 MULTI[PLE]-FAMILY DWELLING, C-1 NEIGHBORHOOD COMMERCIAL, C-2 GENERAL COMMERCIAL, C-3 HIGHWAY 17-92 [COMMERCIAL], CC COMMERCE CENTER, AND I-1 [LIGHT] INDUSTRIAL, GREENEWAY INTERCHANGE, AND THE TOWN CENTER ZONING DISTRICTS.**

**IN ADDITION, SINCE THE TOWN CENTER DISTRICT CODE WAS ADOPTED ALMOST TWENTY (20) YEARS AGO, THE TOWN CENTER HAS MAINTAINED ITS OWN SEPARATE REQUIREMENTS AND PROCEDURES FOR SOME OF THESE SPECIAL ZONING PERMITS THAT ARE DIFFERENT FROM THE REQUIREMENTS THAT WE FOLLOW FOR OTHER CITY ZONING DISTRICTS. FOR EXAMPLE, IN THE TOWN CENTER CODE IT REFERS TO SPECIAL EXCEPTIONS; IN THE OTHER AREAS OF ZONING, THEY ARE CALLED CONDITIONAL USES.**

**ALTHOUGH THESE DIFFERENT REQUIREMENTS AND PROCEDURES MAY HAVE BEEN NECESSARY WHEN THE TOWN CENTER WAS IN ITS’ INFANCY TWENTY (20) YEARS AGO, I BELIEVE AT THIS TIME IT WOULD BE A GOOD IDEA FOR CITY ADMINISTRATIVE PURPOSES AND FOR THE BENEFIT OF FUTURE APPLICANTS TO STREAMLINE AND CONSOLIDATE THE TOWN CENTER SPECIAL ZONING PERMIT REQUIREMENTS WITH THOSE OF THE GENERAL SPECIAL ZONING PERMIT REQUIREMENTS APPLICABLE TO THE REST OF THE CITY. HAVING ONE SET OF SPECIAL ZONING PERMIT PROCEDURES WILL BE LESS CONFUSING AND MORE EFFICIENT FOR CITY STAFF AND APPLICANTS, IN MY OPINION.**

**DURING THE WORKSHOP, THE CITY COMMISSION SHOULD CONSIDER CONSOLIDATING THE TOWN CENTER REQUIREMENTS AND PROCEDURES FOR SPECIAL ZONING PERMITS WITH THE CITY SIMILAR TO GENERAL ZONING PERMIT REQUIREMENTS AND PROCEDURES; THAT IS, CONDITIONAL USES, WHICH IS THROUGHOUT THE REST OF THE CITY AND WHAT WE CALL SPECIAL EXCEPTIONS WITHIN THE TOWN CENTER.**

**LASTLY, I WANT TO SPECIFICALLY NOTE THAT I DID NOT INCLUDE ZONING VARIANCES IN MY REQUEST FOR A MORATORIUM. A ZONING VARIANCE REQUEST IS RESERVED FOR THOSE RARE INSTANCES WHERE SPECIAL CIRCUMSTANCES OR HARDSHIPS AFFECT THE LAND AND A PROPERTY OWNER CAN DEMONSTRATE THAT APPLYING THE CODE AS WRITTEN CAUSES AN UNNECESSARY AND UNDUE LEGAL HARDSHIP. SO, I THINK THIS IS BEING FAIR TO ALL CONCERNED.**

**VARIANCES ARE INTENDED TO BE A RELIEF VALVE TO PRVENT LEGAL HARDSHIPS IN RARE CASES AND I DO NOT BELIEVE IT IS NECESSARY TO IMPOSE A MORATORIUM ON VARIANCE REQUESTS AND THAT THAT RELIEF VALVE SHOULD REMAIN AVAILABLE. HOWEVER, DURING THE REQUESTED WORKSHOP, I WOULD ALSO LIKE FOR THE CITY COMMISSION TO CONSIDER WHETHER WE CAN IMPROVE ANY OF THE VARIANCE REQUIREMENTS OR PROCEDURES AS WELL, ALTHOUGH I DON'T WANT TO STOP THAT."**

*Mayor Lacey closed "Public Input"*

**COMMISSIONER KENDRICK SUGGESTED THIS BE FURTHER ADDRESSED AT A FUTURE MEETING, OR PERHAPS IN A WORKSHOP WITH MORE INFORMATION INCLUDING MAPS TO SHOW HOW MANY PARCELS WOULD BE INVOLVED, AND TO PROVIDE MORE DETAILS.**

**VOTE:**

**COMMISSIONER HOVEY: NAY**

**COMMISSIONER HALE: AYE**

**COMMISSIONER JOHNSON: AYE**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER KENDRICK: NAY**

**MOTION CARRIED**

Concluding this matter, Attorney Garganese said, "I will prepare an Ordinance and you all can take a look at it, at the next meeting."

Deputy Mayor Cannon then spoke on a previous discussion on Arbor issues and mentioned loss of trees, tree canopy, clear-cutting with development, and the City's status as a "Tree City".

**FURTHERMORE, DEPUTY MAYOR CANNON STATED, "WE NEED TO MOVE FORWARD WITH A WORKSHOP – ADOPTING IMPROVEMENTS TO THE CITY'S TREE ORDINANCE AND I WOULD LIKE THE CITY COMMISSION TO DIRECT CITY STAFF TO WORK WITH THE CITY ATTORNEY TO PREPARE A TEMPORARY MORATORIUM ORDINANCE AGAINST THE CUTTING AND KILLING OF TREES UNTIL THE CITY'S TREE ORDINANCE CAN BE AMENDED TO PROVIDE BETTER PROTECTION.**

**NOW LET ME BE SPECIFIC IN MY MOTION. THE MOTION IS TO DIRECT CITY STAFF TO WORK WITH THE CITY ATTORNEY TO PREPARE A MORATORIUM ORDINANCE AGAINST THE REMOVAL OR KILLING OF TREES ASSOCIATED WITH ANY NEW RESIDENTIAL SUBDIVISION OF THREE (3) LOTS OR GREATER, MULTI-FAMILY PROJECTS, AND COMMERCIAL, INDUSTRIAL, OR MIXED-USE PROJECTS UNTIL THE CITY'S EXISTING TREE ORDINANCE CAN BE AMENDED TO PROVIDE BETTER PROTECTIONS OR AT LEAST WORKSHOP TO EVALUATE CAN BETTER PROTECTIONS BE ASCERTAINED.**

**THERE WILL BE A SPECIFIC EXCEPTION THAT TREE REMOVAL SHALL STILL BE ALLOWED DURING THE MORATORIUM PERIOD FOR DANGEROUS OR HAZARDOUS TREES, TREES ON EXISTING DEVELOPMENT WITH AN EXISTING PERMIT ISSUED BY THE CITY. TREE REMOVAL AUTHORIZED DURING THE MORATORIUM PERIOD WILL BE IN ACCORDANCE WITH THE CITY'S EXISTING TREE ORDINANCE.**

**THE MORATORIUM PERIOD SHALL NOT EXTEND ANY LATER THAN APRIL 30, 2019 WITH AN OPTION FOR THE CITY COMMISSION TO EXTEND THE MORATORIUM PERIOD FOR AN ADDITIONAL THREE (3) MONTHS IF THAT EXTENSION IS NECESSARY TO COMPLETE THE AMENDMENTS TO THE TREE ORDINANCE. IN ADDITION - THE MORATORIUM ORDINANCE SHOULD BE PRESENTED TO THE CITY COMMISSION FOR CONSIDERATION AS SOON AS POSSIBLE. I KNOW A LOT OF THAT WORK HAS ALREADY BEEN DONE I BELIEVE BY CITY STAFF.**

**THE WORKSHOP SHOULD BE SCHEDULED BY THE CITY MANAGER AS SOON AS PRACTICAL TO PERMIT THE CITY COMMISSION TO TIMELY CONSIDER ADOPTING IMPROVEMENTS TO THE CITY'S TREE ORDINANCE PRIOR TO THE EXPIRATION OF THE MORATORIUM AND AS WITH THE OTHER, THIS WOULD NOT BE INTENDED TO APPLY TO AN IN THE DOOR APPLICATION SUCH AS THAT OF MR. IRIYE.**

**THIS IS AN AREA OF CONCERN THAT I HAVE HEARD FROM ONE SIDE OF THIS CITY TO THE OTHER, AND WE OWE IT TO THE RESIDENTS TO TAP THE BRAKES ON THE VERY LIMITED SCOPE AS I HAVE OUTLINED IN THE MOTION; AND TO WORKSHOP THIS, I WOULD SUGGEST IF STAFF IS IN AGREEMENT, THAT WE WORKSHOP BOTH ISSUES CONCURRENTLY AT THE SAME WORKSHOP BECAUSE THEY DO OVERLAP QUITE A BIT OBVIOUSLY, AND PROVIDE THE OPPORTUNITY FOR THE RESIDENTS TO COME IN AND TO ADDRESS THIS ISSUE WITH US.” MOTION BY DEPUTY MAYOR CANNON.**

**MOTION DIED FOR LACK OF A SECOND.**

#### **REPORTS**

**606. Office of Commissioner Seat Three – The Honorable Ted Johnson**

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Commissioner Johnson applauded Mr. Caldwell regarding the weather for the Holiday Parade.

Next, Commissioner Johnson thought it had been some time since the Town Center concept had been addressed and thought this should be revisited.

Commissioner Johnson mentioned sidewalks around the City and hoped there was a plan in place to inspect them.

#### REPORTS

#### **607. Office of Commissioner Seat Four – The Honorable TiAnna Hale**

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Commissioner Hale agreed that the Christmas event and parade turned out great.

Next, Commissioner Hale spoke of a recent tour she took of Water Plant 1 and noted what a super job City Staff does to keep residents safe.

Commissioner Hale noted that she went to the Senior Center Holiday party which was very well attended by the community.

Continuing with her Report, Commissioner Hale commented about the Winter Springs High School's JROTC (Junior Reserve Officers' Training Corps) participation in the Pearl Harbor Memorial Parade and added that the local VFW (Veterans of Foreign Wars of the United States) had raised ten thousand dollars (\$10,000.00) to assist.

Referencing a discussion on Zoning from a March 2018 City Commission Regular Meeting, Commissioner Hale suggested the City Commission might want to Table that matter.

Commissioner Hale mentioned the Elizabeth Dole Foundations' "Hidden Heroes" program and passed out information on this to the City Commission. Commissioner Hale asked if the City would issue a Resolution in support of the City of Winter Springs becoming a "Hidden Heroes" city.

**"IT WOULD SAY THAT THE CITY OF WINTER SPRINGS HAS BECOME A 'HIDDEN HEROES' CITY IN SUPPORT OF MILITARY AND VETERAN CAREGIVERS AND I JUST THINK IT WOULD BE REALLY NICE FOR US AS A CITY TO EMBRACE OUR VETERANS' CAREGIVERS."**

**MAYOR LACEY SUMMARIZED, "IS THAT A MOTION TO PASS THIS RESOLUTION SUBSTITUTING THE CITY OF WINTER SPRINGS FOR THE CITY." COMMISISONER HALE STATED, YES." MOTION BY COMMISSIONER HALE. SECONDED BY DEPUTY MAYOR CANNON. DISCUSSION.**

**MAYOR LACEY ADDED, "TO PASS THE RESOLUTION [NUMBER 2018-25] WHICH I THINK THE COMMISSION DESCRIBED IT AS A TWO (2) PAGE RESOLUTION THAT WILL BE AVAILABLE ON OUR WEBSITE ONCE WE PASS IT."**

*Mayor Lacey opened “Public Input”.*

*Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida:* noted that this was a good idea and thought that anything we could do to honor Veterans and their Caregivers should be done.

*Mayor Lacey closed “Public Input”.*

**VOTE:**

**COMMISSIONER KENDRICK: AYE**

**COMMISSIONER JOHNSON: AYE**

**COMMISSIONER HALE: AYE**

**DEPUTY MAYOR CANNON: AYE**

**COMMISSIONER HOVEY: AYE**

**MOTION CARRIED**

Resolution Number 2018-25 designating the City of Winter Springs as a “Hidden Heroes” city was approved; and Commissioner Hale offered her thanks to the Mayor and City Commission.

**REPORTS**

**608. Office of Commissioner Seat Five - The Honorable Geoff Kendrick**

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Commissioner Kendrick thanked Mr. Caldwell on the recent Holiday Parade and mentioned that he liked the float idea.

Next, Commissioner Kendrick asked for the Commission’s support to have biographies of each of the Elected Officials on the City’s website.

Commissioner Kendrick referenced Commissioner Johnson’s comments on City sidewalks and any potential sidewalk problems or any other issues and said that when Commissioners let the City Manager know about any problems, such issues will get taken care of.

Continuing his Report, Commissioner Kendrick thanked Mr. Bart Phillips and his wife for the property they gave which will provide a connection to the Trail.

Lastly, Commissioner Kendrick mentioned his involvement through the Florida League of Cities regarding “Airbnb” businesses, that this is an issue for local governments, how helpful it would be if they could lobby Legislators, and Commissioner Kendrick would appreciate everyone’s support on this.

Further remarks ensued on the Florida Legislature, preemptions, and vacation rentals.



## **PUBLIC INPUT**

*Mayor Lacey opened "Public Input".*

*Mr. Michael Burns, 1095 Cheyenne Trail, Winter Springs, Florida:* spoke of trees, food sources and travel patterns of bears, and wanted residents to be aware of bears and keeping children out of harm's way.

*Mr. Maurice Kaprow, Post Office Box 195233, Winter Springs, Florida:* thanked those on the dais, and City Staff for the work they did over the year, and wished everyone Happy Holidays.

*Mayor Lacey closed "Public Input".*

## **ADJOURNMENT**

Mayor Lacey adjourned the Regular Meeting at 8:03 p.m.

*RESPECTFULLY SUBMITTED:*



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ANDREA LORENZO-LUACES, MMC  
CITY CLERK

*APPROVED:*



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MAYOR CHARLES LACEY