



# **CITY COMMISSION**

## **REGULAR MEETING AGENDA**

**MONDAY, JANUARY 23, 2023 - 6:30 PM**

CITY HALL - COMMISSION CHAMBERS

1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## **CALL TO ORDER**

Roll Call

Invocation

Pledge of Allegiance

Agenda Changes

## **AWARDS AND PRESENTATIONS**

- 100. Recognition of 2022 Hometown Hero
- 101. Recognizing the Retirement of Sergeant Allison Smith  
[Resolution 2023-02 Recognizing Retirement of Sergeant Allison Smith.pdf](#)

## **INFORMATIONAL AGENDA**

- 200. Not Used

## **PUBLIC INPUT**

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## **CONSENT AGENDA**

- 300. Resolution No. 2023-05 Extending the Declaration of Local Emergency related to Ongoing Hurricane Ian Recovery  
[Resolution 2023-05 Extending Declaration of Emergency.pdf](#)
- 301. Review and Approval of Roadway & Drainage Expenditures Approved by the City Manager as Authorized by the City's Emergency Orders Related to Hurricane Ian  
[Hurricane Ian Roadway-Drainage POs.pdf](#)
- 302. Approval of the Minutes from the Monday, October 3, 2022 City Commission Special Meeting  
[2022 10 03 Commission Special Meeting Minutes.pdf](#)
- 303. Approval of the Minutes from the Monday, December 12, 2022 City Commission Regular Meeting  
[2022 12 12 Commission Regular Meeting Minutes.pdf](#)
- 304. Approval of the Minutes from the Monday, January 9, 2023 City Commission Special Meeting  
[2023 01 09 Commission Regular Meeting Minutes.pdf](#)



## **PUBLIC HEARINGS AGENDA**

400. Second Reading and Adoption of Ordinance 2022-11 amending Chapter 20, Zoning, to regulate self-service storage facilities and allow them as a conditional use in certain zoning districts, provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities.  
[Ordinance 2022-11 Self-Service Storage Facilities.pdf](#)  
[2022 12 26 Ordinance 2022-11 \(Second Reading\).pdf](#)

## **REGULAR AGENDA**

500. Consideration of Presenting Kevin Cannon with a Key to the City  
[List of Qualifications.pdf](#)
501. Extension of Permitting Fee Waivers Related to Hurricane Ian  
[Resolution 2022-29 Temporarily Suspending Portions of Section 20-431 \(Recreational Vehicles as Living Quarters in Residential Zoning\).pdf](#)  
[Resolution 2022-32 Temporarily Suspending Enforcement of Certain Time Restrictions under Sec 6-87, City Code - Temporary Storage Structures & Roll-Off Dumpsters.pdf](#)  
[Resolution 2023-03 - Temporarily Suspending Recreational Vehicle Use 20-431.pdf](#)  
[Resolution 2023-04 - Suspending Enforcement of 6-87 - 01.23.2023.pdf](#)  
[Resolution 2023-06 Waiving Building Permit Fees Hurricane Repairs.pdf](#)
502. Design and Performance of Stormwater Management Systems - Part 2 Briefing  
[Commission Briefing Part 2\\_2023-01-13.pdf](#)
503. Appointment of City Chaplain for 2023  
[Resolution 2022-27 Creation of Voluntary City Chaplain Position.pdf](#)  
[Dixon, Jeff Application.PDF](#)  
[Melhorn, Bob Application - 2022 12 22.pdf](#)  
[Stewart, Kyle Application.pdf](#)
504. Appointment Opportunities for City Boards and Committees
505. Discussion on Chapter 2, Article II, Sections 2-27; 2-28; and 2-29, City Code - Rules and Procedures of the City Commission  
[Winter Springs, FL Code of Ordinances \(Chapter 2, Article II\).pdf](#)
506. New Business

## **REPORTS**

600. City Manager Shawn Boyle

- 601. City Attorney Anthony A. Garganese
- 602. City Clerk Christian Gowan
- 603. Seat Four Commissioner Cade Resnick
- 604. Seat Five Commissioner/Deputy Mayor Rob Elliott
- 605. Mayor Kevin McCann
- 606. Seat One Commissioner Matt Benton
- 607. Seat Two Commissioner Victoria Colangelo
- 608. Seat Three Commissioner Ted Johnson

## **PUBLIC INPUT**

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## **ADJOURNMENT**

## **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based" - per Section 286.0105 *Florida Statutes*.



# AWARDS AND PRESENTATIONS ITEM 100

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

## **TITLE**

Recognition of 2022 Hometown Hero

## **SUMMARY**

## **RECOMMENDATION**

Staff recommends the Commission celebrate and recognize the Hometown Hero.



# AWARDS AND PRESENTATIONS ITEM 101

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

## TITLE

Recognizing the Retirement of Sergeant Allison Smith

## SUMMARY

Sergeant Smith began her career in September 1991 as a dispatcher for the police department. By December 1996, Sergeant Smith was offered a job as a full-time police officer. Since then, she has become an instrumental asset to the agency. Sgt. Smith has shown her dedication and passion for this agency that is beyond anyone's imagination. Her ability to connect not only with her peers and subordinates but also with the community has been nothing but inspiring.

Her file is filled with thousands of hours of training certificates, countless letters of accolades and commendations, and many awards and medals. Sgt. Smith is a been there done that type of person. She has been an instrumental part of our community relations division, communications division, patrol division, and most recently, a nighttime supervisor in patrol.

Sgt. Smith has often been referred to as mother bear, not because she has the temperament of a bear and wants to rip you apart. It is because she is the leader of the sleuth. She is a mentor, a teacher, corrects when necessary, and is simply there for her people. Through good and bad, Sgt. Smith has been looked at for advice. She is the calming voice when you need it most. She is always trying ways to make things even better.

Sgt. Smith earned her Florida-certified crime prevention practitioner designation and was recognized by then-Governor Crist. She was the SWAT team's first assigned scribe. She was there for training, deployments, and callouts. Her documentation aided in prosecution of many high-profile, high-risk incidents over the years. In addition, her passion led her to become one of the first instructors for the Rape Aggression Defense System and has taught self defense to many of our female residents. You made so many more contributions, and I apologize for not recognizing every one of them.

You can sit back, look at what Sgt. Smith has done, and be inspired. She is a

warrior fighter from the beginning to the end.

The police department will surely miss her. Sgt. Smith, for over thirty-one years, you served this community with honor and dignity. You have touched so many lives of the employees and countless lives of those in this community. I am glad to have worked next to you. We all wish you the best of luck in retirement. We love you and will miss you.

### **RECOMMENDATION**

Staff recommends the Mayor and City Commission present Sergeant Allison Smith with her retirement resolution.

# RESOLUTION 2023-02

A RESOLUTION OF THE CITY OF WINTER SPRINGS, FLORIDA RECOGNIZING SERGEANT ALLISON SMITH FOR HER 31 YEARS OF DEDICATED SERVICE AS AN EMPLOYEE OF THE CITY OF WINTER SPRINGS; AND EXPRESSING OUR APPRECIATION ON BEHALF OF THE CITIZENS OF THE CITY OF WINTER SPRINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

*Whereas*, Sergeant Smith has provided the residents of the City of Winter Springs with over 31 years of exceptional, dedicated and distinguished service since joining the Police Department in September 1991 as a dispatcher; and

*Whereas*, Sergeant Smith has served with the police department with professionalism, pride, dedication, and commitment in numerous vital roles within the agency; and

*Whereas*, Sergeant Smith has earned thousands of hours of rigorous advanced and specialized training, as well as countless commendations, awards, and medals for her service; and

*Whereas*, Sergeant Smith has served as a model for other officers and that has garnered accolades and ongoing accreditation for the police department.

**Now therefore**, be it Resolved by the City Commission of the City of Winter Springs, Florida as follows:

**Section I** – Upon the occasion of Sergeant Allison Smith's retirement, the Mayor and Commission, City Manager, and City Staff, wish to recognize and honor her for her excellent level of distinguished service to the residents of Winter Springs through her 30+ years of exemplary service.

**Section II** – That the Resolution commending the services of Sergeant Smith be recorded upon the official Public Records and Minutes of the City Commission of the City of Winter Springs, Florida.

**Section III** – That a copy of the Resolution be forwarded to Sergeant Smith with our sincerest and heartfelt thanks and appreciation for her numerous and valued important contributions.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE  
CITY OF WINTER SPRINGS, FLORIDA IN A REGULAR MEETING  
ASSEMBLED ON JANUARY 9, 2023

*In witness whereof I have hereunto by my hand and caused the seal to be affixed.*



Kevin McCann, Mayor

ATTEST:

  
City Clerk



Kevin McCann  
Mayor

Matt Benton  
Commissioner

Victoria Colangelo  
Commissioner

Ted Johnson  
Commissioner

Cade Resnick  
Commissioner

Rob Elliott  
Commissioner







## CONSENT AGENDA ITEM 300

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### TITLE

Resolution No. 2023-05 Extending the Declaration of Local Emergency related to Ongoing Hurricane Ian Recovery

### SUMMARY

Since Mayor McCann signed a Declaration of Local Emergency on November 8, 2022 related to Hurricane Ian pursuant to Section 4.05, City Charter and Section 2-255, City Code, the City Commission has maintained the declaration of emergency in effect in increments of seven (7) days to facilitate the City's ongoing recovery efforts. The proposed resolution retroactively extends the declaration of emergency through January 23, 2023.

### RECOMMENDATION

Staff recommends the City Commission consider and approve Resolution 2023-05 extending the Declaration of Local Emergency related to Ongoing Hurricane Ian Recovery.



## **RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, EXTENDING THE DECLARATION OF LOCAL CIVIL EMERGENCY DUE TO ONGOING RECOVERY EFFORTS AS A RESULT OF HURRICANE IAN; PROVIDING FOR THE FUTURE TERMINATION OF THE LOCAL CIVIL EMERGENCY BY THE CITY COMMISSION AT A LATER DATE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 27, 2022, the City Commission of the City of Winter Springs enacted Resolution No. 2022-26, declaring a State of Civil Emergency for the City of Winter Springs due to the effects of Hurricane Ian, pursuant to Sections 4.05 and 4.06 of the City Charter and Section 2-255 of the City Code; and

**WHEREAS**, pursuant to Section 4.05 of the City Charter and Section 2-255 of the City Code, Mayor Kevin McCann, in consultation with City Staff, issued a Declaration of Local Emergency due to the lingering effects of Hurricane Ian on November 8, 2022, which expired on November 15, 2022 ; and

**WHEREAS**, on November 14, 2022, the City Commission enacted Resolution No. 2022-34, which confirmed the Mayor's Declaration of Local Emergency and extended the state of local civil emergency for a period of an additional seven (7) days, which expired on November 22, 2022, but contained a scrivener's error stating that it expired on November 15, 2022; and

**WHEREAS**, on December 12, 2022, the City Commission enacted Resolution 2022-36 and retroactively extended the state of local civil emergency from November 22, 2022 to November 29, 2022; from November 29, 2022 to December 6, 2022; and from December 6, 2022 to December 12, 2022; and again extended the state of local civil emergency from December 12, 2022 to December 19, 2022; and

**WHEREAS**, on December 19, 2022, the City Commission enacted Resolution 2022-37 and extended the state of local civil emergency to December 26, 2022; and

**WHEREAS**, on January 9, 2023, the City Commission enacted Resolution 2023-01 and retroactively extended the state of local civil emergency from December 26, 2022 to January 2, 2023; and from January 2, 2023 to January 9, 2023; and again extended the state of local civil emergency from January 9, 2023 to January 16, 2023; and

**WHEREAS**, the City Commission hereby finds that the City remains in a state of emergency due to the fact that, in conjunction with other local, state, and federal agencies, the City

is still in the process of implementing the City's emergency management plan and recovering from the aftermath of Hurricane Ian; and

**WHEREAS**, on September 22, 2022, Governor Ron DeSantis issued Executive Order 2-218 declaring a state of emergency for several counties within the State of Florida in response to Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire state of Florida via Executive Order 22-219, which was again extended by Executive Order 22-268. The Governor's state of emergency remains in effect for Seminole County, Florida, and shall remain in effect until January 20, 2023, unless further extended; and

**WHEREAS**, Section 252.38(3), Florida Statutes, provides authority for political subdivisions such as the City of Winter Springs to declare a state of local emergency and to exercise certain powers and authority to safeguard the lives and property of its citizens; and

**WHEREAS**, the State of Local Emergency is required to quickly and effectively repair the City's bridges and other critical infrastructure which were damaged by Hurricane Ian; and

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this Resolution to be in the best interest of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF WINTER SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The following recitals are true and correct and hereby fully incorporated herein by this reference as part of this Resolution.

**Section 2. Extending Declaration of Local Civil Emergency; Emergency Powers.**  
Pursuant to Section 2-255 of the City Code, the City Commission hereby retroactively extends the state of local civil emergency for all the territory within the legal boundaries of the City of Winter Springs from January 16, 2023 to January 23, 2023, due to the lingering effects of Hurricane Ian. In addition, upon execution of this Resolution, the state of local civil emergency is continued and extended for all the territory within the legal boundaries of the City of Winter Springs for a period of an additional 7 days, from January 23, 2023 to January 30, 2023, subject to renewal for additional 7-day periods, until such time as emergency conditions are no longer present in the City. Hurricane Ian resulted in an enormous amount of property destruction, including damage to crucial portions of the City's infrastructure. This damage continues to cause an increased strain on the City's resources and continues to cause adverse effects to the citizens of Winter Springs.

**Section 3. Notice to the Public.** Pursuant to Section 2-255(f) of the City Code, when practicable, the City Manager shall continue to cause the written notice of this Resolution to be published, in its entirety, at least one (1) day each week in a newspaper of general circulation in the city until the state of emergency is declared to be terminated.

**Section 4.**    **Termination of Declaration of Civil Emergency.** The Declaration of Local Emergency shall remain in effect within the jurisdictional limits of the City of Winter Springs until terminated by the City Commission by Resolution or for a duration of seven (7) days until January 30, 2023, whichever is earlier.

**Section 5.**    **Repeal of Prior Inconsistent Resolutions.** All prior inconsistent resolutions adopted by the City Commission, or parts of resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 6.**    **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

**Section 7.**    **Effective Date.** This Resolution shall take effect on January 23, 2023, following adoption by the City Commission.

**RESOLVED** by the City Commission of the City of Winter Springs, in a regular meeting assembled on the 23<sup>rd</sup> day of January, 2023.

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**KEVIN McCANN, Mayor**

ATTEST:

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**CHRISTIAN GOWAN, City Clerk**

Approved as to legal form and sufficiency for  
the City of Winter Springs only:

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**ANTHONY A. GARGANESE, City Attorney**



## CONSENT AGENDA ITEM 301

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### TITLE

Review and Approval of Roadway & Drainage Expenditures Approved by the City Manager as Authorized by the City's Emergency Orders Related to Hurricane Ian

### SUMMARY

Please find attached a email from Public Works Director Phil Hursh listing purchase orders related to Roadway and Drainage repairs following Hurricane Ian. The purchase orders were approved by the City Manager as authorized by the following Local Emergency Declarations issued by the City Commission:

- Resolution 2022-26 issued on 9/26/22
- Mayor's Declaration of Local Emergency issued on 11/8/22.
- Resolution 2022-34 issued on 11/14/22.
- Resolution 2022-36 issued on 12/12/22.
- Resolution 2022-37 issued on 12/19/22.
- Resolution 2023-01 issued on 1/9/23.

As required, staff is seeking approval on all items except the final section under the header "Non-Hurricane Projects", which either have already been approved by the Commission or will be presented at a later time.

### RECOMMENDATION

Staff recommends City Commission affirm the Expenditures Approved by the City Manager as Authorized by Emergency Orders Related to Hurricane Ian as Attached.

<i>Location</i>	<i>Description</i>	<i>Amount</i>
924 Arabian Ave.	Pipe Liner	29,100.00
672 - 696 Tuscora Drive	Pipe Liner	50,094.50
1187-1191 Irwin Ct.	Pipe Liner	33,504.00
1136 Orange Avenue	Pipe Liner	40,876.75
1154 - 1207 Howell Creek Drive	Pipe Liner	58,221.75
653 Elmwood Drive	Pipe Liner	34,143.00
Huntly Lane at Keith Ct.	Pipe Liner	48,844.00
701 Briarwood Drive	Pipe Liner	12,450.00
Trotwood at Northern Way	Pipe Liner	7,000.00
Winter Springs Blvd. - Northern Way to Tuskawilla Rd.	Pavement Restoration	227,900.70
	Asphalt Paving	171,395.00
Dyson Drive (Arabian Ave. to Howell Creek Bridge)	Black Base Repair	42,776.63
Edgemon Ave. (Jackson Cir. To Jackson Cir.)	Black Base Repair	55,982.08
Moss Road Curbing	Sidewalk Repair	11,208.00
1575 Carrington Avenue	Sidewalk Repair	2,450.00
760 Sybil Wood Ct.	Sidewalk Repair	2,150.00
713 Timberwild Ave.	Sidewalk Repair	2,150.00
1133 O'Day Ct.	Repair Trip hazards	2,450.00
304 Cello Ct.	Sidewalk Repair	2,450.00
Howell, Bear, Gee, No Name and Sheoah Creek Inspections	Creek Inspections	5,000.00
Mt. Laurel Stormwater Pond	Slope Restoration	131,490.00
Orange Avenue	Repair Underdrain	13,708.70
Burgos Road	Restore cross-drain and roadway	56,086.90

Chokecherry at Sequoia Dr.	Restore cross-drain and roadway	69,687.14
Dyson Drive UD	Address high ground water	48,786.40
Shore Road Culvert Crossing	Provide Emergency Repairs	
Bridge Repair on N. Northern Way	Provide Emergency Repairs	399,556.74
Bridge Repair on S. Northern Way	Provide Emergency Repairs	193,671.50
Wade Street Culvert Repair	Provide Emergency Repairs	
612 Sailfish UD Repair	Provide Emergency Repairs	
<b>In-House Repairs</b>		
Moss Road Erosion Repair #1	Restore ROW including sidewalk	0.00
Moss Road Erosion Repair #2	Restore ROW including sidewalk	0.00
Chokecherry at Sapling Dr.	Restore ROW incl. CD Headwall	0.00
Vista Willa Drive at Seneca Blvd..	Restore slope behind inlet and sidewalk	0.00
O'Day Stormwater Pond	Pond Berm Repair	0.00
102 Winter Springs Boulevard	Cross-Drain Repair	0.00
<b>Non-Hurricane Projects</b>		
Michael Blake Boulevard Signalization		75,000.00
Wetlands Park Drainage Study		76,500.00
Winding Hollow Turn Lane		
Schrimsher Properties		30,000.00
Chokecherry By-Pass Berm on Dunmar Estates		100,000.00



## **CONSENT AGENDA ITEM 302**

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Approval of the Minutes from the Monday, October 3, 2022 City Commission Special Meeting

### **SUMMARY**

### **RECOMMENDATION**

Staff recommends City Commission to approve the Minutes as presented.



# CITY COMMISSION SPECIAL MEETING MINUTES

**MONDAY, OCTOBER 3, 2022 AT 3:30 PM**

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



## CALL TO ORDER

Mayor Kevin McCann called the Special Meeting of Monday, October 3, 2022 of the City Commission to order at 3:30p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

## Roll Call:

Mayor Kevin McCann, present  
Deputy Mayor Kevin Cannon, present  
Commissioner Matt Benton, present  
Commissioner Ted Johnson, present  
Commissioner TiAnna Hale, present  
Commissioner Rob Elliott, present  
City Manager Shawn Boyle, present  
City Attorney Anthony A. Garganese, present  
City Clerk Christian Gowan, present

## AWARDS AND PRESENTATIONS

Representative David Smith noted an upcoming meeting regarding insurance impacts of Hurricane Ian, thanked the City for their efforts in maintaining communication and responding to this event, and highlighted that there was no loss of life in Winter Springs due to the storm. Representative Smith further noted he had been working with the City staff and elected officials to assess damage and address issues which had arisen and had discussions with the Governor's office about available assistance.

Discussion followed on impacts to the cell towers, possible legislation requiring 72-hour backup generators for cell towers, insurance carriers and any insolvency concerns, and efforts to push out information about FEMA individual assistance and other available resources.

## INFORMATIONAL AGENDA

200. Not Used

## PUBLIC INPUT

*Mayor McCann opened Public Input.*

*Ms. Cheryl McCormick, 30 Jackson Circle, Winter Springs noted she was in attendance to thank everyone, Duke, and City Staff for their work throughout the storm.*

*Mr. Maurice Kaprow, PO Box 195233, Winter Springs echoed the compliments and commended Staff, City Commission, and all involved in response to this 500-year storm.*

*Mr. Javier Tejera, 1110 Lynx Trail, Winter Springs noted two storm drains in front of his house that he said were not working, house flooded, had questions about system and why house would be permitted at a level that would flood.*

*Mayor McCann closed Public Input.*

## CONSENT AGENDA

300. Not Used

## PUBLIC HEARINGS AGENDA

400. Not Used

## REGULAR AGENDA

### 500) [City Emergency Response Planning](#)

The following individuals from the St. Johns River Water Management District (SJRWMD) were present via telephone and available for questions:

Mr. Woody Boynton, Bureau Chief of Operations and Maintenance

Ms. Amy Wright, Supervising Professional Engineer, Operations and Maintenance

Mr. Brad Purcell, Chief of Staff

Ms. Mary Ellen Winkler, Assistant Executive Director

Mr. Mike Register, Executive Director

Ms. Cammie Dewey, Environmental Resource Program Manager

Discussion followed on structures controlled by SJRWMD which did not include Lake Jesup tributaries, the District's role related to land use applications, available modeling data, and efforts to gather information to aid the ongoing response.

Mr. Boynton discussed various information resources that could be shared with the City, reviewed data about the current level of the St. Johns River, and noted that the expectation was the water level would trend downward into the weekend. Mr. Boynton further noted that the SJRWMD had been discharging as required and these were small contributions compared to other inputs.

Discussion followed on water control structures in surrounding counties and communities built prior to the District's regulatory authority, the resulting decentralized data, permitting, and permit conditions.

Further discussion on flooding and required road closures, height of the creeks throughout the City, and design standards. Regarding Lake Jesup, discussion followed on elevation and wind impacts and District officials noted that it was likely Lake Jesup would rise more.

Mayor McCann summarized concerns of the Commission related to potential further water rises and associated flooding.

Mr. Scott Richards, Carollo Engineers, ADDRESS confirmed that storm drains needed to be properly maintained and kept clear, noted ongoing analysis, and noted the challenges being faced with nowhere available to pump water.

Discussion followed on the storm being a 500-year event, the financial feasibility of preparing for such an event, the current code requirements to design for a 25-year event, and the possibility of modifying the code to increase the design standard to 100-year events.

Manager Boyle noted the heavy rain prior to Hurricane Ian, discussed saturation and sheeting of water, and noted Casselberry does notify City when opening weir boxes.

Mayor McCann noted the effects of this storm were still not over, highlighted ongoing communication efforts, and asked residents to remain aware.

Mr. Philip Hursh, Director, Public Works Department discussed storm drain design requirements for 10-year events, noted issues that arise with antiquated systems, and noted that he would evaluate and report back.

Manager Boyle provided an update on current conditions, noted the work of Staff, Carollo Engineers, and surrounding municipality's contributions. Manager Boyle noted the City had made great progress and was doing well, noted that the City was in contact with residents that were still impacted, explained that nearly 600 people were stranded in their homes at one point and reviewed the police department's efforts to remain in contact and offer rescue as required. Related to the utility, Manager Boyle noted 500 people were without water service at one point caused by a main break, noted that this had been repaired with the help of contractors, and reiterated that the City was under a precautionary boil water notice.

Mr. Richards noted that the recently developed hydraulic model had been in use to actively map and track all movement in the system, noted flushing throughout the entire system had been completed, and explained that the City was now following state requirements to sample water and awaiting results to be released from the precautionary boil water notice.

Discussion followed on the benefits of the recently developed dynamic hydraulic model, performance of wastewater treatment plants, and system constraints due to the size of pipes. In response to a question about spills, Manager Boyle noted that all municipalities had sanitary discharges and explained that the City had reported to the Florida Department of Environmental Protection as required. Issue in the system currently is we are reclaimed based utility and need to put the water somewhere with already wet environment.

Manager Boyle noted debris pickup was underway and 1500 yards has been picked up thus far. Manager Boyle then reviewed requirements that loose vegetative debris be piled on the right-of-way for pickup, noted working with Waste Pro, and noted that construction debris should be kept separate.

Ms. Casey Howard, Deputy City Manager noted Waste Pro planned to have separate claw trucks to pick up construction debris, regular trash would be collected on the normal schedule, and bagged yard trash would be done by zones over the next couple weeks. Ms. Howard noted that maps and schedules would be made available for residents and Manager Boyle noted that dates were subject to change.

Discussion followed on debris collection in private gated communities. Manager Boyle noted that private gated communities were responsible for their debris and referenced a letter previously sent by FEMA which stated pickup in these communities was not reimbursable.

Manager Boyle noted the closure of the following bridges:

Northern Way at Howell Creek South closed; Northern Way at Howell Creek North closed;

Shore Road, box culvert bridge not there anymore; Wade Street box culvert gone. Manager Boyle urged residents not to attempt to cross these on foot or in a vehicle and noted that they would be clearly marked with concrete barriers and appropriate signage.

Manager Boyle noted the following bridges were not safe for pedestrian traffic: Moss Road at Gee Creek; Winter Springs Boulevard at Bear Creek; Edgemon at Gee Creek. Manager Boyle noted that these were all clearly marked, noted temporary road repairs in place, and asked that residents slow down.

Chief Matt Tracht, Winter Springs Police Department noted that the safety of people was the number one priority and reviewed that 115 households in Hacienda Village refused to evacuate and the associated impacts on time and response. Chief Tracht noted that over 1400 calls for service were handled during the Emergency Operations Center activation and reviewed police response.

Further discussion on communication methods used to reach residents, possible changes to the Comprehensive Emergency Management Plan, and planned messaging related to unlicensed and uninsured predatory contractors.

Manager Boyle noted that the recovery work was only beginning, acknowledged that there was always room for improvement, and noted there would be a time to review the response.

Commissioner Benton asked about reexamining the allowance of new projects through a temporary moratorium and asked that this discussion be brought forth to a future meeting. Discussion followed on changing design standards in the building code, some disagreement about the need for a temporary moratorium in the middle of recovery efforts, permitting, and staffing adequacy.

Attorney Garganese opined about ordinances in progress and noted that this would put developers on notice that the City was reviewing its standards and they were subject to change.

Manager Boyle noted time constraints for inclusion on the next agenda and the technical review necessary.

The Commission agreed to discuss this at a future meeting.

Manager Boyle noted City's vetting of contractors, resident's responsibilities, and the tolling of residential permitting fees for hurricane related repairs for the next 30 days.

## PUBLIC INPUT

*Mayor McCann opened Public Input.*

*Mr. Talbert Jackson, 244 Holiday Lane, Winter Springs commented on proposed code changes, developers, Gee Creek, funding, and emergency assistance through FEMA.*

*Manager Boyle noted that FEMA would be based in the Civic Center to meet with residents*

*and work on assistance, the City's requests for public assistance through FEMA, and plans to make improvements.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs thanked Staff for their efforts before, during, and after the storm and shared concerns about misinformation.*

*Mayor McCann closed Public Input.*

## **ADJOURNMENT**

Mayor McCann adjourned the meeting at 6:49 PM.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN  
CITY CLERK

*APPROVED:*

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MAYOR KEVIN McCANN

NOTE: These Minutes were approved at the \_\_\_\_\_, 2022 City Commission Regular Meeting.



## **CONSENT AGENDA ITEM 303**

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Approval of the Minutes from the Monday, December 12, 2022 City Commission Regular Meeting

### **SUMMARY**

### **RECOMMENDATION**

Staff recommends City Commission to approve the Minutes as presented.



# CITY COMMISSION REGULAR MEETING MINUTES

MONDAY, DECEMBER 12, 2022 AT 6:30 PM

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

## CALL TO ORDER

Mayor Kevin McCann called the Regular Meeting of Monday, December 12, 2022 of the City Commission to order at 6:31 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

## Roll Call:

Mayor Kevin McCann, present  
Deputy Mayor Rob Elliott, present  
Commissioner Matt Benton, present  
Commissioner Victoria Colangelo, present  
Commissioner Ted Johnson, present  
Commissioner Cade Resnick, present  
City Manager Shawn Boyle, present  
City Attorney Anthony A. Garganese, present  
City Clerk Christian Gowan, present

Mr. Maurice Kaprow led the invocation followed by the Pledge of Allegiance.

Mayor McCann asked if there were any changes to the agenda. Commissioner Johnson asked that Item 304 be pulled from the agenda and moved to the January 9, 2023 City Commission Meeting. There was no objection. Commissioners also requested that Items 302, 305, 307, 308, 309, 310, and 312 be discussed prior to approval of the Consent Agenda.

Mr. Gowan noted that the Community Events Calendar had been updated since the agenda was posted to reflect the removal of a Crossfit event.

Manager Boyle requested that an item be added to consider the extension of the Emergency Declaration for the purposes of procurement. Mayor McCann noted that this would be added as Item 502.

The agenda was adopted.

## AWARDS AND PRESENTATIONS

### 100) [Recognition of City Staff for Work Performed Related to Hurricane Ian](#)

Ms. Casey Howard, Deputy City Manager, introduced the item and recognized the following City employees for their efforts during Hurricane Ian:

Mr. Andrew Cortes, Utilities Department  
Mr. Earl Williams, Utilities Department  
Mr. Mike Downing, Utilities Department  
Mr. Troy Cooper, Public Works Department  
Mr. Kendrick Miller, Parks and Recreation Department  
Mr. Alvaro Britos, Parks and Recreation Department  
Mr. Troy King, Utilities Department  
Mr. Jason Simpkins, Utilities Department  
Mr. Brian Dunigan, Parks and Recreation Department  
Mr. Kevin Maddox, Operations Department  
Mr. Clifton Mullis, Public Works Department

Mr. Phillip Bower, Community Development Department  
Mr. Scott Johnson, Finance Department  
Ms. Melanie Stallard, Finance Department  
Captain Kevin Presley, Winter Springs Police Department  
Captain Doug Seely, Winter Springs Police Department  
Lieutenant Brad Heath, Winter Springs Police Department  
Lieutenant Keith Whitmore, Winter Springs Police Department  
Lieutenant Bill Mayhugh, Winter Springs Police Department



Captain Nick Romano, Winter Springs Police Department

Lieutenant Aaron Wilkins, Winter Springs Police Department

Mr. Boyle shared comments about the challenges that the City faced during Hurricane Ian and thanked all employees for going above and beyond before, during, and after the storm.

101) [Presentation of 2022 Festival of the Arts Poster from the Oviedo-Winter Springs Chamber of Commerce](#)

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This item was not presented.

102) [Police Awards Presentation](#)

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Chief Matt Tracht introduced the item and recognized the following employees:

Ms. Phoebe Nolette, Records Clerk, Winter Springs Police Department was presented the Administrative Excellence Award

Officers Schmidt, Hataway, and Ballew and Captain Presley, Captain Romano, Captain Seely, Lieutenant Wilkins, Sergeant Donovan, Sergeant Scovel, Investigator Fugate, Investigator Montana, Investigator Raney, Investigator Harrop, Investigator Holcomb, Officer Jones, Officer Eloie, and Officer Sims were presented with the Police Duty Medal for their actions during an incident at Winter Springs High School.

103) [Winter Springs Police Department Swearing In Ceremony for New Police Officer Alejandro Espinosa](#)

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Chief Matt Tracht introduced and swore in Officer Alejandro Espinosa

[INFORMATIONAL AGENDA](#)

200) **Current Development Projects Summary**

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No discussion.

[PUBLIC INPUT](#)

Mayor McCann opened Public Input.

*Mr. David Florman, 170 East Bahama Road, Winter Springs shared concerns with various levels of government.*

*Ms. Sabrina Parson, 1049 Chokecherry Drive, Winter Springs noted her appreciation for the work that Commissioners do, her concerns about previous statements made about her husband, referenced the Code of Conduct, and thought previous comments were not in line with the Code of Conduct. Ms. Parsons also noted that she thought meetings ran too long and thought an apology was appropriate.*

*Mr. Ron Qualls, 1232 Orange Avenue, Winter Springs thanked Kevin Monser for taking care of neighbor's debris and shared concerns about potential development. Mr. Qualls noted he was hopeful residents would have an opportunity to review any plans.*

*Mr. David Ford, 1223 Trotwood Boulevard, Winter Springs noted recently learning about planned basketball courts, noted the proximity to his house and shared his concerns along with potential alternate locations.*

*Mr. Brandon Morrissey, 965 Sequoia Drive, Winter Springs spoke about the desire for more restaurants, and asked for clarification on a rumor about the City planning an event at a local restaurant and a subsequent cancellation.*

*Mr. Bob Miller, 679 Silver Creek Drive, Winter Springs reviewed concerns about speeding and traffic on Shore Road and asked that the bridge not be repaired and a pond be installed as a replacement. Mr. Miller noted that a petition was circulating and he would deliver it upon completion.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs spoke about events calendar and asked for consideration that the 9/11 ceremony be held at the Veterans Memorial to allow high school students to attend. Ms. Shafer also asked about considering banners in honor of Hometown Heroes to be placed in the City.*

Mayor McCann closed Public Input.

## **CONSENT AGENDA**

### **300) Hurricane Ian Emergency Support Services**

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No discussion.

### **301) 2023 Community Events Calendar**

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No discussion.

### **302) [Request to Award the Police Body Worn Camera RFP 11-22 MT, to Axon Enterprise, Inc.](#)**

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Deputy Mayor Elliott asked about plans for handling public records requests related to police body cameras. Chief Tracht noted advancements in software, plans to keep the process in-house, and spoke about procedures related to redaction and who in the department would handle footage.

Mr. Gowan noted that the City had a public records policy which would also be applicable to determine any necessary fees for requests.

### **303) Police Vehicle Emergency Equipment Purchase**

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No discussion.

### **304) Trotwood Basketball Courts ITB #11-22 LH approval**

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No discussion.

### **305) [Central Winds Park Pickleball Project](#)**

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Commissioner Resnick asked about plans for the proposed number of courts.

Mr. Len Hartman, Director, Parks and Recreation Department noted decisions made were based on available space, courts available to residents, and noted discussions about use by professional organizations.

Mr. Brian Dunigan, Parks Manager, Parks and Recreation Department noted there was no initial plan to hire a pro, thought there was adequate staff and software was in place to effectively manage the addition, and noted the intent to build leagues.

Discussion followed on a shortage of courts in the area, anticipated demand for the proposed 14 courts, business models that were being looked at and could be presented to the Commission for

their consideration. It was noted that residents were the first priority and would not be charged for use of the courts.

Further discussion followed on increased costs associated with the project, other areas with pickleball courts and efforts that the City could make to become a pickleball destination, potential adoption of a break-even model to cover variable costs, and funding sources for this project.

Manager Boyle explained that the funds were coming from bonds, impact fees, and the Perk Up Parks program in the budget.

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**306) Purchase of New Telephone System**

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No discussion.

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**307) West WRF Temporary Belt Press Rental Contract Modification**

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Commissioner Resnick asked about the funding source for the contract modifications related to Items 307, 308, and 309.

Manager Boyle noted these costs would be from the Utility funds and there was sufficient revenue in the fund currently, then spoke about ongoing efforts at the plants. Manager Boyle noted that these rentals would allow the City to handle peak flows and acted as "insurance policies" to deal with any unexpected issues that could arise. Manager Boyle further noted that the City was in the process of draining a tank at the west plant, a defect on the outer ring of the tank, and efforts to determine the extent of the defect and potential impact. It was explained that there was the potential that the plant could be permanently out of service, draining had begun about a week ago and would take another week, the contractor would come in to repair and anticipated completion would be in March/April 2023 if there were no catastrophic failures.

Mr. Scott Richards, Carolo Engineers, 200 East Robinson Street, Orlando estimated that the plant had not had maintenance performed for at least ten years and noted the amount of sand and grit that was present.

Discussion followed on the difference between potable water and wastewater facilities, the challenges being faced at the plant, Veolia's involvement and history, and the commitment to building new plants. Manager Boyle noted that an RFQ had been written and was soon headed to legal for review and that the RFQ for engineering of the new plants would be going out to bid in the new year.

Brief discussion followed on previous Commission actions and factors that limited what could be done to address issues.

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**308) West WRF Temporary Disk Filter Rental Contract Modification**

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Included in the discussion of Item 307.

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**309) West WRF Temporary Storage Tank and Emergency Pump Rental Contract Modification**

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Included in the discussion of Item 307.

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**310) Wetland Park Outfall Improvements**

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Mr. David Hamstra, Pegasus Engineering commented on existing control structures for the stormwater runoff, chronic flooding concerns, and topographical details. Mr. Hamstra noted it was the

goal to have the work completed in the right of way rather than in a wetland to avoid delays, and noted the potential need for a berm.

Discussion followed on timelines and Mr. Hamstra noted that it was unlikely the work would be completed by the next wet season but definitely would be done by the following wet season.

**"MOTION TO EXTEND THE MEETING THROUGH SECOND PUBLIC INPUT." MOTION BY COMMISSION BENTON. SECONDED BY DEPUTY MAYOR ELLIOTT. DISCUSSION. MOTION PASSED WITH UNANIMOUS CONSENT.**

Discussion followed on the design to the 25-year storm, looking at larger flood events as the design standard, proximity to the previously approved Hickory Grove project, and potential impacts.

Manager Boyle noted that this project would benefit Hickory Grove and that they had agreed to partner with the City for this project.

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**311) Winter Springs Town Center Chase Bank Site Acceptance**

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No discussion.

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**312) [City Chaplain Application](#)**

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Commissioner Elliott noted a requirement to go through an orientation process and suggested Rabbi Kaprow could help facilitate that orientation. Further discussion followed on the inclusion of the police chaplain(s) in the training and the need for the chaplain to be able to assist with people of all religious backgrounds.

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**313) Approval of the Minutes from the Monday, June 6, 2022 City Commission Diversity Workshop**

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No discussion.

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**314) Approval of the Minutes from the Monday, November 14, 2022 City Commission Regular Meeting**

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No discussion.

**"MOTION TO APPROVE CONSENT AGENDA WITHOUT ITEM 304." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE:**

**MOTION CARRIED 5-0.**

**PUBLIC HEARINGS AGENDA**

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**400) [Second Reading of Ordinance No. 2022-06: 310 Wagner Point Voluntary Annexation of real property owned by the City of Winter Springs.](#)**

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Attorney Garganese read Ordinance 2022-06 by title, reviewed the location of the parcel in question, and noted this was a voluntary annexation.

Mr. Nick Tafelsky, Senior City Planner, Community Development Department was present for questions.

Manager Boyle noted that the City already used the property for parking at some city events.

*Mayor McCann opened the Public Hearing for Item 400.*

*No one addressed the Commission.*

*Mayor McCann closed the Public Hearing for Item 400.*

**"MOTION TO APPROVE ORDINANCE 2022-06." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE: ELLIOTT (AYE); RESNICK (AYE); COLANGELO (AYE); BENTON (AYE); JOHNSON (AYE)  
MOTION CARRIED 5-0.**

**401) [Second Reading and Adoption of Ordinance 2022-04 Amending Section 20-323 of the City Code to Amend the List of Permitted Uses in the Town Center District Code, specifically in the T4 and T5 Transects.](#)**

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Attorney Garganese read Ordinance 2022-04 by title and reviewed the proposed changes in outright permitted uses within the Town Center.

Mr. Tafelsky was present for questions.

A question was asked if this ordinance would allow methadone clinics or similar facilities as a permitted use in the Town Center. Attorney Garganese opined on provisions in the code that cover pain management clinics and explained that he did not think the clarification was necessary but more research could be done regarding pain management clinics.

Mr. Tafelsky noted that this ordinance only added dental clinics as permitted uses and Attorney Garganese clarified that this ordinance did not change medical offices currently allowed within the Town Center. Attorney Garganese further explained that medical clinics were already permitted uses in the Town Center, they do not include pain management clinics, and noted that this would be consistent with other zoning districts.

*Mayor McCann opened the Public Hearing for Item 401*

*Mr. Kevin Cannon, PO Box 195477, Winter Springs suggested some language be corrected before passage, noted designations of certain clinics, and thought the uses in question should be conditional uses.*

Discussion followed and several Commissioners noted their desire to change the uses for medical clinics and dental, as well as the veterinary clinics, to conditional rather than permitted uses. Another suggestion was made to go back to the starting point and restructure the definitions of medical use in the Town Center Code.

Attorney Garganese noted the additional permit(s) and scrutiny that conditional uses would entail and detailed the technical aspects of the alternative approach, noted that that both approaches were possible, and that it was up to the Commission which route to pursue.

*Ms. Gina Shafer, Winter Springs Village, Winter Springs thought this issue needed to be looked at and thought location wasn't appropriate for the clinics in question.*

*Mr. Andrew Hood, 663 Cayuga Drive, Winter Springs thought the Town Center was the appropriate placement for the clinics in question due to its density.*

*Mayor McCann closed the Public Hearing for Item 401.*

"MOTION TO APPROVE THE ADOPTION OF ORDINANCE 2022-04 AMENDING SECTION 20-323 OF THE CITY CODE TO AMEND THE LIST OF CONDITIONAL USES RATHER THAN PERMITTED USES IN THE TOWN CENTER DISTRICT CODE, SPECIFICALLY IN THE T4 AND T5 TRANSECTS.." MOTION BY COMMISSIONER JOHNSON. SECONDED BY COMMISSIONER BENTON. DISCUSSION.

Attorney Garganese sought clarification and confirmed that the motion aimed to list medical clinics and laboratories as conditional uses rather than permitted uses.

VOTE: RESNICK (AYE); BENTON (AYE); COLANGELO (AYE); ELLIOTT (AYE); JOHNSON (AYE)  
MOTION CARRIED 5-0.

402) [Consideration of Ordinance 2022-11 amending Chapter 20, Zoning, to regulate self-service storage facilities and allow them as a conditional use in certain zoning districts, provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities.](#)

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"MOTION TO READ BY TITLE ONLY" MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.  
MOTION PASSED WITH UNANIMOUS CONSENT

Attorney Garganese read Ordinance 2022-11 by title.

Mr. Tafelsky was present for questions.

Discussion followed on the proposed spacing requirements, language related to on-site security and concerns about its necessity, safeguards to avoid any blighting of State Road 434, and buffering requirements.

Mr. Tafelsky noted that the language regarding the on-site security personnel had come from the Planning and Zoning Board.

Manager Boyle noted this was an attempt to recognize that self-storage was an asset to residents but not compatible or harmonious with certain zoning districts and that this was an attempt to allow this utilization of property in a harmonious and compatible way within the City.

Attorney Garganese opined on the specific constraints on where these facilities could locate.

Mr. Tafelsky showed an image, discussed lighting considerations, and in response to a question from the Commission noted a two-story limitation.

*Mayor McCann opened the Public Hearing for Item 402.*

*Mr. Kevin Cannon, PO Box 195477, Winter Springs encouraged adoption of the ordinance and thought this was good opportunity to provide appropriate areas for self-storage.*

*Mayor McCann closed the Public Hearing for Item 402*

"MOTION TO APPROVE ORDINANCE 2022-11." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE: JOHNSON (AYE); ELLIOTT (NAY); BENTON (AYE); RESNICK (AYE); COLANGELO (NAY)  
MOTION CARRIED 3-2.

403) [Consideration of Ordinance 2022-12, adopting a temporary moratorium on the filing, processing, consideration, or decision of final engineering plan and subdivision of land applications for developments requiring construction of stormwater management and drainage systems.](#)

**"MOTION TO READ BY TITLE ONLY." MOTION BY COMMISSIONER JOHNSON. SECONDED BY COMMISSIONER RESNICK. DISCUSSION.**

**MOTION PASSED WITH UNANIMOUS CONSENT.**

Attorney Garganese read Ordinance 2022-12 by title, noted evaluation is currently underway, and explained that applications for final engineering formerly filed and deemed complete prior to October 10, 2022, those served by master stormwater systems, those currently underway with pre-application meetings, and those not required to follow stormwater management requirements were not impacted by this proposed moratorium.

Mr. Tafelsky was present and available for questions and reviewed discussions held at the Planning and Zoning Board.

Mr. Hursh and Mr. Hamstra presented Part 1 of a proposed 3 part presentation discussing design and performance of stormwater management systems.

Mr. Hamstra led the discussion and covered watershed characteristics (open and closed basins), noted most basins in the City were open basins. Mr. Hamstra then discussed flood hazards, floodplains, primary & secondary drainage systems, current design criteria, recently updated floodplain management, noted inlet spacing requirements may be dated, unspecified design storm events for pipe hydraulics and swales. Mr. Hamstra recommended the City update the City Code, specifically Chapter Nine to include new and/or additional criteria and consider higher standards for improved flood mitigation that would be presented at a future meeting.

*Mayor McCann opened the Public Hearing for Item 403.*

*Mr. Paul Partyka, 1693 Wingspan Way, Winter Springs spoke about flooding, complimented the presentation, noted he was not in favor of a moratorium because of the message that it sent to businesses. Mr. Partyka noted that he thought existing neighborhoods were the cause of many issues rather than any new development, suggested retrofitting may be necessary.*

*Mr. Michael Blake, 711 Canadice Lane, Winter Springs noted issues are at the end of the pipeline, spoke about maintenance issues, and noted the City was mostly built out. Mr. Blake thought the maintenance of existing systems should be the focus.*

*Mr. Andrew Hood, 663 Cayuga Drive, Winter Springs noted his experience, systems that could be implemented, the consideration of nutrient reduction, and codes that may cause more runoff.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs thought without pumps her neighborhood would have been flooded, asked about Hickory Grove water runoff, and asked that the moratorium be approved.*

*Mr. Bob Miller, 679 Silver Creek Drive, Winter Springs spoke about previous issues with water runoff, thought moratorium was necessary, and spoke about litigation concerns.*

*Mr. Skip Arok, 1104 Pheasant Circle, Winter Springs thought moratorium was appropriate to evaluate the challenges facing the City and thought issues in older neighborhoods may be result of new development.*



*Mr. Maurice Kaprow, PO Box 195233, Winter Springs spoke in favor of the moratorium, evaluating current criteria, and potential changes.*

*Mr. Kevin Cannon, PO Box 195477, Winter Springs noted previous adoption of property rights element in Comprehensive Plan and was in favor of the moratorium.*

*Mr. Ryan Stahl, 630 S. Maitland Avenue, Maitland noted consequences of the proposed moratorium, a project that had already been in pre-applications, and the potential of a new national grocery chain. Mr. Stahl asked about the potential of still allowing reviews without approvals and thought a case-by-case basis may be beneficial.*

*Mr. Michael Schrimsher, 600 East Colonial Drive, Suite 100, Orlando was not in favor of a blanket moratorium, suggested targeting what was wrong and fixing those issues.*

*Ms. Sheila Benton, 414 Cedarwood Court, Winter Springs spoke in favor of a moratorium and noted several communities that had proposed or passed moratoriums in the wake of Hurricanes Ian and Nicole.*

*Mayor McCann closed the Public Hearing for Item 403*

Manager Boyle noted that he had spoken with Mr. Stahl about his request for continued review of applications that were submitted if the moratorium was put in place and expressed no issue so long as the developer signed an acknowledgement that stormwater standards were under consideration and that if changed it would be the developer's responsibility to pay to meet any new standards. Manager Boyle noted that nothing could come before the Commission for their consideration during the moratorium and noted there were still projects moving forward currently.

Discussion followed on the purpose of the moratorium to give staff time to review standards and create a sense of urgency and get changes done, the impacts of climate change, and the fact that it was not aimed at discouraging development.

Ms. Casey Howard, Deputy City Manager noted that staff had been working with developers still and no projects were turned away.

Further discussion followed on when the moratorium was in effect.

Attorney Garganese clarified the cutoff for projects to proceed regardless of a moratorium and the effective date that would be in place upon second reading. Attorney Garganese also reiterated exceptions and noted further exceptions could be developed which would require signed releases.

**"MOTION TO APPROVE ORDINANCE 2022-12 ADOPTING A TEMPORARY MORATORIUM ON THE FILING, PROCESSING, CONSIDERATION, OR DECISION OF FINAL ENGINEERING PLAN AND SUBDIVISION OF LAND APPLICATIONS FOR DEVELOPMENTS REQUIRING CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE SYSTEMS AND TO INSTRUCT THE CITY ATTORNEY TO BRING BACK LANGUAGE ALLOWING CONTINUED REVIEW OF APPLICATIONS BY CITY STAFF." MOTION BY COMMISSIONER BENTON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE: BENTON (AYE); RESNICK (AYE); JOHNSON (AYE); COLANGELO (NAY); ELLIOTT (AYE)  
MOTION CARRIED 4-1.**

**404) [Fifth Third Bank Public Hearing Postponement](#)**

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"MOTION TO POSTPONE ITEM 404 TO A TIME DATE CERTAIN OF JANUARY 9, 2023 AND TO PRESERVE ADVERTISING." MOTION BY COMMISSIONER JOHNSON. SECONDED BY DEPUTY MAYOR ELLIOTT. DISCUSSION.

VOTE: COLANGELO (AYE); JOHNSON (AYE); BENTON (AYE); RESNICK (AYE); ELLIOTT (AYE)  
MOTION CARRIED 5-0.

#### REGULAR AGENDA

##### 500) [2023 Meeting & Holiday Calendar](#)

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"MOTION TO APPROVE THE PROPOSED 2023 CALENDAR OF MEETINGS AND HOLIDAYS." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE: BENTON (AYE); COLANGELO (AYE) JOHNSON (AYE); RESNICK (AYE); ELLIOTT (AYE)  
MOTION CARRIED 5-0.

##### 501) [New Business](#)

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Commissioner Resnick asked for a discussion to be scheduled at a future meeting related to annexation and requested to see enclaves and an aggressive annexation strategy that could be brought back.

Commissioner Resnick asked about a discussion on city boards and representation throughout the City to be placed on a future agenda.

Staff indicated that they would work on these topics and schedule them for future meetings.

##### 502) [Extension of Emergency Declaration](#)

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Manager Boyle noted the State and County were still under states of emergency and noted this was necessary solely for emergency procurement.

Attorney Garganese noted that approval of this extension would retroactively go back and then would again expire December 19<sup>th</sup>.

Discussion followed on the Mayor's emergency declaration powers, the resolution being considered, and the process going forward.

*Mayor McCann opened Public Input for Item 502.*

*No one addressed the Commission.*

*Mayor McCann closed Public Input for Item 502.*

"MOTION TO APPROVE." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE: BENTON (AYE); COLANGELO (AYE); JOHNSON (AYE); RESNICK (AYE); ELLIOTT (AYE)  
MOTION CARRIED 5-0.

#### REPORTS

##### 600) City Manager Shawn Boyle

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- Noted the City had repaired dozens of sanitary lines and ongoing roadway repairs;

- Thanked Commissioner Zembower for information he had shared about contractors and noted development of a defined scope of services regarding bridge work which would potentially require a Special Meeting;
- Noted Staff had met with FEMA several times, prepared major damage report, and explained this would be submitted for reimbursement consideration.

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#### **601) City Attorney Anthony A. Garganese**

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- Noted a proposed self-storage planned development (PD) adjacent to Tuskawilla Crossing, reviewed the PD zoning application, specific requirements that the County Commission was bound by, and the fact that mini-warehouses as proposed had to be affirmatively authorized by the County Commission. Attorney Garganese encouraged reaching out to County Commissioners and noted a required community meeting.
  - Discussion followed on timelines, proposals to use a well and septic system, and having Attorney Garganese represent the City's position at County meetings where the proposal was being considered.

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#### **602) City Clerk Christian Gowan**

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- No report

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#### **604) Seat One Commissioner Matt Benton**

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- Noted his participation in the parade and Winter Wonderland walk-through;
- Noted serving food at the Senior Center and encouraged others to participate if they have a chance.

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#### **605) Seat Two Commissioner Victoria Colangelo**

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- Noted attendance at the recent CALNO meeting held in Altamonte Springs;
- Noted she had the opportunity to meet with some department heads and was learning a lot.

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#### **606) Seat Three Commissioner Ted Johnson**

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- Noted his participation at Winter Wonderland of Lights and the parade and thought they were both great;
- Noted participation at Shop with a Cop;
- Wished everyone a Happy Holidays and New Year

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#### **607) Seat Four Commissioner Cade Resnick**

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- Noted Shop with a Cop event, Winter Wonderland of Lights and the parade were all great;
- Requested that a Winter Springs Police Department flag be shared with Running for Heroes for their facility and asked about a sign recognizing where the facility was located.

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#### **608) Seat Five Commissioner/Deputy Mayor Rob Elliott**

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- Noted his attendance at the parade and the Winter Wonderland of Lights, both of which he said were a great time;
- Noted a recent tour of one of the wastewater treatment plants and the bad shape that it was in;
- Noted that he had gone to check on the repairs made on Dyson Drive, Winter Springs Boulevard, and Chokecherry Drive;
- Noted meetings with residents impacted by Hurricane Ian.

### 603) Mayor Kevin McCann

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- Noted he thought the parade and tree lighting were wonderful;
- Asked about Florida League of Cities Policy Committees vacancies and looking to fill them;
- Noted the ongoing toy drive for the guardian ad litem program in honor of Arnie Nussbaum;
- Wished everyone a Merry Christmas and Happy Holidays

### PUBLIC INPUT

*Mayor McCann opened Public Input.*

*Mr. Andrew Hood, 663 Cayuga Drive, Winter Springs noted Eagle's Nest flooding and spoke about further stormwater design considerations, service life on plants, and responsibility.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs thanked the Commission for passing the purchase of police body cameras, still waiting for Michael Blake traffic light, asked that Mayor instruct people to turn off their phones and rule regarding Commissioner's phone usage.*

*Mr. Kevin Cannon, PO Box 195447, Winter Springs thought a regional approach to water management/mitigation was necessary, referenced a September 2009 meeting when Kip Lockuff notified the Commission that the plants would need to be replaced in five years, and noted when he learned about the plants.*

*Mr. Maurice Kaprow, Po Box 195233, Winter Springs thanked Commissioners for their willingness to serve, thanked City Staff for their work, wished everyone a Happy Holidays, and encouraged installation of public Wi-Fi in the chambers.*

*Mayor McCann closed Public Input.*

### ADJOURNMENT

Mayor McCann adjourned the meeting at 11:29 PM.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN  
CITY CLERK

*APPROVED:*

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MAYOR KEVIN McCANN

NOTE: These Minutes were approved at the \_\_\_\_\_, 2022 City Commission Regular Meeting.



## **CONSENT AGENDA ITEM 304**

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Approval of the Minutes from the Monday, January 9, 2023 City Commission Special Meeting

### **SUMMARY**

### **RECOMMENDATION**

Staff recommends City Commission to approve the Minutes as presented.



# CITY COMMISSION REGULAR MEETING MINUTES

MONDAY, JANUARY 9, 2023 AT 6:30 PM

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

## CALL TO ORDER

Mayor Kevin McCann called the Regular Meeting of Monday, January 9, 2023 of the City Commission to order at 6:31 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

## Roll Call:

Mayor Kevin McCann, present  
Deputy Mayor Rob Elliott, present  
Commissioner Matt Benton, present  
Commissioner Victoria Colangelo, present  
Commissioner Ted Johnson, present  
Commissioner Cade Resnick, present  
City Manager Shawn Boyle, present  
City Attorney Anthony A. Garganese, present  
City Clerk Christian Gowan, present

Pastor Kyle Stewart led the invocation followed by the Pledge of Allegiance.

There were no changes to the agenda and the agenda was adopted.

## AWARDS AND PRESENTATIONS

100) Not Used

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## INFORMATIONAL AGENDA

200) Current Development Projects Summary

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No discussion.

## PUBLIC INPUT

*Mr. David Florman, 170 E Bahama Road, Winter Springs spoke about information suppression and suggested a change for the Pledge of Allegiance.*

*Mr. John Horan, 1612 Wood Duck Drive, Winter Springs - passed out some paperwork, spoke in opposition of a moratorium and thought it sent a bad message to the business community. Rate study not a moratorium*

*Mr. Judah Ernst, 1221 Trotwood Blvd, Winter Springs spoke about Trotwood Park and bad language heard at the basketball courts. Proposed alternate location and sound mitigation.*

*Mr. David Ford, 1223 Trotwood Boulevard, Winter Springs shared concerns about a basketball court being located in proximity to his home, associated noise, and proposed an alternative location for the basketball courts.*

*Ms. Karen Meyer, 741 Andover Circle, Winter Springs shared comments on working together for the City, spoke in opposition to the proposed 3-story self-storage facility, and spoke in support of the moratorium to give the City time to look into flooding.*

*Mr. Art Gallo, 199 Nandina Terrace, Winter Springs noted his research on the Parkstone artesian well, Consumptive Use Permit, and wastewater treatment plants. Mr. Gallo asked to submit his findings into the record and shared three key points from his findings.*

*Mr. Robert Miller, 679 Silvercreek Drive, Winter Springs, submitted documents for the record and spoke about a community petition to close Shore Road and create a pond and associated park with a pedestrian bridge. Mr. Miller noted that more signatures were being gathered and would be presented at the next Commission meeting.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs spoke in favor of the proposed moratorium, noted that she had called and invited several County Commissioners to the meeting regarding discussion on enclaves, and noted it was Law Enforcement Appreciation Day.*

*Mr. Kevin Cannon, PO Box 195447, Winter Springs spoke about the proposed moratorium and was in favor of elected officials voicing concerns at County Commission meetings.*

#### **CONSENT AGENDA**

##### **300) Resolution No. 2023-01 Extending the Declaration of Local Emergency related to Ongoing Hurricane Ian Recovery**

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No discussion.

##### **301) Resolution 2023-02 Recognizing the Retirement of Sergeant Allison Smith for the Police Department.**

---

No discussion.

**"MOTION TO APPROVE CONSENT AGENDA." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.**

**VOTE: BENTON (AYE); COLANGELO (AYE); JOHNSON (AYE); RESNICK (AYE); ELLIOTT (AYE)  
MOTION CARRIED 5-0.**

#### **PUBLIC HEARINGS AGENDA**

##### **400) [Second Reading and Adoption of Ordinance 2022-11 amending Chapter 20, Zoning, to regulate self-service storage facilities and allow them as a conditional use in certain zoning districts, provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities.](#)**

---

Attorney Garganese read Ordinance 2022-11 by title at the request of Mayor McCann. Mr. Nick Tafelsky, Senior City Planner, Community Development Department was available for questions.

Discussion followed on a discrepancy in the presented version and the version presented at first reading and the fact that this ordinance was not an authorization of any self-storage project.

Attorney Garganese noted that this ordinance dealt only with land inside the city limits of Winter Springs and further noted that this dealt with design standards and appropriate locations for self-storage. Attorney Garganese clarified that this was separate from a discussion scheduled for later in the evening regarding an unincorporated enclave and a proposed Seminole County project.

Manager Boyle noted that the City thought self-storage was compatible in some areas, such as the 17-92 corridor, and reiterated that this ordinance sought to clarify the City's position.

Further discussion on the discrepancy between the first and second reading versions. Attorney Garganese noted that the wrong version had been included in the agenda packet and recommended postponing the public hearing to preserve advertising and be presented the correct version.

"MOTION TO POSTPONE TO TIME DATE CERTAIN OF JANUARY 23, 2022." MOTION BY COMMISSIONER JOHNSON. SECONDED BY COMMISSIONER BENTON. DISCUSSION.

VOTE: BENTON (AYE); COLANGELO (AYE); RESNICK (AYE); ELLIOTT (AYE); JOHNSON (AYE)  
MOTION CARRIED 5-0.

- 401) [Second and Final Reading and Adoption of Ordinance 2022-12, adopting a temporary moratorium on the filing, processing, consideration, or decision of final engineering plan and subdivision of land applications for developments requiring construction of stormwater management and drainage systems.](#)

---

Attorney Garganese read Ordinance 2022-12 by title at the request of Mayor McCann. Attorney Garganese noted a request at the previous meeting to include language to allow for limited preliminary review during the moratorium provided applicants filed appropriate acknowledgment that stormwater and drainage management standards may change which was included in the new Section 4.

Mr. Tafelsky was present for questions.

Brief discussion followed on drainage and stormwater considerations for the proposed County project and the fact that the City couldn't control County design standards.

*Mayor McCann opened Public Hearing for Item 401.*

*Mr. John Horan, 1612 Wood Duck Drive, Winter Springs asked about potential annexation of the property with the County proposed project and noted opposition to the proposed moratorium.*

*Mr. Kevin Cannon, PO Box 195447, Winter Springs, spoke in favor of the moratorium and the need to look at flood design standards.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs spoke in favor of the moratorium.*

*Mr. Paul Partyka, 1693 Wingspan Way, Winter Springs spoke in opposition to the moratorium and noted he was in favor of looking at the stormwater design standards and working to prevent future flooding.*

*Mr. Robert Miller 679 Silver Creek Drive, Winter Springs spoke in favor of having the City look into flooding concerns and stormwater management.*

*Mayor McCann closed Public Hearing for Item 401.*

Discussion followed on the need for the 90-day time period, which projects the moratorium impacted, clarifying requirements for developers related to stormwater management design, the need for more information so that informed decisions could be made, providing Staff with time to analyze the issue, and the ability for Staff to complete their information gathering and associated studies within the 90-day time period.

Further discussion followed on the need to examine existing developments and possible retrofitting of existing infrastructure, creek maintenance, and the interest the residents had expressed in finding solutions to flooding issues.

In response to a question about staffing, Manager Boyle noted that there were several departments involved in the process as well as consultants. Manager Boyle explained that Pegasus had been



contracted to do a large share of the work, Engineering would be focused on reviewing and recommending changes to the City Code, and Community Development Staff would handle any applications and their review. Manager Boyle noted models needed to be updated, analyses needed to be performed, and thought a Workshop would likely be necessary to fully explain any proposed changes to the Code.

In response to questions about the newly added Section 4, Attorney Garganese noted that it was added after the first reading upon the Commission's request and explained that this provision allowed for the filing of an application, including for new projects, and Staff review, but none of these projects could go before the Planning and Zoning Board or the City Commission for final consideration unless they fell under an exception listed in Section 3.

Manager Boyle noted that the 90-day time period was a goal and that Staff would work hard to get the work done in that time frame and not seek an extension.

Mr. Phillip Hursh, City Engineer, noted that retrofitting would be looked at and presented for consideration and also noted that work had recently been done surveying the creeks which would allow more projects to be identified.

**"MOTION TO APPROVE ADOPTION OF ORDINANCE 2022-12 ADOPTING A TEMPORARY MORATORIUM ON THE FILING, PROCESSING, CONSIDERATION, OR DECISION OF FINAL ENGINEERING PLAN AND SUBDIVISION OF LAND APPLICATIONS FOR DEVELOPMENTS REQUIRING CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE SYSTEMS." MOTION BY COMMISSIONER BENTON. SECONDED BY DEPUTY MAYOR ELLIOTT. DISCUSSION.**

**"I MOVE TO AMEND THE MOTION TO REMOVE THE EXTENSION PROVISION." MOTION BY COMMISSIONER COLANGELO. SECONDED BY COMMISSIONER RESNICK.**

**VOTE ON AMENDMENT: JOHNSON (NAY); ELLIOTT (NAY); COLANGELO (AYE); RESNICK (AYE); BENTON (NAY)  
MOTION FAILED 2-3.**

**VOTE ON MAIN MOTION: ELLIOTT (AYE); JOHNSON (AYE); COLANGELO (NAY); BENTON (AYE); RESNICK (NAY)  
MOTION CARRIED 3-2.**

#### **402) [Fifth Third Bank Final Engineering](#)**

---

Mr. Tafelksky introduced the item and reviewed Staff's recommendations.

Attorney Garganese noted that this was a subsequent phase of an existing project, Winter Springs Marketplace, subject to a Development Agreement in which the property is already at its limit of monument signs. Attorney Garganese further explained that the application was seeking an additional monument sign over what is currently allowed.

Discussion followed on the proposed location of the sign, single versus multi-tenant signs, and the existing signs and their capacity.

Mr. Ryan Stahl, 630 S. Maitland Avenue, Maitland - Equinox Development – reviewed the history of the Winter Springs Marketplace project, noted current signs were at capacity, and spoke about signage requirements for national retailers that are interested in the corner parcel.

Further discussion followed about plans for the parcel.

"MOTION TO EXTEND THE MEETING THROUGH SECOND PUBLIC INPUT." MOTION BY COMMISSIONER BENTON. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

"I WOULD LIKE TO AMEND THE MOTION TO EXTEND THE MEETING THROUGH THE COMPLETION OF ITEM 402." MOTION BY COMMISSIONER COLANGELO. MOTION DIED FOR LACK OF A SECOND.

"I MOVE TO AMEND THE MOTION TO EXTEND THE MEETING THROUGH THE REGULAR AGENDA, ITEM 505." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER COLANGELO.

VOTE ON AMENDMENT: BENTON (NAY); COLANGELO (AYE); JOHNSON (NAY); RESNICK (AYE); ELLIOTT (NAY).

MOTION FAILED 2-3.

VOTE ON MAIN MOTION: BENTON (AYE); COLANGELO (AYE); JOHNSON (AYE); RESNICK (NAY); ELLIOTT (AYE)

MOTION CARRIED 4-1.

In response to an inquiry from the Commission, Mr. Tafelsky noted that if nothing were done, no monument sign would be allowed on the site and signage would be limited to the building.

Further discussion followed on the location of the proposed sign, the need for businesses to have signage, and the aesthetic review requirements that were being considered.

Mr. Stahl noted that he was also seeking a 6-month extension to comply with streetscape requirements.

In response to a question about the requested waiver being considered, Mr. Tafelsky clarified that the parking area had been pushed back to preserve an existing oak tree on the property.

Mr. Marcus Geiger, Kimley-Horn, noted that the main root zone would not be impacted and that the tree should remain healthy.

*Mayor McCann opened Public Hearing for Item 402.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs noted her preference for a multi-tenant sign.*

*Mr. Kevin Cannon, PO Box 195447, Winter Springs spoke about previous requests by the applicant for monument signs and spoke about crowding concerns.*

*Mr. Art Gallo, 199 Nandina Terrace, Winter Springs spoke about waivers and the potential need to change the code.*

*Mayor McCann closed Public Hearing for Item 402.*

Manager Boyle clarified the applicant was seeking an additional 6 months, total not to exceed 12 months, to allow for the completion of the streetscaping.

Brief discussion about the prohibition on seeking further signage. Attorney Garganese noted the agreement only referenced State Road 434 and there was no mention of Tuskawilla Road.

"MOTION TO APPROVE ITEM 402 WITH STAFF RECOMMENDATION AND THE ADDITIONAL 180 DAYS RELATED TO THE BOND AS REQUESTED BY THE APPLICANT." MOTION BY COMMISSIONER RESNICK. SECONDED BY DEPUTY MAYOR ELLIOTT. DISCUSSION.

VOTE: COLANGELO (AYE); RESNICK (AYE); BENTON (AYE); JOHNSON (AYE); ELLIOTT (AYE)  
MOTION CARRIED 5-0.

#### REGULAR AGENDA

##### 500) [Trotwood Basketball Courts ITB #11-22 LH](#)

Mr. Leonard Hartman, Director, Parks and Recreation Department reviewed the item and noted Staff sought the award of the ITB to the lowest bidder, Orange Avenue Enterprises as presented.

Discussion followed on the previous postponement of the item, resident concerns, tours of the area, and the rationale for the placement of the courts.

Mr. Brian Dunigan, Parks Manager, Parks and Recreation Department noted community input in the process, attempts to increase parking, and the need for repair of the basketball courts were all factors that had been considered in developing this proposal.

In response to a question about calls for service at Trotwood Park, Chief Matt Tracht, Winter Springs Police Department, noted that 8 of 1400 calls for service were crimes and that 86% of these calls for service were logged patrols of the area.

Further discussion followed on discussions with basketball players, the desire to be close to the parking lot, landscaping and potential fencing, and the bid process.

Manager Boyle noted that local preference was not specified in this ITB but noted that the Commission could direct that to be included for future bids.

"MOTION TO APPROVE." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER JOHNSON. DISCUSSION.

VOTE: RESNICK (AYE); JOHNSON (AYE); ELLIOTT (AYE); BENTON (AYE); COLANGELO (NAY)  
MOTION CARRIED 4-1.

##### 501) [Non-Binding Review - Avid at Winter Springs](#)

Mr. Tafelsky briefly introduced the item and Mayor McCann asked for a review on the non-binding review process.

Attorney Garganese reviewed the process.

Mr. Chuck Hollis, 712 Ponca Trail, Maitland, reviewed the proposed Avid multi-family project, the proximity to the Town Center, and noted that the project was planned with a goal to provide attainable rent.

Discussion followed on the classification of buildings as apartments, the location of the project, and the intentions of the applicant to seek annexation into the City.

Mr. Hollis noted stormwater considerations for the project and also spoke about efforts to consider neighboring residents.

Attorney Garganese noted that multi-family would be a conditional use in the Town Center, reviewed step-back requirements for buildings over three stories, and setback requirements.

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**502) [Discussion on Tuskawilla Storage Project](#)**

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Mayor McCann briefly reviewed the proposed project.

Attorney Garganese noted the development permit application was pending before the Seminole County Board of County Commissioners, the applicant was seeking a PD zoning which would require a master plan for the specific use, and noted that if the project were to proceed a community workshop would be required as well as consideration by the Development Review Committee, and ultimately the County Commission.

Discussion followed on time frames and legal paths available to the City, meetings with County Commissioners, previous direction to have Attorney Garganese attend County meetings where this was being considered and voicing the City's concerns, and a call for residents to reach out to County Commissioners as well.

The Commission agreed that the City should put together an education and marketing campaign to make residents aware of this proposed project and how they could voice their concerns.

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**503) [Discussion on Annexation Strategy and Joint Planning Agreement](#)**

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No additional discussion.

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**504) [Appointment Opportunities for City Boards and Committees](#)**

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No appointments were made.

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**505) [New Business](#)**

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Commissioner Johnson asked that a discussion be placed on a future agenda to discuss awarding Kevin Cannon the Key to the City and reviewed his accomplishments that he thought warranted the award.

Commissioner Colangelo asked that an item be brought to a future meeting regarding live streaming of the Commission meetings.

Commissioner Resnick asked that a review of policies and procedures of the Commission, as well as stop times and second public input be discussed at a future meeting.

**REPORTS**

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**600) City Manager Shawn Boyle**

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- Thanked Mr. Hursh for the staging completed at the Northern Way bridges.

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**601) City Attorney Anthony A. Garganese**

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- No report

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**602) City Clerk Christian Gowan**

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- No report

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**603) Seat Three Commissioner Ted Johnson**

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- Noted attending the funeral of Dan Holsenbeck and spoke about his many contributions to the community.

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#### 604) Seat Four Commissioner Cade Resnick

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- Noted he was looking forward to the Highland Games being held during the upcoming weekend;
- Echoed comments and condolences regarding the passing of Dan Holsenbeck.

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#### 605) Seat Five Commissioner/Deputy Mayor Rob Elliott

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- Noted his continued participation in Leadership Seminole;
- Noted he was looking forward to the Highland Games

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#### 606) Mayor Kevin McCann

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- Noted Law Enforcement Appreciation Day and expressed the Commission's support of officers;
- Spoke about the passing of Dan Holsenbeck and his contributions to Winter Springs, UCF, and the State.

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#### 607) Seat One Commissioner Matt Benton

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- Echoed the comments made about Dan Holsenbeck;
- Wished everyone a Happy New Year

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#### 608) Seat Two Commissioner Victoria Colangelo

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- No report

### PUBLIC INPUT

*Mayor McCann opened Public Input.*

*Ms. Gina Shafer, Winter Springs Village, Winter Springs spoke in support of 6:30 meetings, live streaming of meetings, and her efforts to contact the County Commissioners.*

*Mr. Kevin Cannon, PO Box 195447, Winter Springs shared comments about the proposed Seminole County storage facility and thought engineers knowledgeable about fire suppression were needed, thought a well was a non-starter, and asked about the site's history as a brownfield site that the County had agreed to clean up.*

*Ms. Karen Meyer 741 Andover Circle, Winter Springs shared that she thought Winter Springs Boulevard was beautifully resurfaced, her expectation that the Commission go through the entire agenda, and asked about opportunities for public input.*

*Mr. Art Gallo, 199 Nandina Terrace, Winter Springs continued his comments on his research and findings.*

*Mr. Jeff Crandall, 1239 Stone Harbour Road, Winter Springs noted his disappointment about the request to end the meeting early.*

*Mayor McCann closed Public Input.*

## ADJOURNMENT

Mayor McCann adjourned the meeting at 11:31 PM.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN  
CITY CLERK

*APPROVED:*

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MAYOR KEVIN McCANN

NOTE: These Minutes were approved at the \_\_\_\_\_, 2022 City Commission Regular Meeting.



## **PUBLIC HEARINGS AGENDA ITEM 400**

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Second Reading and Adoption of Ordinance 2022-11 amending Chapter 20, Zoning, to regulate self-service storage facilities and allow them as a conditional use in certain zoning districts, provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities.

### **SUMMARY**

Staff is requesting that the City Commission conduct a Public Hearing and Second Reading ordinance 2022-11, amending Chapter 20 of the City Code to regulate self-service storage facilities and allow them as a conditional use in certain zoning districts, provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities. Currently, "indoor public storage" is only permitted in the C-3 Highway 17-92 Commercial District. There is only one small parcel currently zoned C-3 Highway in the City along 17-92. However, this proposed ordinance would permit self-service storage facilities as a conditional use: In the C-1 zoning district for properties with frontage on SR 419. For any property with double frontage on SR 419 and SR 434, the self-service storage facility shall require a 27-foot landscape buffer along SR 434 in accordance with Article VII of the Zoning Ordinance and shall not be accessed from SR 434. In the I-1 Light Industrial zoning district. Self-service storage will remain a permitted use in the C-3 Highway 17-92 Commercial district. The ordinance provides for certain design and operational regulations for self-service storage facilities. These regulations include, but are not limited to: Individual storage units must be accessed from the interior of a building or from individual storage unit doors that face the interior of the property and are not visible from any right-of-way or neighboring property; Loading bays, entrances, docks and doors shall not be located on any side abutting residential property or a street-facing side of a building; A gate or secured access is required; Buildings shall be surfaced in high-quality materials with 50% of the façade covered by decorative brick, stone, stuccos, textured block or similar decorative materials; Exterior colors shall be muted tones; Facility hours of operation limited to 6 a.m. to 10 p.m.; Outdoor storage is prohibited; self-service storage facilities may not be closer

than five-hundred (500) feet from another self-service storage facility; site lighting must not spill over onto adjacent properties. Staff recommends approval of this ordinance to provide for further zoning districts in the City in which self-service storage facilities will be permitted as a conditional use, subject to the conditions described herein. The proposed ordinance language provides for additional regulations on the design of self-service storage facilities as well as their operation. The Planning & Zoning Board reviewed the Ordinance at its November 17, 2022 special meeting. The Board recommended 4 additional changes to the Ordinance which are incorporated into the Ordinance: 500 ft. separation; not to exceed 2 stories in height of occupiable space; exterior lighting adjacent to residential property must avoid spillover; and allowing a dwelling unit on the property for caretaker or security.

On January 9, 2023, the City Commission postponed final action on this Ordinance to this meeting.

## **RECOMMENDATION**

Staff recommends Commission consider second reading and final approval of Ordinance 2022-11, which proposes to amend Chapter 20, zoning, of ordinance to provide clarification on the intent of the C-3 Hwy 17-92 zoning district, and provide for additional regulations related to the design and operation of self-service storage facilities.



ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, PROVIDING FOR AN AMENDMENT TO CHAPTER 20 ZONING REGULATING SELF-SERVICE STORAGE FACILITIES; PROVIDING FOR A DEFINITION OF SELF-SERVICE STORAGE FACILITIES; ESTABLISHING SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE ON CERTAIN PROPERTY DESIGNATED C-1 NEIGHBORHOOD COMMERCIAL ON THE CITY'S ZONING MAP WITH FRONTAGE ON STATE ROAD 419; ESTABLISHING SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE ON PROPERTY DESIGNATED I-1 LIGHT INDUSTRIAL DISTRICT; ADOPTING NEW SUPPLEMENTAL ZONING DISTRICT REGULATIONS REGARDING THE DESIGN AND OPERATION OF SELF-SERVICE STORAGE FACILITIES; PROVIDING AN AMENDMENT TO THE C-3 HIGHWAY 17-92 ZONING DISTRICT TO INCORPORATE THE NEW DEFINITION OF SELF-SERVICE STORAGE FACILITIES AND CLARIFYING THAT THE C-3 HIGHWAY 17-92 COMMERCIAL DISTRICT IS INTENDED FOR LANDS ADJACENT TO HIGHWAY 17-92 ONLY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law, and the City has inherent police power to establish zoning regulations within the jurisdictional limits of the City of Winter Springs; and

**WHEREAS**, due to modern trends and tenant demand for high-quality climate controlled self-service storage units for storage of goods and property within the City, the City Commission finds it to be in the City's best interest to provide for possible additional limited locations for self-service storage facilities only within the I-1 Light Industrial zoning district, an area in close proximity to the City's existing industrial district along SR 419, and the existing C-3 Highway 17-92 zoning district pursuant to the siting, design and operational requirements set forth in this Ordinance; and

**WHEREAS**, City Commission also finds that the planning evaluation to identify additional locations for self-service storage units was significantly constrained because such uses are not only incompatible with the abundance of existing residential zoning and developments within the City, but inconsistent with the goals, policies and objectives of the existing City's

1 Comprehensive Plan related to the City's Town Center and Greenway Interchange, and  
2 inconsistent with the policies and objectives set forth in the City's SR 434 Corridor Overlay  
3 District; and  
4

5 **WHEREAS**, the City Commission also concludes that a five-hundred (500) foot  
6 separation distance between self-service storage facilities and the application of conditional use  
7 requirements will serve the public health, safety, and welfare; and  
8

9 **WHEREAS**, many areas of Florida have experienced a surge in self-service storage  
10 facility development, leading to an over-concentration of such facilities and reduction of available  
11 commercially developable land that could be devoted to other uses, including neighborhood  
12 commercial uses to support residential communities, like retail, restaurants, and other personal  
13 services<sup>1</sup>; and  
14

15 **WHEREAS**, the popularity of self-service storage facilities is evidenced by the fact that  
16 the City Commission has been requested to hold non-binding development application review  
17 hearings for self-service storage facilities twice since 2017, with applicants seeking to expand the  
18 zoning districts in the City to allow self-storage facilities in inappropriate places; and  
19

20 **WHEREAS**, according to the City's Comprehensive Plan, the City of Winter Springs is  
21 predominantly built-out and there is limited vacant industrial and commercial land available for  
22 future development, excluding the GID and Town Center; and  
23

24 **WHEREAS**, including the 500-foot separation and conditional use requirements for self-  
25 service storage facilities will serve the two-fold goal of ensuring enough supply of general  
26 commercial land available for neighborhood commercial uses to support the residential population  
27 and continued availability of industrial land for light industrial uses and other land uses which  
28 could have adverse secondary effects on residential areas, religious institutions, schools, parks,  
29 day care centers, and other public institutions; and  
30

31 **WHEREAS**, the City's Land Planning Agency conducted a public hearing to consider this  
32 Ordinance on November 17, 2022, and after receiving testimony and evidence and deliberating  
33 about the merits of the Ordinance, recommend that the City Commission adopt the Ordinance; and  
34

35 **WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds  
36 this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of  
37 Winter Springs.

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1 "Self storage still rising after pandemic surge," The Real Deal (May 16, 2022),  
<https://therealdeal.com/2022/05/16/self-storage-still-rising-after-pandemic-surge/> (131 million square feet of storage  
space planned or under construction nationally, including 50 million square feet expected in 2022); "The Fast-  
Evolving Self-Storage Market," Matthews Real Estate Investment Services (May 27, 2022),  
<https://www.matthews.com/publications-growing-appeal-of-self-storage/> (self-storage market was valued at  
\$48.02 billion in 2020 and is projected to reach \$64.71 billion by 2026 with a compound annual growth rate of  
5.45 percent); Report on Land Development Code Amendment, Collier County Growth Management Department,  
(Sept. 24, 2019), <https://www.colliercountyfl.gov/home/showpublisheddocument/89198/637051985410400000>.

1  
2       **NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER**  
3 **SPRINGS HEREBY ORDAINS, AS FOLLOWS:**  
4

5       **Section 1.**     **Recitals.**    The foregoing recitals are hereby incorporated herein by this  
6 reference.  
7

8       **Section 2.**     **Amendment to Chapter 20, Zoning.**    The City of Winter Springs Code,  
9 Chapter 20, Zoning is hereby amended as follows: (underlined type indicates additions to the City  
10 Code and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the  
11 Ordinance of text existing in Chapter 20. It is intended that the text in Chapter 20 denoted by the  
12 asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior  
13 to adoption of this ordinance):  
14

15                               **Chapter 20 Zoning**  
16

17                               \* \* \*

18                               **ARTICLE I. – IN GENERAL**  
19

20 **Sec. 20-1. – Definitions.**  
21

22    The following words, terms and phrases, when used in this chapter, shall have the meanings  
23 ascribed to them in this section, except where the context clearly indicates a different meaning:  
24

25                               \* \* \*

26  
27 *Self-Service Storage Facilities.* A fully-enclosed establishment containing separate storage  
28 spaces, stalls or lockers with privately-controlled access points that are leased or rented to  
29 customers as individual units for storage space of the customer's goods, wares or personal  
30 property. The term is synonymous with mini-warehouses, mini-storage, self-storage facilities,  
31 and self-storage warehouses.  
32

33                               \* \* \*

34  
35                               **ARTICLE III. – ESTABLISHMENT OF DISTRICTS**  
36

37                               \* \* \*

38  
39                               **DIVISION 7. – C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**  
40

41                               \* \* \*  
42  
43  
44  
45

1 **Sec. 20-234. Conditional uses.**

2 \* \* \*

3  
4  
5 (9) Self-Service Storage Facilities, provided the property has frontage on State  
6 Road 419 and shall be subject to the supplemental design and operational  
7 requirements set forth in section 20-423 (b) and (c) of the City Code. Additionally,  
8 for any property with double frontage on State Road 419 and State Road 434, the  
9 self-service storage facility shall require a 27-foot landscape buffer along State  
10 Road 434 and shall not be accessed from State Road 434.

11 \* \* \*

12  
13  
14 **DIVISION 8.5. – I-1 LIGHT INDUSTRIAL DISTRICT**

15 \* \* \*

16  
17 **Sec. 20-261. – Conditional uses.**

18 \* \* \*

19  
20 (9) Self-Service Storage Facilities subject to the supplemental design and operational  
21 requirements set forth in section 20-423 (b) and (c) of the City Code.

22 \* \* \*

23  
24  
25 **DIVISION 15. – C-3 HIGHWAY 17-92 COMMERCIAL DISTRICT**

26  
27 **Sec. 20-346. - In general.**

28  
29 The lands of the "C-3 Highway 17-92 Commercial" District are particularly oriented to a  
30 wide variety of commercial and professional office uses which may generate excessive traffic from  
31 clientele or capture large volumes of traffic from adjacent thoroughfares. The purpose of this  
32 district is to encourage and develop the normal operation of general commercial land uses listed  
33 here, under such conditions of operation as will protect abutting residential and other  
34 noncommercial uses, and promote aesthetic and architectural harmony, attractiveness, and  
35 compatibility within the community, and abide by the performance and development standards of  
36 the city, county, state and U.S. government. This district is intended for and limited to lands that  
37 are adjacent and have ingress/egress to or easily serviced by collector and major arterial roads  
38 Highway 17-92 and adaptable to higher traffic generating general commercial uses. Areas of the  
39 city for which this zoning category may be appropriate are designated on the future land use map  
40 as "commercial."

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1 space may also be used for storage supply sales and office use to support the rental  
2 of the storage units.  
3  
4 (3) If the storage facility abuts a residentially zoned property or existing  
5 residential development, the facility loading bays, entrances, docks or doors shall  
6 not be located on any side abutting the residentially zoned property or residential  
7 development and shall not be visible from said residential property.  
8  
9 (4) Loading bays, docks, entrances to individual storage units or bays may not  
10 be located on a street facing side of a building.  
11  
12 (5) Storage facility access shall be secured such that access to the individual  
13 storage units shall only be gained after passing through a gate or entering a building  
14 through a secured access point.  
15  
16 (6) Fences and walls including entry gates shall be constructed of high quality  
17 materials and shall be compatible and in harmony with the design and materials of  
18 the facilities and site. Decorative metal or wrought iron fences are preferred.  
19 Chain-link or similar fences, barbed wire or razor wire fences and walls made of  
20 precast concrete are prohibited. Fences or walls are not allowed between the main  
21 or front building on the site and the street.  
22  
23 (7) Storage facility buildings shall be surfaced in high quality materials  
24 compatible and in harmony with the site. Unfaced concrete block, painted  
25 masonry, tilt-up and pre-cast concrete panels and prefabricated metal sheets are  
26 prohibited. Prefabricated buildings are not allowed.  
27  
28 (8) Exterior colors, including any internal corridors or doors visible through  
29 windows, shall be muted tones.  
30  
31 (9) The façade of the storage facility building shall have exterior vertical  
32 surfaces with at least fifty (50) percent of the area covered by a material or  
33 combination of materials such as decorative brick veneer, stone, stucco, textured  
34 block or similar decorative materials. All materials shall be of high quality.  
35  
36 (10) Storage facility buildings shall be clad with a mix of durable, low  
37 maintenance materials that convey the appearance of high quality. Upon final  
38 aesthetic review approval by the City, allowed cladding materials shall include high  
39 grade metal composite materials with a factory-applied finish, brick, brick veneer,  
40 stone, simulated stone, stucco, cement fiberboard, and concrete masonry units with  
41 integrated color, provided the outer surface is either split face or ground faced, or a  
42 combination of the two. Prohibited cladding materials include unbacked, non-  
43 composite sheet metal products (e.g., standing-seam metal or flat panels that can be  
44 easily dented), smooth faced concrete masonry units that are painted or unfinished,  
45 board or batten siding, plastic or vinyl siding or unfinished wood.

1  
2 (11) Single-story storage facility buildings shall have a gable or hipped roof.

3  
4 (12) Streetscape landscaping required by the City Code shall not be fenced.

5  
6 (13) Electrical service to the storage units shall be for lighting and climate  
7 control only. No electrical outlets are permitted inside individual storage units.  
8 Lighting fixtures and switches shall be of secure design that will not allow the  
9 tapping of fixtures for other purposes.

10  
11 (14) The minimum setbacks shall be as follows for storage facility buildings and  
12 these shall take precedence over any other applicable setback requirements in the  
13 applicable zoning district and the S.R. 434 Corridor Overlay District:

14  
15 i. Front: 50-feet

16 ii. Side and rear: 25-feet

17  
18 (15) Self-service storage facilities shall not exceed two (2) stories in height of  
19 occupiable space (as defined by the Florida Building Code, Chapter 2).

20  
21 (16) Exterior lighting for self-service storage facilities shall consist of fully cut-  
22 off or fully shielded light sources to protect adjacent properties from glare. Light  
23 levels at a property line for the self-service storage facility adjacent to residentially  
24 zoned property or existing residential development shall not exceed 0.05 foot-  
25 candles.

26  
27 (c) **Operational Requirements.** In addition to other applicable operational  
28 standards set forth in the City Code (e.g., noise and other nuisance standards), the  
29 following minimum operational standards shall apply to self-service storage  
30 facilities and tenants of individual storage units:

31  
32 (1) Individual storage units shall not be used for activities such as residences,  
33 offices, workshops, studios, or hobby or rehearsal areas. Further, storage units  
34 shall not be used for manufacturing, fabrication or processing of goods, services or  
35 repair of vehicles, engines, appliances or other equipment, or any other industrial  
36 activity whatsoever. In addition, storage units shall not be used for commercial  
37 activity or places of business of any kind including, but not limited to, retail sales,  
38 garage or estate sales, or auctions.

39  
40 (2) Storage of flammable, explosive, perishable or hazardous materials within  
41 individual storage units and on site is prohibited.

42  
43 (3) The storage of gasoline powered motor vehicles within an individual  
44 storage unit is prohibited.

(4) Keeping of animals is prohibited.

(5) Storage facilities shall not operate or allow tenant access between the hours of 10:00 p.m. and 6:00 a.m., except for storage facilities that were approved by the City Commission by development agreement, and are operational, prior to the effective date of this subsection.

(6) All goods and property shall be stored in an enclosed building. Outdoor storage of goods and property shall be prohibited.

(7) Storage pods or shipping containers are prohibited on the property.

(8) Storage facilities shall have security access control to buildings and individual storage units and enhanced electronic video surveillance of the property.

(9) The construction of one dwelling unit on storage facility property shall be permitted for the purpose of housing a live-in caretaker or security personnel for the facility.

(10) Rental agreements shall provide tenants with written notice of the minimum operational standards set forth in this section and any other conditions imposed by the conditional use permit or any development agreement approved by the City Commission.

**(d) Distancing Requirements.** There shall be a minimum air line distance of five-hundred (500) feet, measured in a straight line from the nearest points of lot boundaries, between self-service storage facilities.

\* \* \*

**Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 4.**      **Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 5.**      **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.



1  
2       **Section 6.     Effective Date.**     This Ordinance shall become effective immediately  
3 upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to  
4 City Charter.  
5

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular  
meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Kevin McCann, Mayor**

**ATTEST:**

\_\_\_\_\_  
**CHRISTIAN GOWAN, City Clerk**

**Approved as to legal form and sufficiency for  
the City of Winter Springs only:**

\_\_\_\_\_  
**ANTHONY A. GARGANESE, City Attorney**

Legal Ad:  
First Reading:  
Legal Ad:  
Second Reading:  
Effective Date:



NEWS BRIEFING

Migrants dropped off near VP Harris’ home on icy Christmas Eve

From news services

WASHINGTON — Three buses of recent migrant families arrived from Texas near the home of Vice President Kamala Harris in record-setting cold on Christmas Eve.

Texas authorities have not confirmed their involvement, but the bus drop-offs are in line with previous actions by border-state governors calling attention to the Biden administration’s immigration policies.

The buses that arrived late Saturday outside the vice president’s residence were carrying around 110 to 130 people, according to Tatiana Laborde, managing director of SAMU First Response, a relief agency working with the city of Washington to serve thousands of migrants who have been dropped off in recent months.

Local organizers had expected the buses to arrive Sunday but found out Saturday that the group would get to Washington early, Laborde said. The people on board included young children.

Some were wearing T-shirts despite temperatures hovering around 15 degrees. It was the coldest Christmas Eve on record for Washington, according to the Washington Post.

Laborde said employees had blankets ready for the people who arrived on Christmas Eve and moved them quickly onto waiting buses for a ride to an area church. A local restaurant chain donated dinner and breakfast.

Most of the arrivals were headed to other destinations and expected to remain in Washington only briefly.

Gov. Greg Abbott’s office did not respond to a request for comment Sunday morning. His office said last week that Texas has given bus rides to more than 15,000 people since April to Washington, New York, Chicago and Philadelphia.

White House spokesperson Abdullah Hasan called the bus drop-offs a “cruel, dangerous, and shameful stunt.”

“As we have repeatedly said, we are willing to work with anyone — Republican or Democrat alike — on real solutions, like the comprehensive immigration reform and border security measures President Biden sent to Congress on his first day in office, but these political games accomplish nothing and only put lives in danger,” Hasan said in a statement Sunday.

**Rohingya in Indonesia:** Dozens of hungry and weak Rohingya Muslims were found on a beach in Indonesia’s northernmost province of Aceh on Sunday after weeks at sea, officials said.

The group of 58 men arrived on Indrapatra beach at Ladong, a fishing village in Aceh Besar district, early Sunday, said local police chief Rolly Yuiza Away. At least three of them were rushed to a health clinic for medical care, Away said.

More than 700,000 Rohingya Muslims have fled from Buddhist-majority Myanmar to refugee camps in Bangladesh since August 2017, when the Myanmar military launched a clearance operation in response to attacks by a rebel group. Myanmar security forces have been accused of mass rapes, killings and the burning of thousands of homes.

Groups of Rohingya have attempted to leave the crowded camps in Bangladesh and travel by sea in hazardous voyages to other Muslim-majority countries in the region.

**Israel politics:** Designated Israeli Prime Minister Benjamin Netanyahu issued a



Hundreds of holidaymakers enjoy themselves Sunday on Kenya’s Jomo Kenyatta Public Beach — known informally as Pirates Beach — along the Indian Ocean after attending Christmas Day services in various churches in Mombasa. GIDEON MAUNDU/AP

rare rebuke of his new coalition allies on Sunday for saying they would advance laws allowing discrimination against LGBTQ people, pledging there would be no harm to their rights by his upcoming government.

Netanyahu is set to form the most ultranationalist and religious government in Israel’s history between his Likud movement and several openly anti-LGBTQ parties.

Orit Struck, a Religious Zionist member of the Knesset, Israel’s parliament, said her party seeks a change to the country’s anti-discrimination law that would include permitting people to avoid acts that go against their religious beliefs.

Struck said in an interview on Sunday with Kan public radio that “so long as there are enough other doctors to provide care,” religious healthcare providers should be able refuse to treat LGBTQ patients.

**South Africa explosion:** South Africa was coming to grips Sunday with the full extent of the destruction and deaths caused by a Christmas Eve tanker truck explosion near Johannesburg as officials reported the death toll rising to 15.

The truck was carrying liquefied petroleum gas when it got stuck under a low-lying bridge in the town of Boksburg on Saturday, sparking flames. As firefighters worked to extinguish the flames, the tanker exploded, according to emergency services officials.

The explosion substantially damaged Tambo Memorial Hospital, located about 110 yards away, authorities said. Three hospital staff members were among those killed, Minister of Health Joe Phaahla said.

At least 321 injured people were taken to the damaged hospital, though some were later transferred to other Johannesburg-area hospitals.

**Ex-rebel now Nepal PM:** The leader of former communist rebels became Nepal’s new prime minister Sunday with the support of his ex-opponent and other smaller political parties.

The announcement was made by the office of President Bidhya Devi Bhandari after the Maoist communist party leader Pushpa Kamal Dahal met her to stake his claim for prime minister following last month’s elections, in a major twist in politics in the Himalayan nation.

Dahal has support of more than half the members of the newly elected House of Representatives, the lower house of Parliament.

Seven parties have pledged support for Dahal, including his friend-turned-foe Communist Party of Nepal (United Marxist-Leninist), led by Khadga Prasad Oli.

Dahal, also known as Prachanda, or the “fierce one,” led a violent Maoist communist insurgency from 1996 to 2006. More than 17,000 people were killed and the status of many others remains unknown.

The Maoists gave up their armed revolt, joined a U.N.-assisted peace process in 2006 and entered mainstream politics. Dahal’s party secured the most parliamentary seats in 2008 and he became prime minister, but quit a year later over differences with the president.

**Maldives conviction:** A court in Maldives on Sunday found the former president guilty of money laundering and accepting a bribe and sentenced him to 11 years in prison, and ordered him to pay a fine of \$5 million.

The court found Yameen guilty of accepting money for leasing an island owned by the government. He ruled the Indian Ocean archipelago nation from 2013 to 2018.

This was not the first time Yameen was found guilty. In a separate case in 2019, he was found guilty of money laundering and sentenced to five years in prison.

But two years later, the Supreme Court overturned the verdict, saying that evidence at the initial trial contained discrepancies and did not conclusively prove that Yameen had laundered \$1 million in state money for personal gain.

SOLITAIRE STORY

MAHJONG STORY

COOKIE CRUSH

DAILY JUMBLE

DAILY SUDOKU

BUBBLE SHOOTER PRO

PUZZLES & GAMES

PlayJumble.com

QR CODE

TRIBUNE PUBLISHING

Jumble Daily  
Jumble Crossword Daily  
Jumble Sunday  
Sudoku - Mahjong  
Bubble Shooter Pro  
Plus many more

CITY OF WINTER SPRINGS  
NOTICE OF ZONING TEXT CHANGES

NOTICE IS HEREBY GIVEN THAT  
THE WINTER SPRINGS PLANNING & ZONING BOARD  
AND CITY COMMISSION  
PROPOSE TO CONSIDER THE FOLLOWING ORDINANCE:

1. **ORDINANCE 2022-11.** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, PROVIDING FOR AN AMENDMENT TO CHAPTER 20 ZONING REGULATING SELF-SERVICE STORAGE FACILITIES; PROVIDING FOR A DEFINITION OF SELF-SERVICE STORAGE FACILITIES; ESTABLISHING SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE ON CERTAIN PROPERTY DESIGNATED C-1 NEIGHBORHOOD COMMERCIAL ON THE CITY’S ZONING MAP WITH FRONTAGE ON STATE ROAD 419; ESTABLISHING SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE ON PROPERTY DESIGNATED I-1 LIGHT INDUSTRIAL DISTRICT; ADOPTING NEW SUPPLEMENTAL ZONING DISTRICT REGULATIONS REGARDING THE DESIGN AND OPERATION OF SELF-SERVICE STORAGE FACILITIES; PROVIDING AN AMENDMENT TO THE C-3 HIGHWAY 17-92 ZONING DISTRICT TO INCORPORATE THE NEW DEFINITION OF SELF-SERVICE STORAGE FACILITIES AND CLARIFYING THAT THE C-3 HIGHWAY 17-92 COMMERCIAL DISTRICT IS INTENDED FOR LANDS ADJACENT TO HIGHWAY 17-92 ONLY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

THE CITY COMMISSION PUBLIC HEARING AND  
SECOND READING WILL BE HELD ON  
MONDAY, JANUARY 9, 2023  
AT 6:30 P.M. OR SOON THEREAFTER  
IN THE WINTER SPRINGS CITY HALL  
COMMISSION CHAMBERS  
LOCATED AT 1126 EAST STATE ROAD 434, WINTER SPRINGS, FL

Said ordinance may be inspected by the public at the City Clerk’s Office, located at 1126 E. SR 434, Winter Springs, Florida, prior to the public hearings. Interested members of the public may appear at the public hearings and be heard with respect to the proposed ordinance.

The Planning & Zoning Board and City Commission reserve the right to continue or postpone hearings to a date certain without re-advertising. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at these meetings will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATIONS: The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Winter Springs, listed below, at least 48 hours prior to the meeting: Christian Gowan, City Clerk, 1126 E State Road 434, Winter Springs, by telephone at (407) 327-6560 or via email at cgowan@winterspringsfl.org.

CITY OF WINTER SPRINGS  
NOTICE OF PUBLIC HEARING  
TEMPORARY ZONING MORATORIUM

NOTICE IS HEREBY GIVEN THAT  
THE CITY COMMISSION  
PROPOSES TO CONSIDER THE  
FOLLOWING ORDINANCE:

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA; ADOPTING A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF WINTER SPRINGS REGARDING THE FILING, PROCESSING, CONSIDERATION, OR DECISION OF FINAL ENGINEERING PLAN AND SUBDIVISION OF LAND APPLICATIONS FOR DEVELOPMENT REQUIRING CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE SYSTEMS UNDER SECTION 9-241 OF THE CITY CODE IN ALL ZONING DISTRICTS OF THE CITY; PROVIDING THAT SAID MORATORIUM SHALL BE EFFECTIVE FOR A PERIOD OF 90 DAYS, WITH THE OPTION FOR THE CITY COMMISSION TO EXTEND THE MORATORIUM FOR AN ADDITIONAL THREE MONTHS IF NECESSARY TO ALLOW THE CITY COMMISSION, CITY LAND PLANNING AGENCY, CITY STAFF AND CITY ATTORNEY TO DEVELOP AMENDMENTS TO CHAPTER 9 OF THE CITY CODE AND APPLICABLE COMPREHENSIVE PLAN REQUIREMENTS TO ENHANCE THE STORMWATER DESIGN REQUIREMENTS OF THE CITY; PROVIDING FOR PENALTIES, REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, CONFLICTS WITH STATE AND FEDERAL LAW AND SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

CITY COMMISSION SECOND READING  
PUBLIC HEARING  
WILL BE HELD ON  
MONDAY, JANUARY 9, 2023  
AT 6:30 P.M. OR SOON THEREAFTER IN THE  
COMMISSION CHAMBERS LOCATED AT  
WINTER SPRINGS CITY HALL  
1126 EAST STATE ROAD 434  
WINTER SPRINGS, FLORIDA

Said ordinance may be inspected by the public at the City Clerk’s Office, located at 1126 E. SR 434, Winter Springs, Florida, prior to the public hearings. Interested members of the public may appear at the public hearings and be heard with respect to the proposed ordinance.

The Planning & Zoning Board and City Commission reserve the right to continue or postpone hearings to a date certain without re-advertising. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at these meetings will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATIONS: The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Winter Springs, listed below, at least 48 hours prior to the meeting: Christian Gowan, City Clerk, 1126 E State Road 434, Winter Springs, by telephone at (407) 327-6560 or via email at cgowan@winterspringsfl.org.





## REGULAR AGENDA ITEM 500

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Consideration of Presenting Kevin Cannon with a Key to the City

### **SUMMARY**

At the January 9, 2023 City Commission Meeting, Commissioner Ted Johnson suggested recognizing former Commissioner Kevin Cannon and presenting him with a Key to the City for his 8 plus years of service and championing of numerous City initiatives.

### **RECOMMENDATION**

Staff recommends the City Commission discuss and provide direction.

## **Key to the City – Kevin Cannon**

### **Decades of Community Service:**

- St. Stephen Catholic Church, Parish Council, religious education teacher, Eucharistic Minister**
- Medical Missions Steering Committee, Catholic Diocese of Orlando**
- Knights of Columbus, 4th Degree Member**
- Founding Member of Pathways to Care, free Assisted Living Facility for homeless Veterans and uninsured patients in need.**
- President of Central Florida Disaster Medical Assistance Team (DMAT FL-6) providing medical care following natural or man made disasters (ie Hurricanes Charley, Katrina, Flagler Wild Fires)**
- Amateur Radio Emergency Services to City of Winter Springs Police Department and Seminole County**
- Mentor to FIRST High School Robotics Team (Exploding Bacon)**
- Volunteer STEM teacher (radio, electronics and physics) in middle and high schools**
- Amateur Radio In The International Space Station (ARISS) setting up live radio communications between students and astronauts on the International Space Station (Indian Trails Middle School; Faith Assembly etc.)**
- Lake Monroe Amateur Radio Society board member, licensure education courses, Field Day readiness exercises for disaster response**
- Court Appointed Guardian Ad Litem representing abused or neglected children in Dependency Proceedings initiated by Department of Children and Families**
- Eagle Scout, adult Scout Leader, Den Leader, Cubmaster, Scoutmaster, District Commissioner, Assistant Council Commissioner, member Board of Directors Central Florida Council BSA**

-Educating High School Students in the law utilizing Mock Jury Trials from actual cases taking place in courtrooms with the assistance of Circuit Judges, law enforcement officers and Medical Examiners.

-Business Advisory Council member Crooms Academy of Information Technology, SCPS.

**Advocacy For Winter Springs Residents prior to election to the City Commission:**

-Tusawilla Homeowners Association, Board Member and Governmental Liason

-Fought to prevent the closure of Keeth Elementary when SCPS was attempting to do so

-Advocated for relocation of a huge Commercial Sports Complex (now known as Boombah Sports Complex) from being located in Tusawilla on Jetta Point to a more compatible location near the Sanford Airport

-Advocated for relocation of low income Atlantic Housing project from the Winter Springs Town Center to a more compatible location in the City

-Advocated for relocation of the Race Track gas station from in front of Winding Hollow and Parkstone to a more compatible location on Highway 17-92

**Advocacy For Winter Springs while serving as a City Commissioner:**

-Advocated for the City to take action to reduce TTHM (Total Trihalomethanes) in its drinking water resulting in the six million dollar Ion Exchange Plant at Water Treatment Plant-1.

-Active member of the Florida League of Cities serving on the Utilities and Natural Resources Policy Committee

-Sole appointed representative of local governments to serve on the Florida Department of Health Research Review Advisory Committee for new technology in septic tank systems

-Advocated for changing the City Commission start time from 5:15Pm to 6:30PM to enable Citizen attendance and participation (Article I, Section 5 “The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances”.)

-Advocated for removal of the “mother may I” rule which prevented a single Commissioner or the Mayor from getting an item placed on the Agenda for future consideration as said provision was contrary to the representative form of government enshrined in our Florida Constitution and our City Charter

-Advocated for enhancement of Code of Conduct for elected officials to prevent Ex Parte Communication with Developers on specific projects likely to come before the Commission for quasi judicial land use hearings

-Advocated for major procedural improvements to the City land use application processes including:

- Requirement that Developers conduct a town hall meeting previewing the proposed project to residents

- Elimination of Special Exceptions

- Establishment of greater enumerated criteria when considering rezonings, conditional uses, waivers and variances

- Streetscape ordinance providing for greater set backs of new construction along SR-434 and Tuskawilla Road, enhanced sidewalks and landscaping, requiring canopy tree placements and building step backs (stair step look as the height of the buildings increase).

-Advocated for updating the long out of date City Comprehensive Land Use Plan via the process of conducting public workshops, visioning sessions and surveys seeking direction from the Winter Springs residents as well as businesses and developers

-Advocated for Winter Springs children attending neighborhood schools via proposed revisions to the Interlocal Agreement with SCPS (work in progress) to

ensure that when the City undergoes its concurrency analysis for new residential development it considers the capacity of the local neighborhood schools.

- Advocated for strengthening the City Tree Protection Ordinance to include more accurate comprehensive list of tree species that grow in the City, updating the costs to be paid by Developers seeking to remove trees and creating greater incentives to preserve specimen trees

- Advocated for major upgrades and replacements of the City sewer plants with a comprehensive plan of action

- Advocated for continued improvements of drinking water esthetics (taste and smell) via drinking water plant upgrades

- Advocated for the adoption of the enhanced Fertilizer Ordinance to improve surface water quality by reducing fertilizer runoff

- Advocated for greater water conservation measures in the City by enhancing the reuse water mains to incorporate irrigation in new areas thus reducing the use of potable water for irrigation

- Advocated for traffic safety analysis along SR-434 and improvements to traffic flow and safety.

- Advocated for traffic safety analysis along City collector roads to address cut through traffic, speeding and ways to reduce same.

- Advocated for sound walls between the proposed SR-417 lane expansions and Winter Springs homes



## REGULAR AGENDA ITEM 501

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Extension of Permitting Fee Waivers Related to Hurricane Ian

### **SUMMARY**

The City Commission previously approved Resolutions 2022-29 and 2022-32 on October 10th and 24th respectively to temporarily suspend portions of the City Code and provide relief to residents impacted by Hurricane Ian for a period of 6 months. Resolution 2022-29 temporarily suspended Section 20-431 of the City Code related to recreational vehicles as living quarters in residential zoning. Resolution 2022-32 temporarily suspended certain time restrictions detailed in Section 6-87 of the City Code related to temporary storage structures and roll-off dumpsters. Residential permitting fees were also suspended for work being completed due to damage from Hurricane Ian.

This item seeks to extend the timeframe for the temporary suspensions and provide a uniform end date of April 30, 2023.

### **RECOMMENDATION**

Staff recommends the Commission approve Resolutions 2023-03, 2023-04, and 2023-06.



## RESOLUTION NO. 2022-29

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, TEMPORARILY SUSPENDING THE ENFORCEMENT OF CERTAIN REGULATIONS PROHIBITING THE USE OF RECREATIONAL VEHICLES FOR LIVING QUARTERS IN RESIDENTIAL ZONING DISTRICTS FOR A PERIOD OF SIX (6) MONTHS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under ' 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission of the City of Winter Springs previously adopted regulations prohibiting the use of recreational vehicles as temporary living quarters or living units when parked in residential zoning districts of the City, pursuant to Section 20-431 of the City Code and other applicable code provisions; and

**WHEREAS**, Hurricane Ian impacted the City of Winter Springs and caused significant damage to property within the City, particularly due to extraordinary rainfalls, and many property owners have experienced substantial flooding damage within the City; and

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218, declaring a state of emergency for several counties within the State of Florida in response to Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire State of Florida via Executive Order 22-219, which will continue to be effective until November 22, 2022; and

**WHEREAS**, the City Commission of the City of Winter Springs declared a state of civil emergency prior to Hurricane Ian's arrival pursuant to Sections 4.05 and 4.06 of the City Charter, Section 2-255 of the City Code, and Section 252.38(3), Florida Statutes, via Resolution 2022-26, which commenced at 8:00 a.m. on September 27, 2022 and expired on October 4, 2022; and

**WHEREAS**, the term "recreational vehicles" includes camping trailers, truck campers, motor homes, house trailers or other such vehicles designed or modified to provide temporary living quarters or designed or modified to facilitate recreation, camping or travel by accommodating the needs for temporary quarters, in accordance with the Winter Springs City Code; and

**WHEREAS**, there has been an increased demand to utilize recreational vehicles parked on residentially zoned property for temporary living quarters while damage to permanent residences caused by Hurricane Ian is repaired; and

**WHEREAS**, the City Commission believes that temporarily relaxing certain provisions of the City Code regarding use of recreational vehicles parked on residentially zoned property for living quarters or units for the next six (6) months is in the best interest of the citizens and business

owners of Winter Springs to allow for repairs to take place and to limit further financial hardship to residents impacted by the storm; and

**WHEREAS**, all other regulations regarding recreational vehicles shall remain in place and shall be enforced, such as the requirement to park behind the front building line and the prohibition on parking recreational vehicles within the right-of-way on any city street, alley, lane, way, drive or other thoroughfare overnight; and

**WHEREAS**, City Commission deems that this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated herein by reference.

**Section 2. Temporary Suspension of Certain Recreational Vehicles Regulations.** The Winter Springs City Commission hereby approves temporarily suspending the enforcement of certain provisions of Section 20-431 of the City Code for six (6) months, beginning on October 10, 2022, as follows:

1. Section 20-431(1)(c) and 20-431(1)(f)3.. An owner of real property may occupy a recreational vehicle as a temporary living quarter while such recreational vehicle is parked or stored on their property within a residentially zoned district in the City, provided that such use of the recreational vehicle as a temporary living quarters shall only be permissible in circumstances where damage was sustained to the owner's permanent residence on said property during Hurricane Ian that remains unrepaired or where repairs are in progress and remain uncompleted. The intent of this suspension is to allow the property owner to use their recreational vehicle as a living quarter on their property while their primary residence is being repaired due to damage caused by Hurricane Ian.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

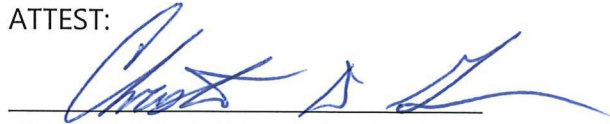
**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption by the City Commission of the City of Winter Springs, Florida, and shall expire six (6) months after its adoption. This effective date of this resolution may be extended or reduced by the City Commission by majority vote as deemed necessary at the sole discretion of the Commission.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on this 10<sup>th</sup> day of October, 2022.



**KEVIN McCANN, Mayor**

ATTEST:



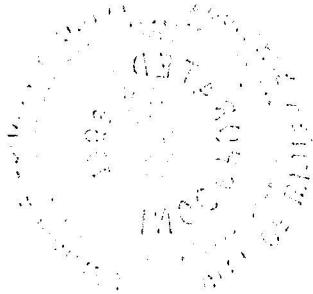
**CHRISTIAN GOWAN, City Clerk**

Approved as to legal form and sufficiency for  
the City of Winter Springs only:



**ANTHONY A. GARGANESE, City Attorney**





**RESOLUTION NO. 2022-32**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, TEMPORARILY SUSPENDING THE ENFORCEMENT OF CERTAIN TIME RESTRICTIONS UNDER SECTION 6-87 OF THE CITY CODE PROHIBITING THE USE OF TEMPORARY STORAGE STRUCTURES FOR HOMES DAMAGED BY HURRICANE IAN FOR A PERIOD OF SIX (6) MONTHS; SUSPENDING ANY CITY CODE OR SOLID WASTE FRANCHISE PROVISION THAT IMPOSES A MAXIMUM TIME LIMITATION ON THE USE OF ROLL-OFF DUMPSTERS BY HOMEOWNERS TO REPAIR DAMAGE CAUSED BY HURRICANE IAN FOR A PERIOD OF SIX (6) MONTHS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, pursuant to Section 6-87 of the City Code, the City currently limits the use of temporary storage structures to no more than a maximum of seventy-two (72) consecutive hours, and such structures are defined to mean "a structure designed and used primarily for storage of building materials, household goods, and other such material;" and

**WHEREAS**, Hurricane Ian impacted the City of Winter Springs and caused significant damage to property within the City, particularly due to extraordinary rainfalls, and many home owners have experienced substantial flooding damage within the City requiring an immediate need for additional options to store personal belongings while their homes are under repair; and

**WHEREAS**, the City Commission desires to afford homeowners additional time to maintain a temporary storage structure on their property, to store their personal belongings, for a reasonable period of time during which the homeowner is actively engaged in permitting and repairing the damage to their home caused by Hurricane Ian; and

**WHEREAS**, the City Commission also desires to suspend any city code or solid waste franchise provision, if any, that imposes a maximum time limitation on the use of roll-off dumpsters by homeowners to repair damage caused by Hurricane Ian for a period of six (6) months; and

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218, declaring a state of emergency for several counties within the State of Florida in response to Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire State of Florida via Executive Order 22-219, which will continue to be effective until November 22, 2022; and

**WHEREAS**, the City Commission of the City of Winter Springs declared a state of civil emergency prior to Hurricane Ian's arrival pursuant to Sections 4.05 and 4.06 of the City Charter,

Section 2-255 of the City Code, and Section 252.38(3), Florida Statutes, via Resolution 2022-26, which commenced at 8:00 a.m. on September 27, 2022 and expired on October 4, 2022; and

**WHEREAS,** the City Commission believes that temporarily relaxing of the seventy-two hour time period, and waiver of permit fees, regarding use of temporary storage structures by homeowners suffering damage from Hurricane Ian is in the best interest of the citizens of Winter Springs to allow for repairs to take place and to limit further financial hardship to residents impacted by the storm; and

**WHEREAS,** all other regulations regarding temporary storage structures shall remain in place and shall be enforced; and

**WHEREAS,** City Commission deems that this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated herein by reference.

**Section 2. Temporary Suspension of 72 hour time limitation and permit fee.** The Winter Springs City Commission hereby approves temporarily suspending the enforcement of the following regulations for six (6) months, beginning on October 25, 2022, as follows:

1. **Section 6-87.** A homeowner, who demonstrates to the City that their home was damaged by Hurricane Ian, may utilize a temporary storage structure on their property for a duration of time greater than seventy-two (72) hours if said structure is needed by the owner to store personal belongings required to be removed from their home while the damage to their home is being permitted and repaired. Permit fees are waived for such temporary storage structures allowed by the City. The intent of this suspension of the seventy-two hour restriction and waiver of permit fee is to allow the homeowner to keep their personal belongings on their property while their home is being repaired due to damage caused by Hurricane Ian.

2. **Roll-Off Dumpsters.** To the extent that the City Code or Solid Waste Franchise imposes a maximum time limitation for the use of roll-off dumpsters by homeowners on their property, said time limitation is hereby suspended if the roll-off dumpster is required by the homeowner to repair damage to their property caused by Hurricane Ian. It is the intent of this suspension to apply to homeowners who can demonstrate to the City that their home was damaged by Hurricane Ian and the dumpster is required to repair said damage.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.


**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption by the City Commission of the City of Winter Springs, Florida, and shall expire six (6) months after its adoption. This effective date of this resolution may be extended or reduced by the City Commission by majority vote as deemed necessary at the sole discretion of the Commission.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on this 24<sup>th</sup> day of October, 2022.



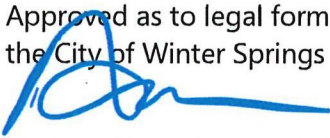
KEVIN McCANN, Mayor

ATTEST:



CHRISTIAN GOWAN, City Clerk

Approved as to legal form and sufficiency for  
the City of Winter Springs only:



ANTHONY A. GARGANESE, City Attorney



## RESOLUTION NO. 2023-03

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, EXTENDING THE TEMPORARY SUSPENSION OF THE ENFORCEMENT OF CERTAIN REGULATIONS PROHIBITING THE USE OF RECREATIONAL VEHICLES FOR LIVING QUARTERS IN RESIDENTIAL ZONING DISTRICTS THROUGH APRIL 30, 2023; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission of the City of Winter Springs previously adopted regulations prohibiting the use of recreational vehicles as temporary living quarters or living units when parked in residential zoning districts of the City, pursuant to Section 20-431 of the City Code and other applicable code provisions; and

**WHEREAS**, Hurricane Ian impacted the City of Winter Springs and caused significant damage to property within the City, particularly due to extraordinary rainfalls, and many property owners have experienced substantial flooding damage within the City; and

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218, declaring a state of emergency for several counties within the State of Florida in response to Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire State of Florida via Executive Order 22-219, which was extended by Executive Order 22-268 and remains in effect until January 20, 2023; and

**WHEREAS**, the City Commission of the City of Winter Springs declared a state of civil emergency prior to Hurricane Ian's arrival pursuant to Sections 4.05 and 4.06 of the City Charter, Section 2-255 of the City Code, and Section 252.38(3), Florida Statutes, via Resolutions 2022-26, 2022-34, 2022-36, 2022-37, 2023-01, and shall consider further extension via Resolution 2023-05; and

**WHEREAS**, the term "recreational vehicles" includes camping trailers, truck campers, motor homes, house trailers or other such vehicles designed or modified to provide temporary living quarters or designed or modified to facilitate recreation, camping or travel by accommodating the needs for temporary quarters, in accordance with the Winter Springs City Code; and

**WHEREAS**, there has been an increased demand to utilize recreational vehicles parked on residentially zoned property for temporary living quarters while damage to permanent residences caused by Hurricane Ian is repaired; and

**WHEREAS**, the City Commission believes that temporarily relaxing certain provisions of



the City Code regarding use of recreational vehicles parked on residentially zoned property for living quarters or units for approximately the next six (6) months is in the best interest of the citizens and business owners of Winter Springs to allow for repairs to take place and to limit further financial hardship to residents impacted by the storm; and

**WHEREAS**, the City Commission previously adopted Resolution 2022-29, which temporarily suspended the enforcement of certain regulations prohibiting the use of recreational vehicles for living quarters in residential zoning districts for a period of six (6) months, which would expire on April 10, 2023; and

**WHEREAS**, the City Commission desires to extend the temporary suspension in Resolution 2022-29 such that it will expire on April 30, 2023; and

**WHEREAS**, all other regulations regarding recreational vehicles shall remain in place and shall be enforced, such as the requirement to park behind the front building line and the prohibition on parking recreational vehicles within the right-of-way on any city street, alley, lane, way, drive or other thoroughfare overnight; and

**WHEREAS**, the City Commission deems that this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated herein by reference.

**Section 2. Temporary Suspension of Certain Recreational Vehicles Regulations.** The Winter Springs City Commission hereby approves temporarily suspending the enforcement of certain provisions of Section 20-431 of the City Code through April 30, 2023, as follows:

1. Section 20-431(1)(c) and 20-431(1)(f)3. Recreational vehicles may be occupied as temporary living quarters while such recreational vehicle is parked or stored within a residentially zoned district in the City, provided that such use of the recreational vehicle as a temporary living quarters shall only be permissible in circumstances where damage to the owner's permanent residence was sustained during Hurricane Ian that remains unrepaired or where repairs are in progress and remain uncompleted.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption by the City Commission of the City of Winter Springs, Florida, and shall expire at 11:59 p.m. on April 30, 2023.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on this 23<sup>rd</sup> day of January, 2023.

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**KEVIN McCANN, Mayor**

**ATTEST:**

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**CHRISTIAN GOWAN, City Clerk**

Approved as to legal form and sufficiency for  
the City of Winter Springs only:

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**ANTHONY A. GARGANESE, City Attorney**

## RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, EXTENDING THE TEMPORARY SUSPENSION OF THE ENFORCEMENT OF CERTAIN TIME RESTRICTIONS UNDER SECTION 6-87 OF THE CITY CODE PROHIBITING THE USE OF TEMPORARY STORAGE STRUCTURES FOR HOMES DAMAGED BY HURRICANE IAN THROUGH APRIL 30, 2023; SUSPENDING ANY CITY CODE OR SOLID WASTE FRANCHISE PROVISION THAT IMPOSES A MAXIMUM TIME LIMITATION ON THE USE OF ROLL-OFF DUMPSTERS BY HOMEOWNERS TO REPAIR DAMAGE CAUSED BY HURRICANE IAN THROUGH APRIL 30, 2023; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, pursuant to Section 6-87 of the City Code, the City currently limits the use of temporary storage structures to no more than a maximum of seventy-two (72) consecutive hours, and such structures are defined to mean “a structure designed and used primarily for storage of building materials, household goods, and other such materials;” and

**WHEREAS**, Hurricane Ian impacted the City of Winter Springs and caused significant damage to property within the City, particularly due to extraordinary rainfalls, and many homeowners have experienced substantial flooding damage within the City requiring an immediate need for additional options to store personal belongings while their homes are under repair; and

**WHEREAS**, the City Commission desires to extend the time afforded to homeowners to maintain a temporary storage structure on their property, to store their personal belongings, for a reasonable period of time during which the homeowner is actively engaged in permitting and repairing the damage to their home caused by Hurricane Ian; and

**WHEREAS**, the City Commission also desires to extend the suspension of any city code or solid waste franchise provision, if any, that imposes a maximum time limitation on the use of roll-off dumpsters by homeowners to repair damage caused by Hurricane Ian for a period of approximately six (6) months; and

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218, declaring a state of emergency for several counties within the State of Florida in response to

Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire State of Florida via Executive Order 22-219, which was extended by Executive Order 22-268 and remains in effect until January 20, 2023; and

**WHEREAS**, the City Commission of the City of Winter Springs declared a state of civil emergency prior to Hurricane Ian's arrival pursuant to Sections 4.05 and 4.06 of the City Charter, Section 2-255 of the City Code, and Section 252.38(3), Florida Statutes, via Resolutions 2022-26, 2022-34, 2022-36, 2022-37, 2023-01, and shall consider further extension via Resolution 2023-05; and

**WHEREAS**, the City Commission believes that extending the temporary relaxation of the seventy-two (72) hour time period, and waiver of permit fees, regarding use of temporary storage structures by homeowners suffering damage from Hurricane Ian is in the best interest of the citizens of Winter Springs to allow for repairs to take place and to limit further financial hardship to residents impacted by the storm; and

**WHEREAS**, the City Commission previously adopted Resolution 2022-32, which temporarily suspended the enforcement of the time restrictions described above; and

**WHEREAS**, the City Commission desires to extend the temporary suspension in Resolution 2022-32 such that it will expire on April 30, 2023; and

**WHEREAS**, all other regulations regarding temporary storage structures shall remain in place and shall be enforced; and

**WHEREAS**, the City Commission deems that this Resolution is in the best interests of the public health, safety, and welfare of the Citizens of the City of Winter Springs.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, SEMINOLE COUNTY, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The foregoing recitals are deemed true and correct and are hereby fully incorporated herein by reference.

**Section 2. Temporary Suspension of 72 Hour Time Limitation and Permit Fee.** The Winter Springs City Commission hereby approves temporarily suspending the enforcement of the following regulations through April 30, 2023, as follows:

**1. Section 6-87.** A homeowner, who demonstrates to the City that their home was damaged by Hurricane Ian, may utilize a temporary storage structure on their property for a duration of time greater than seventy-two (72) hours if said structure is needed by the owner to

store personal belongings required to be removed from their home while the damage to their home is being permitted and repaired. Permit fees are waived for such temporary structures allowed by the City. The intent of this suspension of the seventy-two (72) hour restriction and waiver of permit fee is to allow the homeowner to keep their personal belongings on their property while their home is being repaired due to damage caused by Hurricane Ian.

**2. Roll-Off Dumpsters.** To the extent that the City Code or Solid Waste Franchise imposes a maximum time limitation for the use of roll-off dumpsters by homeowners on their property, said time limitation is hereby suspended if the roll-off dumpster is required by the homeowner to repair damage to their property caused by Hurricane Ian. It is the intent of this suspension to apply to homeowners who can demonstrate to the City that their home was damaged by Hurricane Ian and the dumpster is required to repair said damage.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption by the City Commission of the City of Winter Springs, Florida, and shall expire at 11:59 p.m. on April 30, 2023.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on this 23<sup>rd</sup> day of January, 2023.

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**KEVIN McCANN, Mayor**

**ATTEST:**

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**CHRISTIAN GOWAN, City Clerk**

Approved as to legal form and sufficiency for

the City of Winter Springs only:

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**ANTHONY A. GARGANESE, City Attorney**

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, PROVIDING FOR A TEMPORARY WAIVER OF RESIDENTIAL BUILDING PERMIT FEES FOR REPAIRS RELATED TO BUILDING OR STRUCTURAL DAMAGE CAUSED BY HURRICANES IAN AND NICOLE; PROVIDING FOR A FILING PERIOD FOR ELIGIBLE BUILDING PERMIT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, Hurricane Ian and Hurricane Nicole caused significant damage to many properties within the territorial boundaries of the City of Winter Springs; and

**WHEREAS**, at the time of adoption of this Resolution, the City of Winter Springs is still under a state of local civil emergency as declared by Resolution 2023-05, and damage from the Hurricanes continues to cause adverse impacts to the citizens of Winter Springs; and

**WHEREAS**, at the October 3, 2022 Special Meeting of the Winter Springs City Commission, the Commission and City Manager announced the intent not to charge residential building permit fees related to repairs associated with damage from Hurricane Ian, and the City has not charged such fees since the October 3, 2022 Special Meeting; and

**WHEREAS**, the City Commission now desires to formally adopt a resolution temporarily waiving such fees for applicable building permit applications filed through April 30, 2023, in order to expedite the repairs required as a result of the damage caused by the Hurricanes and to provide relief to property owners suffering from hurricane-related hardships; and

**WHEREAS**, this Resolution is adopted pursuant to the Municipal Home Rule Powers Act, Sections 166.222 and 553.80, Florida Statutes, authorizing the governing body of a municipality to provide a schedule of reasonable fees to enforce the Florida Building Code, and the emergency powers vested in the City Commission pursuant to applicable law;

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this Resolution to be in the best interest of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF WINTER SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The following recitals are true and correct and hereby fully incorporated herein by this reference as part of this Resolution.

**Section 2.**     **Intent and Purpose.** It is the intent and purpose of this Resolution to only address building or structural damage to residences directly caused by Hurricane Ian or Hurricane Nicole. This Resolution is not intended to apply to building permit applications filed with the City that are not related to repairing building or structural damage caused by these Hurricanes.

**Section 3.**     **Temporary Waiver of Residential Building Permit Fees.** The City Commission of the City of Winter Springs hereby provides that residential building permit fees are hereby waived for any residential building permit application filed with the City related to repairing a residential building or structural damage to a residential building caused by Hurricane Ian or Hurricane Nicole. All such applications must be filed with the City's Building Division by April 30, 2023 to be eligible for the temporary waiver of fees. For purposes of granting the building permit fee waiver, the building official or his or her designee shall be responsible for verifying that the repairs being permitted are directly related to damage caused by Hurricane Ian or Hurricane Nicole. Notwithstanding the fee waiver authorized by this Section, all building application, licensing, insurance, inspection, and other building permit conditions required by law shall apply.

**Section 4.**     **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

**Section 5.**     **Effective Date.** This Resolution shall become effective immediately upon its adoption by the City Commission of the City of Winter Springs, Florida, and shall expire at 11:59 p.m. on April 30, 2023.

**RESOLVED** by the City Commission of the City of Winter Springs, in a regular meeting assembled on the 23<sup>rd</sup> day of January, 2023.

---

**KEVIN McCANN, Mayor**

ATTEST:

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**CHRISTIAN GOWAN, City Clerk**

Approved as to legal form and sufficiency for  
the City of Winter Springs only:

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**ANTHONY A. GARGANESE, City Attorney**





## REGULAR AGENDA ITEM 502

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Design and Performance of Stormwater Management Systems - Part 2  
Briefing

### **SUMMARY**

Pegasus Engineering, David Hamstra, PE will present the second of a three-part series on Design and Performance of Stormwater Management Systems. This presentation provides specific impacts resulting from Hurricane Ian and the pre-hurricane conditions that contributed to these impacts.

### **RECOMMENDATION**

Staff recommends City Commission to receive the information from the second presentation in a three-part series on stormwater management design and potential enhancements and to provide further direction as needed.



# DESIGN AND PERFORMANCE OF STORMWATER MANAGEMENT SYSTEMS

City Commission Briefing – Part 2  
January 23, 2022

# Introduction



## ▶ Previous Presentation

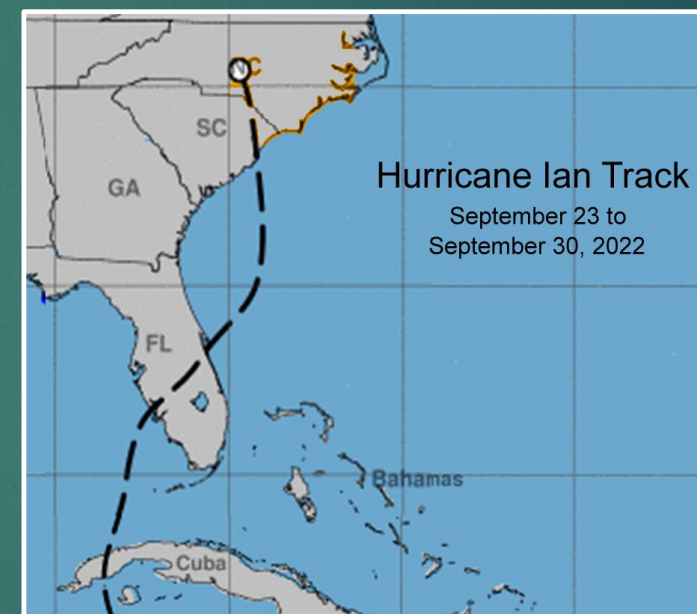
PART 1 – Overview of Watershed Characteristics and Stormwater Management Systems

## ▶ Tonight's Presentation

**PART 2 – Hurricane Ian Impacts**

## ▶ Future Presentation

PART 3 – Higher Standards for Improved Flood Mitigation

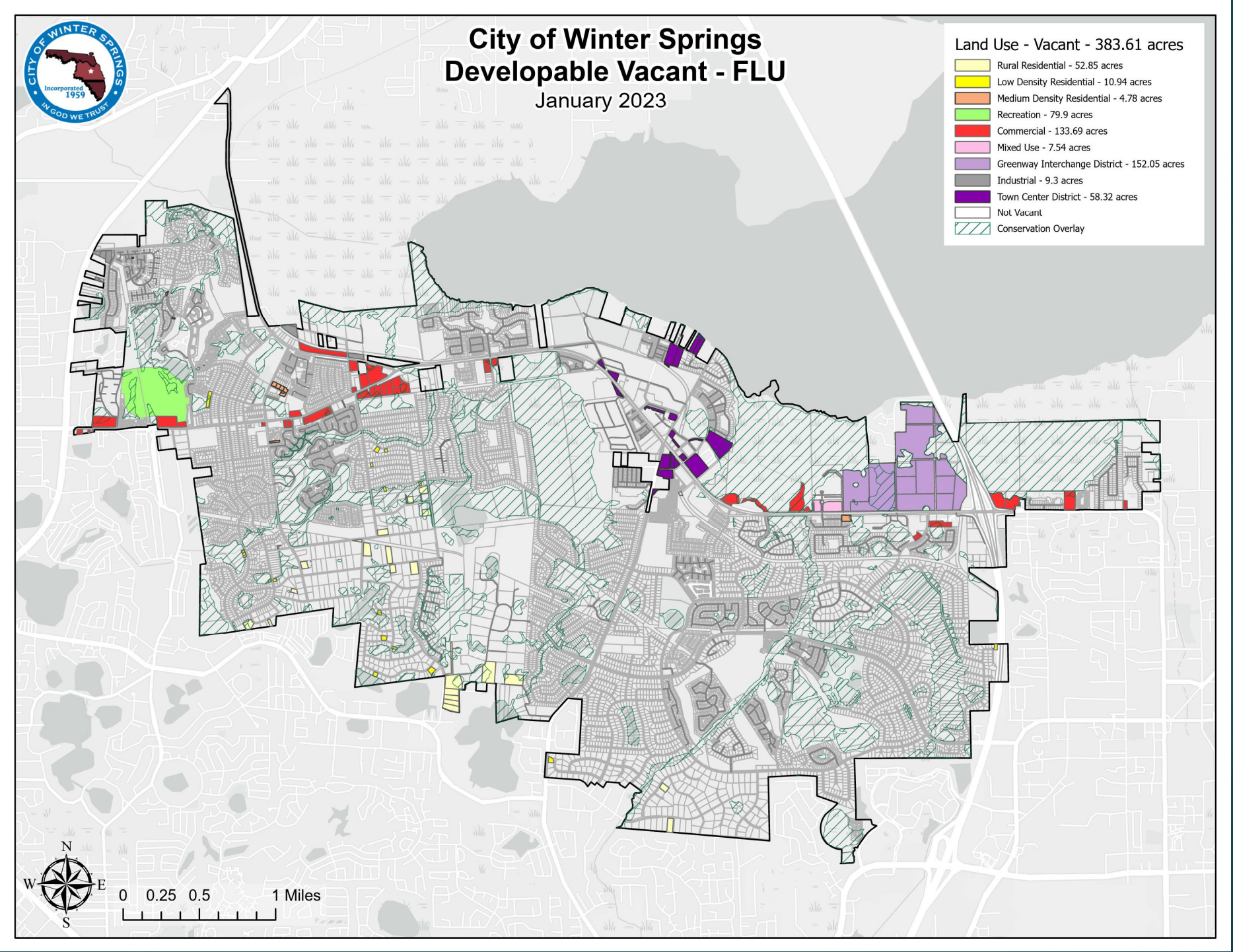




A dramatic night scene featuring a dark, stormy sky with multiple bright, jagged lightning bolts striking across the frame. The lower portion of the image shows the dark silhouettes of trees and foliage against the lighter, cloudy sky.

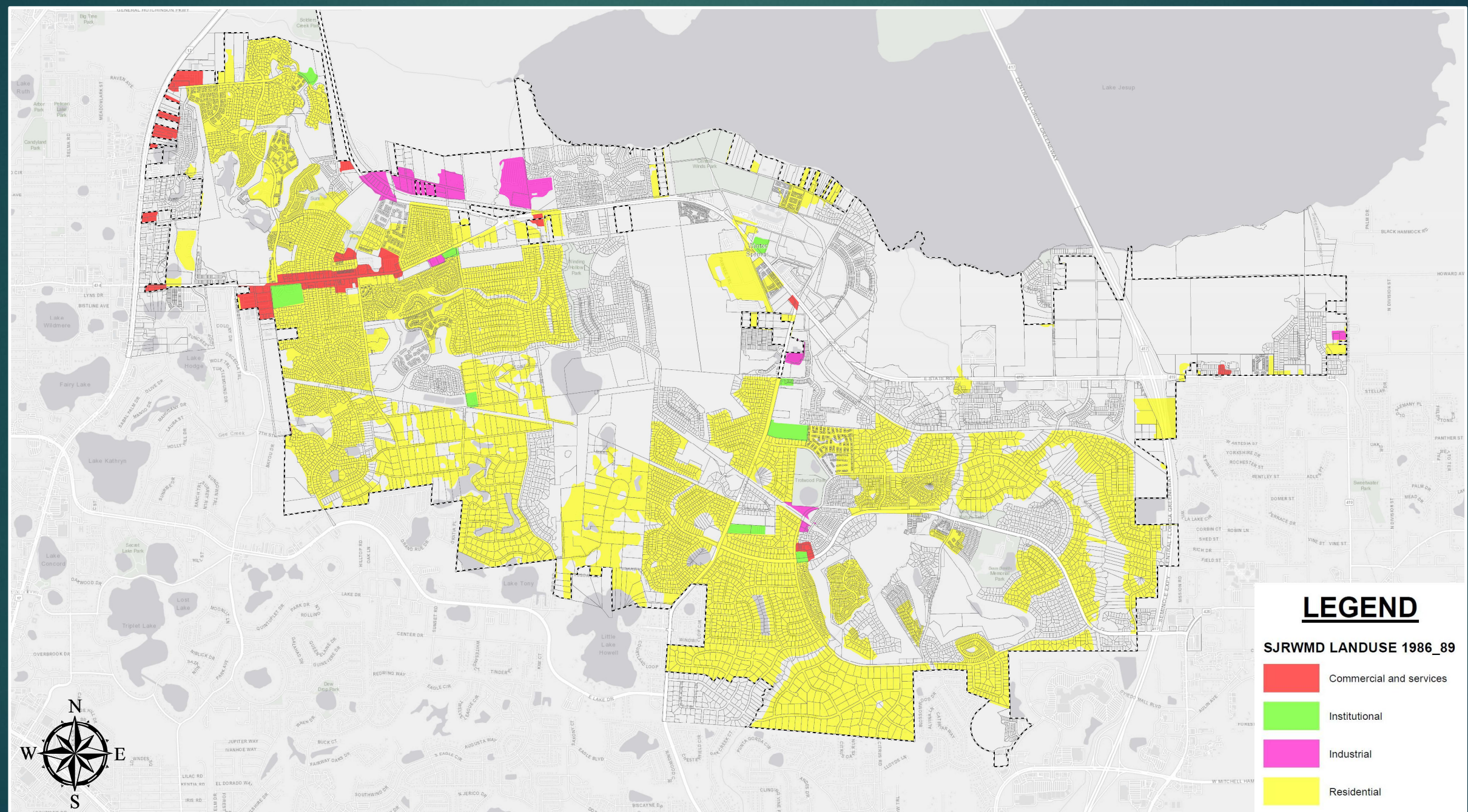
# LAND USE AND LAND COVER CONDITIONS

# Current Conditions





# Conditions in 1986-1989

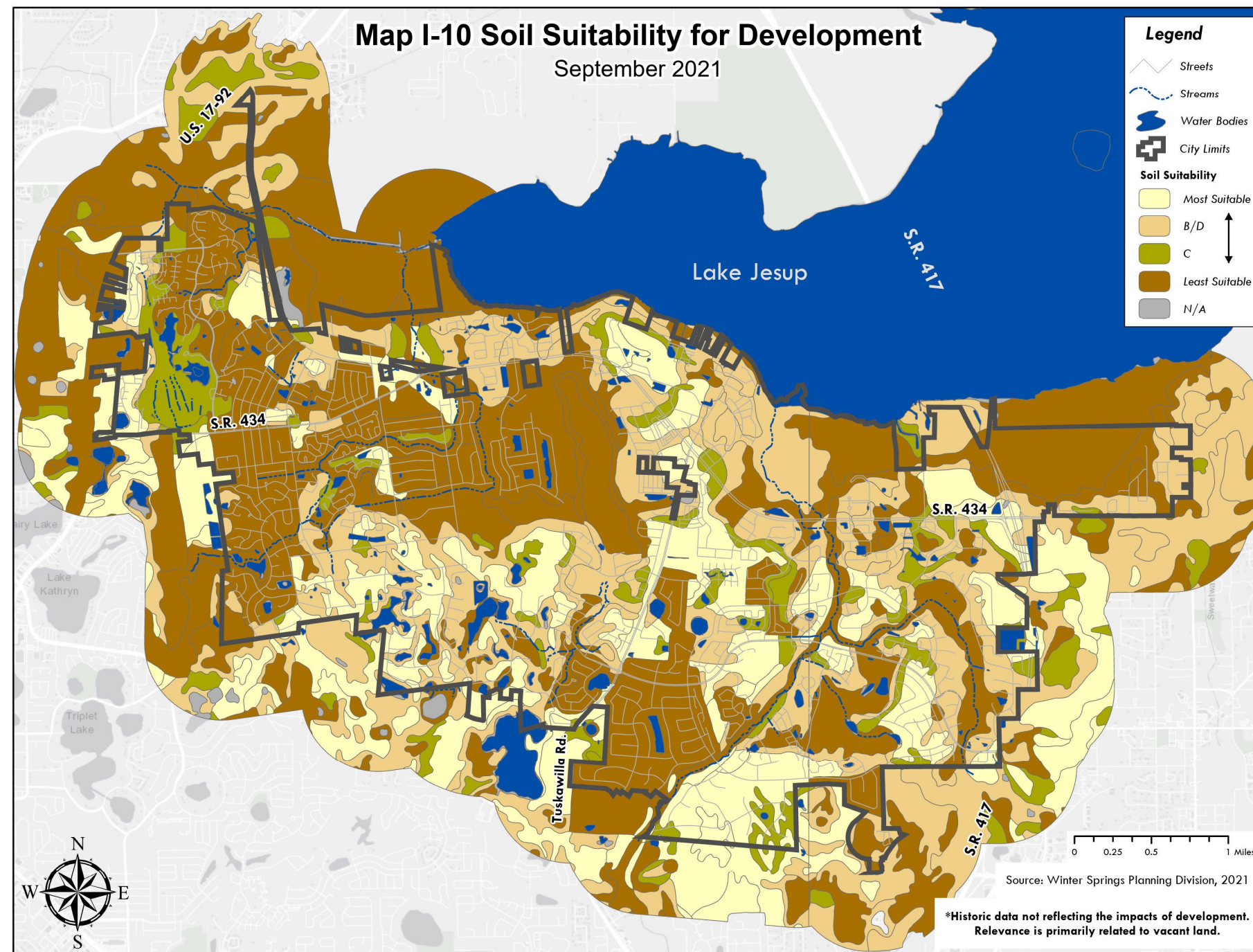




A dramatic, dark photograph of a stormy night sky. Multiple bright, jagged lightning bolts are visible, striking across the dark, cloudy sky. The bottom of the image shows the dark silhouettes of trees and foliage against the lighter, stormy background.

# WATERSHED CHARACTERISTICS AND FLOOD RISKS

# Soil Types and Runoff Potential





# Rainfall Before the Storm

## ► Antecedent Moisture Condition (AMC)

A measure of soil moisture in terms of relative wetness or dryness and the associated effect on rainfall-runoff relationships

AMC I => Dry Conditions

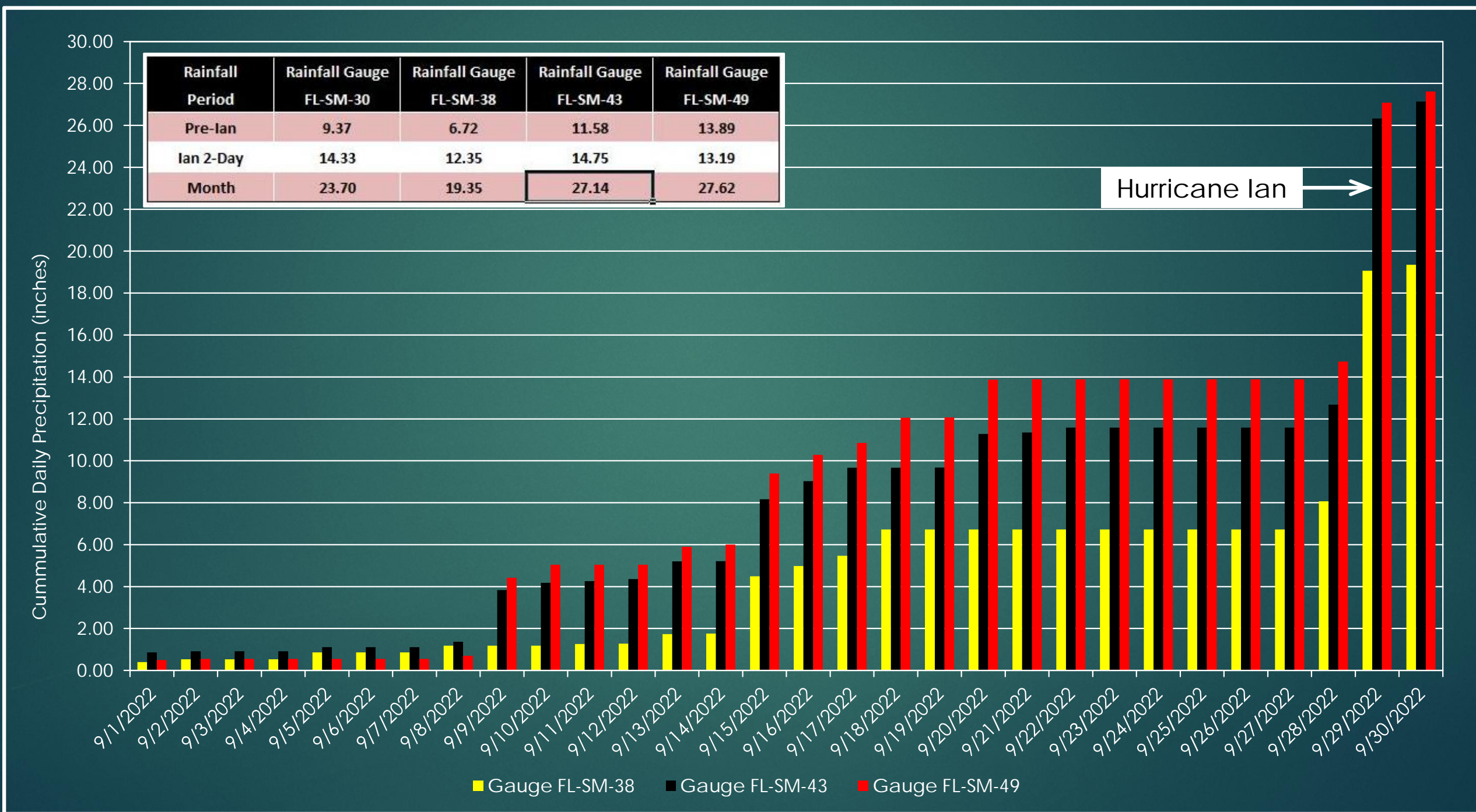
AMC II => Average Conditions

AMC III => Wet Conditions

AMC conditions are somewhat subjective, but typically classified using the 5-day antecedent rainfall



# Rainfall Recorded in September 2022





# Rainfall-Runoff Relationships



## ► Runoff Curve Number Method

A Curve Number (CN) is a dimensionless parameter indicating the runoff response characteristic of a drainage basin

The CN parameter is related to land cover, hydrological soil group, and antecedent soil moisture condition

The USDA Natural Resources Conservation Service (NRCS) has published tables summarizing CN parameters for AMC II conditions (average soil moisture) and land use categories that vary by land cover conditions and hydrologic soil group

# Rainfall-Runoff Relationships

## ► Runoff Curve Number Method

CN parameters need to be “adjusted” to account for AMC I conditions (below average soil moisture) or AMC III conditions (above average soil moisture)

CN for AMC-II	Conversion Factors	CN for AMC-I
10	0.40	4.0
20	0.45	9.0
30	0.50	15.0
40	0.55	22.0
50	0.62	31.0
60	0.67	40.2
70	0.73	51.1
80	0.79	63.2
90	0.87	78.3
100	1.00	100.0

CN for AMC-II	Conversion Factors	CN for AMC-III
10	2.22	22.2
20	1.85	37.0
30	1.67	50.1
40	1.50	60.0
50	1.40	70.0
60	1.30	78.0
70	1.21	84.7
80	1.14	91.2
90	1.07	96.3
100	1.00	100.0

A dramatic night scene featuring a dark, stormy sky filled with multiple bright, jagged lightning bolts. The lower portion of the image shows the dark silhouettes of trees and foliage against the lighter, cloudy sky. Centered in the image is the text "FLOODING CAUSED BY HURRICANE IAN" in a bold, red, sans-serif font with a white glow effect.

# FLOODING CAUSED BY HURRICANE IAN

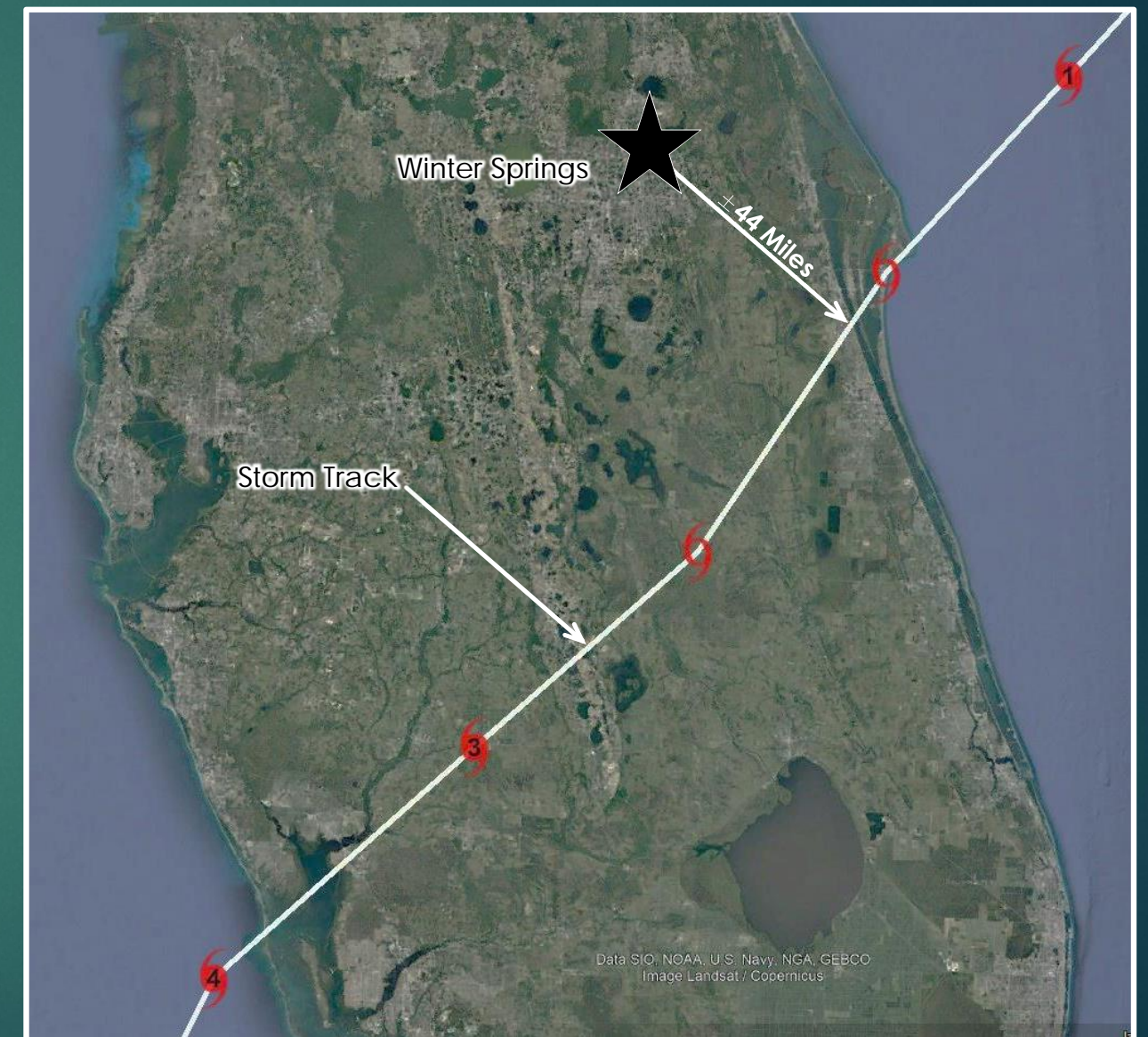


# Storm Track and Rainfall Estimates

## ► Storm Track

Hurricane Ian made landfall on September 28, 2022 just west of Fort Myers near Cayo Costa island as a powerful Category 4 hurricane with sustained winds of 150 mph

Ian was downgraded to a tropical storm on September 29, 2022 as it tracked inland, re-entering open water on the east coast of Florida near New Smyrna Beach





# Storm Track and Rainfall Estimates

## ► Storm Track

Hurricane Ian made landfall on September 28, 2022 just west of Fort Myers near Cayo Costa island as a powerful Category 4 hurricane with sustained winds of 150 mph

Ian was downgraded to a tropical storm on September 29, 2022 as it tracked inland, re-entering open water on the east coast of Florida near New Smyrna Beach



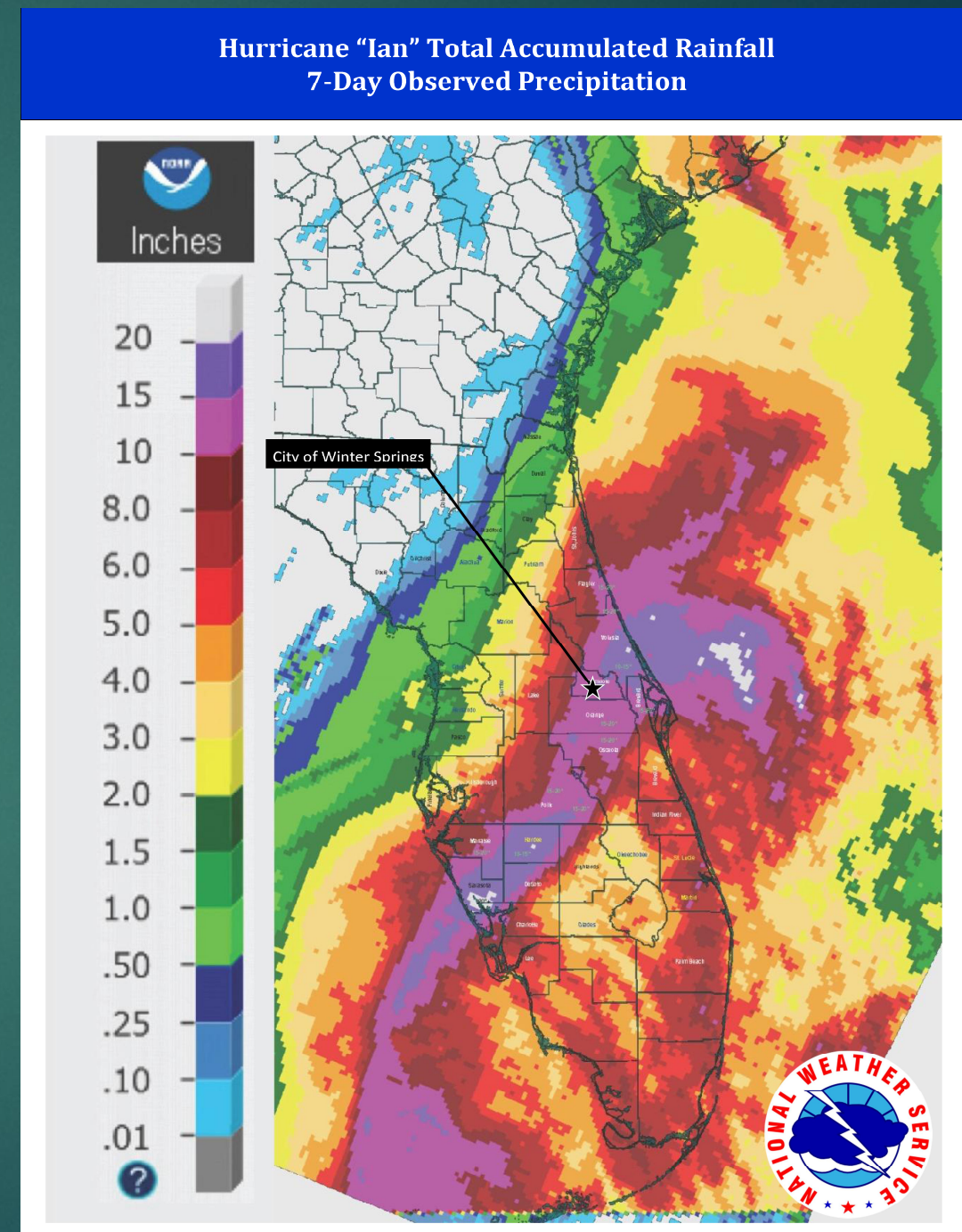


# Storm Track and Rainfall Estimates

## ► Rainfall Estimates

Doppler radar shows the heaviest rainfall occurred to the north and west of the storm track

Although Central Florida experienced impacts from Hurricane Ian on September 28-29, 2022, rainfall gauges indicate that most of the rainfall occurred during an approximate 7-hour period between the evening of September 28<sup>th</sup> and the early morning hours on September 29<sup>th</sup>





# Storm Track and Rainfall Estimates

## ► Rainfall Estimates

Precipitation totals for hypothetical storm events of various frequency and duration are provided by the National Oceanic and Atmospheric Administration (NOAA)

A 24-hour duration is typically used to design stormwater management systems

- 25-Year, 24-Hour = 7.72 inches
- 50-Year, 24-Hour = 9.06 inches
- 100-Year, 24-Hour = 10.5 inches
- 200-Year, 24-Hour = 12.2 inches
- 500-Year, 24-Hour = 14.6 inches
- 1000-Year, 24-Hour = 16.6 inches

2, 9:10 AM

Precipitation Frequency Data Server



NOAA Atlas 14, Volume 9, Version 2  
Location name: Winter Springs, Florida, USA\*  
Latitude: 28.6844°, Longitude: -81.287°  
Elevation: 53.57 ft\*\*  
\* source: ESRI Maps  
\*\* source: USGS



### POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffrey Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF\\_tabular](#) | [PF\\_graphical](#) | [Maps & aeriels](#)

### PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) <sup>1</sup>										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.466 (0.386-0.567)	0.535 (0.443-0.652)	0.643 (0.531-0.786)	0.728 (0.597-0.895)	0.838 (0.658-1.06)	0.918 (0.704-1.19)	0.993 (0.734-1.33)	1.07 (0.752-1.48)	1.15 (0.780-1.66)	1.21 (0.801-1.80)
10-min	0.682 (0.566-0.830)	0.783 (0.649-0.954)	0.941 (0.777-1.15)	1.07 (0.874-1.31)	1.23 (0.964-1.56)	1.34 (1.03-1.74)	1.45 (1.08-1.95)	1.56 (1.10-2.16)	1.69 (1.14-2.43)	1.78 (1.17-2.63)
15-min	0.832 (0.690-1.01)	0.955 (0.791-1.16)	1.15 (0.947-1.40)	1.30 (1.07-1.60)	1.50 (1.18-1.90)	1.64 (1.26-2.12)	1.77 (1.31-2.37)	1.90 (1.34-2.64)	2.06 (1.39-2.96)	2.17 (1.43-3.21)
30-min	1.39 (1.15-1.69)	1.58 (1.31-1.93)	1.89 (1.56-2.31)	2.13 (1.75-2.62)	2.45 (1.92-3.10)	2.68 (2.06-3.47)	2.89 (2.14-3.87)	3.10 (2.19-4.30)	3.35 (2.27-4.83)	3.53 (2.33-5.23)
60-min	1.85 (1.53-2.25)	2.12 (1.76-2.59)	2.55 (2.11-3.12)	2.89 (2.37-3.56)	3.33 (2.62-4.22)	3.65 (2.80-4.73)	3.96 (2.92-5.29)	4.24 (3.00-5.89)	4.60 (3.11-6.62)	4.84 (3.20-7.17)
2-hr	2.31 (1.93-2.80)	2.67 (2.22-3.23)	3.22 (2.67-3.91)	3.65 (3.02-4.46)	4.22 (3.33-5.31)	4.63 (3.58-5.96)	5.02 (3.73-6.67)	5.39 (3.83-7.42)	5.84 (3.98-8.35)	6.15 (4.09-9.05)
3-hr	2.52 (2.11-3.03)	2.91 (2.43-3.51)	3.53 (2.95-4.27)	4.03 (3.34-4.91)	4.69 (3.73-5.90)	5.18 (4.02-6.65)	5.65 (4.22-7.50)	6.11 (4.36-8.40)	6.69 (4.58-9.54)	7.10 (4.74-10.4)
6-hr	2.88 (2.43-3.45)	3.32 (2.80-3.97)	4.04 (3.40-4.86)	4.66 (3.89-5.64)	5.53 (4.45-6.98)	6.22 (4.88-8.00)	6.92 (5.23-9.19)	7.64 (5.51-10.5)	8.62 (5.96-12.3)	9.38 (6.30-13.7)
12-hr	3.31 (2.81-3.94)	3.76 (3.19-4.48)	4.58 (3.87-5.47)	5.33 (4.48-6.40)	6.49 (5.31-8.25)	7.47 (5.93-9.65)	8.53 (6.52-11.4)	9.69 (7.07-13.4)	11.3 (7.93-16.2)	12.7 (8.58-18.4)
24-hr	3.79 (3.25-4.48)	4.30 (3.67-5.08)	5.27 (4.48-6.25)	6.21 (5.25-7.41)	7.72 (6.40-9.86)	9.06 (7.27-11.7)	10.5 (8.13-14.1)	12.2 (8.98-16.8)	14.6 (10.3-20.8)	16.6 (11.3-23.8)
2-day	4.35 (3.75-5.10)	4.99 (4.29-5.86)	6.22 (5.33-7.33)	7.41 (6.31-8.79)	9.31 (7.77-11.8)	11.0 (8.87-14.1)	12.8 (9.96-17.0)	14.9 (11.0-20.4)	17.9 (12.7-25.3)	20.3 (13.9-29.0)
3-day	4.81 (4.16-5.62)	5.52 (4.77-6.46)	6.88 (5.92-8.07)	8.18 (7.00-9.66)	10.2 (8.57-12.9)	12.0 (9.77-15.4)	14.0 (10.9-18.5)	16.2 (12.1-22.1)	19.4 (13.8-27.4)	22.1 (15.2-31.4)
4-day	5.22 (4.53-6.08)	5.96 (5.17-6.96)	7.38 (6.37-8.64)	8.73 (7.49-10.3)	10.9 (9.11-13.6)	12.7 (10.3-16.2)	14.7 (11.5-19.4)	17.0 (12.7-23.1)	20.3 (14.5-28.5)	23.0 (15.9-32.6)
7-day	6.28 (5.48-7.27)	7.06 (6.15-8.19)	8.52 (7.39-9.92)	9.90 (8.54-11.6)	12.1 (10.2-15.0)	13.9 (11.4-17.6)	16.0 (12.5-20.8)	18.2 (13.7-24.6)	21.4 (15.4-29.9)	24.1 (16.7-34.0)
10-day	7.23 (6.33-8.35)	8.06 (7.04-9.31)	9.57 (8.34-11.1)	11.0 (9.51-12.8)	13.2 (11.1-16.2)	15.0 (12.3-18.8)	17.0 (13.4-22.0)	19.2 (14.4-25.8)	22.4 (16.1-31.0)	24.9 (17.4-35.0)
20-day	10.0 (8.82-11.5)	11.1 (9.78-12.7)	13.0 (11.4-15.0)	14.6 (12.7-16.9)	17.0 (14.3-20.6)	18.9 (15.5-23.3)	20.9 (16.5-26.6)	23.0 (17.4-30.4)	25.9 (18.7-35.5)	28.2 (19.8-39.4)
30-day	12.4 (11.0-14.2)	13.8 (12.2-15.8)	16.0 (14.1-18.4)	17.9 (15.7-20.7)	20.5 (17.3-24.6)	22.5 (18.5-27.6)	24.6 (19.5-31.1)	26.6 (20.1-34.9)	29.4 (21.3-39.9)	31.4 (22.1-43.7)
45-day	15.6 (13.8-17.7)	17.3 (15.4-19.7)	20.1 (17.8-23.0)	22.3 (19.6-25.6)	25.2 (21.3-30.0)	27.4 (22.6-33.2)	29.5 (23.4-36.9)	31.5 (23.9-41.0)	34.1 (24.7-45.9)	35.9 (25.4-49.7)
60-day	18.3 (16.4-20.8)	20.4 (18.2-23.2)	23.6 (21.0-26.9)	26.1 (23.0-30.0)	29.4 (24.8-34.6)	31.7 (26.9-38.2)	33.8 (26.9-42.1)	35.8 (27.2-46.3)	38.2 (27.8-51.3)	39.9 (28.3-55.1)

<sup>1</sup> Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

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# Storm Track and Rainfall Estimates

## ► Rainfall Estimates

Rainfall totals recorded during Hurricane Ian are provided by the National Weather Service (NWS) on a County-by-County basis with two (2) separate locations in Winter Springs

- Winter Springs #1 = 15.56 inches
- Winter Springs #2 = 14.97 inches

Hurricane Ian rainfall recorded for Winter Springs is between a 500- and 1000-year frequency storm of 24-hour duration based on NOAA's precipitation estimates



11/9/22, 11:45 AM Rainfall Totals From Ian Across East Central Florida

**NATIONAL WEATHER SERVICE**  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

**Rainfall Totals From Ian Across East Central Florida** Melbourne, FL  
Weather Forecast Office

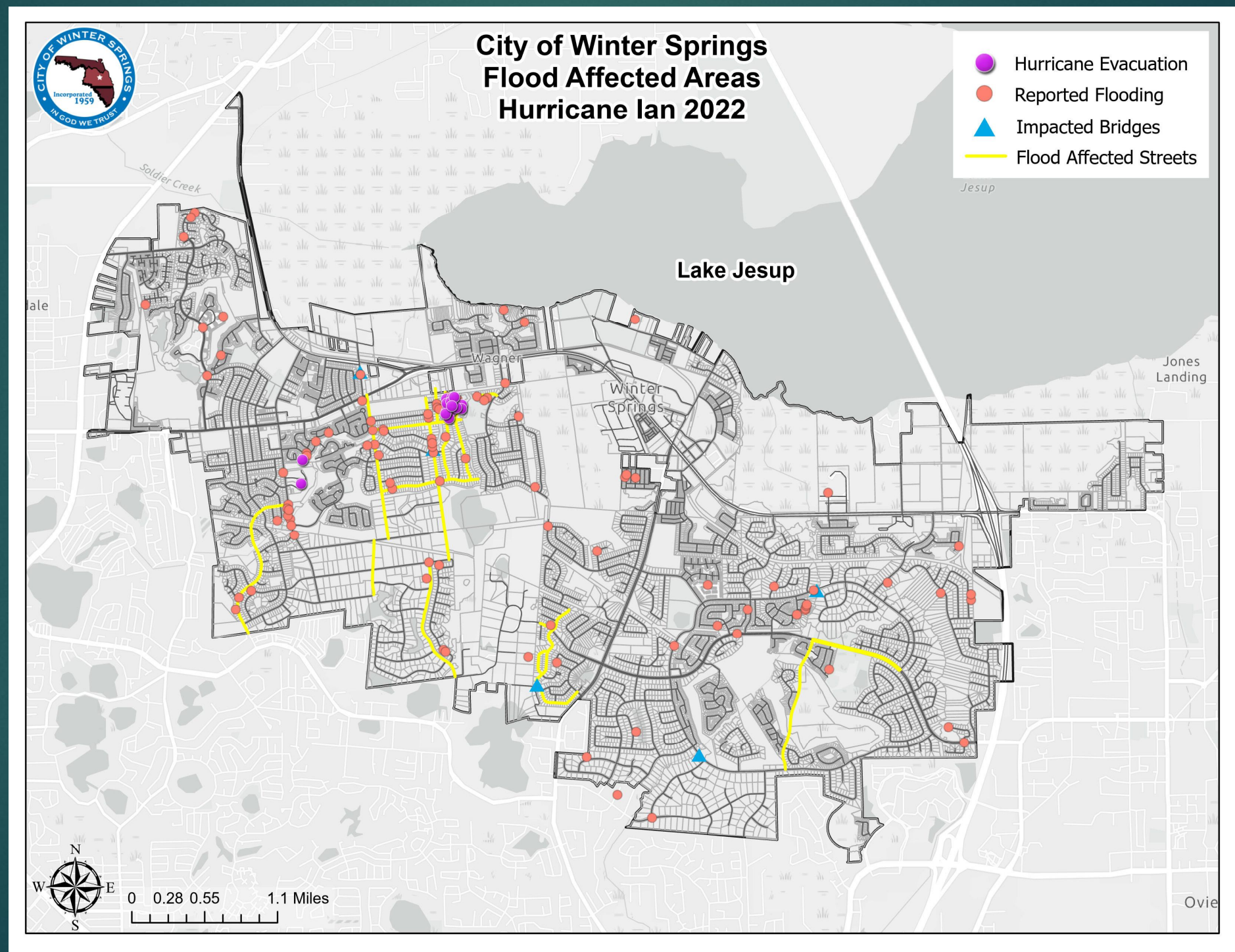
City, ST  
Enter Your City, ST or ZIP Code  
☐ Remember Me  
[Get Weather](#)  
[Privacy Policy](#)

...SELECT RAINFALL TOTALS FROM TROPICAL CYCLONE IAN ACROSS EAST CENTRAL FLORIDA...

Location	Amount	Provider
...Florida...		
...Brevard County...		
Nasa Shuttle Fcl	15.56 in	AWOS
Titusville 1.7 NNW	14.20 in	COCORAHs
1.6 NW Scottsmoor	13.57 in	COOP
Port St John	12.92 in	SPOTTER
Cocoa 5.1 NW	10.48 in	COCORAHs
Cocoa 2.6 NNW	10.24 in	COCORAHs
Merritt Island 9.1 N	9.72 in	COCORAHs
Cape Canaveral	8.70 in	AWOS
Palm Shores 4.3 NNW	7.68 in	COCORAHs
Rockledge 1.1 WSW	7.55 in	COCORAHs
2 NE Rockledge	6.75 in	COCORAHs
Palm Bay 2.5 W	6.62 in	COCORAHs
Satellite Beach 0.7 ESE	6.56 in	COCORAHs
Merritt Island 3.4 NNW	6.42 in	COCORAHs
Indian Shores 2.3 NNW	6.25 in	COCORAHs
...Osceola County...		
Campbell 1.4 NNW	16.43 in	COCORAHs
1.7 S Kissimmee	14.41 in	COOP
St Cloud 8.0 E	13.12 in	COCORAHs
St Cloud 5.7 NNE	11.67 in	COCORAHs
St Cloud 2.4 NE	11.41 in	COCORAHs
Poinciana Place 2.6 NNW	10.10 in	COCORAHs
9.1 SE Lake Kissimmee	7.20 in	UCOOP
...Seminole County...		
Sanford Intl Airport	16.10 in	ASOS
Oviedo 2.2 W	15.82 in	COCORAHs
Winter Springs 0.6 S	15.56 in	COCORAHs
Winter Springs 2.3 E	14.97 in	COCORAHs
Chuluota 0.9 N	14.55 in	COCORAHs
1.0 NE Sanford	13.67 in	COOP
Chuluota 0.6 WSW	13.40 in	COCORAHs
Longwood 2.8 NW	13.21 in	COCORAHs
Winter Springs 1.8 SSE	12.63 in	COCORAHs
Altamont Springs 1.4 SE	12.32 in	COCORAHs
Casselberry 2.3 ESE	12.31 in	COCORAHs
...Martin County...		
Port Salerno	7.32 in	COOP
Indiantown 0.4 SW	7.32 in	COCORAHs
Stuart 8.4 S	6.74 in	COCORAHs
Palm City 4.0 SW	6.54 in	COCORAHs
Palm City 1.4 NW	6.27 in	COCORAHs

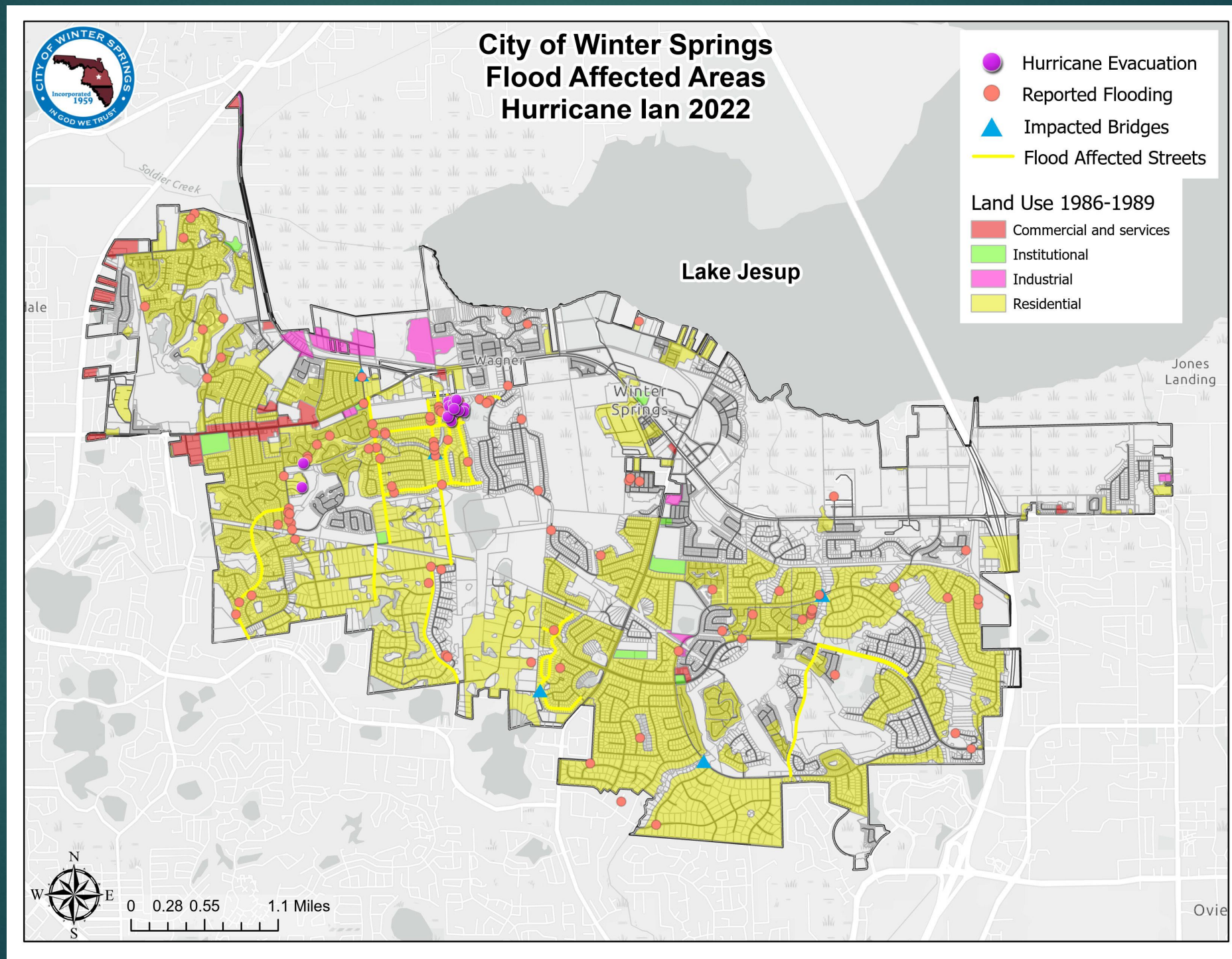


# Flooding Caused by Hurricane Ian



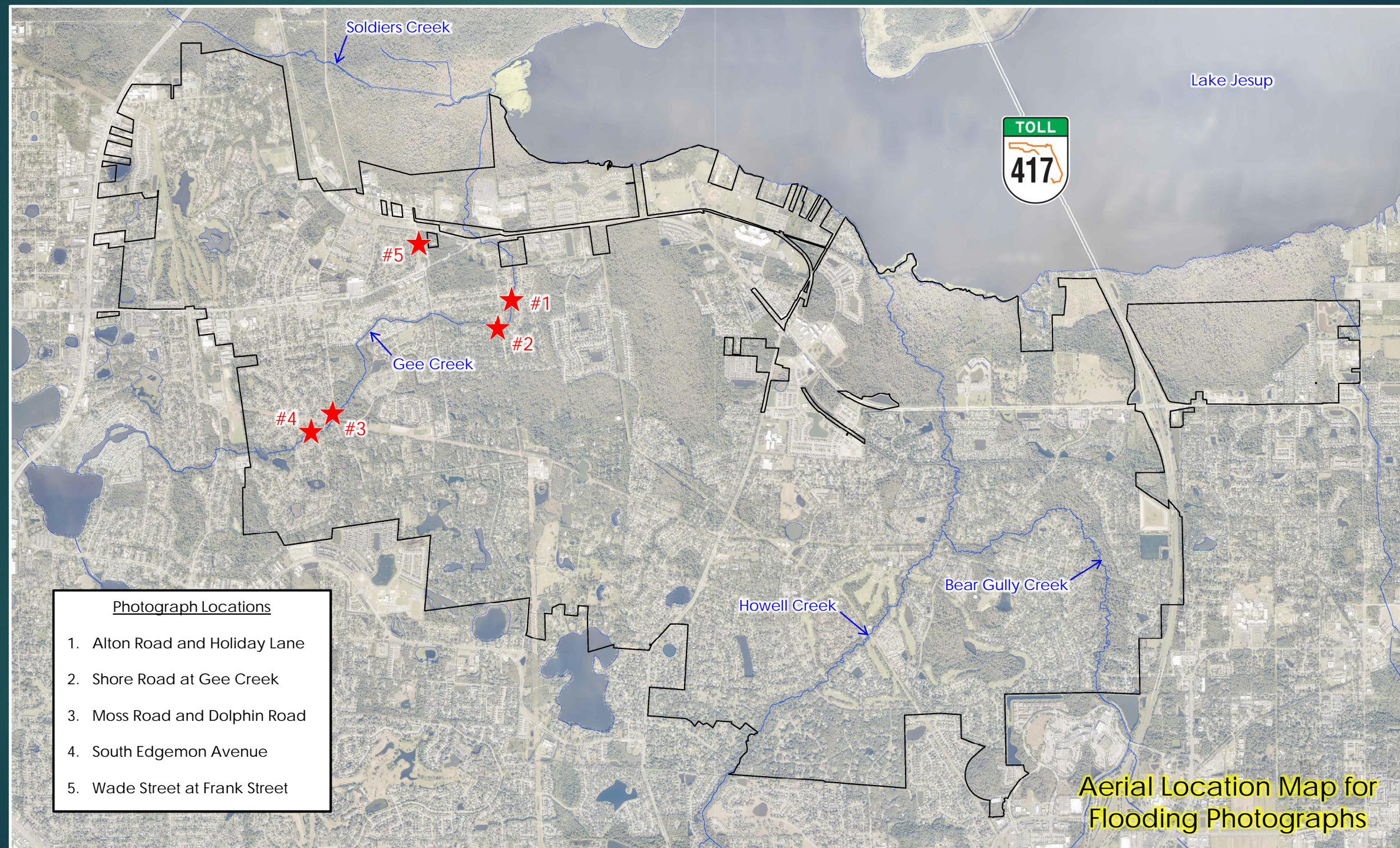


# Flooding Caused by Hurricane Ian





# Flooding Caused by Hurricane Ian





# Flooding Caused by Hurricane Ian



21



Alton Road and Holiday Lane



Alton Road and Holiday Lane



# Flooding Caused by Hurricane Ian



22



Moss Road and Dolphin Road



Moss Road and Dolphin Road



# Flooding Caused by Hurricane Ian



23



South Edgemon Avenue



# Flooding Caused by Hurricane Ian



24

In addition to the streambank erosion caused by Hurricane Ian, portions of existing roadways and utility infrastructure were also severely damaged



Shore Road at Gee Creek



Wade Street at Frank Street



# Surveyed High Water Marks

- ▶ Soldiers Creek, Gee Creek, Howell Creek and Bear Gully Creek



Roadway bridges crossing these major drainage tributaries were identified by City staff

A surveyor obtained elevations of “apparent” high water marks on October 10, 2022

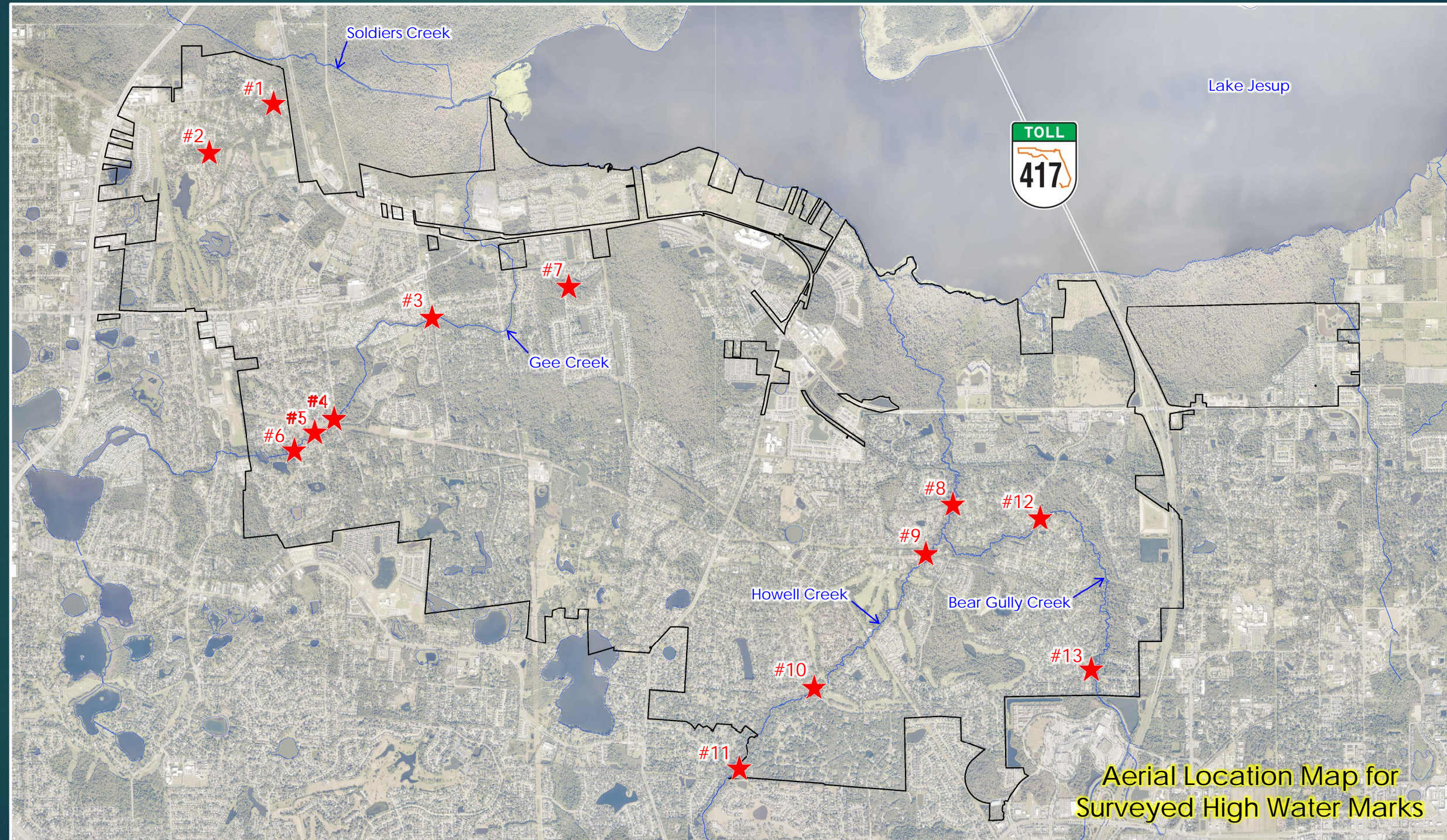
Comparing the surveyed high water marks to FEMA’s published 100-year flood elevations also confirms that the Hurricane Ian rainfall exceeds the 100-year frequency storm event of 24-hour duration



# Surveyed High Water Marks



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# Elevation Summary



Location Summary				Elevations (ft, NAVD)		
Sequence	Flooding Source	Roadway Crossing	Bridge Number	Surveyed High Water	FEMA 100-Year Base Flood	Difference (feet)
1	Soldiers Creek	Shepherd Road	775708	17.36	Zone A	N/A
2	Soldiers Creek	Sheoah Boulevard	775707	37.01	Zone A	N/A
3	Gee Creek	Hayes Road	775714	28.69	27.7	0.99
4	Gee Creek	S Moss Road	775715	39.97	38.3	1.67
5	Gee Creek	S Edgemon Avenue	775715	41.77	42.3	-0.53
6	Gee Creek	Murphy Road	775704	42.23	43.2	-0.97
7	Gee Creek	Winding Hollow Boulevard	775713	20.84	18	2.84
8	Howell Creek	N Northern Way	775709	23.34	24.5	-1.16
9	Howell Creek	Winter Springs Boulevard	775711	21.37	18	3.37
10	Howell Creek	S Northern Way	775703	32.38	24.3	8.08
11	Howell Creek	Dyson Drive	774063	33.72	30.8	2.92
12	Bear Gully Creek	N Northern Way	775710	26.88	21.5	5.38
13	Bear Gully Creek	Winter Springs Boulevard	775712	25.9	23	2.9

# Questions and Answers



David W. Hamstra, P.E., CFM  
Stormwater Department Manager



301 West State Road 434, Suite 309  
Winter Springs, Florida 32708  
Phone: 407-992-9160, ext. 309  
E-mail: [david@pegasusengineering.net](mailto:david@pegasusengineering.net)





## REGULAR AGENDA ITEM 503

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Appointment of City Chaplain for 2023

### **SUMMARY**

The City Commission passed Resolution 2022-27 on October 10, 2022, authorizing the creation of a voluntary City Chaplain position. Subsequent discussion followed at the December 12, 2022, City Commission Meeting, and Staff was directed to advertise the volunteer opportunity and accept applications from December 13, 2022, through January 12, 2023. During this period, three (3) applications were submitted and are attached to this item for review.

Pursuant to Section 2 of Resolution 2022-27, "A City Chaplain shall be chosen by the City Commission using a secular set of appointment criteria. The City may appoint multiple Chaplains to serve at one time. Chaplains shall serve for terms of one year, subject to re-appointment by the Commission."

### **RECOMMENDATION**

Staff recommends the City Commission review the applications and choose a City Chaplain(s) to serve for a term on one year.

**RESOLUTION NUMBER 2022-27**

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF WINTER SPRINGS, FLORIDA, AUTHORIZING  
THE CREATION OF A VOLUNTARY CITY CHAPLAIN  
POSITION; PROVIDING FOR THE REPEAL OF PRIOR  
INCONSISTENT RESOLUTIONS; SEVERABILITY; AND  
AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Springs is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, it is the intent of the City Commission of the City of Winter Springs, Florida, to create an unpaid, voluntary City Chaplain position within the City government; and

**WHEREAS**, governments operating within the United States have a longstanding history of appointing and working with chaplains at the federal, state, and local level. For example, chaplains are employed federally in the Veterans Administration, Department of Justice, and the Department of Defense. The First Congress of the United States utilized the services of a chaplain, and presently both the United States Senate and the United States House of Representatives have official chaplains. The State of Florida House of Representatives also utilizes the services of a chaplain. Local governments have historically used chaplains as well and continue to do so to the present day. Often local governments appoint chaplains to serve within police departments, fire departments, schools, and/or hospitals; and

**WHEREAS**, a chaplain may serve many functions which would be beneficial to the City, including: providing counseling and support to City employees; acting as a liaison between the City government and local faith groups; providing invocations before or benedictions after official City meetings or events; coordinating with local faith groups to schedule guest chaplains to provide invocations before City meetings; providing spiritual counseling to City personnel as requested by said personnel; and providing moral support to the City at large during times of crisis; and

**WHEREAS**, in Town of Greece, N.Y. v. Galloway, 572 U.S. 565 (2014), the Supreme Court of the United States held that prayer conducted by a chaplain to open town board meetings does not violate the Establishment Clause of the First Amendment of the United States Constitution so long as the government does not dictate what religion the chaplain belongs to or the content of the prayer; and

**WHEREAS**, in Marsh v. Chambers, 463 U.S. 783 (1983), the Supreme Court of the United States held that the practice of opening legislative sessions with prayer is a part of the fabric of society deeply rooted in the history and tradition of the nation and therefore does not violate the Establishment Clause; and

**WHEREAS**, in Kennedy v. Bremerton School District, 142 S.Ct. 2407 (2022), the Supreme Court of the United States held that the Establishment Clause must be interpreted by reference to historical practices and understandings, and that the line that governments must draw between permissible and impermissible activities under the Establishment Clause must accord with history and must reflect the understanding of the founders; and

**WHEREAS**, in Williamson v. Brevard County, 928 F.3d 1296 (11th Cir. 2019), the Eleventh Circuit Court of Appeals found that a local government violates the Establishment Clause when it chooses chaplains in a manner which categorically excludes members of certain religions, or which otherwise engages in discrimination by expressing a preference for chaplains of one religious denomination over another. The Eleventh Circuit further reasoned that chaplains must be chosen based upon neutral, secular, criteria to comply with the Establishment Clause; and

**WHEREAS**, in Atheists of Florida, Inc. v. City of Lakeland, Fla., 713 F.3d 577 (11th Cir. 2013), the Eleventh Circuit found that a City's selection process for invocation speakers does not violate the Establishment Clause if the selection process does not advance or disparage any particular faith. The Eleventh Circuit further found that the No-Aid Clause of the Florida Constitution, FL CONST. Art. 1 § 3, is not violated where invocation-givers and chaplains are unpaid volunteers and where no religious group receives a pecuniary benefit; and

**WHEREAS**, the City Commission is relying upon the aforementioned legal authority for the purposes of adopting this Resolution; and

**WHEREAS**, the City Commission recognizes that the City Chaplain position must not be used to advance or disparage any particular religion. The City Commission further does not intend for the Chaplain position to create an excessive entanglement of church and state; and

**WHEREAS**, the City Commission recognizes that the City Chaplain position shall be unpaid and voluntary, and that no religious group shall receive a pecuniary benefit in association with the Chaplain position, and that the City will comport with the requirements of FL CONST. Art. 1 § 3, which provides that "[T]here shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution;" and

**WHEREAS**, the City Commission recognizes that City Chaplain positions shall be open to persons of all faiths and that the Chaplain shall be chosen via a set of secular selection criteria; and

**WHEREAS**, the City Commission recognizes that the appointment of chaplains whose duty is to serve a governmental entity and to provide support to Government officers, agents, and employees, has a longstanding history and tradition in the United States; and



**WHEREAS**, the City Commission of the City of Winter Springs hereby finds that this Ordinance is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs; and

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Intent and Purpose.** This Resolution is intended to have a secular, non-religious purpose. The intent and purpose of this Resolution is to recognize that there are many functions a City Chaplain may perform which would be a great benefit to both the City at large and to City personnel in an individual capacity. The primary effect of this Resolution is neither to advance nor disparage any particular religion or religious denomination. This Resolution is not intended to promote or support an unconstitutional entanglement of church and state.

**Section 2. Creation of a City Chaplain position.** The City Commission hereby determines that the creation of a voluntary City Chaplain position is consistent with the applicable State and Federal laws, and in accordance with the Policies and Procedures set forth in **EXHIBIT "A,"** which is attached hereto and fully incorporated herein by this reference. Accordingly, upon approval by the City Commission, the position of City Chaplain shall be created. A City Chaplain shall be chosen by the City Commission using a secular set of appointment criteria. The City may appoint multiple Chaplains to serve at one time. Chaplains shall serve for terms of one year, subject to re-appointment by the Commission.

**Section 3. Duties of the Chaplain.** The general duty of the City Chaplain shall be to serve the City of Winter Springs during times of need or crisis in accordance with the job task outlined in **EXHIBIT "B,"** which is attached hereto and fully incorporated herein by this reference. Without limiting the foregoing, it is the intent of this Resolution that the City Chaplain be readily available to counsel City personnel, as well their families, and other individuals in the community who may be in need of the Chaplain's services. The Chaplain shall be responsible for providing on-call guidance, counseling, consultation, and other forms of human crisis intervention to those in need. The Chaplain may provide spiritual counseling only to those who specifically request spiritual counseling. The City Chaplain must express themselves with tolerance and respect for people of all religions. The City Chaplain shall not discriminate against individuals on the basis of race, gender, sex, national origin, ability, or religion.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior inconsistent resolutions adopted by the City Commission, or parts of prior resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Police Department Chaplain Program.** Nothing herein is intended to repeal or modify the City Chaplain Program established by the Winter Springs Police Department. The City Chaplain program established by this Resolution is of more general scope than the one established by the Police Department for police department purposes and shall provide additional chaplain services in addition to and supplemental to the police department's chaplain program.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to the City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the 10<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
KEVIN McCANN, Mayor

ATTEST:

  
\_\_\_\_\_  
CHRISTIAN GOWAN  
City Clerk



**APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
FOR THE CITY OF WINTER SPRINGS ONLY.**

  
\_\_\_\_\_  
ANTHONY A. GARGANESE  
City Attorney

**EXHIBIT "A"**  
**RESOLUTION NO. 2022-27**

**CITY CHAPLAIN PROGRAM  
POLICIES AND PROCEDURES**

CITY OF WINTER SPRINGS		CITY COMMISSION	
TITLE: CITY CHAPLAIN PROGRAM		REF. No:	
Effective: 10/10/2022		Revised:	
STANDARDS OF PERFORMANCE			

**PURPOSE:** This directive is to establish guidelines for the operation and management of the City of Winter Springs City Chaplain Program.

**DISCUSSION:** The City Chaplain Program is an unpaid, volunteer position occupied by one or more local clergy members who desire to serve the City during times of distress. The program is intended to provide citywide coverage, with the services of a Chaplain being made available to the employees of the City of Winter Springs on an as-needed basis.

**POLICY:** It is the policy goal of the City of Winter Springs to make readily available counseling services to City personnel, their families, and other members of the community in need of such services, either when needed or upon request. To accomplish this policy objective, the City will maintain a Chaplain Program responsible for providing on-call counseling, consultation, and other forms of human crisis intervention to those in need. The Chaplain may also provide spiritual guidance to those who request such guidance.

The goal of the City Chaplain Program is to provide a trusted individual in whom City personnel as well as citizens of the community may confide and from whom City personnel may seek assistance in dealing with personal hardships. In addition, the Program strives to establish and maintain an attitude of cooperation between the City and the local community.

**CHAPLAIN SELECTION CRITERIA:**

A. To qualify as a City Chaplain, one must meet the following criteria:

1. Be a resident of the State of Florida.
2. Maintain high moral and ethical standards.
3. Possess a caring and understanding attitude towards all people regardless of race, national origin, sex, gender, ability, or religion.

4. Be willing and able to respond to situations where the presence of a City Chaplain is required.
5. Have the approval of the City Commission of the City of Winter Springs.
6. Consent to signing the City of Winter Springs Hold Harmless Agreement.

**DUTIES AND RESPONSIBILITIES:**

- A. Assist the City of Winter Springs during times of distress.
- B. Visit infirm City employees.
- C. Demonstrate appropriate communication skills in formal settings such as official City meetings, as well as in informal settings.
- D. Act as a liaison between the City of Winter Springs and the religious groups of all denominations located within the City and the surrounding areas.
- E. Provide counseling and moral support for City employees, as requested.
- F. Attend official City meetings and social events, providing invocations and benedictions, as requested.
- G. Provide spiritual aid and counseling for City employees, as requested.
- H. Coordinate with local faith groups to schedule guest Chaplains to provide invocations before City meetings.
- I. Attend City training sessions on a regular basis.
- J. Engage in ongoing training to enhance the Chaplain's efficiency in meeting with and assisting people in crisis.
- K. Periodically attend briefing sessions to familiarize themselves with the operations of the City.
- L. Remain open and flexible to new concepts and/or additional duties as deemed necessary by the City Commission.



#### **ADDITIONAL INFORMATION:**

- A. City Chaplains serve on a voluntary basis and at the will of the City Commission. Their services may be terminated at any time by the City Commission for any reason whatsoever if it is felt that their involvement in the program is not in the best interest of the City of Winter Springs.
- B. The City may appoint multiple Chaplains to serve at one time. Chaplains shall serve for terms of one year, subject to re-appointment by the Commission.
- C. Any information received by the Chaplain while in the performance of their official duties is to remain in the strictest confidence as allowed by law.
- D. Chaplains do not act as an extension of their denomination or faith group. A Chaplain position may not under any circumstances be used as an opportunity to preach, proselytize, or otherwise advance any particular religion or belief.
- E. The Chaplain may only provide religious counseling if requested by the counselee. If the counselee does not request spiritual counseling, only secular counseling and support may be offered.
- F. A Chaplain should be willing to become involved in training programs that enhance one's efficiency in meeting and dealing with people in crisis.
- G. A Chaplain should be familiar with community medical, psychiatric, and other aid resources in the local area.
- H. The Chaplain's responsibility is to assist all City employees and their families, upon request, in matters within the chaplain's professional realm. The chaplain shall not interfere with a City employee, agent, or official, in the performance of that employee's duty.
- I. The Chaplain shall not lend their presence to any political or social movement in a manner that may suggest the City's endorsement of such a movement. Any such endorsement or advocacy must be undertaken only as a civilian member of the clergy. Political and social movements are

clearly distinguishable from civic office. The Chaplain's role as a public servant must be distinct from their role as a clergy-member.

**ADMINISTRATION OF THE CHAPLAIN PROGRAM:**

- A. The City Chaplain Program is administered by the City Commission of the City of Winter Springs.
- B. The City Clerk on behalf of the City Commission shall publish and maintain a current list of approved City Chaplains. Contact information for the City Chaplains is available through the City's contact directory.
- C. All employees, officers, and agents of the City of Winter Springs are authorized to make direct contact with the City Chaplain for personal reasons.

**RELEASING INFORMATION:**

- A. Members of the City Chaplain Program may not, without prior approval of the City Commission or City Manager, discuss with the media or other unauthorized persons official City business in which they may have become involved or have personal knowledge.

**Approved by the City Commission by Resolution No. 2022-27 on this 10<sup>th</sup> day of October, 2022**



# City of Winter Springs

## Job Task Analysis

City Chaplain Job Task Analysis  
City of Winter Springs  
Page 1 of 2

Required Qualifications:

- English language fluency. Fluency in Spanish and other languages is helpful.
- Knowledge of general, nonreligious counseling and/or crisis intervention.
- Familiarity with services available in the community to assist persons in crisis, such as local medical and psychiatric resources, as well as other community aid resources.
- Knowledge regarding spiritual guidance and religious counseling.
- Demonstrated commitment to showing respect to all persons regardless of race, sex, gender, national origin, ability, or religion.
- Demonstrated dedication to ethics and professionalism.
- Basic knowledge of the function of the local government of the City of Winter Springs and the Winter Springs City Commission, or willingness to learn about the function of the City government.

Environmental Conditions:

- Work may be inside in an office environment or outside in the field, as needs dictate.
- May during the day or at night, as needs dictate.

Education and Experience:

- High school graduate or recipient of an acceptable equivalent diploma.
- Education and/or specialized training in providing secular counseling services.
- Experience and/or specialized training in theological counseling.

(A comparable amount of training, education or experience can be substituted for a minimum qualification).

Licenses and Certifications:

- Theological Training Certificate.
- Certificates in at least one form of non-religious counseling.

**Approved by the City Commission by Resolution No. 2022-27 on this 10th day of October, 2022**

**Exhibit "A"**  
**City of Winter Springs**  
**Volunteer Application Form**

*Thank you for considering the City of Winter Springs as an opportunity for your volunteer activity. Please provide the following information:*

Your name: JEFF DIXON

Your organization: THE CHURCH @ 434

Street Address: 817 E. STATE ROAD 434

City WINTER SPRINGS State FL Zip 32708

Telephone 407-929-7216 Choose one: Home Business Cellular

Place checks in the following chart to indicate the periods of time which you currently have available for volunteer activity:

*AS NEEDED*

	Morning	Mid-Day	Afternoon	Evening
Monday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saturday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For what volunteer position(s) are you applying? CITY CHAPLAIN  
 What skills do you have, such as typing, use of a computer, artistic abilities, etc.?

40 PLUS YEARS OF EXPERIENCE AS A PASTOR/PASTORAL CARE

Are you under 18 years of age? YES If so, Date of Birth 7/25/61  
 Are you currently employed? YES If yes, where? CHURCH @ 434  
 Are you currently a student? NO If yes, where? \_\_\_\_\_  
 Are you a City employee? NO Department? \_\_\_\_\_  
 Are you a retired City employee? NO Department? \_\_\_\_\_

I am able to volunteer only until: (date) N/A

Please describe your areas of interest and describe any related education or work experience.

Do you have any prior volunteer experience? YES

If yes, please describe:

I HAVE SERVED AS CHAPLAIN FOR WINTER PARK POLICE DEPARTMENT  
I HAVE SERVED AS CHAPLAIN FOR FLORIDA BAPTIST CONVENTUAL DISASTER RELIEF  
I AM A TRAINED/CERTIFIED FIRST CRISIS RESPONDER - AMERICAN RED CROSS CHAPLAIN

Are you under care of a medical professional for any physical or psychological treatment that may affect your ability to safely and satisfactorily perform your volunteer duties?

NOPE

Have you ever been convicted of, or pled "nolo contendere" to, a felony? \_\_\_\_\_  
If yes, please explain:

NOPE

*I hereby certify that all statements made in connection with this application for volunteer work are true to the best of my knowledge.*

Signature [Signature] Date: 1-9-23

Print Name JEFF DIXON

*I hereby authorize the City of Winter Springs to obtain a record of my criminal convictions (including but not limited to pleas of "nolo contendere") from the Florida Department of Law Enforcement or any other agency that collects records of criminal convictions.*

Signature [Signature] Date: 1-9-23

Print Name JEFF DIXON

Signature of Parent or Guardian (minors only) \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Parent or Guardian (minors only) \_\_\_\_\_




**Exhibit "B"**  
**City of Winter Springs**  
**Standard Volunteer Consent**

I agree to read and abide by the policies relating to appropriate behavior and standards of conduct to be displayed by the City volunteers. I acknowledge that, if at any time such policies are amended, I will be provided the amended policies and at such time will be responsible for abiding by any amended provisions of the policy in addition to those included in the original policy.

I further understand and agree to accept the responsibilities of the volunteer position and participate in any training required by the City. I accept the guidance of my supervisor and shall notify my supervisor of absences and incidents of injury. I acknowledge that I freely donate my time without any expectation or promise of compensation. Lastly, I agree to abide by the following in carrying out my duties and understand that a violation of any of the below statements may result in my disqualification or termination:

1. I will keep confidential all information as required.
2. I will refrain from publishing any data gathered during the volunteer term and from disseminating commercial advertisements, press releases, or opinions without prior written consent of the Human Resources Coordinator.
3. I will refrain from any type of solicitation or charging, requesting or accepting any fee, gift, reward or payment of any kind for my volunteer services.
4. I will refrain from offering medical and/or legal advice even though I may be asked for such.
5. I will maintain a current driver's license and automobile liability insurance if driving is required as part of my volunteer services.
6. I will report immediately any suspected incident of abuse to children, dependent adults, or elders to appropriate authorities and the Human Resources Coordinator.
7. I agree to provide an update to the Human Resources Coordinator of any change to the information I submitted on my application during the term of volunteer period.
8. I acknowledge that I have read and understand the "External Volunteer Policies" attached hereto as Attachment "1", and will not engage in inappropriate and/or illegal conduct or behavior including but not limited to harassment, discrimination, and/or drug or alcohol abuse.

Signature  Date: 1-9-23

Print Name Jeff Dixon

\_\_\_\_\_  
Signature of Parent or Guardian (minors only) Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Parent or Guardian (minors only)

**Exhibit "C"**  
**City of Winter Springs**  
**City Volunteer Enrollment**

Your Name JEFF DIXON

Organization THE CHURCH @ 434

Street Address 817 E. State Room 434

City WINTER SPRINGS Zip 32708

Telephone No. 407 929 - 7216 Choose One: Home Business Cellular

Date of Birth 7-25-61

Emergency Contact Name \_\_\_\_\_

Emergency Contact Phone \_\_\_\_\_

Relationship \_\_\_\_\_

*If your volunteer assignment will include driving or operating a vehicle, please provide the following information:*

Driver's License: D250438612650 Expiration Date: 7/25/28

Auto insurance company: PROGRESSIVE INSURANCE

The following information will be completed by the Human Resources Coordinator:

**Volunteer Assignment**

Position: \_\_\_\_\_

Location: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Background Check Required? Yes/No \_\_\_\_\_


Background Check Completion Date: \_\_\_\_\_

Vehicle Required? Yes/No \_\_\_\_\_ Type: \_\_\_\_\_

**Exhibit "D"**  
**City of Winter Springs**  
**City Volunteer Release of Liability**

In accepting a position as a volunteer with the City of Winter Springs, I agree to accept voluntary Workers' Compensation coverage as the sole and exclusive remedy for any injuries I might sustain while in such volunteer service. Such voluntary Workers' Compensation coverage will be in effect to pay for medical attention for actual injuries sustained during volunteer service subject to Workers' Compensation statutes and regulations. Since volunteer service does not include wages, such compensation does not provide for same.

**HOLD HARMLESS AGREEMENT:** I agree to hold the City of Winter Springs harmless for any such injuries and agree not to pursue legal proceedings against the City for any reason associated with voluntary service except through the Workers' Compensation Act.

  
\_\_\_\_\_  
Signature of Volunteer

1-9-23  
\_\_\_\_\_  
Date

JEFF DIXON  
\_\_\_\_\_  
Print Name of Volunteer

**Exhibit "A"**  
**City of Winter Springs**  
**Volunteer Application Form**

*Thank you for considering the City of Winter Springs as an opportunity for your volunteer activity. Please provide the following information:*

Your name: Robert Melhorn

Your organization: Integrity Church

Street Address: 1425 Tuskawilla Road #145

City Winter Springs State \_\_\_\_\_ Zip 32708

Telephone 407-902-3951 Choose one: Home Business Cellular

Place checks in the following chart to indicate the periods of time which you currently have available for volunteer activity:

	Morning	Mid-Day	Afternoon	Evening
Monday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tuesday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wednesday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Thursday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Friday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Saturday	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sunday	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

For what volunteer position(s) are you applying? Voluntary City Chaplain

What skills do you have, such as typing, use of a computer, artistic abilities, etc.?

public speaking, counseling, organizational leadership

Are you under 18 years of age? \_\_\_\_\_ If so, Date of Birth \_\_\_\_\_

Are you currently employed? \_\_\_\_\_ If yes, where? Integrity Church

Are you currently a student? \_\_\_\_\_ If yes, where? \_\_\_\_\_

Are you a City employee? \_\_\_\_\_ Department? \_\_\_\_\_

Are you a retired City employee? \_\_\_\_\_ Department? \_\_\_\_\_

I am able to volunteer only until: (date) \_\_\_\_\_

Please describe your areas of interest and describe any related education or work experience.

I have been a parish pastor for over thirty years. I have one unit of clinical pastoral education. I served as hospice chaplain with the Gardner, Massachusetts Visiting Nurse Association.



Do you have any prior volunteer experience? yes

If yes, please describe:

I currently volunteer at the Orange County Academy in Bithlo. I have participated in mission trips to New York City, New Orleans, Nicaragua, and Haiti.

Are you under care of a medical professional for any physical or psychological treatment that may affect your ability to safely and satisfactorily perform your volunteer duties?

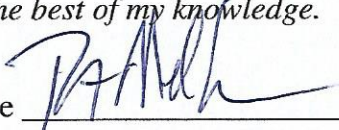
no

Have you ever been convicted of, or pled "nolo contendere" to, a felony? no

If yes, please explain:

*I hereby certify that all statements made in connection with this application for volunteer work are true to the best of my knowledge.*

Signature

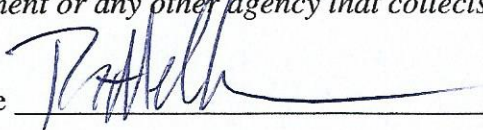


Date: December 21, 2022

Print Name Robert Melhorn

*I hereby authorize the City of Winter Springs to obtain a record of my criminal convictions (including but not limited to pleas of "nolo contendere") from the Florida Department of Law Enforcement or any other agency that collects records of criminal convictions.*

Signature



Date: December 21, 2022

Print Name Robert Melhorn

\_\_\_\_\_  
Signature of Parent or Guardian (minors only)

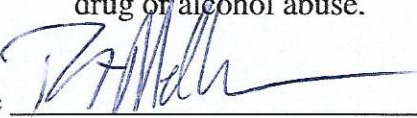
\_\_\_\_\_  
Printed Name of Parent or Guardian (minors only)

**Exhibit "B"**  
**City of Winter Springs**  
**Standard Volunteer Consent**

I agree to read and abide by the policies relating to appropriate behavior and standards of conduct to be displayed by the City volunteers. I acknowledge that, if at any time such policies are amended, I will be provided the amended policies and at such time will be responsible for abiding by any amended provisions of the policy in addition to those included in the original policy.

I further understand and agree to accept the responsibilities of the volunteer position and participate in any training required by the City. I accept the guidance of my supervisor and shall notify my supervisor of absences and incidents of injury. I acknowledge that I freely donate my time without any expectation or promise of compensation. Lastly, I agree to abide by the following in carrying out my duties and understand that a violation of any of the below statements may result in my disqualification or termination:

1. I will keep confidential all information as required.
2. I will refrain from publishing any data gathered during the volunteer term and from disseminating commercial advertisements, press releases, or opinions without prior written consent of the Human Resources Coordinator.
3. I will refrain from any type of solicitation or charging, requesting or accepting any fee, gift, reward or payment of any kind for my volunteer services.
4. I will refrain from offering medical and/or legal advice even though I may be asked for such.
5. I will maintain a current driver's license and automobile liability insurance if driving is required as part of my volunteer services.
6. I will report immediately any suspected incident of abuse to children, dependent adults, or elders to appropriate authorities and the Human Resources Coordinator.
7. I agree to provide an update to the Human Resources Coordinator of any change to the information I submitted on my application during the term of volunteer period.
8. I acknowledge that I have read and understand the "External Volunteer Policies" attached hereto as Attachment "1", and will not engage in inappropriate and/or illegal conduct or behavior including but not limited to harassment, discrimination, and/or drug or alcohol abuse.

Signature  Date: January 17, 2023

Print Name Robert Melhorn

\_\_\_\_\_  
Signature of Parent or Guardian (minors only) Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Parent or Guardian (minors only)



**Attachment 1.**  
**External Volunteer Policies**

1. ***Volunteers are at-will:*** The City accepts the service of all volunteers with the understanding that such service is at the sole discretion of the City. Volunteers agree that the City may at any time, for whatever reason, decide to terminate the volunteer's relationship with the City. The volunteer may at any time, for whatever reason, decide to sever the volunteer's relationship with the City. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.
2. ***No conflicts of interest:*** No person who has a conflict of interest under Florida law with any activity or program of the City shall be accepted or serve as a volunteer with the City.
3. ***Dress Code:*** Volunteers shall dress appropriately for the conditions and performance of their duties.
4. ***Inappropriate Conduct, Discrimination and Harassment Prohibited:*** The City is an Equal Opportunity Employer and is committed to providing a workplace free of any type of unlawful discrimination or harassment.
  - (i) Volunteers are prohibited from engaging in any type of inappropriate conduct, including but not limited to unlawful discrimination or harassment on the basis of race, religion, national origin, ethnicity, age, gender, marital status, pregnancy, disability, veteran status and/or any other legally protected characteristic.
  - (ii) Volunteers are prohibited from engaging in unlawful harassment including verbal, physical and visual conduct based on any of the above legally protected characteristics which create an intimidating, offensive or hostile work environment or that interferes or could interfere with a volunteer's work performance. Some examples of harassment include racial slurs or jokes, disparaging remarks concerning any protected group, ethnic jokes, distribution or posting of offensive statements, posters or cartoons or other similar conduct.
  - (iii) Volunteers are prohibited from engaging in sexual harassment. Sexual harassment may exist where a volunteer requests sexual favors or makes unwelcome sexual advances towards another individual or makes unwelcome verbal comments or displays physical conduct of a sexual nature to another individual, where the comment or conduct is unwelcome. Sexual harassment may also exist where a volunteer makes derogatory comments to an individual based on or related to such person's gender.
  - (iv) Volunteers must report any incident involving any perceived discrimination and/or harassment experienced or witnessed by them immediately to their Supervisor and to the Department Head, as defined herein, and to the Human Resources Coordinator ("HR"). Volunteers should recognize that this policy applies equally to harassment or discrimination committed by a fellow volunteer, employee, citizen, elected official, vendor or other third parties with whom the volunteer comes into contact.
  - (v) Every complaint of unlawful discrimination or harassment that is reported will be investigated thoroughly and promptly. Retaliation against any volunteer for making such a complaint is strictly prohibited. The complainant will be made aware of the outcome of the City's investigation upon completion. If the investigation reveals reasonable cause to believe that unlawful discrimination or harassment has occurred, the City will take prompt remedial action to stop the impermissible conduct, prevent it from occurring in the future and to appropriately discipline the person responsible.

(vi) Any volunteer violating this policy is subject to discipline, up to and including termination of volunteer services. If you have questions regarding this policy or the City's complaint procedure, please direct your questions to the Human Resources Coordinator.

5. ***Substance Abuse Prohibited:*** The City is determined to eliminate the use of illegal drugs, alcohol, and controlled substances at its work sites. Volunteers are prohibited from use of such substances at all City work sites and volunteer sites. Use of illegal drugs, alcohol and controlled substances at City work sites or volunteer sites may result in discipline, up to and including termination of volunteer services.



**Exhibit "C"**  
**City of Winter Springs**  
**City Volunteer Enrollment**

Your Name Robert Melhorn  
Organization Integrity Church  
Street Address 444 Wilmington Circle  
City Oviedo Zip 32765  
Telephone No. 407-902-3951 Choose One: Home Business Cellular  
Date of Birth June 14, 1955  
Emergency Contact Name Pauline Melhorn  
Emergency Contact Phone 407-902-5635  
Relationship wife

*If your volunteer assignment will include driving or operating a vehicle, please provide the following information:*

Driver's License: M465-765-55-214-0 Expiration Date: 6/14/2030  
Auto insurance company: Allstate

The following information will be completed by the Human Resources Coordinator:

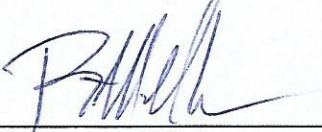
**Volunteer Assignment**

Position: \_\_\_\_\_  
Location: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
Background Check Required? Yes/No \_\_\_\_\_  
Background Check Completion Date: \_\_\_\_\_  
Vehicle Required? Yes/No \_\_\_\_\_ Type: \_\_\_\_\_

**Exhibit "D"**  
**City of Winter Springs**  
**City Volunteer Release of Liability**

In accepting a position as a volunteer with the City of Winter Springs, I agree to accept voluntary Workers' Compensation coverage as the sole and exclusive remedy for any injuries I might sustain while in such volunteer service. Such voluntary Workers' Compensation coverage will be in effect to pay for medical attention for actual injuries sustained during volunteer service subject to Workers' Compensation statutes and regulations. Since volunteer service does not include wages, such compensation does not provide for same.

**HOLD HARMLESS AGREEMENT:** I agree to hold the City of Winter Springs harmless for any such injuries and agree not to pursue legal proceedings against the City for any reason associated with voluntary service except through the Workers' Compensation Act.

  
\_\_\_\_\_  
Signature of Volunteer

January 17, 2023  
\_\_\_\_\_  
Date

Robert Melhorn  
\_\_\_\_\_  
Print Name of Volunteer

**CITY OF WINTER SPRINGS**  
**VOLUNTEER POLICY**

**A. Purpose.**

The volunteers of the City of Winter Springs play a vital role in the enhancement of public services provided by each City department. Accordingly, this Policy is designed to guide the intake of City volunteers for placement in the volunteering opportunities throughout the City of Winter Springs.

**B. Volunteer: Definition; General Policies.**

1. *Definition:* For purposes of this Policy, a *volunteer* is an individual who performs hours of service in a City department for civic, charitable, health, humanitarian, recreational, public safety or general welfare reasons, without promise, expectation or receipt of compensation for services rendered, except for reimbursement of expenses, nominal fees, or a combination thereof.
  - (i) This policy applies only to non-elected volunteers. This policy does not include volunteers appointed to a City board or committee.
  - (ii) Volunteers do not supplant City employees; they assist paid staff or provide services that constitute elements of major regular positions and augment the established and mandated services of the City.
  - (iii) City employees may volunteer their services to the City as long as the work they perform as a volunteer is outside their scope of duties as City employees.
  - (iv) Individuals or entities that are (1) volunteering or working for independent contractors hired by the City or (2) individuals or associations retained by the City by separate agreement are not volunteers of the City for purposes of this Policy. Such volunteers under separate agreement shall be subject to the terms and conditions of such agreement.
2. *Minors:* Volunteers who have not reached the age of eighteen years must have the written consent of a parent or legal guardian prior to volunteering.

**C. City Manager or Commission Approval Required.**

1. All City volunteer positions shall require prior approval by the City Manager, the City Manager's designee, or the City Commission. Such approval shall be based on whether the volunteer position furthers the purpose of a City department.

2. City departments may make requests to the City Manager for volunteer authorization based on the needs of the Department. When making such a request, the Department shall provide the following information:
  - (i) the purpose and scope of proposed duties for the volunteer position;
  - (ii) the Department's need for the volunteer position; and
  - (iii) any special qualifications required of a successful applicant.

**D. Application and Enrollment Process.**

1. The process for selection of City volunteers is as follows:
  - (i) Applicants must submit a completed Volunteer Application Form to the supervisor of the volunteer position for which the application is submitted ("Supervisor"). The Supervisor shall then forward such applications to the head of the City Department that is seeking to fill such volunteer position ("Department Head"). The Department Head shall forward a copy of all such applications to HR for record-keeping purposes.
  - (ii) The Department Head shall review Volunteer Application Forms received and may select applicant(s) for interview(s).
  - (iii) The Department Head may conduct one or more interviews of each selected applicant, in the discretion of the Department Head. Prior to being assigned to a position, all volunteers will be interviewed to ascertain their suitability for and interest in the position. The interview should determine the qualifications of the volunteer, their commitment to fulfill the requirements of the position, and should answer any questions that the volunteer might have about the position.
  - (iv) Upon making an initial determination that an applicant is qualified for a volunteer position, the Department Head shall request that HR provide the required background checks and screening as set forth in Paragraph E of this Policy.
  - (v) HR shall determine, in its discretion and in accordance with law, whether an applicant's background checks and screening reveal any disqualifying information. If there is no such disqualifying information, HR shall authorize the applicant for the volunteer work. The applicant may commence work as a City volunteer upon HR's authorization.
2. Enrollment. All City volunteers shall read, sign, and submit the following forms



prior to commencing their term as a City volunteer:

- (i) City Volunteer Application form, attached hereto as Exhibit “A”;
- (ii) City Standard Volunteer Consent form, attached hereto as Exhibit “B”;
- (iii) City Volunteer Enrollment form, attached hereto as Exhibit “C”; and
- (iv) City Volunteer Release of Liability form, attached hereto as Exhibit “D”.

The Department Head is responsible for forwarding all such forms to HR for record-keeping.

- 3. HR shall establish record-keeping procedures and maintain City volunteer records as required by Florida Statutes.

#### **E. Screening and Background Checks.**

- 1. *Sensitive Positions.* A criminal background investigation shall be completed on all volunteers applying for a sensitive position, as identified in Section E(2), herein. Each City department has the authority to determine which volunteer assignments constitute sensitive positions.

The applicant must sign the statement set forth on the Volunteer Application Form authorizing the City to conduct a criminal background investigation prior to initiation of such background check. A volunteer may not commence volunteer services until after completion of such background check.

In evaluating whether a volunteer applicant may be rejected for work placement or transfer to a sensitive position, HR shall consider the following criteria:

- (i) The nature and seriousness of the offense(s), and the circumstances under which the offense(s) occurred;
- (ii) The age of the person at the time of the offense(s);
- (iii) The recency of the offense(s);
- (iv) The number of convictions;
- (v) The relationship of the offense(s) to the sensitive position for which application is made;

- (vi) Evidence of rehabilitation and maturation, including the volunteers employment record with respect to job responsibility and duration and other volunteer efforts;
  - (vii) Truthfulness in admitting previous record;
  - (viii) Attitude of applicant;
  - (ix) Other factors relevant to the volunteer's suitability, including but not limited to maturity, attitude and honesty.
2. *Guidelines for Identifying Sensitive Positions:* A sensitive position may include, but is not limited to, positions that involve access to custody of cash, equipment or confidential information; involves the rendering of services to at-risk persons (such as children or the elderly); or involves dispensing City benefits to the public.
3. *Contact with At-Risk Persons.* Where volunteers are to be placed in direct contact with at-risk persons (such as children or the elderly), additional screening procedures may be instituted. These procedures may include reference checks, direct background investigation, criminal investigation, etc., as authorized or required by law. Volunteers who refuse permission for conduct of these checks will not be accepted for the volunteer position.
4. *Potentially Disqualifying Job-Related Offenses:* The following is a list of offenses in general/common terms, which, under certain conditions, may be incompatible with specific functions associated with volunteer work assignments; however, the list is intended only as a guide, is not comprehensive, and does not reference specific statutory terms:

(i) *List of Offenses*

Function - Access to funds or negotiable instruments

Bribery  
Embezzlement  
Forgery  
Fraud  
Receiving Stolen Property  
Robbery  
Theft

Function - Access to confidential or classified materials

Extortion  
Forgery  
Fraud  
Perjury  
Receiving Stolen Property  
Robbery  
Theft

Function - Charge of or access to City property

Embezzlement  
Robbery  
Receiving Stolen Property  
Theft

Function - Protection of persons or property (Law Enforcement)

Assault  
Drug or Narcotics Offenses  
Child Molestation/Abuse  
Embezzlement  
Forgery  
Fraud  
Homicide  
Intoxication  
Kidnapping  
Robbery  
Sex Offenses  
Theft

Function - Individual contact with or care or supervision of minors

Assault  
Child Molestation/Abuse  
Chronic or Recurrent Alcoholism  
Drug or Narcotics Offenses  
Homicide  
Kidnapping  
Manslaughter  
Offenses Against Minors

Sex Offenses  
Rape  
Robbery  
Theft

Function - Individual contact with or care or supervision of the elderly

Assault  
Child Molestation/Abuse  
Drug or Narcotics Offenses  
Embezzlement  
Forgery  
Fraud  
Homicide  
Intoxication  
Kidnapping  
Manslaughter  
Rape  
Receiving Stolen Property  
Robbery  
Sex Offenses  
Theft

5. *Certification and Licensing.* Violation of any certification or licensing requirements relating to the duties of the position in question may be the basis for disqualification.

- (A) The City recognizes that in some cases, volunteers must have certification or a license in order to provide certain volunteer services. To the extent that the City requires such a volunteer, and the volunteer does not yet have the required certificate or license, the City Manager may authorize, in the City Manager's discretion, the expenditure of City funds for the purpose of assisting the volunteer in obtaining such certification or license needed to provide the services required by the City. However, if said funds are paid by the City, the City Manager may require the volunteer to commit, in writing, to providing said services for a specific period of time, or the volunteer will be required to repay the funds to the City. This provision does not obligate the City to expend funds for any volunteer in need of certification or licensing for the performance of any volunteer services.



6. *Dishonesty in Application.* Dishonesty during the application process for a volunteer position may be the basis for disqualification.
7. *Criminal background data obtained for employment screening purposes pursuant to Chapter 435, Florida Statutes, shall be used only for such screening purposes. Such data shall be kept confidential and is exempt from the Public Records Law.*
8. *Medical Treatments.* Any potential volunteer who indicates that they are under the care of a physician for either physical or psychological treatment may be asked to present a certificate from the physician as to their ability to satisfactorily and safely perform their volunteer duties. Volunteers under a course of treatment which might affect their volunteer work will not be accepted without written verification of suitability from their physician.

Any volunteer who, after acceptance and assignment by the City, enters a course of treatment which might adversely impact upon the performance of their volunteer duties should consult with their supervisor.

**F. Orientation and Training.**

1. *Orientation.* All volunteers will receive a general orientation on the nature and operation of the program or activity for which they are recruited, and a specific orientation on the purposes and requirements of the position which they are accepting in that effort.
2. *On-the-Job Training.* Volunteers will receive specific on-the-job training to provide them with the information and skills necessary to perform their volunteer assignment. The timing and methods for delivery of such training should be appropriate to the complexity and demands of the position and the capabilities of the volunteer.

**G. Supervision.** Volunteers shall be supervised by the Department Head, or the Department Head's designee.

**Exhibit "A"**  
**City of Winter Springs**  
**Volunteer Application Form**

*Thank you for considering the City of Winter Springs as an opportunity for your volunteer activity. Please provide the following information:*

Your name: \_\_\_\_\_

Your organization: \_\_\_\_\_

Street Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Choose one: Home Business Cellular

Place checks in the following chart to indicate the periods of time which you currently have available for volunteer activity:

	Morning	Mid-Day	Afternoon	Evening
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

For what volunteer position(s) are you applying? \_\_\_\_\_

What skills do you have, such as typing, use of a computer, artistic abilities, etc.? \_\_\_\_\_

Are you under 18 years of age? \_\_\_\_\_ If so, Date of Birth \_\_\_\_\_

Are you currently employed? \_\_\_\_\_ If yes, where? \_\_\_\_\_

Are you currently a student? \_\_\_\_\_ If yes, where? \_\_\_\_\_

Are you a City employee? \_\_\_\_\_ Department? \_\_\_\_\_

Are you a retired City employee? \_\_\_\_\_ Department? \_\_\_\_\_

I am able to volunteer only until: (date) \_\_\_\_\_

Please describe your areas of interest and describe any related education or work experience.

Do you have any prior volunteer experience? \_\_\_\_\_

If yes, please describe:

Are you under care of a medical professional for any physical or psychological treatment that may affect your ability to safely and satisfactorily perform your volunteer duties?

Have you ever been convicted of, or pled “nolo contendere” to, a felony? \_\_\_\_\_

If yes, please explain:

*I hereby certify that all statements made in connection with this application for volunteer work are true to the best of my knowledge.*

Signature Kyle Stewart Date: \_\_\_\_\_

Print Name \_\_\_\_\_

*I hereby authorize the City of Winter Springs to obtain a record of my criminal convictions (including but not limited to pleas of “nolo contendere”) from the Florida Department of Law Enforcement or any other agency that collects records of criminal convictions.*

Signature Kyle Stewart Date: \_\_\_\_\_

Print Name \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent or Guardian (minors only) Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Parent or Guardian (minors only)

**Exhibit "B"**  
**City of Winter Springs**  
**Standard Volunteer Consent**

I agree to read and abide by the policies relating to appropriate behavior and standards of conduct to be displayed by the City volunteers. I acknowledge that, if at any time such policies are amended, I will be provided the amended policies and at such time will be responsible for abiding by any amended provisions of the policy in addition to those included in the original policy.

I further understand and agree to accept the responsibilities of the volunteer position and participate in any training required by the City. I accept the guidance of my supervisor and shall notify my supervisor of absences and incidents of injury. I acknowledge that I freely donate my time without any expectation or promise of compensation. Lastly, I agree to abide by the following in carrying out my duties and understand that a violation of any of the below statements may result in my disqualification or termination:

1. I will keep confidential all information as required.
2. I will refrain from publishing any data gathered during the volunteer term and from disseminating commercial advertisements, press releases, or opinions without prior written consent of the Human Resources Coordinator.
3. I will refrain from any type of solicitation or charging, requesting or accepting any fee, gift, reward or payment of any kind for my volunteer services.
4. I will refrain from offering medical and/or legal advice even though I may be asked for such.
5. I will maintain a current driver's license and automobile liability insurance if driving is required as part of my volunteer services.
6. I will report immediately any suspected incident of abuse to children, dependent adults, or elders to appropriate authorities and the Human Resources Coordinator.
7. I agree to provide an update to the Human Resources Coordinator of any change to the information I submitted on my application during the term of volunteer period.
8. I acknowledge that I have read and understand the "External Volunteer Policies" attached hereto as Attachment "1", and will not engage in inappropriate and/or illegal conduct or behavior including but not limited to harassment, discrimination, and/or drug or alcohol abuse.

Signature                     *Kyle Stewart*                     Date: \_\_\_\_\_

Print Name \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent or Guardian (minors only) Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Parent or Guardian (minors only)



**Attachment 1.**  
**External Volunteer Policies**

1. ***Volunteers are at-will:*** The City accepts the service of all volunteers with the understanding that such service is at the sole discretion of the City. Volunteers agree that the City may at any time, for whatever reason, decide to terminate the volunteer's relationship with the City. The volunteer may at any time, for whatever reason, decide to sever the volunteer's relationship with the City. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.
2. ***No conflicts of interest:*** No person who has a conflict of interest under Florida law with any activity or program of the City shall be accepted or serve as a volunteer with the City.
3. ***Dress Code:*** Volunteers shall dress appropriately for the conditions and performance of their duties.
4. ***Inappropriate Conduct, Discrimination and Harassment Prohibited:*** The City is an Equal Opportunity Employer and is committed to providing a workplace free of any type of unlawful discrimination or harassment.
  - (i) Volunteers are prohibited from engaging in any type of inappropriate conduct, including but not limited to unlawful discrimination or harassment on the basis of race, religion, national origin, ethnicity, age, gender, marital status, pregnancy, disability, veteran status and/or any other legally protected characteristic.
  - (ii) Volunteers are prohibited from engaging in unlawful harassment including verbal, physical and visual conduct based on any of the above legally protected characteristics which create an intimidating, offensive or hostile work environment or that interferes or could interfere with a volunteer's work performance. Some examples of harassment include racial slurs or jokes, disparaging remarks concerning any protected group, ethnic jokes, distribution or posting of offensive statements, posters or cartoons or other similar conduct.
  - (iii) Volunteers are prohibited from engaging in sexual harassment. Sexual harassment may exist where a volunteer requests sexual favors or makes unwelcome sexual advances towards another individual or makes unwelcome verbal comments or displays physical conduct of a sexual nature to another individual, where the comment or conduct is unwelcome. Sexual harassment may also exist where a volunteer makes derogatory comments to an individual based on or related to such person's gender.
  - (iv) Volunteers must report any incident involving any perceived discrimination and/or harassment experienced or witnessed by them immediately to their Supervisor and to the Department Head, as defined herein, and to the Human Resources Coordinator ("HR"). Volunteers should recognize that this policy applies equally to harassment or discrimination committed by a fellow volunteer, employee, citizen, elected official, vendor or other third parties with whom the volunteer comes into contact.
  - (v) Every complaint of unlawful discrimination or harassment that is reported will be investigated thoroughly and promptly. Retaliation against any volunteer for making such a complaint is strictly prohibited. The complainant will be made aware of the outcome of the City's investigation upon completion. If the investigation reveals reasonable cause to believe that unlawful discrimination or harassment has occurred, the City will take prompt remedial action to stop the impermissible conduct, prevent it from occurring in the future and to appropriately discipline the person responsible.

- (vi) Any volunteer violating this policy is subject to discipline, up to and including termination of volunteer services. If you have questions regarding this policy or the City's complaint procedure, please direct your questions to the Human Resources Coordinator.
5. ***Substance Abuse Prohibited:*** The City is determined to eliminate the use of illegal drugs, alcohol, and controlled substances at its work sites. Volunteers are prohibited from use of such substances at all City work sites and volunteer sites. Use of illegal drugs, alcohol and controlled substances at City work sites or volunteer sites may result in discipline, up to and including termination of volunteer services.

**Exhibit "C"**  
**City of Winter Springs**  
**City Volunteer Enrollment**

Your Name \_\_\_\_\_

Organization \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone No. \_\_\_\_\_ Choose One: Home    Business    Cellular

Date of Birth \_\_\_\_\_

Emergency Contact Name \_\_\_\_\_

Emergency Contact Phone \_\_\_\_\_

Relationship \_\_\_\_\_

*If your volunteer assignment will include driving or operating a vehicle, please provide the following information:*

Driver's License: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Auto insurance company: \_\_\_\_\_

*The following information will be completed by the Human Resources Coordinator:*

**Volunteer Assignment**

Position: \_\_\_\_\_

Location: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Background Check Required? Yes/No \_\_\_\_\_

Background Check Completion Date: \_\_\_\_\_

Vehicle Required? Yes/No \_\_\_\_\_ Type: \_\_\_\_\_

**Exhibit "D"**  
**City of Winter Springs**  
**City Volunteer Release of Liability**

In accepting a position as a volunteer with the City of Winter Springs, I agree to accept voluntary Workers' Compensation coverage as the sole and exclusive remedy for any injuries I might sustain while in such volunteer service. Such voluntary Workers' Compensation coverage will be in effect to pay for medical attention for actual injuries sustained during volunteer service subject to Workers' Compensation statutes and regulations. Since volunteer service does not include wages, such compensation does not provide for same.

**HOLD HARMLESS AGREEMENT:** I agree to hold the City of Winter Springs harmless for any such injuries and agree not to pursue legal proceedings against the City for any reason associated with voluntary service except through the Workers' Compensation Act.

Kyle Stewart  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Volunteer





## REGULAR AGENDA ITEM 504

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### TITLE

Appointment Opportunities for City Boards and Committees

### SUMMARY

The City Clerk Department wishes to inform the City Commission of the following vacancies:

***Per Section 2-41(e) of the City Code, "If any commissioner fails to appoint a member within thirty (30) days after a vacancy occurs or a term expires, that seat shall be filled by a majority vote of the commission."***

### CURRENT VACANCIES:

- **Code Enforcement Board - Term Expired July 31, 2022**
  - Seat One Appointment: Term Expires 07/31/2025 (**OPEN TO FULL COMMISSION**)
- **Oak Forest Wall and Beautification District Advisory Committee - Term Expired August 31, 2022**
  - Seat Four Appointment: Term Expires 08/31/2026 (**OPEN TO FULL COMMISSION**)
- **Parks and Recreation Advisory Committee**
  - At-Large Appointment: Term Expires 11/01/2025

### UPCOMING VACANCIES

- **Bicycle and Pedestrian Advisory Committee**
  - Seat Two Appointment: Term Expires February 1, 2023
  - Seat Four Appointment: Term Expires February 1, 2023
- **Parks and Recreation Advisory Committee**
  - Seat Two Appointment: Term Expires February 1, 2023
  - Seat Four Appointment: Term Expires February 1, 2023

### RECOMMENDATION

Staff recommends the City Commission make any appointments they deem pertinent.



## REGULAR AGENDA ITEM 505

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### **TITLE**

Discussion on Chapter 2, Article II, Sections 2-27; 2-28; and 2-29, City Code - Rules and Procedures of the City Commission

### **SUMMARY**

At the January 9, 2023 City Commission Meeting, Commissioner Cade Resnick asked that the City Commission Rules and Procedures, as well as rules related to addressing the Commission, be brought back for discussion and potential changes.

The relevant section(s) of the City Code are attached to this item.

### **RECOMMENDATION**

Staff recommends the Commission discuss and direct Staff to bring forth any changes that are desired to the existing ordinances.

## ARTICLE II. - CITY COMMISSION

## Sec. 2-26. - Recall of elected officials.

- (a) Any elected public official may be recalled from office pursuant to the provisions herein set forth.
- (b) F.S. § 100.361 is hereby incorporated in haec verba into this section and all provisions shall be applicable to any public elected official of the city.

(Code 1974, § 2-3)

**Cross reference—** Elections, § 2-81 et seq.

## Sec. 2-27. - Rules and procedures of the city commission—Generally.

- (a) *Authority.* The rules and procedures established under this article II are adopted in furtherance of subsection 4.13(b) of the City Charter which provides that the city commission shall determine its own rules and order of business. The rules and procedures adopted under this article II are intended to be supplemental and in addition to other applicable provisions of law. To the extent that any provision of these rules and procedures is in conflict with the City Charter, state or federal law, the conflicting provisions of the City Charter, state or federal law shall prevail and apply. The rules and procedures adopted by the city commission shall not be construed or interpreted in any way to limit the broad powers vested in the city commission under the City Charter, article VIII, section 2(b) of the state constitution, the Florida Municipal Home Rule Powers Act, and other applicable law.
- (b) *Agenda packets.* The city manager shall have the authority to and be responsible for preparing the city commission agenda for each city commission meeting. The mayor or any city commissioner shall have the right to have a matter placed on the regular agenda for timely consideration and action by the city commission. Upon completion of the agenda packets, the city clerk shall be responsible for distributing agenda packets to the mayor, city commissioners, city manager, city attorney, city staff and the public. Agenda packets shall be made available to the mayor and each commissioner no later than Wednesday (preferably by 5:00 p.m.) prior to the commission meeting; however, when absolutely necessary or in the event of an emergency, the city manager may authorize the distribution of the agenda packets after 5:00 p.m. and may distribute any add-on agenda item(s) after the agenda has been distributed on Wednesday. To the extent that certain agenda items require the review by or distribution of documents to the mayor and city commission that are deemed confidential or exempt from public disclosure by law, the city manager will arrange for such review or distribution in a manner deemed appropriate to protect such exemption or confidentiality.

(c) *Approval of the agenda; new business section.*

- (1) At the commencement of each city commission meeting during the call to order section, the city commission shall approve, by majority vote, the proposed agenda to be considered by the city commission at the meeting. Prior to the approval of the proposed agenda, the city commission may, by majority vote, add or remove agenda items from the proposed agenda or reorder agenda items in terms of placement on the agenda. Upon approval of the agenda, the agenda items will be considered by the city commission in the order presented on the approved agenda.
- (2) Unless otherwise determined by the city commission, each regular agenda shall have a new business section, in the order on the agenda approved by the city commission, which allows the mayor, any city commissioner, city manager or city attorney an opportunity to raise, if necessary, new issues not on the agenda that require discussion and potential future direction by the city commission. The new business section shall not be used to present items requiring prior public notice or hearing, for reports allowed under subsection (m), or be used as a substitute for timely placing items on the agenda prior to the agenda packet being distributed or as an add-on item as required by subsection (b). The city commission will not take final action on any new business item that is considered a major initiative and/or initiative that would ordinarily require significant city staff research. Persons introducing new business items are encouraged to provide background information regarding the item prior to or at the meeting in the same manner as permitted for reports under subsection (m)(4).

(d) *Robert's Rules of Order.* Robert's Rules of Order shall be the "underlying foundation" for the conduct of commission meetings and will be followed to the extent practical and feasible and to the extent not modified by this article or as otherwise required by law. Robert's Rules of Order may be suspended by a majority vote of the city commission. The city clerk shall be responsible for maintaining at least two (2) copies of Robert's Rules of Order on the dais during all city commission meetings.

(e) *Consent agenda.* Any commissioner may request that a consent agenda item be held for separate consideration.

(f) *Motions.* No motion shall be recognized by the chair until all commissioners and the city manager have had an opportunity to address that agenda item.

(g) *Motions belong to commission.* Motions shall only be permitted by members of the commission. Motions, once made, and seconded, belong to the commission, not the individual making the original motion. Motions which have been seconded may be withdrawn by consensus of the city commission without a formal vote. Amendments to pending motions are not required to be accepted by the maker of the pending motion.

(h)



*Parliamentary procedure.* All motions shall be considered in accordance with the Chart 1, Ranking Order and Chart II, motions in the "Parliamentary Procedure Basics for Governmental Bodies" (Third Edition, Agenda Associates). The city clerk shall be responsible for maintaining at least two (2) copies of the chart on the dais during all city commission meetings.

- (i) *Time limits on agenda items.* Unless otherwise approved by a majority vote of the city commission, each commissioner and the mayor shall be given a maximum of five (5) minutes to initially speak on an agenda item. After each commissioner and the mayor have been afforded the opportunity to initially speak on an agenda item, each commissioner and the mayor shall then be given additional time to speak in five (5) minute increments until discussion on that agenda item has been concluded.
- (j) *Call the question.* Motions to "call the question" shall require a second and a minimum two-thirds ( $\frac{2}{3}$ ) vote of the commission.
- (k) *Starting time of meetings.* Regular city commission meetings shall be scheduled to commence at 6:30 p.m. on the second and fourth Monday of every month unless otherwise approved by the city commission. Special and emergency city commission meetings shall be scheduled as needed at a date and time established by the mayor, city commission or city manager, and whenever practicable, upon no less than twelve (12) hour notice provided to the mayor, city manager, city clerk, city attorney and each member of the city commission.
- (l) *Time of adjournment.* Unless sooner adjourned by majority vote of the city commission, the mayor shall adjourn the commission meeting at 8:30 p.m. However, by majority vote of the city commission, a commission meeting may be extended beyond 8:30 p.m., but no later than 10:00 p.m., in time increments or to handle any specific agenda item(s). A super-majority vote of the city commission shall be required to similarly extend a commission meeting beyond 10:00 p.m.
- (m) *Reports.* In the order on the agenda approved by the city commission, each agenda will set aside a time period for reports subject to the following protocol:
  - (1) During reports, the mayor and each commissioner shall be afforded an opportunity to report on various committees and groups on which they represent the city, important events of city interest and to make brief comments in general. Each report is intended to be brief and not for purposes of proposing that the city commission take final action or give direction on an item. Such items should be placed elsewhere on the agenda for action or direction.
  - (2) The city manager, city attorney, and city clerk shall also be afforded a brief opportunity to report on information and various matters requiring the city commission's awareness or attention.
  - (3) Unless otherwise approved by a majority vote of the city commission, each commissioner and the mayor shall be given a maximum of five (5) minutes to speak under reports.
  - (4)

Reporting individuals may circulate, prior to the meeting, background information that may be reported on during the meeting. Such information shall be provided through the city clerk's or city manager's office for distribution to the mayor and city commission in a manner similar to the distribution of agenda packets, except that the city attorney may distribute attorney-client privileged work product directly to the city manager, mayor and city commissioners to the extent necessary to protect such privilege. Further, to the extent that certain information must be distributed by the city manager that is deemed confidential or exempt from public disclosure by law, such information may be distributed directly to the mayor, city commissioners, and city attorney to the extent necessary to protect such exemption or confidentiality. At the meeting, the reporting individual can present or refer to the background information in support of their report item.

- (5) Reporting individuals may also present their report items in writing to be distributed at the meeting.

(Ord. No. 2016-09, § 2, 10-10-16; Ord. No. 2018-08, § 2, 1-14-19; Ord. No. 2019-01, § 2, 1-28-19; Ord. No. 2021-04, § 2, 5-10-21)

Sec. 2-28. - Addressing the mayor and city commission.

- (a) *Oral communications.* Any person desiring to address the mayor and city commission shall first secure the permission of the presiding officer and shall state his/her name and address for the record. If such person is speaking as an authorized representative, such person shall also advise the mayor and city commission of the name of the person, group, business, or organization being represented. All remarks shall be addressed to the mayor and city commission as a body and not to any member thereof, unless permission to do so is first granted by the presiding officer or the city commission. Individual members of the public shall limit their discussion or comments to no more than three (3) minutes. Individuals representing a group or homeowner's association shall limit their discussion or comments to no more than five (5) minutes. No questions shall be asked of the mayor or a city commission member or city official except through the presiding officer.
- (b) *Written communication.* Interested persons may address the mayor and city commission by written communications in regard to a matter then under discussion.
- (c) *Reading protests.* Interested persons may address the mayor and city commission by reading of protests, petitions, or other communications related to matters then being considered by the city commission.
- (d) *Mayor enforce time limits.* The mayor shall strongly enforce the directives of the city commission relative to disruptive members of the audience and time limits on public input.
- (e) *Disruptive behavior prohibited.* Disruptive behavior by members of the audience including, but not limited to, fighting, yelling, throwing or launching projectiles, audible use of electronic devices (e.g., cell phones, lap tops, tablets, cameras, and gaming devices), visual displays (e.g., lasers,

holographical images, projections, and blinking, flashing or other light displays), and causing loud noises is strictly prohibited. Cell phones or any other ringing device must be silenced or turned off during city commission meetings.

- (f) *Certain remarks prohibited.* Obscene or disparaging language, fighting words, or slanderous remarks are strictly prohibited at the city commission meetings.
- (g) *Non-resident and/or non-taxpayer restriction.* The city commission, by majority vote, may decline to hear any person who is not a resident or taxpayer of the city, except:
  - (1) When the person is a user of the city's water or sewer system and wishes to be heard on a matter related to the city's sewer and/or water system.
  - (2) When such person is a city employee who wishes to be heard on a matter relating to his/her employment; or
  - (3) When such person is serving as an authorized representative for a person who would otherwise be permitted to be heard on the subject matter before the city commission.
- (h) *Delegations.* Public comment will be included on every city commission agenda under the following conditions:
  - (1) At the beginning of each regular, special or workshop meeting at which the city commission will take final official action on any proposition, the city commission will set aside up to thirty (30) minutes of each regular, special or workshop meeting for "delegations" (aka limited public forum) after call to order and any awards and presentations, immediately prior to taking any final official action on any proposition. In addition, at its discretion, the city commission may set aside up to an additional thirty (30) minutes of each regular, special or workshop meeting for an additional "delegations" portion of the meeting at the end of each city commission meeting. Delegations shall be subject to other applicable provisions of the City Code. The purpose of the first delegations portion of the meeting is for any person to be heard on any item on the agenda, except the following items:
    - a. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with F.S. § 286.0114, would cause an unreasonable delay in the ability of the city commission to act;
    - b. Ministerial items, meaning an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations. Ministerial items also include motions or questions of parliamentary procedure that do not result in a final official action of an item before the city commission;
    - c. Quasi-judicial items, generally meaning land use and other applications considered by the city commission requiring the application of a general rule of existing policy as more specifically described in section 2-30 of the City Code; and
    - d.

Public hearing items, where public comments are taken elsewhere on the agenda when the item is presented.

The purpose is also to allow any resident or taxpayer of the city to make his/her views known to the city commission upon any subject of general or public interest. Additionally, a city employee shall be permitted to address the mayor and city commission as to matters regarding his/her employment, and a user of the city's sewer or water system shall be permitted to address the city commission regarding matters related to the city's sewer and/or water system.

- (2) The second discretionary "delegations" at the end of the meeting shall be for the limited purpose of allowing any resident or taxpayer of the city to make his/her views known to the city commission upon any subject of general or public interest. Additionally, a city employee shall be permitted to address the mayor and city commission as to matters regarding his/her employment, and a user of the city's sewer or water system shall be permitted to address the city commission regarding matters related to the city's sewer and/or water system.
- (3) Each person addressing the city commission during delegations shall speak for no more than three (3) minutes and a person representing a group or homeowner's association shall speak for no more than five (5) minutes, unless a lesser or greater time is provided by a majority vote of the city commission.
- (4) If it appears that a matter presented by a speaker during delegations is administrative in nature, and the question or matter raised can be adequately answered or addressed by the city manager or administrative staff, the city commission may request, upon consensus, or proper motion and majority vote, that the speaker refer the matter to the city manager or his designee during normal city business hours. If such a referral is made by the city commission, the speaker shall have no further right to present that matter at the meeting. If the speaker is not adequately satisfied by the city's administrative staff upon proper referral, the speaker shall have the right to bring the matter in question before the city commission during the delegations portion of any subsequent city commission meeting.
- (5) The city commission recognizes that delegations is for the purpose of allowing persons to speak on propositions on the agenda in accordance with limitations and requirements set forth in F.S. § 286.0114, as well as for purposes of legitimate inquiries and discussion by the public. Delegations is not for the purpose of advancing arguments or repetitious questions concerning matters which the city commission believes to be closed which are not propositions requiring final official action of the commission or not of general public concern. Further, it is not appropriate to readdress quasi-judicial and public hearing items previously



addressed by the city commission at the same meeting. The city commission shall have the right at any delegations to decline to hear any person or any subject matter upon consensus, or proper motion and majority vote, by the city commission in accordance with law.

(i) *Public hearings in general.* The city commission shall hold a public hearing on agenda items to the extent required by law including, but not limited to, items related to the adoption of ordinances, adoption of the annual millage and budget, and other agenda items required by law. The following are intended to be general guidelines for such hearings:

- (1) All public hearings shall be advertised in a newspaper of general circulation one (1) time in advance of the public hearing, stating the date, time, place, and nature of the public hearing, and the location where further information may be obtained regarding the subject matters to be considered. Advertisements shall comply with the public notice requirements required by applicable Florida Statutes and law.
- (2) Proposed ordinances or resolutions and notice shall be placed at city hall for public review in advance of each public hearing.
- (3) At the public hearing, the city attorney shall read any ordinance or resolution by title or in full, as required by general law or City Charter, for the public record, and provide general background to the item along with city staff.
- (4) Members of the public speaking on public hearing items, though entitled to be heard by the city commission, are not entitled to an immediate response by either administrative staff members or city commission members once the public hearing is closed; however, commission discussion may or may not include a response. No question by the public should be addressed directly to any member of the administrative staff.
- (5) Public comment by individual speakers from the audience on public hearing agenda items shall be limited to three (3) minutes. Representatives of recognized groups shall be limited to five (5) minutes; and total comments on a single issue shall be limited to thirty (30) minutes. Applicants shall be limited to ten (10) minutes. The city commission may grant additional time by consensus, or majority vote, of the city commission if the complexity of the relevant issues addressed during the public hearing require additional public debate. The city commission by consensus, or majority vote, also reserves the right to reduce the time limits to speak if the hour of the commission meeting is late or a large number of speakers desire to speak. Only one (1) presentation per person per issue shall be allowed.
- (6) Speakers shall be limited to speak on the subject matter of the public hearing item. The presentation of repetitious questions or information concerning the public hearing item shall not be permitted.

(j)

*Public comments on propositions not on the agenda.* If a proposition is considered by the city commission at a meeting which is not listed on the agenda, and consideration shall constitute final official city commission action, then the mayor will offer the public an opportunity to speak to that item before the decision is made. However, if final official city commission action on the proposition will occur at a subsequent city commission meeting, the mayor will offer the public an opportunity to speak to that item at the meeting at which the city commission takes final official action on the proposition subject to the applicable provisions of the City Code. Under this section, the term "proposition" does not include ministerial, emergency and quasi-judicial matters as those terms are generally defined in subsection (h)(1)c. of this section.

- (k) *Speaker cards.* The city clerk will create and maintain a short form, subject to the city commission's approval, for an individual to use in order to inform the city commission of a desire to be heard during delegations and public hearing items; to indicate his or her support, opposition, or neutrality on an agenda item or proposition before the city commission for consideration; and to indicate his or her designation of a representative to speak for him or her or his or her group on an agenda item or proposition before the city commission if he or she so chooses. The form will also contain the individual's contact information for purposes of demonstrating compliance with the commission rules and procedures and following up on matters to the extent the city believes follow-up is necessary. Forms must be completed by the individual at the meeting and submitted to the city clerk, who will provide them to the mayor or the presiding city commissioner for consideration and handling during the meeting. A person submitting a form is not required to speak, but may request on the form that the mayor or the presiding city commissioner briefly note for the record their support or opposition for an agenda item or proposition before the city commission.
- (l) *Appeals; preservation of a record.* It shall be the responsibility of any person deciding to appeal any decision made by the city commission with respect to any matter considered to preserve the record including, but not limited to, a verbatim record of the proceedings and testimony and evidence upon which any such appeal is to be based. In the event that such person prepares or has prepared a verbatim transcript of the proceeding by a court reporter, the person shall be required to provide a courtesy copy of the transcript to the city clerk for purposes of maintaining public records and any future appeal.
- (m) *Campaign-free zone.* The city commission chamber is hereby declared a campaign-free zone and visible campaign materials and speeches shall be prohibited in the chamber during city commission meetings. Standard size (approximately 2 inches by 4 inches) candidate name badges are permitted and shall not be considered campaigning under this subsection.
- (n) *Placards, signs, posters, flags and banners.* Due to the limited size and function of the city commission chambers and city hall lobby, and for the safety and protection of the public attending commission meetings, the public is prohibited from bringing placards, signs, posters,

flags and banners for public display within the chamber and lobby during city commission meetings, unless a placard, sign, poster, flag or banner is authorized in advance by the city manager or city commission to be ceremonially presented to the city commission as part of an agenda item. However, in such instances, the placard, sign, poster, flag or banner shall be properly stored and set aside until the ceremonial presentation in order to avoid disrupting the meeting, impeding the public's attendance, or injuring the public in attendance.

- (o) *Enforcement; order of removal.* The mayor or the presiding city commissioner shall enforce the rules adopted by the city commission. Any person in violation of any of the rules shall first be given a warning of the violation. Any subsequent violations shall be cause for removal from the chambers by the police chief or his designee for the remainder of the city commission meeting by order of the mayor, the presiding city commissioner or a majority of the city commission. Notwithstanding, the mayor, the presiding city commissioner or a majority of the city commission may order the immediate removal of any person from the city commission chambers that poses a threat to property or life safety.

(Ord. No. 2016-09, § 2, 10-10-16)

#### Sec. 2-29. - Additional rules of conduct.

The mayor and city commissioners shall adhere to the following additional rules of conduct:

- (1) The proper statutory and City Charter role of a mayor and city commissioner, as with any elected member of a legislative body, is to act collectively, not individually, to set and/or revise and/or to apply the city's governing policies and that the city manager and staff administer such policies.
- (2) The mayor and city commissioners, individually, do not manage the affairs of the city. The mayor and city commissioners will not intrude into daily operations or spheres of responsibility designated by state statutes, City Code, and City Charter to the city manager as the chief executive officer; or undermine the city manager's lawful authority. The city manager is responsible for administering the policy direction established by a majority vote of the city commission and not the policy wishes of the mayor or one (1) individual city commissioner.
- (3) The mayor and city commissioners represent the interests of the entire city when making decisions and will rely upon available facts and their respective independent judgment. In their official capacity as an elected representative of the city, the mayor and city commissioners will avoid conflicts of interest and avoid using their official position for personal, professional, or partisan gain.
- (4)

The mayor and city commissioners will demonstrate dignity, respect, and courtesy toward those whom they are in contact with in their official capacity as either the mayor or city commissioner. The mayor and city commissioners will refrain from intimidation and ridicule of the mayor, fellow commissioners, city manager, city attorney, staff, citizens of the city, and city utility customers.

- (5) The mayor and city commissioners, in their official capacity as an elected representative of the city, will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an elected official and the honor of serving as an elected representative of the city.
- (6) The mayor and city commissioners will focus on solving problems, and in doing so will maintain appropriate decorum and professional demeanor in the conduct of city business and work cooperatively and conscientiously with others as they respectively request or receive information, examine data or weigh alternatives in the decision-making process.
- (7) The mayor and city commissioners will demonstrate patience and refrain from demanding, interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis or that will result in staff neglect of urgent duties. Such requests will be made through the city manager for scheduling and prioritizing through consensus of the city commission. The mayor and city commissioners will work cooperatively with the city manager to establish reasonable parameters for such requests and access.
- (8) The mayor and city commissioners will devote adequate time for preparation prior to city commission meetings and as much as possible, the mayor and each member of the city commission will be in attendance at such meetings and all other scheduled events where their official participation is required.
- (9) The mayor and city commissioners will respect diversity and encourage the open expression of divergent ideas and opinions from the mayor and fellow city commissioners, city manager, city attorney, staff, citizens of Winter Springs, and city utility customers. They will listen actively and objectively to others' concerns or constructive criticisms.
- (10) The mayor and city commissioners will refrain from any individual action that could compromise lawfully authorized decisions of the city or the integrity of the city and the mayor and fellow commissioners. The mayor and city commissioners will delineate clearly for any audience whether they are acting or speaking as an individual citizen or in their respective capacity as a representative of the city.
- (11)



The mayor and city commissioners will maintain in confidence any privileged or confidential information provided to them by the city and will not disclose such information publicly or to any person who has not been duly authorized by the city to receive such information, unless such disclosure is duly authorized by the city commission or city manager or required by law. In addition, the mayor and city commission will refrain from copying any written privileged or confidential documents provided to them by the city and will keep such documents in safekeeping. Further, upon leaving office or upon request by the city commission or city manager, the mayor and city commissioners will return to the city any privileged or confidential documents or materials provided to them by the city while serving on the city commission. For purposes of this paragraph, privileged and confidential information is only information that is deemed privileged or confidential and/or exempt from public records disclosure by law. By way of example, and without limiting the scope of the kinds of information that could be privileged or confidential and/or exempt, the following information is generally deemed privileged or confidential and/or exempt from public disclosure: (i) information pertaining to security systems for any property owned or leased by the city; (ii) risk assessment information to determine security threats to data, information and information technology resources of the city; (iii) attorney-client work product related to pending or reasonably anticipated litigation or city claims file; (iv) city commission transcripts of attorney-client litigation sessions until the conclusion of litigation; (v) claims files regarding the city's risk management program (vi) information concerning the plans, intentions, or interests of a private entity to located, relocate or expand its business activities within the city if the private entity requests such confidentiality in writing; (vii) all work product developed by the city in preparation for collective bargaining negotiations, and during negotiations; (viii) trade secrets and proprietary business information contained in records held by the city; (ix) certain personal identifying and health information contained in records held by the city when required by law; (x) active criminal intelligence information and active criminal investigative information; and (xi) any information revealing law enforcement surveillance techniques or procedures or personnel or information revealing the identity of a confidential informant or confidential source. The mayor and city commissioners may contact the city manager or city attorney with any questions on whether certain information falls within the scope of this paragraph.

- (12) The mayor and city commissioners will abide by all laws of the state applicable to their official conduct on the city commission, including but not limited to the Government in the Sunshine Law, the Florida Public Records Law, the Florida Code of Ethics for Public Officers, and city rules and procedures and codes of conduct adopted by the city commission including, but not limited to, the rules and procedures and code of conduct expressed in this article.
- (13) The mayor and city commissioners will promote constructive relations in a positive climate with all city employees, city attorney, and city contractors and consultants consistent with their official role on the city commission, as a means to enhance the productivity and morale of the city. The mayor and city commissioners will support the city manager's decision to employ the most qualified persons for staff positions. The mayor and city commission will

recognize the bona fide achievements of the city manager, staff, city attorney, city contractors and consultants, business partners, and others sharing in, and striving to achieve, the city's mission and strategic objectives.

- (14) The mayor and city commissioners will enhance their knowledge and ability to contribute value to the city as a member of the city commission by keeping abreast of issues and trends that could affect the city through reading, continuing education and training. The mayor and city commissioners will study policies and issues affecting the city, and will attend training programs if required by the city or law. A continuing goal of the mayor and city commissioners will be to improve their respective performance as a member of the city commission.
- (15) The mayor and city commissioners will value and assist each other on the city commission by exchanging ideas, concerns, and knowledge through lawful means of communication. Together, they will help build positive community support for the city's mission and the policies and strategic objectives established by the city commission.
- (16) The mayor and city commissioners will support and advocate for their respective beliefs, but will remain open to understanding the views of others. The mayor and city commissioners recognize that they each share in the responsibility for all city decisions and will accept the will of duly authorized decisions of the city commission and city electorate.
- (17) The mayor and city commissioners understand that their first priority as a member of the city commission will always be to look out for the best interests of the citizens of the city and the public health, safety and welfare. The mayor and city commissioners will seek to provide appropriate leadership that nurtures and motivates city citizens to be stakeholders in the affairs and achievements of the city.
- (18) The mayor and city commissioners will be accountable to the city commission for any violations of the rules and procedures and rules of conduct established by the city commission under this article.

(Ord. No. 2016-09, § 2, 10-10-16)

#### Sec. 2-30. - Quasi-judicial rules and procedures of the city commission.

The city commission recognizes that certain agenda items presented to the city commission for a final decision are considered by the courts as quasi-judicial in nature. Under applicable law, quasi-judicial proceedings require the mayor and city commissioners to serve as a quasi-judicial decision maker. The city commission must afford due process and comply with due process requirements including, but not limited to, notice, a hearing before an impartial decision-maker, and a right to a fair and orderly hearing process where applicants and interested parties are afforded an opportunity to be heard and present evidence. The

following rules and procedures are not intended to be strictly applied, but rather are intended to serve as a guide to assist the mayor and city commission with conducting a quasi-judicial hearing in accordance with the requirements of law:

- (1) *Categories of decisions—quasi-judicial defined generally.* For purposes of understanding the context of this section, the city commission will make a variety of different types of decisions that the law classifies differently. For example, some decisions are classified legislative, executive/administrative, or quasi-judicial in nature. The decision making process employed by the city commission and scope of judicial review are markedly different for the different classifications. Quasi-judicial matters are agenda items that generally require the city commission to apply a general rule of existing policy. Such agenda items include, but are not limited to, land use and other applications such as rezonings, variances, special exceptions, conditional uses, special permits, site and engineering plans, and subdivisions of land and plats.
- (2) *Legislative and executive/administrative decisions—Generally.* This section is not intended to be applicable when the city commission is exercising legislative and executive/administrative decision making authority. For example, and without the intention of being a limitation on such decisions, the Florida Supreme Court has held that comprehensive plan amendments are considered a formulation of policy and therefore, are considered legislative actions and not quasi-judicial in nature. The adoption of an ordinance or resolution by the city commission that formulates policy is also considered a legislative action. The approval of contracts, appointing of board members and the purchasing of good and services are executive/administrative decisions.
- (3) *Fundamental requirements.* Quasi-judicial proceedings shall comply with the minimum requirements of law. Interested parties shall at a minimum be permitted to be heard, present evidence, be represented by counsel, and cross examine witnesses. Decisions made by the city commission will be based on competent substantial evidence presented on the record at the hearing and based upon the application of applicable criteria established by law.
- (4) *Competent substantial evidence.* Competent substantial evidence has been generally defined by the courts as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. It is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.
- (5) *Burden of proof.* The applicant seeking approval of an application has the burden of proving that the proposed application is consistent with the city's comprehensive plan and complies with all of the applicable substantive criteria and procedural requirements of the City Code and other applicable provisions of law.
- (6) *Objectors; party intervenor applications.*

- a. Persons objecting to an application must prove standing, which is the cornerstone of their right to present any case against an application. Standing is subject to applicable statutory and case law. Typically, but not in every case, the person seeking to prevent or overturn a quasi-judicial decision must show special damages and an interest different in kind and degree from that of the general public's at large. The city commission reserves the right to contest any person's standing to participate in a quasi-judicial hearing at any time through all appellate proceedings even if the person was permitted to participate in the hearing.
  - b. An affected party who believes that they have legal standing and can demonstrate that they have a special interest and may suffer special damages different in kind and degree from that of the general public's at large, can file a party intervenor application with the city manager requesting to be formally declared a party intervenor for purposes of presenting factual and expert testimony and evidence at the quasi-judicial hearing. The application shall be filed at least seven (7) days prior to the scheduled quasi-judicial hearing and shall state with specificity the factual and legal basis on which the party believes they have legal standing, and a general list of witnesses and evidence that the party anticipates submitting to the city commission. Failure to timely file a party intervenor application shall be deemed a waiver of the opportunity to seek a party intervenor determination by the city commission. Applications timely filed will be reviewed for legal sufficiency by the city attorney and presented to the city commission at the commencement of the hearing for a determination. The city commission may limit the number of party intervenors or consolidate party intervenors for presentation purposes to avoid unnecessary repetition and delay of the quasi-judicial hearing. If the city commission grants party intervenor status to a party, the party will be afforded time at the hearing to present the factual and expert testimony and evidence in accordance with subsection (8) of this section. Party intervenors may be sworn-in as witnesses and shall be subject to cross-examination by other parties or party intervenors, and shall be required to qualify expert witnesses, as appropriate.
- (7) *Rules of evidence.* The strict rules of evidence shall not apply. However, the city commission is required to make decisions on quasi-judicial agenda items based on testimony and evidence that is actually presented on the record at the hearing. The following evidentiary rules should be considered when the city commission receives testimony and evidence at the hearing:
- a. *Lay testimony.* Citizen testimony is permissible and may constitute competent substantial evidence so long as it is fact-based. Mere generalized statements of opposition are to be disregarded. The polling of citizens to determine who is "for" or "against" an agenda item is not competent substantial evidence and should not be permitted at the hearing.
  - b.



*Records, maps and reports.* Maps, diagrams, reports and other official records may be competent substantial evidence in themselves including, but not limited to, all official records of the city and any other local, state, federal government agencies.

- c. *Expert testimony.* The opinions and recommendations of professional city staff members including, but not limited to, city planning and zoning staff, the city engineer, law enforcement and fire personnel, and other qualified staff members may constitute competent substantial evidence, provided such opinions and recommendations are related to the city staff person's professional expertise and qualifications. The opinions of other duly qualified professionals and experts of applicants and objectors may also be similarly considered competent substantial evidence.
  - d. *Hearsay evidence.* Hearsay evidence may be admissible provided it is used to support other competent substantial evidence presented in the record before the city commission.
- (8) *Presentation of evidence.* Unless otherwise required by the city commission or as permissible in subsection (8)m. below, the following order of presentation will generally occur on agenda items that are subject to a quasi-judicial hearing:
- a. The mayor will briefly introduce the item (approximately three (3) minutes).
  - b. The city attorney shall read any ordinance considered by title or in full pursuant to the requirements of the City Charter for the public record, present party intervenor applications timely received for the city commission's determination, and provide general background to the agenda item to the extent necessary (approximately five (5) minutes).
  - c. The city administrative staff and any staff consultants shall present a summary of the application and agenda item and its findings, opinions or recommendation on that application (approximately ten (10) minutes).
  - d. The applicant and any factual and expert witness(es) will provide testimony and evidence on the application and matter being considered (maximum fifteen (15) minutes).
  - e. Any party intervenors and any factual and expert witness(es) will provide testimony and evidence on the application and matter being considered (maximum of ten (10) minutes).
  - f. To the extent that the item is a public hearing, the mayor shall open the public hearing and invite any person in attendance to speak to the issue and to present any factual or expert testimony (if any) relevant to the matter being considered (maximum three (3) minutes per person or five (5) minutes per representative of recognized groups). If the matter is not a public hearing item, objectors (not granted party-intervenor status), proponents and the general public will be permitted to speak to the issue and to present any factual or expert testimony relevant to the matter being considered (maximum three (3) minutes per person or five (5) minutes per representative of recognized groups).

- g. Cross-examination of adverse witnesses by the applicant and any party intervenors shall be permitted during testimony to the extent requested and necessary in furtherance of due process requirements (maximum five (5) minutes per witness).
- h. At the close of the evidentiary presentation, the applicant and staff will be afforded the opportunity to rebut any testimony and evidence. (maximum five (5) minutes each).
- i. At the conclusion of the rebuttal, the mayor shall close the evidentiary portion of the hearing and the city commission shall deliberate and make a final decision on the agenda item. To the extent deemed necessary by the city commission, at its discretion, the city commission may reopen the evidentiary portion of the hearing if the mayor and city commissioners have additional evidentiary inquiries of the applicant, staff or any party intervenor.
- j. Any documentation presented to the city commission in support of or in opposition to an application and agenda item shall be offered into the record at the hearing by submitting a copy or copies of same to the city clerk. The city clerk shall keep one (1) copy of the documents as part of the record of the proceeding. It shall be the responsibility of the party offering the evidence to make sure that it is received by the city clerk as part of the record, and that extra copies be presented to the mayor and city commissioners as deemed necessary or requested by the city commission.
- k. The agenda item and any staff report presented on any application and all applicable city codes and ordinances and state and federal law shall be deemed part of the record in all applications considered by the city commission.
- l. If an applicant, party intervenor, or objector anticipates presenting, for the hearing record, a detailed written report as evidence, the applicant, party intervenor, or objector may submit the report to the city clerk in advance of the hearing and the report will be distributed to the mayor, city commission, city staff and any other interested person requesting the same prior to hearing to the extent feasible so the mayor and city commission and interested persons may examine the report prior to the hearing. Applicants, party intervenors, and objectors shall not submit such reports or any other evidentiary information directly to the mayor and city commission prior to the hearing.
- m. The city commission recognizes that in limited cases a full-blown quasi-judicial hearing may not be needed in order to ensure due process is satisfied before the city commission takes final action on an application. Such limited cases may occur when: (i) a specific application does not require a public hearing; (ii) the application is deemed complete and supported by a city staff recommendation in favor of approval in accordance with applicable requirements; (iii) the applicant concurs with the city staff recommendation; and (iv) no party intervenor or interested party has appeared at the city commission

meeting to contest or seriously question the application and the recommendation and competent substantial evidence contained in the city staff recommendation. In such cases, the city commission may dispense with the evidentiary presentation formalities set forth in this subsection (h), consider the matter informally at its discretion, and rely on the city staff recommendation as uncontested and un rebutted competent substantial evidence, and take final action in a manner deemed appropriate by the city commission to conduct orderly and efficient city business.

n. The city commission may modify the time limits specified in this subsection (8) on its own motion or consensus or upon request of a party to the proceeding. A request for a modification of time should be considered by the city commission to assure all parties have an opportunity to participate without undue repetition and delay in furtherance of affording due process.

(9) *Swearing-in of witnesses.* Persons presenting evidence and expert testimony may be required to take an oath and be sworn by the city attorney, collectively or individually, in substantially the following manner:

I (state witness name) swear or affirm to tell the truth, the full truth, and nothing but the truth.

(10) *Impartial decision maker; voting conflicts.* The mayor and city commissioners sitting in a quasi-judicial capacity will each endeavor to act in an impartial and unbiased manner when it considers quasi-judicial agenda items. The city commission will base its final decision on such agenda items based upon the weight and credibility of competent substantial evidence, both direct and circumstantial, that is presented in the record at the quasi-judicial proceeding before the city commission. The mayor and city commissioners are each permitted to make deductions and reach conclusions which reason and common sense lead them to make in furtherance of legitimate government purposes that are in the city's best interests. Decisions of the city commission are made as a collective body, by majority vote, on a case-by-case basis. The mayor and city commissioners are not expected to testify at the proceeding and are not expected to engage in independent fact finding outside of the proceeding. The city commission may consider the advice of the city manager, city staff and city attorney in their respective official capacities. To the extent that the mayor or any city commissioner believes that they have a voting conflict of interest on any agenda item, under F.S. § 112.3143, or other applicable law, the mayor or city commissioner with the conflict shall declare a voting conflict and recuse themselves from participating in the proceeding, abstain from voting upon the agenda item, and file the applicable voting conflict form. In addition, pursuant to F.S. § 286.012, the mayor or any city commissioner may abstain from voting on a quasi-judicial agenda item if the abstention is to assure a fair proceeding free from potential bias or prejudice.

- (11) *Ex parte communications.* The mayor and city commissioners will neither knowingly initiate nor consider ex parte communications not disclosed on the record concerning the merits of any quasi-judicial application that is currently pending before the city commission or that the mayor or city commissioners knows or reasonably expects will be filed with the city commission within one hundred eighty (180) days after the date of any such communication. To the extent feasible and practicable, the mayor or city commissioners should avoid ex parte communications concerning the merits of any such application. Applicants, party intervenors, and any other non-city staff persons desiring to discuss the merits of such Applications or to provide written documents that would be considered ex parte communications should be directed to contact the city manager or his or her designee responsible for processing the application. The city manager or his or her designee will be responsible for handling the discussion or written communication in a manner deemed appropriate. The city manager or his or designee will be responsible for scheduling and conducting all meetings, and handling all official communications between the city (and its officials and employees) and applicants and party intervenors.
- a. Pursuant to F.S. § 286.0115, if the mayor or any city commissioner receives ex parte communications regarding any application, the mayor or any city commissioner must publicly disclose such communications before or during the hearing at which a vote is taken on the quasi-judicial matter, so that persons who have opinions contrary to those expressed in the ex parte communications are given a reasonable opportunity to refute or respond to the communications. Specifically, all written communications received and all written responses to such communications will be placed on the record at the hearing, and the substance of all oral communications received and all oral responses made will be placed on the record.
  - b. This subsection (11) is not intended to prohibit the mayor and city commissioners from making official inquiries of, or obtaining advice from, the city manager, city staff and city attorney in their respective official capacities.
  - c. This subsection (11) is not intended to preclude the mayor and city commissioners from communicating with constituents and members of the public regarding the general existence or status of any application nor preclude the mayor or any city commissioner from attending community or homeowner's association meetings which are generally open to city residents and constituents at which an application may be discussed. In such circumstances, the mayor and city commissioners will neither knowingly initiate nor participate in ex parte communications regarding the merits of any application.
- (12) *Continuance of hearings.* By majority vote of the city commission, the city commission may continue a quasi-judicial hearing on its own initiative or the request of city staff, the applicant or any interested party with standing in order to allow additional time to gather additional



relevant evidence to be presented to the commission at a subsequent meeting.

- (13) *Written orders of final decisions.* Final decisions made by the city commission regarding quasi-judicial applications and agenda items shall be made verbally by motion and roll call majority vote, but in some cases shall also be memorialized in a separate writing as follows:
- a. Pursuant to F.S. § 166.033, when the city commission denies an application for a development permit, as that term is defined in F.S. § 163.3164, city staff is directed to prepare and send written notice to the applicant based on the city commission's decision. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority on which the city commission based the denial of the permit, which may be contained in the agenda item presented by city staff. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land; or
  - b. By majority vote of the city commission, the city commission may direct the city attorney to prepare a proposed order, which will include findings of fact and conclusions of law, for the commission to consider as final commission official action on a quasi-judicial matter. If such direction is given to the city attorney, the hearing will be continued to another city commission meeting at which the commission will consider adopting the proposed order as presented or modified by commission. A copy of the final order will be provided to the applicant and other interested parties upon request; or
  - c. Pursuant to other requirements of law; or
  - d. If notice is not required by subsections a., b. or c. above, city staff may provide a courtesy notice to the applicant of the city commission's final decision.
- (14) *Supplemental quasi-judicial rules.* To the extent necessary, the city commission may adopt or employ at a particular hearing supplemental quasi-judicial rules of procedure which shall apply to quasi-judicial matters consistent with the requirements of law.
- (15) *Advisory hearing officer.* The city commission may, at its discretion, appoint an independent, advisory hearing officer to conduct a quasi-judicial hearing under this section for purposes of recommending a written order regarding any application. The written order will contain recommended findings of fact and conclusions of law. The hearing officer shall be a member of the Florida Bar in good standing for five (5) or more years, and must demonstrate satisfactory knowledge of municipal law and quasi-judicial proceedings.

(Ord. No. 2016-09, § 2, 10-10-16)

Sec. 2-31. - Savings clause; waiver of rules and procedures.

This article II is adopted for the sole benefit of the mayor and city commission for purposes of conducting orderly and efficient meetings. No person shall have any claim, right, or privilege whatsoever against the city or any of its mayor, city commissioners, officials and employees by virtue of the provisions of this article II. The failure of the mayor, city commissioners, city commission or any city official and employee to abide by any of the rules and procedures contained under this article II shall not have any adverse or negative effect on any decision made by the city commission. It is the intent and purposes of this section to provide that a violation of any of the specific rules and procedures set forth in this article shall not be, in and of itself, a legal basis to bring any cause of action against the city and its officials and employees or challenge or nullify an otherwise lawful action of the city commission. This article II shall not be construed or interpreted as the city consenting to be sued by any third party including, but not limited to, any applicant, party intervenor, objector, or any other person if compliance with the provisions of this article does not occur. The city commission reserves the right to expressly or impliedly waive the application of any provision of this article in its discretion.

(Ord. No. 2016-09, § 2, 10-10-16)

Secs. 2-32—2-40. - Reserved.



## REGULAR AGENDA ITEM 506

CITY COMMISSION AGENDA | JANUARY 23, 2023 REGULAR MEETING

### TITLE

New Business

### SUMMARY

Pursuant to Sec 2-27 (c)(2) of the City Code, "Unless otherwise determined by the city commission, each regular agenda shall have a new business section, in the order on the agenda approved by the city commission, which allows the mayor, any city commissioner, city manager or city attorney an opportunity to raise, if necessary, new issues not on the agenda that require discussion and potential future direction by the city commission. The new business section shall not be used to present items requiring prior public notice or hearing, for reports allowed under subsection (m), or be used as a substitute for timely placing items on the agenda prior to the agenda packet being distributed or as an add-on item as required by subsection (b). The city commission will not take final action on any new business item that is considered a major initiative and/or initiative that would ordinarily require significant city staff research. Persons introducing new business items are encouraged to provide background information regarding the item prior to or at the meeting in the same manner as permitted for reports under subsection (m)(4)."

### RECOMMENDATION