

ST. CLOUD CITY COUNCIL REGULAR MEETING
Thursday, January 11, 2018
City Hall – Council Chambers
1300 9th Street
6:30 p.m.
Minutes

- I. Mayor Blackwell called the meeting to order at 6:30 p.m.
- II. Invocation given by Pastor David Nigh from Christ our Savior Fellowship
- III. Pledge of Allegiance
- IV. Roll Call

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| ◆ Mayor Nathan Blackwell | City Manager, William Sturgeon |
| ◆ Deputy Mayor Dave Askew | City Attorney, Daniel Mantzaris |
| ◆ Council Member Linette R. Matheny | Linda Jaworski, City Clerk |
| ◆ Council Member Chuck Cooper | Ivy De La Cruz, Deputy City Clerk |
| ◆ Council Member Donald Shroyer | Members of the Press |

V. Presentations

- Proclamation in recognition of 2017 Winter Queen

This presentation did not take place.

- Presentation by Army Corps of Engineers

Jeffrey Collins, Army Corps of Engineers, provided a presentation and schedule for the upcoming Lake Toho drawdown and habitat enhancement project.

Council Member Matheny hoped 12 acres at Chisholm Park could be used to dispose of materials from the project.

Council consensus was for staff to work with the Army Corps of Engineers to make the necessary decisions for the environment with the least impact during the drawdown with possible use of 12 acres at Chisholm Park.

Congressman Darren Soto congratulated Council Member Shroyer on being elected president of the Tri County League of Cities. He also provided a legislative update on the community.

- Financial quarterly update

Rick Kisner, Finance Director, provided a financial update.

VI. Citizen's Forum - Any person who desires to comment on any item not on this agenda is provided this opportunity to address the City Council. Each person is requested to complete a sign-in form to be provided to the presiding officer prior to, or as soon as is practical thereafter, the person addresses the Council.

Hughette Crumpler, 300 Michigan Avenue, stated she was concerned about the lack of transparency and lack of fulfilling campaign promises. She requested to have additional citizen comments to be permitted during the meeting.

Larry Schneck, 1336 Ashton Park Place, stated his concerns regarding the moratorium on medical marijuana and for Council to consider lowering taxes.

Ms. Matheny thought there was Council consensus to change public comment back to the initial format for first readings on agenda due to unforeseen circumstances.

City Attorney Mantzaris stated he will bring forth a resolution to make change to the agenda format.

Noreen Rodriguez, 2725 Andes Way, had concerns about animals left outside when it's extremely hot/cold. Council consensus was to look into the issue.

VII. Consent Agenda: The next portion of tonight's meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

City Manager Sturgeon requested to pull item L from the agenda.

Council Member Cooper requested to pull items G, H and I for clarification.

Ms. Hughette Crumpler requested to review items B, D, E, F, I, K and M.

A. Minutes: September 14, 2017 / Regular Meeting, September 21, 2017 / Workshop, September 28, 2017 / Regular Meeting, October 5, 2017 / Special Meeting and October 12, 2017.

B. Resolution No. 2018-005R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into the interlocal agreement between the City of St. Cloud and the City of Kissimmee relating to the City of St. Cloud accepting solid waste and recycling from the City of Kissimmee and providing an effective date.
COST: No cost associated with this item.

Ms. Crumpler thought the city recycling went to Lakeland, Florida and questioned how there could be no cost associated with this item. Mr. Rawleigh stated this agreement was to receive recycling.

- C. Resolution No. 2018-006R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to execute the Release of Utility Easement for Eagle Creek Villages K and M and providing an effective date.

COST: No cost associated with this item.

- D. Resolution No. 2018-009R, a resolution of the City Council of the City of St. Cloud, Florida, (the “Stanton II Project Participant”) (I) Providing for the incorporation of certain findings, defined terms, and general provisions; (II) Approving amendments to the Stanton II Power Sales Contract, as amended, and Project Support Contract, as amended, between Florida Municipal Power Agency and the Stanton II Project Participant; (III) Consenting to the transfer and assignment between the City of Vero Beach and Florida Municipal Power Agency, with respect to the All-Requirements Power Supply Project, of a 16.4887% Power Entitlement Share in the Stanton II Project; (IV) Consenting to amendments of the Stanton II Power Sales Contract and Project Support Contract between Florida Municipal Power Agency and the City of Vero Beach, and waiving certain rights to have such amendments for the City of Vero Beach included in the Stanton II Project Participant’s Stanton II Power Sales Contract and Project Support Contract; (V) Providing for the mutual release by the Stanton II Project Participant and the City of Vero Beach, Florida, for obligations and claims related to Florida Municipal Power Agency; (VI) Providing for the mutual waiver and release of the City of Vero Beach, Florida from obligations related to the Stanton II Project; (VII) Providing for the assignment of certain rights and obligations under the Stanton II Power Sales Contract and Project Support Contract between Florida Municipal Power Agency and the City of Vero Beach, to be assigned to the Stanton II Bond Trustee (as defined herein) to enforce such contracts; (VIII) Declaring that this Resolution is valid and legally binding upon Project Participant and constitutes a contract; (IX) Designating Authorized Officers of Stanton Project Participant; (X) Taking certain other actions; and (XI) providing an effective date.

COST: No cost associated with this item.

Hughette Crumpler asked why the City was participating in this.

Jacob Williams, FMPA, said there is no cost to the City of St. Cloud. It was allowing Vero Beach to be replaced in projects that St. Cloud is a joint owner in and insert thirteen ART cities to take their place.

- E. Resolution No. 2018-011R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to accept a public utility easement from Centro Cristiano Dios De Pactos to have and to hold for all uses traditionally made of a public utility easement.

COST: No cost associated with this item.

Hughette Crumpler asked why there was no cost for this item.

Dianna Rawleigh, Public Services Director said the city was accepting the easement to maintain our system there.

- F. Resolution No. 2018-012R, a resolution of the City Council of the City of St. Cloud, Florida amending the schedule of fees and charges for the purpose of processing

applications pursuant to the requirements of the City of St. Cloud's Land Development Code.

COST: No cost associated with this item.

Hughette Crumpler asked what the amendment is for.

Andre Anderson, Planning and Zoning Director advised it was a series of fee scheduled updates.

G. Resolution No. 2018-013R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of one (1) 2018 Ford F750 with Peterson TL3 Grapple Body, with options, available through the Florida Sheriffs Association Contract No. FSA17-VEH15.0, Specification No. 13, and the purchase from Coggin Ford.

COST: \$128,714.00

Dianna Rawleigh, Public Services Director reviewed the proposed Resolution and stated the one clam truck the city had was continually in need of repair.

Council Member Matheny made a motion to approve Resolution No. 2018-013R. Deputy Mayor Askew seconded the motion.

Mayor Blackwell asked for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

H. Resolution No. 2018-014R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of one (1) 2018 Ford 1 Ton Cab & Chassis 4x4, with options available through the Florida Sheriffs Association Contract No. FSA17-VEH15.0, Specification No. 6C, and the purchase from Duval Ford, LLC and authorizing the purchase of one (1) Vermeer / Vactron Vacuum Excavator, with options available through the Florida Sheriffs Association Contract No. FSA17-VEH15.0 Specification No. 49, and the purchase from Vermeer Southeast Sales & Service, Inc.

COST: \$61,199.00

Dianna Rawleigh, Public Services Director noted initially it was a replacement truck but staff requested a change to a flat body.

Council Member Cooper urged Council and the City Manager to keep the budget in mind.

Council Member Shroyer asked how we would pay for it and the City Manager advised the one-cent sales tax.

Council Member Shroyer made a motion to approve Resolution No. 2018-014R. Deputy Mayor Askew seconded the motion.

Mayor Blackwell asked for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

I. Resolution No. 2018-016R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of two (2) 2018 Ford F-250 ¾ Ton Extended Cab Pickup Trucks with options, available through the Florida Sheriff's Association Contract

No. FSA17-VEL25.0 Specification #55, and the award thereof to Duval Ford, LLC, and providing an effective date.

COST: \$53,184.00

Stephanie Holtkamp, Parks & Recreation Director reviewed the proposed Resolution.

Hughette Crumpler asked why the city cannot spend locally at Kissleback Ford to purchase trucks.

The City Manager advised it went out to bid.

Deputy Mayor Askew asked Ms. Holtkamp if the total cost for the repair goes over \$6,000.

Council Member Shroyer made a motion to approve Resolution No. 2018-016R, putting a new engine in the 2006 truck and replacing the 2000 Dodge. Council Member Cooper seconded the motion.

Mayor Blackwell asked for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

J. Resolution No. 2018-017R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of four (4) Dixie Chopper Model 3160kw 60” Mowers and three (3) Dixie Chopper Model 3572hp 72” Mowers, available through the HGAC Buy Contract No. GR01-15 Grounds and Turf Equipment, and the award thereof to Jacobsen Professional Lawn Care Inc. dba Dixie Chopper through the local Dixie Chopper dealer, Choppers Lawn Equipment, LLC, and providing an effective date.
COST: \$67,757.25

K. Resolution No. 2018-018R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a second addendum to and extension of the agreement dated December 10, 2015 between the City of St. Cloud and Treecycle Land Clearing, Inc., whose subject matter is Mulching & Disposal Services for Vegetative Waste, and providing an effective date.
COST: \$206,800.00

Dianna Rawleigh, Public Services Director advised it was a continuation of a service we already utilize.

L. Resolution No. 2018-019R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into the Purchase and Sale Agreement between the City of St. Cloud and John and Shayna Reich for the purchase of the right of way for the 17th Street Extension (Crawford Ave. to Old Hickory Tree Rd.) and providing an effective date.
COST: \$195,000.00 - budgeted in project # ST1802

City Manager Sturgeon requested item L be pulled from the agenda.

M. Resolution No. 2018-020R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the City Manager to approve the maintenance and repairs at the Solid

Waste Transfer Station in the estimated amount of \$196,000.00 and providing for an effective date.

COST: \$196,000.00

Dianna Rawleigh, Public Services Director reviewed the proposed Resolution and noted the panels have deteriorated on the building where items are sorted. Hurricane Irma came through and expedited the need.

Council Member Shroyer requested an entire review of the garbage collection system.

Council Member Cooper said we make a profit from our landfill.

N. Request City Council's approval of a Final Plat for 233 single family residential lots in Estates of Westerly.

COST: No cost associated with this item.

Hughette Crumpler asked about the cost to the City and the size of the lots.

Andre Anderson, Director of Planning & Zoning said there was no cost to the city because new development pays impact fees.

Deputy Mayor Askew made a motion to approve the consent agenda minus item G, H, I which were voted on separately and L, which the City Manager pulled. Council Member Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

VIII. Public Hearings

- 1. FINAL PUBLIC HEARING FOR ORDINANCE NO. 2017-35**, an ordinance of the City Council of the City of St. Cloud, Florida, amending Ordinance No. 2007-90, an ordinance which assigned a zoning district of PUD, Planned Unit Development to the Deer Creek Commercial Center located West of Canoe Creek Road, approximately 700 feet north of its intersection with Deer Creek Boulevard, and described further herein; providing for approval of the amendment to the Preliminary/Final Master Plan; providing for filing of the Planning Commission recommendation and proof of publication, severability, conflicts and effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2017-35**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2017-35 into the record by title.

Andre Anderson, Planning & Zoning Director reviewed the proposed ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2017-35.

Lucie Ghioto, Polis & Bennett, 2602 E. Livingston Street, representing the property owner, was available to answer any questions.

Council Member Matheny hoped the front looked more like a building and not a wall. Ms. Ghioto said they would be happy to work with staff on design standards.

Council Member Matheny made a motion to approve the final public hearing for Ordinance No. 2017-35 with increased architectural standards, option #2. Deputy Mayor Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

2. **RESOLUTION NO. 2018-001R**, a resolution of the City Council of the City of St. Cloud, Florida, granting a Conditional Use for “Automobile: Major Mechanical Repair” at 4575 H.C. Yates Lane, St. Cloud, Florida, as described in the body of this resolution. (Above is full title) **ACTION ON RESOLUTION NO. 2018-001R**

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2018-001R into the record by title.

Andre Anderson, Planning & Zoning Director reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2018-001R.

Council Member Matheny hoped to see the bays face away from the apartment complex and address the noise.

The engineer noted the architectural design is for pull through bays and the building cannot be pushed any further back due to a storm water easement.

City Attorney Mantzaris reminded Council this was a conditional use permit and the premise behind them is if there was any reason or rational condition which would make the use a better fit in the area, it can be added.

Council Member Matheny wanted to see language added to address noise.

Deputy Mayor Askew asked for language to prevent unsightly things outside.

Council Member Cooper made a motion to approve Resolution No. 2018-001R with the following conditions:

- Use the conceptual drawing from the Council Meeting
- Hours of operation: Monday-Friday, 8:00 a.m.-6:00 p.m. and Saturday 8:00 a.m.-2:00 p.m.
- Repairs are to be made inside the business

Deputy Mayor Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

3. **RESOLUTION NO. 2018-002R**, a resolution of the City Council of the City of St. Cloud, Florida, granting a Conditional Use to operate a “Child Care Center” on lot 6 of the Nolte Road Commercial Park, St. Cloud, Florida, as described in the body of this Resolution. (Above is full title) **ACTION ON RESOLUTION NO. 2018-002R**

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2018-002R into the record by title.

This item was withdrawn by the applicant.

IX. Council Action

1. Resolution No. 2017-244R, a resolution of the City Council of the City of St. Cloud, Florida, approving a Water & Wastewater Service Agreement from US 192 Holdings, LLC., a residential development named Sola Vista located in the unincorporated area of Osceola County on the South side of East Irlo. Bronson Memorial Hwy., East of Live Oak Lake Rd. and West of Alligator Lake Shore; Authorizing the City Manager to execute the agreement; and providing an effective date.

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2017-244R into the record by title.

Dianna Rawleigh, Public Services Director, reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2017-244R.

Jo Thacker, representing the applicant, reminded Council any conditions would have to be due to water/sewer agreement and a change in the comprehensive plan was beyond scope of conditions.

Discussion continued regarding water/sewer agreement.

Hughette Crumpler, 300 Michigan Ave, asked if septic tanks were an option and felt there was a need for a 10-year water plan.

Andre Anderson, Planning & Zoning Director, advised that city staff has been meeting with Osceola County regularly to discuss issues which impact both in the City of St. Cloud and Osceola County.

Council Member Shroyer made a motion to deny Resolution No. 2017-244R until a commercial designation was put on the property. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 4-1) Mayor Blackwell voted nay.

2. Resolution No. 2018-007R, a resolution of the City Council of the City of St. Cloud, Florida, approving a Water & Wastewater Service Agreement from Vida Familiar Christian Church Assemblies of God, Inc., a commercial development named Vida Familiar Christian Church located in the unincorporated area of Osceola County on the

north side of Nolte Rd., West of Green Acres Rd. and East of Old Hickory Tree Rd.; authorizing the City Manager to execute the agreement; and providing an effective date.

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2018-007R into the record by title.

Dianna Rawleigh, Public Services Director, reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2018-007R with no response from the audience.

Deputy Mayor Askew made a motion to approve Resolution No. 2018-007R. Council Member Shroyer seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 4-1) Council Member Cooper voted nay.

3. Resolution No. 2018-008R, a resolution of the City Council of the City of St. Cloud, Florida, approving a Water & Wastewater Service Agreement from Janet L. Kelley and Snow Construction, Inc., a residential development named Wiggins Reserve located in the unincorporated area of Osceola County on Wiggins Rd., East of Narcoossee Rd. and West of Narcoossee Del Sol Blvd., North of Rambling Rd. and South of Jack Brack Rd.; authorizing the City Manager to execute the agreement; and providing an effective date.

This item was pulled from the agenda.

4. Resolution No. 2018-021R, a resolution of the City Council of the City of St. Cloud, Florida, accepting and adopting the Envision St. Cloud Citywide Vision Plan report for the purpose of guiding the city's long-term vision for growth and incorporating the recommendations to inform the update of the city's Comprehensive Plan pursuant to the requirements of Chapter 163, Florida Statutes; Making Certain Findings; Providing for Conflicts; Providing for Non-codification; and Providing for an Effective Date.

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2018-021R into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2018-021R with no response from the audience.

Deputy Mayor Askew made a motion to approve Resolution No. 2018-021R. Council Member Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

5. Discussion on possible action regarding Council committee appointments for various organizations.

City Manager Sturgeon asked Council if they wished to make any changes.

Council Member Shroyer made a motion to keep all appointments from the previous year. Deputy Mayor Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

X. Introduction / First Reading of Ordinances: The following items are before the Council for approval of Introduction / First Reading only. Final action will not be taken tonight, public comment will be heard at the final public hearing for the ordinance.

1. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-07**, an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 5.71 acres, known as St. Cloud (FL 131) RMC Plant, located approximately 300 feet south of U.S. 192 and east of Tileston Road at 1501 Tileston Road; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes. (Above is full title) (Final Public Hearing will be heard on January 25, 2018) **ACTION ON ORDINANCE 2018-07**

Ivy De La Cruz, Deputy City Clerk, read the first reading and introduction for Ordinance No. 2018-07 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-07. Council Member Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 5-0)

2. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-17**, an ordinance of the City Council of the City of St. Cloud, Florida, extending a temporary moratorium on the operation of medical marijuana treatment centers and licensed medical marijuana dispensaries within the city of St. Cloud for a period of six (6) months unless rescinded, or extended, or by a subsequent amendment to the city's land development regulations regarding the regulation of marijuana treatment centers and licensed medical marijuana dispensaries; providing for conflicts, severability and an immediate effective date. (Above is full title) (Final Public Hearing will be heard on January 25, 2018) **ACTION ON ORDINANCE NO. 2018-17**

Ivy De La Cruz, Deputy City Clerk, read the first reading and introduction for Ordinance No. 2018-17 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-17, selecting option #2. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried (Vote 3-2) Mayor Blackwell and Council Member Matheny both voted nay.

XI. City Attorney

City Attorney Mantzaris stated he had nothing at the time.

XII. City Manager

City Manager Sturgeon recognized Dawn Murray, Budget analyst/Revenue Coordinator for an extraordinary achievement receiving her Certified Government Finance Officer Certification.

City Manager Sturgeon wished to make Council aware of a personal issue when both of his vehicles were in the shop and he utilized a City vehicle for ten days and reimbursed the city the per diem for use of the vehicle. There was no response from the Council.

XIII. Mayor and Council Members

Mayor Blackwell thanked the Osceola Tax Collectors Office for their newly completed, renovated office space.

He stated Olive Horning was hosting the 2nd annual home tour at the Heritage Museum, entitled “If this house could talk” on January 20, 2018.

Deputy Mayor Askew thanked everyone involved for the fantastic New Year’s Eve party.

Council Member Cooper discussed the agriculture exemption in Stevens Plantation and City Attorney Mantzaris noted it was still subject to final approval.

Mr. Cooper wanted to know why the repairs on the lakefront bridge were so costly.

Dianna Rawleigh, Director of Public Services, advised the price includes the bridge and the structural foundation.

Council Member Matheny questioned the requirement of 4 1/2 parking spaces in new, residential homes and wondered if anything was in the HOA documents that would preclude people from converting their garages to finished rooms.

City Attorney Mantzaris advised to transform a garage into something other than a garage without a permit was a violation of the city code. He informed Council they could ask for this to be included in the covenants.

Council Member Matheny asked to add the presentations into the agenda packet so she has a chance to review them prior to the meetings.

City Attorney Mantzaris advised these presentations are not an official part of the agenda packets and nothing prohibits them from being delivered separately from agenda.

Council Member Shroyer asked about a breach in St. Cloud Utilities and it was explained there was a breach in OUC software and the site was taken down for now.

XIV. Information Section and Report Section

Mayor Blackwell read the following:

- Saturday, January 13, 2018 - Tree Swap 9:00 a.m. @ Peghorn Park
- Saturday, January 13, 2018 - City Council Workshop - 9:00 a.m. @ City Hall, Council Chambers
- Monday, January 15, 2018 - City Offices Closed in observance of Martin Luther King Jr. Day
- Thursday, January 18, 2018 - Tri County League of Cities Luncheon - Noon @ Marina Building
- Thursday, January 18, 2018 - City Council Workshop - 6:00 p.m. @ City Hall, Council Chambers
- Friday, Saturday and Sunday, January 19th, 20th and 21st, 2018 - Institute for Elected Municipal Officials - Altamonte Springs
- Thursday, January 25, 2018 - City Council Meeting - 6:30 p.m. @ City Hall, Council Chambers

Reports: Warrant List #4

- Economic Development Advisory Committee minutes - December 13, 2017.

XV. Adjournment 10:36 p.m.

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____