

ST. CLOUD CITY COUNCIL REGULAR MEETING
Thursday, February 8, 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 Delbert Rogers from Champion Baptist Church
- III. Pledge of Allegiance
- IV. Roll Call

- ◆ Mayor Nathan Blackwell
- ◆ Deputy Mayor Dave Askew
- ◆ Council Member Linette R. Matheny
- ◆ Council Member Chuck Cooper
- ◆ Council Member Donald Shroyer

V. Presentations

- Presentation by Orlando Utilities Commission

Rosanne Harrington, OUC, provided a presentation regarding economic sustainability.

- Presentation by St. Cloud Police Department on the Uniform Crime Report and Calls for Service for 2017

Police Chief Gaunlett advised that St. Cloud was identified as the 25th safest city in Florida by the National Council for home safety and security and reviewed crime statistics for the last five years and crime reduction strategies.

- 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.

Johnny Knowles, came before Council to request to be allowed to put a name slab on a gravesite at Mt. Peace.

Council consensus for staff was to review the policy for Mount Peace Cemetery and bring back a change to Council regarding headstones.

Chris Jones, expressed his disagreement with Council Member Shroyers' post on Facebook regarding the public press release and said the City Manager told Council originally what he had done and Council did not object to it at the time it was addressed.

Russell Holmes, 11 Jersey Avenue, expressed his disappointment with Council Member Shroyers' Facebook post. He felt it was very unprofessional, petty and in bad taste. He believed there is no trust in the Council and new businesses will not come to the city. It is time to move forward.

Larry Allen Schneck, Soil Conservation Committee, 1836 Ashton Park Place, stated the committee was against the Osceola parkway extension.

Scott Adams and Megan Holmberg, came before Council to thank the City Manager for his support in creating the Employee Engagement Committee,

Rocky Haague, 1224 10th Street, State Representative LaRosa's Office, thanked the City for the assistance with the food drop and stated his office is always eager to partner with the City on community events.

Hughette Crumpler, 300 Michigan Avenue, addressed the Council and expressed her disagreement with the approval of new developments. She felt the Council is dysfunctional and not acting in the best interest of the citizens. The Council's collective decisions have put this town in a state of peril with approximately 20,000 homes currently and in a year and a half you've managed to approve another 22,000 residential homes with a 3-2 vote pattern. She felt most of these projects involve very small lots less than the 62.5' minimum width which this Council voted on.

She inquired about an analysis on the cost impact for these decisions. How can we expect the Fire Department, Police Department, Public Utilities to keep up and at what cost to all of us.

She understood the city needed 30% commercial against 70% residential just to keep the tax base fundamentally even and not have to raise taxes. She requested another ½ minute. Mayor Blackwell said he would give her a minute. Ms. Crumpler said thank you.

She felt it was very upsetting to think that somebody that makes a bad decision or a bad mistake is going to have to pay the price for that going forward. She hoped all of us can look at the fact that in general what are people's intentions up here. Are they helping our community or not and everybody gets something wrong sometimes. She stated she stands with Mr. Sturgeon and is a supporter, and all of our city workers.

Billy Newman, 2475 Old Hickory Tree Road, asked to speak regarding the development moratorium but would wait until that item was addressed.

- 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.

- A. Minutes: October 16, 2017 / Special Meeting
- B. Resolution No. 2018-031R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the City Manager to declare items as obsolete, damaged, and/or surplus property and otherwise in the best interest of the City of St. Cloud.
COST: No cost associated with this item.
- C. Resolution No. 2018-036R, a resolution of the City Council of the City of St. Cloud, Florida, abandoning a certain easement located at 1601 Zuni Road, specifically described in the body of this resolution; providing for an effective date.
COST: No cost associated with this item.
- D. Resolution No. 2018-037R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the use of certain City property for the conducting of bingo games and providing for an effective date.
COST: No cost associated with this item.
- E. Resolution No. 2018-038R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to accept a public utility easement from JCKP. LLC. to have and to hold for all uses traditionally made of a public utility easement.
COST: No cost associated with this item.
- F. Resolution No. 2018-039R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the utilization of RFP No. 13/14-8 previously advertised for bid by Clay County, Florida, which is reasonable and otherwise in the best interest of the City of St. Cloud, whose subject matter is various equipment and amenities for Parks and Playgrounds, providing for the award thereof to REP Services, Inc. and providing an effective date.
COST: Budgeted Amount \$215,031.37

Council Member Matheny made a motion to approve the consent agenda as presented. Council Member Cooper seconded the motion.

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

VIII. Public Hearings

1. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2017-70**, an ordinance of the City Council of the City of St. Cloud, Florida, establishing a temporary moratorium of one hundred eighty (180) days prohibiting the processing and consideration of specified applications for Comprehensive Plan Amendments and Zoning Map Amendments, to allow sufficient time to prepare new goals, objectives policies and land development regulations; making certain findings; providing for severability; providing for conflicts; providing for non-codification; providing for an effective date

(Above is full title) (Final Public Hearing will be heard on February 22, 2018) **ACTION ON ORDINANCE NO. 2017-70**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2017-70 into the record by title.

Andre Anderson, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the first public hearing for Ordinance No. 2017-70.

Hughette Crumpler, 300 Michigan Avenue, said this was extremely distressing to not know what the water situation is and come to a meeting like this and expect the people to vote. We need to figure out what the intent of the temporary moratorium is and work toward it. Citizens can't take tax increases or running out of water.

Dianna Rawleigh, Director of Public Services said our permit allows us to withdraw 9.7 million gallons of water daily. If the 20,296 homes used the estimated average of 300 gallons/per household, it equates to 6 million gallons.

City Attorney Mantzaris said the key to the water issue and the projected numbers is the reservation process. The City of St. Cloud utility is only obligated to provide that water which it can provide.

Andre Anderson asked Council to identify priorities for the Planning and Zoning Department.

Council Member Shroyer made a motion to deny Ordinance No. 2017-70. Council Member Cooper seconded the motion.

Council Member Matheny made a competing motion since it's the first reading to approve but remove items 4, 5, 6 from the exemptions and have staff work with Mr. Newman and come back and give Council a report. Deputy Mayor Askew seconded the competing motion.

The City Attorney said Council Member Shroyer's motion will be voted on first since they are competing motions. If his motion is passed you do not have to vote on Council Member Matheny's motion.

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

Council Member Matheny's motion dies due to passing of the first motion.

- 2. FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-14**, an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 13.03 acres identified as 1850, 1860, 1870 Puffin Road, located east of S. Narcoossee Road, south of Lillian Lee Road, west of Puffin Road and north of E. Irlo Bronson Memorial Highway; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes (Above is full title) (Final Public Hearing will be heard on March 22, 2018) **ACTION ON ORDINANCE NO. 2018-14**

Ivy De la Cruz, Deputy City Clerk read the first reading for Ordinance No. 2018-14 into the record by title.

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

Mayor Blackwell announced the first public hearing for Ordinance No. 2018-14 with no response from the audience.

Deputy Mayor Askew asked about parking and the developer said they were not in the site plan aspect yet.

Council Member Cooper made a motion to approve the first reading for Ordinance No. 2018-14. Deputy Mayor Askew seconded the motion.

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

3. **FIRST READING AND TRANSMITTAL HEARING FOR ORDINANCE NO. 2018-15**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use designation of “Low Density Residential” to approximately 13.03 acres identified as 1850, 1860, 1870 Puffin Road, located east of S. Narcoossee Road, south of Lillian Lee Road, west of Puffin Road and north of E. Irlo Bronson Memorial Highway; providing for amending the official Future Land Use Map of the Comprehensive Plan, filing of the Planning Commission recommendation and proof of publication, applicability and effect, severability, copies on file, and effective date. (Above is full title) (Final Public Hearing will be heard on March 22, 2018) **ACTION ON ORDINANCE NO. 2018-15**

Ivy De la Cruz, Deputy City Clerk read the first reading for Ordinance No. 2018-15 into the record by title.

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

Mayor Blackwell announced the first public hearing for Ordinance No. 2018-15 with no response from the audience.

Council Member Cooper made a motion to approve the first reading for Ordinance No. 2018-15. Council Member Shroyer seconded the motion.

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

4. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-16**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a zoning district of “R-1B” Single Family Dwelling, compatible with a “Low Density Residential” Future Land Use designation change, adopted by Ordinance No. 2018-15, for approximately 13.03 acres identified as 1850, 1860, 1870 Puffin Road, located east of S. Narcoossee Road, south of Lillian Lee Road, west of Puffin Road and north of E. Irlo Bronson Memorial Highway; providing for entering the designation on the official zoning map,

filing of the Planning Commission recommendation and proof of publication, severability, and effective date. (Above is full title) (Final Public Hearing will be heard on March 22, 2018) **ACTION ON ORDINANCE NO. 2018-16**

Ivy De la Cruz, Deputy City Clerk read the first reading for Ordinance No. 2018-16 into the record by title.

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

Mayor Blackwell announced the first public hearing for Ordinance No. 2018-16.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-16. Council Member Cooper seconded the motion.

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

5. **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 February 22, 2018) **ACTION ON ORDINANCE NO. 2018-17**

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

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

Mayor Blackwell announced the first public hearing for Ordinance No. 2018-17.

Council Member Shroyer said he understood that there were those who require this medically.

Council Member Matheny stated she was not against medical marijuana but would like a pause until we can wrap our arms around it.

Mayor Blackwell stated he supports the moratorium.

Police Chief Gauntlett believes medical marijuana was a good thing when it is applied properly. Security was a concern and you have to functionally run these operations and do it in a safe manner.

Bill Newman, Old Hickory Tree Road, stated he was in favor of medical marijuana.

Jay Polacheck, 300 E. 9th Street, asked if the City was putting a moratorium on the retail sale of marijuana and preventing doctors in the city from prescribing it. He wants to grow marijuana here and not sell it.

City Attorney Mantzaris said the intent of the moratorium was to deal with the developing area of the law related to the dispensing and cultivation of medical marijuana. He reminded council/citizens that this item was not a ban on medical marijuana dispensaries or medical marijuana treatment facilities.

Hughette Crumpler, 300 Michigan Avenue, stated she was in favor of medical marijuana.

Dave Tomeck, Osceola County, said they had on a moratorium until February 18, 2018 and the Board plans to re-address the issue on February 19, 2018.

Council Member Matheny made a motion to approve the first public hearing for Ordinance No. 2018-17. Deputy Mayor Askew seconded the motion.

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

6. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-23**, an ordinance of the City Council of the City of St. Cloud, Florida, amending Article I, “Definitions”, Section 2.1.1 “General” and Article III, “Zoning Regulation”, Division 20 “Supplemental District Regulations”, Section 3.20.3 “Accessory Structures”, Subsection A “Residential Districts” of the Land Development Code; adding a definition for Portecochère; amending the height and size limitations for accessory structures in residential areas; providing that accessory structure shall be compatible with the principal building; providing for special exceptions and providing for severability, conflict, codification and effective date. (Above is full title) (Final Public Hearing will be heard on February 22, 2018) **ACTION ON ORDINANCE NO. 2018-23**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-23 into the record by title.

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

Mayor Blackwell announced the first public hearing for Ordinance No. 2018-23.

Rob Neilson, 412 Robinson Avenue, said his permit for a garage was denied due to the moratorium and disagrees with it.

Council Member Matheny appreciated how hard staff worked on this.

Council Member Matheny made a motion to approve the first reading for Ordinance No. 2018-23. Deputy Mayor Askew seconded the motion.

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

IX. Council Action

1. Discussion and appointment of a Special Purpose Adhoc "Agriculture Use Advisory Committee."

The following nominations were made to the committee:

Scott Glasscock - Mayor Blackwell
Henry Yates and Jay Polacheck - Deputy Mayor Askew
Heath White - Council Member Shroyer
Willard Beakman appointed - Council Member Cooper
Dr. Matthew Walter and JJ White - Council Member Matheny

Deputy Mayor Askew made a motion to approve the appointments. Council Member Cooper seconded the motion.

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

2. Discussion and possible action regarding committee vacancies and expiration of terms.

The following nominations were made to the following committees:

Planning Commission

Seat #1 Rosa Holloway - Mayor Blackwell
Seat #2 Carrie Whaley - Deputy Mayor Askew
Seat #3 Maria Carney - Council Member Matheny

Deputy Mayor Askew made a motion to approve the appointments. Council Member Matheny seconded the motion.

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

Zoning Board

Mayor Blackwell - Norma Vazquez (Seat #1)
Deputy Mayor Askew – David Welty (Seat #2)
Council Member Cooper – Robert Paulsen (Seat #3)

Council Member Matheny made a motion to approve the appointments. Council Member Shroyer seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion passed. (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. There are no items at this time.

XI. City Attorney

City Attorney Mantzaris stated he had nothing at the time.

XII. City Manager

City Manager Sturgeon addressed Council to inform them he was submitting a grievance regarding Council Member Cooper's conduct toward him as well as his staff. Mr. Sturgeon advised his situation has become untenable for him to be effective as a City Manager without intervention from City Council.

Since November of 2017 his relationship with Mr. Cooper has significantly deteriorated because he repeatedly threatens, verbally abuses, and harasses the City Manager and he can no longer tolerate it.

He asked City Council to immediately take action and direct Council Member Cooper to stop the contempt for their City Manager and preserve the integrity of the charter and the City Manager-Council form of government and requested the following remedies:

- Requested to immediately be moved away from Council Member Cooper on the dais because he's fearful of retaliation
- Requested City Council immediately direct Mr. Cooper to address staff members and the City Manager with courtesy and respect
- Requested the City Council to conduct an investigation into these allegations of charter violations and harassment
- Requested Council to direct the City Attorney to draft a code of conduct for Council and staff interaction to be implemented as soon as possible

Mayor Blackwell thanked the City Manager for having the courage to come forward with his concerns. Frankly, the behavior he has witnessed by this Council Member and another Council Member who utilizes social media is discouraging.

Mayor Blackwell believed the City Manager's accusations were valid and cannot be ignored. He was not willing to engage in another investigation that does not impose a penalty on guilty parties or change the behavior of the offending Council Member. Mayor Blackwell also asked that City Attorney Mantzaris bring back a recommendation based on what the City Manager has just shared as to what our options are.

Deputy Mayor Askew said he is also a Bill Sturgeon fan, has a great working relationship with him, he is open and honest with me, highly respected by staff and I am completely behind him.

Council Member Matheny said right out of the gate that she is a Bill Sturgeon fan, and that he is a breath of fresh air for this city. When I made the motion for him to become City Manager I supported him 100%, as I do now. Mr. Sturgeon brought up the issue regarding the city vehicle at a Council Meeting on his own free will and no one said a thing, but now that it made the news it is all blown out of proportion.

Ms. Matheny also thanked him for having the courage to stand up in front of Council which had to be very difficult. She said her opinion is exactly in line with Mayor Blackwell's on how to move forward with this situation. She also would like City Attorney Mantzaris to provide recommendations, and is not interested in another toothless investigation where people can abstain from giving comment. I would like depositions, subpoenas, and love the idea for a third party to evaluate the report and bring back to Council.

Council Member Shroyer thanked Mr. John Jones and Mr. Russell Holmes for coming out to speak on behalf of the citizens/staff in the City of St. Cloud. He said he has never had a disrespectful or unprofessional conversation with City Manager Sturgeon and writes his feelings on Facebook to share his comments throughout the community in what he feels is in the best interest of everyone as a whole.

Mr. Shroyer was upset that two lots in Stevens Plantation did not have liens put on the properties totaling \$26,000 as Council requested the City Manager do. He was angered that comments were made recently to news media that Council had agreed with a statement made when they had not and he believed it was most likely the PIO and the City Manager. When this happens it looks as though everyone has agreed with the statement that was given and we did not.

Mr. Shroyer said when the subject of the City Manager's residency came up he was polling Council Members and the City Manager cannot do that. The City Manager advised he could not find a house in St. Cloud which met their needs is what he said.

Council Member Cooper accused the City Manager of withholding information that the liens were not filed on two lots in Stevens Plantation totaling \$52,000. He said lies were being told regarding the landscaper who he thought started mowing too early in the morning and accused the City Manager of making too big of a deal out of it.

He accused the City Manager of recently losing his temper with him on the telephone when he had a citizen with him. He said when he comes to City Hall he asks a lot of questions and expects to sit down with the City Manager to get answers.

Mr. Cooper insisted he helped the City Manager get the interim position and does not recall behaving badly as Mr. Sturgeon stated and said if I've ever sworn at him I apologize but I don't think I have. I think you're doing a good job.

Mr. Cooper said let's not do this on the dais and said he has no disdain for the City Manager he just doesn't like his tactics. Let's just try to move forward with this and be civil, the City Manager agreed.

The City Manager said so if I hear you correctly Mr. Cooper, I have to improve my communication, make sure you and I have more fruitful discussion, and come up with a viable

solution, if it's not in the best interest of this city then we won't do it and if we can't agree we'll bring it up to the dais.

Mr. Cooper said that's exactly what we need to do and if you can do that with me then I can do that with you.

Mayor Blackwell asked the City Manager if he wanted Council to proceed with an investigation. The city Manager said no sir, because he thought they could move forward at this point.

City Attorney Mantzaris believed it was time for some expanded rules of conduct which may address some issues brought forth this evening.

Mayor Blackwell told Council Member Cooper he should take a long hard look at how he comes across to people and suggested to Council Member Shroyer the next time he has a problem with the City Manager to please speak with him first and not post it on social media.

Deputy Mayor Askew gave up his time to speak and gave his time for anyone in the audience willing to speak. Council Member Shroyer objected, although the consensus was to allow them to speak.

Chris Jones said there was no one he trusts more than Bill Sturgeon. He told Council Member Cooper that he contradicted himself so many times this evening.

Police Chief Gauntlett said he would throw 110% of his weight behind the City Manager's efforts to carry this city forward. Additionally, he noted police procedure regarding the issue with Council Member Cooper and the landscaper.

Pam Neal stated Council Member Cooper has bullied Code Enforcement so often that their Sergeant at the Police Department had to get involved.

Melissa Howes reiterated that the Code Enforcement Department has been bullied for a long time by Council Member Cooper. She personally feels that Council Member Shroyer used his position in order to get two mowing liens reduced on two lots he owns.

Megan Holmberg, 3511 Harlequin Drive, said the inappropriate interference in the everyday operations of the city demoralizes the employees.

Jason Miller stated how much the employees believe in City Manager Sturgeon because of his integrity, leadership, and ability. If you let him do his job he will lead us to great things.

Scott Adams, 610 Cody Allen Court, asked to change the atmosphere around here or employees will continue to leave.

Douglas Tillery, Building Official, stated the reason he came to work for the City is because of City Manager Sturgeon.

X. Mayor and Council Members

Council Member Matheny thanked every person who got up and shared their stories because it took a heck of a lot of courage.

Council Member Cooper asked the City Manager what the status was on the power plant. Mr. Sturgeon said a lead test has to be done before anything is removed.

Mayor Blackwell ended the evening and said he was honored to have the privilege to serve on this dais and on City Council.

XIV. Information Section and Report Section

Mayor Blackwell read the following:

- Saturday, February 10, 2018 - City Council Retreat - 9:00 a.m. @ City Hall, Council Chambers
- Thursday, February 15, 2018 - Stevens Plantation Dependent Special District - 6:00 p.m. @ City Hall, Council Chambers
- Thursday, February 22, 2018 - City Council Meeting - 6:30 p.m. @ City Hall, Council Chambers

Reports: Warrant List #6

- Zoning Board of Adjustment and Appeals - Minutes - August, 9, 2017
- Economic Development Advisory Committee (EDAC) Minutes - November 15, 2017
- Planning Commission Minutes - December 19, 2017.

XV. Adjournment: 10:10: p.m.

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____