

ST. CLOUD CITY COUNCIL REGULAR MEETING
Thursday, April 26, 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 Jay McCaig from Crossroads Baptist Church and Chaplain from St. Cloud Regional Medical Center.
- 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
 - William Sturgeon, City Manager
 - Dan Mantzaris, City Attorney
 - City Clerk, Linda P. Jaworski
 - Deputy City Clerk, Ivy De La Cruz
 - Members of the Press

All members present with the exception of Council Member Shroyer who arrived at 7:24 p.m.

V. Presentations

- Proclamation in recognition of National Hospital Week

Mayor Blackwell presented Brent Burish with a proclamation in recognition of National Hospital Week.

- Proclamation in recognition of National Nurse Week

Mayor Blackwell presented Brent Burish with a proclamation in recognition of National Nurse Week.

- Proclamation in recognition of Arbor Day

Mayor Blackwell presented Keith Sabisch with a proclamation in recognition of Arbor Day.

- Proclamation in recognition of National Water Safety Month

Mayor Blackwell presented Beth Walters and Randy Dunton with a proclamation in recognition of National Water Safety Month.

- Presentation in recognition of Terri Hurt's Retirement

Stephanie Holtkamp presented Terri Hurt with a watch in recognition of her years of service to the City and the residents.

- Presentation of Employee of the Month

Katrina Robles presented Jodi Romani with the Employee of the Month Award.

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.

David Meisner, Stevens Plantation, expressed concerns regarding the fiscal report for the Stevens bond report. He stated he has requested financial records and is working with the City Attorney and the City Clerk's office to obtain those records. He questioned what was the City doing to resolve the bond issues.

Jeff Barnes, 1519 Lakeshore Boulevard, stated he's been trying to obtain a permit for a metal building but was not aware the building needed a roof and did not want to pay for architectural drawings.

Douglas Tillery, Building Official, explained to Mr. Barnes that he did not need new drawings; the Building Department requires a sketch of the breezeway connection that connects his residence to the structure.

Jill Fangmann, 807 Tennessee Avenue, stated she was disappointed and disgusted with Council Member Coopers behavior.

Teresa Kramer, 801 Tennessee Avenue, stated she was upset when she read the report regarding the physical altercation between Councilman Cooper and an employee.

Council Member Cooper asked City Attorney Mantzaris to explain the situation to the residents.

City Attorney Mantzaris explained that we have internal rules/regulations in place, which were being followed.

Juda Attkinson, Grace Landing, requested use of the lakefront for the paddleboard challenge on June 2, 2018, and waiver of the DRC fees. Council consensus was to waive the fees and use of the lakefront for their event, as long as it was available on that date.

Hughette Crumpler, 300 Michigan Avenue, felt that Council should hold themselves accountable and was not happy with them voting for more residences without adequate roads to support the growth and public safety personnel.

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. Resolution No. 2018-055R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the waiver of formal bidding requirements and utilizing of Lake County contract. County Florida Request for Proposal No. RFP-16-0625 previously advertised for bid by Lake County, Florida, which is reasonable and otherwise in the best interest of the City of St. Cloud, whose subject matter is Auction Services, providing for the award thereof to George Gideon Auctioneers, Inc., and providing an effective date.

COST: Commission and fees dependent upon items auctioned.

Mayor Blackwell announced the consent agenda.

Hughette Crumpler, 300 Michigan Avenue, asked why the City needed this and if there was a schedule for commission and fees that could it be made visible. She was glad the city was doing something for the Council on Aging and giving them their radar display

City Manager Sturgeon said this is under the procurement policy established by the City that we piggyback on the Lake County contract.

Police Chief Gauntlett said the city was using seizure dollars from criminal enterprises. It goes into an account the city can use by the state law and 25% by law has to be given to charity, and in this case it's going to the Council on Aging and the Boy Scouts.

B. Resolution No. 2018-086R, 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.2018-087R, a resolution of the City Council of the City of St.Cloud, Florida, authorizing the Mayor to release the Law Enforcement Trust Fund to purchase two portable 15 inch radar display boards and to expend/donate fund to the Osceola Council on Aging and also to the Boy Scouts of America.

COST: up to \$15,500.00

D. Resolution No. 2018-088R of the City Council of the City of St. Cloud, Florida, approving the Communications Policies and Procedures Manual to coordinate and manage the communication activities of city employees related to official city business of the City of St. Cloud and authorizing the City Manager to execute the manual.

COST: No cost associated with this item.

E. Request City Council's approval of a Final Plat for 114 single family lots in Phase 3 of the Whaley's Creek Subdivision.

COST: No cost associated with this item.

Deputy Mayor Askew made a motion to approve the consent agenda as presented. Council Member Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 4-0) Council Member Shroyer was absent.

VIII. Public Hearings

Council Member Shroyer arrived at 7:24 p.m.

1. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-27**, an ordinance of the City Council of the City of St. Cloud, Florida, amending Article III, "Zoning Regulation", Division 26 "Non-Residential Architectural Standards" of the Land Development Code; establishing Architectural Design Standards for non-residential zoning districts; providing for severability, conflict, codification and effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-27**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-27 into the record by title.

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

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-27 with no response from the audience.

Deputy Mayor Askew applauded the Planning Director and his staff for their hard work and dedication.

Deputy Mayor Askew made a motion to adopt Ordinance No. 2018-27. 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. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-29**, an ordinance of the City Council of the City of St. Cloud, Florida, amending the Land Development Code of the City of St. Cloud, Florida to amend Article II, Definitions and Article III Division 19, Sign Regulations; providing for severability; conflicts; codification; and an effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-29**
Start here on Tues

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-29 into the record by title.

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

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-29 with no response from the audience.

City Attorney Mantzaris noted that whenever you address certain code provisions related to things that have constitutional implications, there was always a risk that the City may receive a challenge.

Council Member Shroyer does not wish to take electronic variable signs away completely.

Council Member Matheny likes the prohibition of any future electronic variable signs. She also believed we should add to the language back in with penalties if the code is not followed.

Council Member Cooper made a motion to table this item so it may be discussed at a Workshop. Council Member Shroyer seconded the motion.

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

3. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-31**, an ordinance of the City Council of the City of St. Cloud, Florida, amending Article III, "Zoning Regulation", Division 20 "Supplemental District Regulations", Section 3.20.16 "Temporary Storage, Office Trailers, and Construction Trailers", Subsection A.4 "Sales Offices in Residential Subdivisions or Planned Unit Developments" and Section 3.20.22 "Model Centers", Subsection J of the Land Development Code; removing Section 3.20.16.A.4.C; providing that parking is not required for model homes when a sales center is constructed concurrently; providing for severability, conflict, codification and effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-31**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-31 into the record by title.

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

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-31 with no response from the audience.

Deputy Mayor Askew made a motion to adopt Ordinance No. 2018-31. Mayor Blackwell 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.

4. **FINAL PUBLIC HEARING FOR ORDINANCE 2018-32** an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 127.99 acres identified as Chisholm Park, at 4700 Chisholm Park Trail; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes (Above is full title) **ACTION ON ORDINANCE 2018-32**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-32 into the record by title.

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

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-32.

Valerie Addison, 714 Kentucky Avenue states it was in a professional district within the city limits and the future land use and zoning is not even being heard this evening.

Mr. Anderson noted staff was going to bring forward changes to add the correct zoning designations; by statute we have up to one-year to assign a future land and zoning on the property.

Hughette Crumpler, 300 Michigan Avenue, asked when the park designation would be assigned and why was it being annexed before the designation was assigned.

City Attorney Mantzaris said there seems to be confusion about this item. To remind Council this property was transferred from Osceola County to the City of St. Cloud for the sole purpose of continuing it as the park that it is. The transfer deed reads that if the City does not use it for a public park, then Osceola County gets the property back. He noted the rush on annexing the property is due to law enforcement issues. The City of St. Cloud cannot police the park if it has not been annexed yet and the zoning will be changed within the year.

Mr. Anderson noted the zoning change can take approximately 3 months.

Council Member Matheny made a motion to approve Ordinance No. 2018-32. 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)

5. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-24**, an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 44.56 acres identified as Thompson Grove, located east of Hickory Tree Road, south of E. Irlo Bronson Memorial Highway, west of Live Oak Lake Road, and north of Live Oak Lake; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes (Above is full title) (Final Public Hearing will be heard on June 14, 2018) **ACTION ON ORDINANCE NO. 2018-24**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-24 into the record by title.

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

Mayor Blackwell announced the first reading for Ordinance No. 2018-24.

Council Member Shroyer inquired if the applicant would be opposed to lot size of 62.5' in width and the applicant said he could not commit this evening without the community input.

Kenneth Polchinski, 2027 Live Oak Boulevard stated their meeting was very receptive and open to neighboring concerns.

Daniel Blackford, 2219 Spring Lake Circle, St. Cloud, complained about smoke/ash inside their homes at Twin Lakes.

Angela Pew, 2031 Live Oak Boulevard said what was being proposed was not compatible to their neighborhood; we would like to see a 6' wall.

Council Member Cooper would also like to see lots 62.5' in width.

Hughette Crumpler, 300 Michigan Avenue, thanked Mr. Shroyer and Mr. Cooper for being consistent about the 62.5' requirement and supported keeping items the same that match with the current neighborhoods.

Leonard Thompson, 6815 Old Melbourne Highway, St. Cloud, Florida, owner of the project asked Council Members Cooper and Council Member Shroyer their reasoning for a 62.5' lot. He said they were looking to bring a high class product that was not already in St. Cloud which includes mixed size lots.

Council Member Matheny stated she had met with Mr. Thompson and his team seems to want to work with us and come up with solutions.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-24. Council Member Cooper seconded the motion.

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

6. FIRST READING AND TRANSMITTAL PUBLIC HEARING FOR ORDINANCE NO. 2018-25, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use Designation of "Mixed Use" to approximately 44.56 acres identified as Thompson Grove, located east of Hickory Tree Road, south of E. Irlo Bronson Memorial Highway, west of Live Oak Lake Road, and north of Live Oak Lake; 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 June 14, 2018) **ACTION ON ORDINANCE NO. 2018-25**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-25 into the record by title.

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

Mayor Blackwell announced the first reading for Ordinance No. 2018-25 with no response from the audience.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-25. Council Member Cooper seconded the motion.

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

7. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-26**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a zoning district of “MIX” Mixed Use, compatible with a “Mixed Use” Future Land Use designation change, adopted by Ordinance No. 2018-25, for approximately 44.56 acres identified as Thompson Grove, located east of Hickory Tree Road, south of E. Irlo Bronson Memorial Highway, west of Live Oak Lake Road and north of Live Oak Lake; 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 June 14, 2018) **ACTION ON ORDINANCE NO. 2018-26**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-26 into the record by title.

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

Mayor Blackwell announced the first reading for Ordinance No. 2018-26 with no response from the audience.

Council Member Shroyer made a motion to approve the first reading for Ordinance No. 2018-26. Council Member Cooper seconded the motion.

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

8. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2018-28**, an ordinance of the City Council of the City of St. Cloud, Florida, amending the Land Development Code by amending Article III, “Zoning Regulations”, Division 20, “Supplemental District Regulations”, to add Section 3.20.37 “Sidewalk Cafes”, by amending Article III, to add Division 27 “Entertainment District”, and amending the City Code, Chapter 4, Sections 4.3 and 4.4 regarding consumption and possession of alcoholic beverages on City property and providing for severability, conflicts, codification and an effective date. (Above is full title) (Final Public Hearing will be heard on May 10, 2018) **ACTION ON ORDINANCE NO. 2018-28**

Ivy De la Cruz, Deputy City Clerk read Ordinance No. 2018-28 into the record by title.

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

Mayor Blackwell announced the first reading for Ordinance No. 2018-28.

Hughette Crumpler, 300 Michigan Avenue, asked whether people would be allowed to smoke on the sidewalks and if there was a way of addressing smoking. The other question would be if the pet makes a mess on the sidewalk who would be responsible for cleaning it up. Ms. Crumpler said she was told that the code had a provision that the business owner was responsible and is hoping the responsibility is not being taken away from the pet owner.

City Attorney Mantzaris said he could look into it but thought it was going to be difficult to regulate smoking in an outdoor area.

Andre Anderson, Planning & Zoning Director, stated as with any code the owner would be responsible for cleaning up after their pets.

Council Member Matheny asked about sidewalk possession and City Attorney Mantzaris said you could get a permit to use the sidewalk in front of your business for an expansion of your eating and drinking.

Council Member Matheny made a motion to approve the first reading for Ordinance No. 2018-28. Council Member Cooper seconded the motion.

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

9. **RESOLUTION NO. 2018-085R**, a resolution of the City Council of the City of St. Cloud, Florida, amending Resolution number 2017-167R which adopted the 2017/2018 budget for the City of St. Cloud, finding the City Manager has certified there are prior year fund balances and or revenues available in the 2017/2018 budget for additional projects and programs in various funds not included in the original 2017/2018 budget, requiring the budget to be increased to include said additional funding in the various funds and making supplemental appropriations within the funds.(Above is full title)
ACTION ON RESOLUTION NO. 2018-085R

Ivy De la Cruz, Deputy City Clerk read Resolution No. 2018-085R into the record by title.

Rick Kisner, Finance Director reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2018-085R with no response from the audience.

Deputy Mayor Askew made a motion to approve Resolution No. 2018-085R. 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)

IX. Council Action

1. 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.

Ivy De la Cruz, Deputy City Clerk read Resolution No. 2018-019R into the record by title.

Kevin Felblinger, Engineering Manager reviewed the proposed Resolution.

Mayor Blackwell announced Resolution No. 2018-019R with no response from the audience.

Council Member Shroyer asked the owner of the property who he purchased the property from and Mr. Reich responded Fred Hawkins, Sr. He then asked if Mr. Hawkins made any promises to him and Mr. Reich said no.

Mr. Shroyer stated he was unsure why the City should purchase the property to put the road in. It seems as it would be most beneficial for Mr. Reich to donate the land and then the City would put the road in.

Council Member Matheny stated with the purchase of this right of way the city would be completing a block. It will eventually complete 17th Street to Hickory Tree Road.

Council Member Matheny made a motion to approve Resolution No. 2018-019R. Mayor Blackwell seconded the motion.

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

2. Resolution No. 2018-076R, a resolution of the City Council of the City of St. Cloud, Florida, determining the lowest responsive, responsible bidder, whose bid is reasonable and otherwise in the best interest of the City of St. Cloud, and the award thereof in regards to Invitation to Bid (ITB) No. 2017-218, to Cathcart Construction Company-Florida, LLC whose subject matter is Downtown Revitalization Project – Phase 1, establishing a contingency, authorizing the City Manager to approve change orders without increasing the approved budget, and providing an effective date.

Ivy De la Cruz, Deputy City Clerk read Resolution No. 2018-076R into the record by title.

Kevin Felblinger, Engineering Manager reviewed the proposed resolution.

Mayor Blackwell announced Resolution No. 2018-076R with no response from the audience.

Council Member Matheny made a motion to approve Resolution No. 2018-076R. Council Member Shroyer seconded the motion.

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

X. City Attorney

City Attorney Mantzaris stated he had nothing at the time.

XI. City Manager

City Manager Sturgeon announced that Dianna Rawleigh as the new Public Services Administrator and Kevin Felblinger as the new Deputy Public Services Administrator.

Mr. Sturgeon state he would be out of the office the following day April 27, 2018 from 11:00 a.m. to 5:00 p.m.

He invited Council and citizens to come out to “A Night at the Museum,” in which he would be playing the part of Theodore Roosevelt.

XII. Mayor and Council Members

Mayor Blackwell thanked the City of St. Cloud for helping support the pastors who reached out to support hurricane survivors.

Deputy Mayor Askew stated he has just returned from DC and spoke to Commissioners, Mayors and Deputy Mayors regarding cutting of funds and how we need these funds.

Council Member Shroyer apologized for being late for the meeting and stated he has enjoyed being part of this Council.

Council Member Matheny stated she had nothing at the time.

Council Member Cooper asked City Manager Sturgeon if he was still working on the power plant and Mr. Sturgeon replied yes and they were working on lead based paint issues alongside the Department of Environmental Protection Agency to clean up the oil.

XIII. Information Section and Report Section

Mayor Blackwell read the following:

- Thursday, May 3, 2018 – Community Redevelopment Agency Meeting – 6:00 p.m. @ City Hall, Council Chambers
- Friday and Saturday, April 27th & 28th, 2018 – Advanced Institute for Elected Officials @ Tampa
- Thursday, May 10, 2018 – City Council Meeting – 6:30 p.m. @ City Hall, Council Chambers

Reports: Warrant List #11

XIV. Adjournment: 9:04 p.m.

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____