

ST. CLOUD CITY COUNCIL REGULAR MEETING
Thursday, September 12, 2019
City Hall - Council Chambers
1300 9th Street
6:30 p.m.
Minutes

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

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

V. Presentations

- Presentation by OUC

Orlando Utilities Commission presented the community sustainability report.

- VI. Citizens 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, Michigan Avenue asked for update on leachate/coal ash issue, the 17th Street sidewalk project, when the ADA website will be completed, and the possibility of purchasing the Hastings Farm.

City Attorney Mantzaris provided an update on the Environmental Attorney and City Manager Sturgeon provided an update on the 17th Street sidewalk, the ADA website completion and the Hastings Farm. Deputy City Manager Miller provided additional information regarding the website.

Mikala Wells, Holopaw, Florida thanked Council for standing behind them regarding leachate/coal ash issue, and hoped Council would support their legislative effort.

Laura Tweed, 2808 Mead Avenue thanked Council for standing behind them regarding leachate/coal ash and urged Council to contact experienced people regarding this issue.

Michael Lella, 2423 Region Way is against leachate/coal ash and hoped Council would support their legislative effort.

Ariel Hartney, 199 E. Cedarwood Circle hoped Council would support their legislative effort.

Kat Darrah, 6799 Chad Jason Road expressed her concerns regarding coal ash and the toxins it may contain.

Valerie Anderson, 714 Kentucky Avenue thanked Council for how they handled the leachate/coal ash issue.

Terrence Lyman, 5010 Whitewater Way had concerns about distracted drivers and requested stricter enforcement.

Hughette Crumpler, Michigan Avenue asked where she could get additional information online regarding the consent agenda.

Deputy City Manager Miller told her to contact the City Clerk and she can e-mail the information.

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. 2019-188R, a resolution of the City Council of the City of St. Cloud, Florida, renewing the self insured workers' compensation insurance program for the City of St. Cloud with an effective date of October 1, 2019 through October 1, 2021 for the city's current third party administrator (TPA) excess coverage, Florida State Assessment and Self Insured Funding for workers' compensation insurance, Preferred Governmental Insurance Trust (PGIT).

COST: up to \$1,289,586.00 (Proposed FY 19-20 \$644,793.00 and Proposed FY 20-21 \$644,793.00)

B. Resolution No. 2019-189R, a resolution of the City Council of the City of St. Cloud, Florida, renewing the professional insurance policy including property, inland marine, general liability, automobile liability and physical damage, law enforcement liability and public officials & employment practices liability for the City of St. Cloud with an effective date of October 1, 2019 through October 1, 2021 with the city's current professional insurance carrier, Preferred Governmental Insurance Trust (PGIT).

COST: up to \$2,136,706.00 (Proposed FY 19-20 \$1,068,353.00 and Proposed FY 20-21 \$1,068,353.00)

C. Resolution No. 2019-191R, a resolution of the City Council of St. Cloud, Florida, authorizing and directing the Mayor to execute the Joint Funding Agreement between the City of St. Cloud and the U.S. Department of the Interior Geological Survey (USGS) regarding monitoring, authorizing the City Manager to approve change orders and providing for an effective date.

COST: \$17,100.00 (St. Cloud's responsibility \$1,846.80)

Council Member Trace 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 carried (Vote 5-0)

VIII. Public Hearings

1. **FIRST OF TWO PUBLIC HEARINGS FOR RESOLUTION NO. 2019-168R**, a resolution of the City Council of the City of St. Cloud, Florida, establishing a final Ad Valorem Tax millage for the City of St. Cloud for the fiscal year 2019/2020, the same being adopted prior to the adoption of a final budget for said period. (FINAL MILLAGE) (Above is full title) **ACTION ON RESOLUTION NO. 2019-168R**

Ivy De La Cruz, Deputy City Clerk read Resolution No. 2019-168R into the record by title.

Wendy Collazo, Finance Director reviewed the proposed Resolution.

Mayor Blackwell announced the first public hearing for Resolution 2019-168R.

Hughette Crumpler, Michigan Avenue asked if the City considered lowering the ad valorem rate.

City Attorney Mantzaris advised Council this is the first public hearing and they do not have to take action at this time.

2. **FIRST OF TWO PUBLIC HEARINGS FOR RESOLUTION NO. 2019-169R**, a resolution of the City Council of the City of St. Cloud, Florida, establishing a final budget for the City of St. Cloud for the fiscal year 2019/2020; the same being adopted following the adoption of a final millage rate for said period.(FINAL BUDGET) (Above is full title) **ACTION ON RESOLUTION NO. 2019-169R**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-169R into the record by title.

Wendy Collazo, Finance Director reviewed the proposed Resolution.

Mayor Blackwell announced the first public hearing for Resolution No. 2019-169R.

Mayor Blackwell believed all of Council would be delighted to lower the budget if it was possible.

City Attorney Mantzaris advised Council this is the first public hearing and they do not have to take action at this time.

3. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-31**, an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 1.85 acres identified as Mister Car Wash, located east of Orange Avenue, south of East 10th Street, west of Crawford Avenue and north of 13th Street; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes. (Above is full title) **ACTION ON ORDINANCE NO. 2019-31**

Ivy De La Cruz, Deputy City Clerk read the final public hearing for Ordinance No. 2019-31 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-31 with no response.

Council Member Cooper made a motion to adopt Ordinance No. 2019-31. Council Member Askew seconded the motion.

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

4. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-32**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use Designation of "Commercial" to approximately 1.85 acres identified as Mister Car Wash, located east of Orange Avenue, south of East 10th Street, west of Crawford Avenue and north of 13th Street; 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) **ACTION ON ORDINANCE NO. 2019-32 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-32 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-32 with no response.

Council Member Cooper made a motion to adopt Ordinance No. 2019-32. Deputy Mayor Matheny seconded the motion.

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

5. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-33**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Zoning District of "HB" Highway Business, compatible with a "Commercial" Future Land Use designation, for approximately 1.85 acres identified as Mister Car Wash, located east of Orange Avenue, south of East 10th Street, west of Crawford Avenue and north of 13th Street; 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) **ACTION ON ORDINANCE NO. 2019-33 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-33 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-33.

Deputy Mayor Matheny appreciated the aesthetics that were presented to Council initially and wanted the developer to follow through with them. Deputy Mayor Matheny urged all of Council to make sure the intent of what the developer initially represented happens.

Rachel Meyer, applicant 6744 Independence Parkway, Winter Garden explained what their plan to build was and Deputy Mayor Matheny was satisfied.

City Attorney Mantzaris reminded Council there is a provision in the code which is referred to as restrictive rezoning and this item would be included in the zoning portion of it which are in last of the three items.

Council Member Cooper made a motion to adopt Ordinance No. 2019-33. Deputy Mayor Matheny seconded the motion.

City Attorney Mantzaris said he would work with staff regarding aesthetics and concerns Deputy Mayor Matheny has.

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

6. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-36**, an ordinance of the City Council of the City of St. Cloud, Florida, to annex into the City of St. Cloud approximately 1.67 acres identified as Lot 32, Hickory Tree Road, located at the northwest corner of Hickory Tree Road and Old Hickory Tree Road; in accordance with the voluntary annexation provisions of Chapter 171.044, Florida Statutes (Above is full title) **ACTION ON ORDINANCE NO. 2019-36**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-36 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-36 with no response from the audience.

Council Member Cooper made a motion to adopt Ordinance No. 2019-36. Council Member Askew seconded the motion.

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

7. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-37**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use designation of “Commercial” to approximately 1.67 acres identified as Lot 32, Hickory Tree Road, located at the northwest corner of Hickory Tree Road and Old Hickory Tree Road; 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) **ACTION ON ORDINANCE NO. 2019-37 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-37 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-37.

Council Member Askew made a motion to adopt Ordinance No. 2019-37. 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. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-38**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Zoning District of "NB" Neighborhood Business, compatible with a "Commercial" Future Land Use designation, for approximately 1.67 acres identified as Lot 32, Hickory Tree Road, located at the northwest corner of Hickory Tree Road and Old Hickory Tree Road; 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) **ACTION ON ORDINANCE NO. 2019-38 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-38 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-38 with no response from the audience.

Council Member Trace made a motion to adopt Ordinance No. 2019-38. Council Member Askew seconded the motion.

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

9. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-27**, 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 Table III-7 "Commercial and Industrial Uses"; Article II, Definitions; Article III, Division 2, Establishment of Districts, District Boundaries on Zoning Map and Restrictions on Land, Water, Building and Structure; Article III, Division 19, Sign Regulations; and Article III, Division 29, Open Space and Recreation district; providing for severability; conflicts; codification; and an effective date (Above is full title) **ACTION ON ORDINANCE NO. 2019-27**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-27 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance and advised the gun range was removed as moved at the first public hearing.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-27 with no comments from the audience.

Deputy Mayor Matheny made a motion to adopt Ordinance No. 2019-27. 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)

10. FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-28, an Ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use designation of “Park/Open Space” to approximately 127.99 acres identified as Chisholm Park, located at 4700 Chisholm Park Trail; 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) **ACTION ON ORDINANCE NO. 2019-28 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-28 into the record by title.

Melissa Dunklin, Planning & Zoning Manager reviewed the proposed Ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-28.

Hughette Crumpler, Michigan Avenue asked about the outcome of three areas that were supposed to go to residents and the City Attorney said there was no action on the right-of-way.

Deputy Mayor Matheny asked what the unhatched area was and when we were going to complete the changes to the rest of the parks.

Trevor Bedford, Senior Planner explained they would be moving forward with them soon.

Council Member Askew made a motion to adopt Ordinance No.2019-28. 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)

11. FINAL PUBLIC HEARING FOR ORDINANCE NO. 2019-29, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Zoning District of “OR” Open Space and Recreation, compatible with a “Park/Open Space” Future Land Use Designation change, adopted by Ordinance No. 2019-28, for approximately 127.99 acres identified as Chisholm Park, located at 4700 Chisholm Park Trail; providing for entering the designation on the Official Zoning Map, filing of the Planning Commission recommendation and proof of publication, severability, conflicts and effective date (Above is full title) **ACTION ON ORDINANCE NO. 2019-29 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-29 into the record by title.

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

Mayor Blackwell announced the final public hearing for Ordinance No. 2019-29 with no response from the audience.

Council Member Cooper made a motion to adopt Ordinance No. 2019-29. Deputy Mayor Matheny seconded the motion.

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

12. FIRST PUBLIC HEARING AND INTRODUCTION FOR ORDINANCE NO. 2019-11, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a zoning district of “PUD” Planned Unit Development, compatible with the existing "Commercial" Future Land Use designation, for approximately 104.8 acres identified as Neptune Village, located south of Neptune Road and west of Old Canoe Creek Road; 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 October 10, 2019) **ACTION ON ORDINANCE NO. 2019-11 (This is a Quasi-Judicial proceeding)**

Ivy De La Cruz, Deputy City Clerk read Ordinance No. 2019-11 into the record by title.

Jo Thacker, attorney for applicant asked if item could be continued to the October 24, 2019 meeting.

Mayor Blackwell made a motion to grant a continuance for Ordinance No. 2019-11 to the October 24, 2019 Meeting. Deputy Mayor 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, 2019-195R, a resolution of the City Council of the City of St. Cloud, Florida, approving a loan, known as (the “Local Government Area of Opportunity Loan”), for Madison Grove LLC, in the amount of \$560,250 to fund the development of an affordable elderly apartment project in the City of St. Cloud and providing an effective date.

Ivy De La Cruz, Deputy City Clerk read Resolution No. 2019-195R into the record by title.

City Manager Sturgeon reviewed the proposed Resolution and recommended approval.

Stacy Vaneck, 558 West New England, Development Company for Madison Grove explained the proposal to Council.

Mayor Blackwell announced Resolution No. 2019-195R.

Terrence Lyman, 5010 Whitewater Way did not want to see funds for affordable elderly housing used for other purposes and felt we also need transportation for senior citizens.

Laura Tweed, 2808 Mead Avenue wanted to see residents of Osceola County to get first access to the units.

Deputy Mayor Matheny felt this is a long time to hold up \$560,000 out of a fund we potentially may or may not give a loan to and would like cancellation language in the agreement.

City Attorney Mantzaris said the problem with this is the commitment to the local contribution.

Mayor Blackwell felt there was a huge need for affordable elderly housing and he would not want to jeopardize the project if language was added to the contract.

City Attorney Mantzaris reminded Council that funds used to support this loan are coming from of the St. Cloud/OUC business development and customer retention fund.

Council Member Trace felt that we needed affordable elderly housing in St. Cloud.

Mayor Blackwell made a motion to approve Resolution 2019-195R. Council Member Askew seconded the motion.

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

2. Discussion and possible action regarding Sewell Point Contract for the City Lobbyist.

City Manager Sturgeon reminded Council during the July 29th Workshop there was Council consensus to discuss replacing the current lobbying contract with Sewell Point with a contract with Gray Robinson for federal lobbying.

Hughette Crumpler, Michigan Avenue felt as though Sewell Point has accomplished a lot for the City over the years and OLE has been very ineffective.

Terrence Lyman, 5010 Whitewater Way felt the City should stay local when hiring a lobbyist.

Council Members discussed the pros and cons of which lobbyists to contract with.

Mayor Blackwell made a motion to move forward with Gray Robinson, OLE and give Sewell Point a 30 day notice to terminate the contract. Council Member Trace seconded the motion.

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

X. City Attorney

City Attorney Mantzaris advised Council that the DSD Meeting was rescheduled to Wednesday, October 2, 2019.

XI. City Manager

City Manager Mantzaris requested Fire Chief Silvestris explain the new Fire Rescue Cadet Program.

City Manager Mantzaris provided an update regarding parking at 901 Virginia Park.

XII. Mayor and Council Members

Council Member Cooper expressed his concerns regarding the hiring of an environmental attorney for the leachate/coal ash issue without involving the City Attorney in the matter.

City Attorney Mantzaris provided an update and said any new information will be brought to Council when available.

Discussion continued among Council regarding the issue of coal/ash.

Council consensus was to have the City Attorney bring back a formal resolution.

Council Member Cooper requested information regarding unstable bricks from 10th to 13th Street. Kevin Felblinger, Deputy Public Services Administrator stated he is researching the problem.

XIII. Information Section and Report Section

- Thursday, September 19, 2019 - City Council Workshop - 6:00 p.m. @ City Hall, Council Chamber
- Thursday, September 26, 2019 - City Council Meeting - 6:30 p.m. @ City Hall, Council Chamber
- Wednesday, October 2, 2019 - Stevens Plantation Dependent Special District Meeting - 6:00 p.m. @ City Hall, Council Chamber

Proclamations:

- Proclamation in recognition of National Pollution Prevention Week

Reports:

- Warrant List #17
- Recreation Advisory Committee Meeting Minutes June 2019 - Approved
- Tree Advisory Committee Meeting Minutes June 2019 - Approved
- Tree Advisory Committee Organizational Meeting Minutes June 2019 - Approved

XIV. Adjournment at 9:04 p.m.

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____