



DRAFT MINUTES

CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Council President Pro-Tem Pierce called the meeting to order at 6:31 pm. He asked for a moment of silence and then led the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle announced a quorum with three Council Members and Mayor Dowless present.

Council President Horn and Councilmember Chotas could not attend and requested to be excused.

Council member Pierce made a motion to excuse the absences of Council President Horn and Councilmember Chotas; seconded by Councilmember Rader. Motion approved by voice vote (3/0).

PRESENT

Mayor John Dowless
Council President Pro-Tem Ben Pierce
Councilmember Susan Lomas
Councilmember Chris Rader

ABSENT

Council President Horn
Councilmember Chotas

STAFF

Sandra Riffle, City Clerk
Dean DeSchryver, Police Chief
Shannon Patterson, Chief of Staff
Scot Zane, Police Officer
Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Allen Lane, City Engineer

APPLICANTS

Eric and Tina Baker
Stuart McDonald - Toll Brothers
Bradley Elwell - AVCON

OATHS OF OFFICE

Administer Oaths of Office for Councilmembers Rader and Lomas

City Clerk Riffle administered the Oath of Office to Councilmembers Lomas and Rader.

ELECTION OF COUNCIL PRESIDENT & PRESIDENT PRO-TEM

A brief discussion was held regarding the election of a Council President Pro-Tem. City Clerk Riffle reminded Council that during the February 21, 2023 meeting, Council President Horn said he would be willing to accept a nomination as Council President.

Councilmember Rader made a motion to continue the offices of Council President and Council President Pro-Tem as currently held; seconded by Councilmember Lomas. Motion approved by voice vote (3/0).

CONSENT AGENDA**February 21, 2023 City Council Meeting Minutes**

Prior to the meeting, Councilmember Rader requested the following changes to the February 21, 2023, meeting minutes. A copy of the proposed changes was submitted to each Councilmember.

- Under Ordinance 2023-03, "required" should be "requires."
- Under Ordinance 2023-01, the following should be added to paragraph four:
"Councilmember Rader further emphasized that the genesis of this concept was born from a project and a potential applicant was seeking to rezone residential land to a C-3 only use. The project was to introduce a large warehouse with a quasi-industrial use to the property immediately adjacent to multiple developments with single-family homes.
- Added new paragraph, "Attorney Smith noted that there is the ability to have more than C-3 in Industrial through the special exception process. Councilmember Rader said there is some form of manufacturing in C-3 and Attorney Smith added that there is some form of clean manufacturing permitted in the ECD."

Mayor Dowless noted that in his report "McDirmitt David" should be "McDirmitt Davis."

City Clerk Riffle said that under Councilmember Rader's report she also corrected "Mectatos" to "Mecatos."

Councilmember Rader made a motion to approve the February 21, 2023 meeting minutes with corrections; seconded by Councilmember Lomas. Motion approved by voice vote (3/0).

ORDINANCES (FIRST READING)**PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

- **Ordinance 2023-02: Boat Docks/Houses Residential Districts**

Attorney Smith read Ordinance 2023-02 in title only.

Planner Hardgrove said this is the second reading with the purpose of providing consistency between the boat dock regulation contained in residential R-1-AAA, R-1AA, R-1-A, and R-2 zoning districts with the recent changes to Code Chapter 14 related to boat dock/house

construction. The proposed change requires that boat docks/houses be designed in conformance with the boat dock regulations of Code Chapter 14. There were no changes during first reading.

There was no public comment.

Councilmember Rader made a motion to approve Ordinance 2023-02; seconded by Councilmember Rader. Motion approved by roll call vote (3/0).

Councilmember Pierce	Favor
Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

- **Ordinance 2023-03: ECD Special Exception Change (Car Washes)**

Attorney Smith read Ordinance 2023-03 in title only.

Planner Hardgrove said this is the second reading of an ordinance that will change the uses permitted in the ECD to ensure the achievement of the ECD vision. The ordinance has remained the same since presented at the first reading.

She explained that the ECD currently allows full-service car washes as a permitted use. Given that this is an auto-oriented use, this use should undergo additional review to ensure the proposed location is consistent with the ECD vision, which the special exception process would provide. The ordinance would require that an applicant provide more detail in the plans to provide consistency with the ECD vision.

There was no public comment.

Councilmember Lomas made a motion to approve Ordinance 2023-03; seconded by Councilmember Rader. Motion approved by roll call vote (3/0).

Councilmember Lomas	Favor
Councilmember Rader	Favor
Councilmember Pierce	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

UNFINISHED BUSINESS - none

NEW BUSINESS

- **Resolution 2023-01 Budget Amendment**

City Clerk Riffle said Resolution 2023-01 accounts for the FEMA reimbursements for debris pickup resulting from Hurricane Ian. The City is hoping for a full refund.

Councilmember Pierce made a motion to approve Resolution 2023-01; seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

- **IT Items for Disposal**

City Clerk Riffle explained that IT Manager Scott Zane requested permission from City Council to dispose of depreciated laptops. They have all outlived their useful life and have minimal, if any, value. Permission has been given from FDLE and DOJ to dispose of these assets.

Officer Zane said that all laptops were made inoperable with the hard drives and batteries removed and will be delivered to the landfill.

Councilmember Rader made a motion to authorize the disposal of the listed laptops; seconded by Councilmember Lomas. Motion approved by voice vote (3/0).

- **Discussion and Direction to Staff for Accessory Structures in the ECD**

Planner Hardgrove said that in the February 21, 2023 meeting, Terence Curran, owner of The Amphibious Group at 5639 Hansel Avenue, requested to have a large mobile home on their property to provide climate-controlled storage.

She reviewed the City Code and told Council that the maximum amount of time permitted for an accessory structure is 180 days or ten days after the completion of a permanent structure. This property is not undergoing construction at this time. The Code also allows for temporary structures such as tents for up to 30 days.

Planner Hardgrove said her opinion is that it is not a good idea to set a precedent to allow accessory structures in the ECD as accessory structures do not fit the vision. She explained that Fort Gatlin Brewery was told they could not have an accessory structure, and the frame shop had to remove theirs from the property.

Mayor Dowless said he wanted to avoid setting a precedent for accessory structures all through the ECD.

There was no public comment and no objections from the Council to Planner Hardgrove's opinion. There was no vote.

- **Addendum - Request to extend Variance 2022-02 535 Mandalay Rd**

Eric Baker, the applicant for Variance 2022-02, requested an extension to the variance he was awarded in 2022, which is due to expire in April 2023. He said the variance was to extend their house 10 inches into the easement.

He explained that they had difficulty finding a contractor and could not pull a permit with Orange County by the expiration date. He requested an additional three months.

Attorney Smith noted that once the application is made at the County, they will be in good standing with the City.

Councilmember Rader made a motion to approve that Variance 2022-02 be extended until July 1, 2023; the motion was seconded by Councilmember Lomas. Motion approved by roll call vote (3/0).

Councilmember Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

GENERAL INFORMATION

CITIZEN COMMENTS

Susan Collins with Orange County Soil and Water Conservation District for District 3. She invited Council and the public to attend meetings which are held at 3:30 pm on the second Friday of each month at the Orange County Administration building.

BOARDS & COMMITTEES

- **Haven Oaks Final Plat Approval**

Engineer Lane said he reviewed the final plat and that all issues were satisfactorily met; any previous conditions from Planning and Zoning were addressed.

Mayor Dowless asked for the side setbacks and the distance between houses. Engineer Lane responded that it is 5 ft for 50 and 60-foot lots and 7.5 feet for 70-foot lots.

Engineer Lane confirmed to Councilmember Pierce that there is an easement for the permanent wall, which is a combination of columns and prefabricated panels. There will be some easements on the rear lots of some properties.

There was no public comment.

Councilmember Lomas made a motion to approve the final plat; seconded by Councilmember Rader. Motion approved by roll call vote (3/0).

Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

- **Haven Oaks Final Subdivision Plans Approval**

Engineer Lane said that CPH has no objections to the submitted plans, and Planning and Zoning recommended approval upon their review.

He said the overhead power lines were reinstalled underground in front of the property. The cable line is in the process of being relocated.

Councilmember Lomas asked what kind of curb would be in front of the subdivision. She said Holden Avenue looks pretty bad because of grass growing into the roadway.

Engineer Elwell with AVCON said there is no curbing on Holden Avenue. Planner Hardgrove confirmed and added that there would be interior curbing.

Engineer Lane confirmed there would be some pavement widening to allow turn lanes, but there would be no curb and gutter. He said drainage would go to roadside swales on the north side of Holden Avenue, and there are some swales on the south side.

There was no public comment.

Councilmember Rader made a motion to approve Haven Oaks Final subdivision plans; seconded by Councilmember Pierce. Motion approved by roll call vote (3/0).

Councilmember Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Absent
Councilmember Chotas	Absent

STAFF REPORTS

City Attorney Smith - no report

Police Chief DeSchryver**Police Chief Report - February 2023**

(Note: Chief DeSchryver's report was heard earlier in the meeting after the administration of the oaths of office.)

Chief DeSchryver commented on two traffic stops that resulted in resistance to the officers involved. Anonymous emails were sent to City Hall, Mayor Dowless and the Police Department regarding the resulting use of force. The Police Department performed an internal investigation and determined that they acted within policy and the law. He also provided OPD Internal Affairs and Kissimmee OPD with a copy of the video for their opinion, and they had no concerns.

He said there are real-time simulations available for Council to attend with to give them to allow them to discuss policies and training.

City Clerk Riffle

City Clerk Riffle said that she and PD Chief of Staff Patterson have been working with FEMA regarding damages incurred from Hurricane Ian. She said FEMA has been very proactive and responsive and the FEMA representative said that things are looking good as the City works to get reimbursement for debris removal and damages.

She said she is compiling short biographies for the nominated commission members for Charter Review Commission. The biographies will be included in April's agenda package.

MAYOR AND CITY COUNCIL REPORTS**Mayor Dowless**

Mayor Demings is putting together a Tourist Development Tax Citizen Advisory Task Force (TDT) and he recommended resident Hal Valdez to the committee.

He said that Planner Hardgrove, Councilmember Rader and he are working with Orange County to get a study of an alignment through Fort Gatlin Shopping Center.

Mayor Dowless said Chief DeSchryver, City Clerk Riffle and he met with Congressman Soto whose team talked about grant opportunities. Mayor Dowless said he was appreciative of their outreach.

Council Member Lomas

Councilmember Lomas said that she attended the CAB meeting and noted that Orange County Commissioner Uribe did not attend.

She said that the public library had a lot of information and resources for retirees. City Clerk Riffle confirmed to Councilmember Lomas that she would review the information to put on the City's website.

Council Member Pierce – no report

Council Member Rader – no report

Council President Horn – absent

Council Member Chotas - absent

ADJOURNMENT

Council President Pro-Tem Pierce made a motion to adjourn the meeting at 7:28 pm.

Richard A. Horn, Council President

Attest:

Sandra Riffle, City Clerk

Approved in the _____ City Council meeting

