

**CITY COUNCIL AGENDA  
REGULAR MEETING  
Monday, December 02, 2019  
6:30 PM  
CITY HALL**

**CALL TO ORDER**

**ORDER OF BUSINESS**

**COUNCIL BUSINESS**

- 1. Approval of Minutes for the November18, 2019 Regular Session.**

**OATHS OF OFFICE**

- 2. Oaths of Office for Judith Dolores Smith and Megan Sladek.**

**RECESS**

- 3. Council will take a brief recess to allow the new Council Member and Mayor to take their seat at the dais.**

**ELECTION OF PRESIDING OFFICER AND DEPUTY MAYOR**

- 4. Council Elects Presiding Officer and Deputy Mayor.**

**CEREMONIAL ITEMS AND PRESENTATIONS**

- 5. None.**

**PUBLIC COMMENT**

This is the time for the public to come forward with any comments they may have on any subject related to City business not listed under Public Hearings. Complete a request to speak form and provide it to the City Clerk prior to the meeting.

State your Name and Address for the record.

Please Limit Your Comments to 3 Minutes or Less.

- 6. Citizen Comment.**

**CONSENT AGENDA**

- 7. Resolution No. 3864-19, Purchase of LifePak15 Monitor/Defibrillators and LifePak 1000 AEDs.**

**PUBLIC HEARINGS**

8. None.

**FIRST READING OF ORDINANCES**

9. **Ordinance No. 1689**, Security Related Concerns and Privacy Matters which Necessitate Protection.

**RESOLUTIONS**

10. **Resolution No. 3866-19**, Amendment to the Buck Creek Pre-Annexation Agreement (Principal Senior Living Group, LLC).

**DISCUSSION ITEMS**

11. **Annual Appointment/Reappointment to City Boards.**

**CITY MANAGER'S REPORT**

City Manager Bryan Cobb

**CITY ATTORNEY'S REPORT**

**COMMUNICATIONS AND REPORTS**

- Council Member Keith Britton
- Deputy Mayor Bob Pollack
- Council Member Jeff Chudnow
- Council Member Judith Smith
- Mayor Megan Sladek

**FUTURE MEETING DATES**

- Monday, January 6, 2020, 6:30 p.m. Regular Session
- Tuesday, January 21, 2020, 6:30 p.m. Regular Session
- Monday, February 3, 2020, 5:30 p.m. CRA Governing Board
- Monday, February 3, 2020, 6:30 p.m. Regular Session
- Monday, February 17, 2020, 6:30 p.m. Regular Session

**ADJOURNMENT**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. This record is not provided by the City of Oviedo.

ALL SERVICES, PROGRAMS AND ACTIVITIES OF THE CITY OF OVIEDO ARE OFFERED AND SOLICITED WITHOUT REGARD TO RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, RELIGION, DISABILITY OR FAMILY STATUS. FOR INFORMATION REGARDING THE CITY'S TITLE VI NONDISCRIMINATION POLICY, PLAN AND PROCEDURES PLEASE VISIT [WWW.CITYOFOVIEDO.NET](http://WWW.CITYOFOVIEDO.NET).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 407-971-5500 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** December 2, 2019  
**SUBJECT:** Annual Appointment/Reappointment to City Boards

**Introduction:** This is a request for City Council to fill appointments to City boards.

**Discussion:** The following volunteer appointments to City Boards will expire on December 31, 2019. Emails/letters from current members who asked to be reappointed for another term are attached, as noted. Copies of interest forms from citizens requesting to serve as new board members are also attached.

**LPA Board:** Two (2) positions with terms to expire December 31, 2019

*Current Members:*

Curtis Gashlin (letter/email attached – wishes to be reappointed)

Kristen Sweatland (letter/email attached - does not wish to be reappointed)

*Applicant interest forms on file for LPA:*

Jeff Boddiford

Randy Core

Joe McConnell

David Pollack

Steven Rich

**Police Pension Board:** One (1) position with term to expire December 31, 2019

*Applicant interest forms on file for Police Pension Board:*

Mike Beavers

**Public Arts Board:** One (1) position representing Seminole Cultural Arts Council (SCAC), no specific determined term

*Nomination from SCAC:* Kathryn Townsend (Bio provided in Attachment 4)

**Budget Impact:** There is no budgetary impact to the FY 2019-20 budget.

**Strategic Impact:** Provide leadership on critical local and regional issues.

**Recommendation:** It is recommended that City Council appoint or reappoint members to City Boards as listed above.

Attachments:    1. LPA Resignation and Applications  
                    2. Police Pension Application  
                    3. SCAC Letter appointing representative to the PAB Board  
                    4. SCAC Nominee Bio

Prepared by:    Barbara J. Barbour, City Clerk



Prepared By: Nichlaus Dorey, Division Chief  
Reviewed By: Jeff Buchanan, Fire Chief

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** December 2, 2019  
**SUBJECT:** **Ordinance No. 1689**, Security Related Concerns and Privacy Matters which Necessitate Protection

**Procedure:** Call Up Item  
Mayor asks Attorney to Read Ordinance by Title Only  
City Manager Background  
Council Motion to Schedule Public Hearing January 6, 2020.  
Council Action

**Introduction:** This is a request for City Council to approve an Ordinance relating to providing security for activities of the City that have security related concerns and privacy matters which necessitate protection.

**Discussion:** The proposed ordinance addresses matters that arise as a result of an event which occurred in 2014 when James McDonough visited Police Chief Al Rolle of Homestead, Florida. While in Police Chief Rolle's office, Mr. McDonough placed his cell phone on the Police Chief's desk and recorded a meeting. Police Chief Rolle testified that Mr. McDonough never warned him he was recording the meeting. In Florida, that action could have been a violation of Florida's "wiretapping" laws which require that all parties consent to being recorded. Police Chief Rolle contacted Miami-Dade County State Attorney Katherine Rundle who transmitted a letter to Mr. McDonough threatening to arrest him if he ever recorded the Police Chief like that again.

Mr. McDonough challenged Ms. Rundle in a lawsuit and won the right to record Chief Rolle in a Federal appeals court. Ms. Rundle appealed the decision to the United States Supreme Court which declined to hear her case.

The City has areas with which sensitive security and personal matters are discussed and within which records are processed containing matters that are either confidential or exempt from disclosure under Florida's Public Records Laws. In those areas, it would be a reasonable action to regulate whether recording and photographing may occur and whether meetings are to be recorded.

Ordinance No. 1689 provides a means whereby such matters can be reasonably protected by providing that:



- 1) The City Manager may establish certain areas of the facilities and buildings of the City where an expectation of privacy or security is exhibited, expected and needed which necessity may be based upon matters such as those involving homeland security, financial security, the integrity of law enforcement or other public safety activities, the protection of personnel identifying information that can be used for implementing identity theft or other illicit purposes, legally founded privacy, cybersecurity, or as a result of related issues, matters or purposes which require.
- 2) With regard to areas of City facilities and buildings where an expectation of privacy or a security requirement has been determined to exist, the City Manager will cause such areas to be posted with signs and notices that indicate to the general public that it is prohibited to make audio recordings, make video recordings or engage in photography of any type or nature or to otherwise compromise the security based or privacy based information.
- 3) The City Manager will advise the City Council whenever establishing certain areas of City facilities and buildings where an expectation of privacy or security is exhibited, expected and needed.
- 4) A City employee may not record or photograph any other City employee(s) unless directed to do so by supervisory authority.
- 5) It will be prohibited and unlawful for any person to violate the provisions of Ordinance No. 1689. The City may proceed with any legal remedy or code enforcement process available to the City under controlling State law and the penalty provisions of Section 1-7 of the City Code shall be fully applicable.

**Budget Impact:** Ordinance No. 1689 not only protects the security interests of the City in many respects, but also provides legislative authority for such protections which should act as a deterrent to legal disputes and as a defense when such legal disputes arise thereby reducing the impact of legal costs upon the City. The cost of the required signage should have a minimal impact on the City's budget.

**Strategic Impact:** Ensures that the City operates in a fiscally sound and prudent manner and conserves and protects City property interests, revenues and resources and well as recognized and legitimate expectations of privacy.

**Recommendation:** It is recommended that City Council read Ordinance No. 1689 by title only and schedule a public hearing for January 6, 2020.

Prepared by: Lonnie Groot, City Attorney's Office.  
Reviewed by: Barbara Barbour, City Clerk.

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** December 2, 2019  
**SUBJECT:** **Resolution No. 3866-19**, Amendment to the Buck Creek Pre-Annexation Agreement (Principal Senior Living Group, LLC)

**Procedure:** Call Up Item.  
City Manager Background  
Applicant Presentation  
Public Comment - Request to Speak Forms submitted prior to beginning of meeting  
Council Motion & Discussion  
Council Action

**Introduction:** This is a request for the City Council to approve an amendment to the Pre-Annexation Agreement with Principal Senior Living Group, LLC. The subject agreement affects an unincorporated parcel totaling approximately five point thirty-one (5.31) acres located on the south side of County Road 419 approximately 2,000 feet west of the Sanctuary Drive/Twin Rivers Boulevard intersection. The subject amendment only affects the date of the recordation of the agreement.

The below property is the subject of the Pre-Annexation Agreement.

<b>Parcel ID</b>	<b>Acreage</b>	<b>Future Land Use Designation</b>	<b>Zoning District</b>	<b>Jurisdiction</b>
24-21-31-300-0020-0000	5.31	County Planned Development (PD)	County Planned Development (PD)	Seminole County

The property owner is C O D Holdings, LLC. The applicant is Dane Cates, Vice President of Principal Senior Living Partners, LLC. The consultant is Dave Axel, Axel Real Estate. The applicant is in the process of purchasing the subject property for purposes of developing an assisted living facility (ALF).

**Discussion:** Annexation is the legal process that occurs when a city incorporates new property into its municipal boundaries and is controlled by the provisions in Chapter 171, Florida Statutes. An annexation petition is required for a voluntary annexation. However, on occasion, private landowners prefer to work out a formal agreement with the annexing municipality to resolve utilities, services, zoning, density and other issues in concept prior to the annexation occurring by enactment of a pre-annexation agreement.

A pre-annexation agreement is between an incorporating municipality and the owner of the property being annexed. It is not required in order for a municipality to annex property. A pre-annexation agreement is only able to fulfill certain limited purposes as the property that is proposed to be annexed into the city limits is not within the jurisdictional limits of the city until the annexation finally occurs at the time of the enactment of the annexation ordinance. The city does not have jurisdiction to take any actions on amendments to the City's Comprehensive Plan, Land Development Code (LDC), development orders or development agreements relative to the subject property until after the annexation is finalized.

A pre-annexation agreement can address conceptual issues relating to land use matters and recognize circumstances when a property owner may have proceeded so far in the development process in the County such that the development approvals obtained while the property had the status of unincorporated property should be recognized. Also, a pre-annexation agreement can address land use matters from a conceptual framework in order that the annexing municipality will not be surprised by the scope, extent, configuration, style or other aspect of the development has, or will, occur.

On October 1, 2007, City Council adopted Resolution No. 1619-07 requiring developers of properties located in unincorporated Seminole County to annex property proposed for development into the City prior to initiating the development review process as a condition of receiving City utility services. Resolution No. 1619-07 also provides that “should the City Council agree to enter into a pre-annexation agreement with a developer of property located in unincorporated Seminole County, said agreement shall only address the facilitation of the development of the property utilizing the City’s development review process and other matters pertaining to the development of the property after the property is annexed.”

The subject property is undergoing Final Development Plan review and approval with the County for the Benton House of Oviedo ALF. Pursuant to Resolution No. 1619-07, utilities, water and sewer will be reviewed, permitted, approved and inspected by the City while the property is still within County jurisdiction.

On September 5, 2019, City Council adopted Resolution No. 3809-19 approving the Buck-Creek pre-annexation agreement, provided in Attachment 3. Resolution 3866-19 only amends the date for the recordation of the pre-annexation agreement in Section 17 from December 1, 2019 to April 1, 2020. All other terms of the agreement remain unchanged. The change of recording date was requested by the applicant to give more time for the closing of the property and the associated recordation of the new property deed. A copy of the request is provided in Attachment 4.

A summary of the terms of the pre-annexation agreement, as approved by Resolution No. 3809-19, follows:

- 1) The use and development of the subject property is presently governed by the County and will be reviewed, permitted and constructed within the County, except that utilities, water and sewer will be reviewed, approved and inspected by the City. The property owner shall be responsible for the cost of extension of the City potable water, reclaimed water

and sewer services to serve the subject property. City fire, police protection and emergency medical services will be provided to the subject property upon annexation.

- 2) The property owner shall construct at the owner's expense the left-turn lane on County Road 419 at a location approved by the County Engineer, substantially similar to the access/turn-lane depicted on the Final Development Plan.
- 3) The property owner shall notify the City Attorney two (2) days after closing on the Property and shall provide copies of all closing documents to the City Attorney within two (2) days after the closing. At such time, the City Attorney shall release the Pre-Annexation Agreement and deliver it to the City Clerk for recording in the Public Records of Seminole County, Florida. The Parties agree that the Agreement will not be released from escrow or recorded until the Owner owns the Property.
- 4) A Voluntary Annexation Petition has been submitted as Exhibit B to the pre-annexation agreement, and as such, the property owner will within thirty (30) days of the issuance of the final Certificate of Occupancy by the County notify the City so that the City can proceed with the voluntary annexation petition.
- 5) Within ten (10) days of annexation being finalized, the property owner will submit to the City, at the owner's expense, a Comprehensive Plan Amendment (CPA) and Zoning Map Amendment (ZMA) to the City to change the future land use designation from County PD to City Office and to rezone the property from County PD to City Office-Commercial.
- 6) The following development standards shall be maintained and in effect for the subject property following annexation:
  - a. Setbacks shall be as provided in the Final Development Plan
  - b. Landscaping buffers shall be as provided in the Final Development Plan. No buffer shall be required along the west boundary where the access and utility easement are located.
  - c. Minimum parking space size shall be 9' x 18'.
  - d. The primary frontage freestanding sign shall setback 4 feet and shall be permitted within the north buffer.
  - e. Light poles shall not be required to have fluted bases.
- 7) The City agrees that upon the issuance of the final Certificate of Occupancy, the subject property shall be deemed vested relative to the provisions of the City's Comprehensive Plan due to the progress of the development and based on the investment in the subject property by the property owner relative to the development of the property. Such vested status shall be incorporated into the CPA ordinance.

The Assistant City Attorney has reviewed the subject Amended Pre-Annexation Agreement and has no legal objections. Staff recommends adoption of Resolution No. 3866-19.

**Budget Impact:** There is no budget impact arising from the approval of this Pre-annexation Agreement.

**Strategic Impact:** The proposed Pre-annexation Agreement is consistent with the goals and objectives of the Economic Vitality and Development Strategic Focus Area.

**Recommendation:** It is recommended that the City Council adopt Resolution No. 3866-19.

Attachments:     1. Location Map  
                      2. Resolution No. 1619-07  
                      3. Resolution No. 3809-19  
                      4. Request from the Applicant

Prepared by:     Teresa Correa, Development Services Director