

LONGWOOD CITY COMMISSION
Longwood City Commission Chambers
175 West Warren Avenue
Longwood, Florida

MINUTES
February 3, 2020
6:00 P.M.

Present: Mayor Matt Morgan
Deputy Mayor Brian D. Sackett
Commissioner Abby Shoemaker
Commissioner Richard Drummond
Commissioner Ben Paris
Dan Langley, City Attorney
Michelle Longo, City Clerk
David P. Dowda, Police Chief
Chris Kintner, Community Development Director
Shad Smith, Public Works Director
Lee Ricci, Human Resources Director
Lisa Snead, Financial Services Director
Phil Kersey, Building Official
Kevin Shea, Police Lieutenant
Anjum Mukherjee, Senior Planner
Jared Roberson, Fire Marshal
Sandy Johnson, Executive Assistant

Absent: J. D. Cox, City Manager

1. **CALL TO ORDER.** Mayor Morgan called the meeting to order at 6:00 p.m.
2. **MOMENT OF SILENT MEDITATION**
3. **THE PLEDGE OF ALLEGIANCE.** Commissioner Drummond led the Pledge of Allegiance.
4. **COMMUNITY ANNOUNCEMENTS.** Ms. Longo read the following announcements.
 - A. The “Downtown Longwood Food Trucks and Artisans Market” will be held on Thursday, February 6, 2020, from 5:30 p.m. until 8:30 p.m. at Reiter Park, 311 West Warren Avenue.

- B. The “Downtown Longwood Cruise-In” Car Show will be held on Saturday, February 8, 2020, from 5:00 p.m. until 8:00 p.m. in the Historic District of Longwood.
- C. The Longwood Community Health Fair will be held on Saturday, February 15, 2020, from 11:00 a.m. until 2:00 p.m. at the Longwood Community Building, 200 West Warren Avenue. There will be Health and Wellness related vendors, food trucks, raffle prize giveaways, and much more. This is a free event.

5. PROCLAMATIONS / RECOGNITIONS

- A. Proclaiming April 1, 2020, as “National Census Day” in the City of Longwood.

Mayor Morgan read the Proclamation and presented it to Phillip Kaprow, Chairman and John Horvath, Vice Chairman of the 2020 Census Complete Count Committee. Photographs were then taken.

- B. Presentation of the 40th Annual JOY (Juvenile of the Year) Awards.

Brianna Pacetelli	Altamonte Elementary School
David St. Clair-Husbands	Greenwood Lakes Middle School
Kalyn Parker	Highlands Elementary School
Tyrone Ross	Lake Mary High School
Riley Nelson	Longwood Elementary School
Dana Heberling	Lyman High School
Serenity Lowe	Milwee Middle School
Tom Shal-Bar	Rock Lake Middle School
Kyler Ellis	Winter Springs Elementary School
Geoffrey Borgstrom	Winter Springs High School
Emma Fueger	Woodlands Elementary School

Mayor Morgan read the history of the JOY Awards. Each student was announced and presented with a framed certificate. Photographs were then taken.

The Commission recessed at 6:34 p.m. and reconvened at 7:16 p.m.

6. BOARD APPOINTMENTS. None.

7. PUBLIC INPUT

- A. Public Participation.

Judi Coad, 1695 Grange Circle, Longwood. She asked how Compassionate Leave hours are transposed into the recipient's hours and if the rate awarded to the recipient is by the hour or the value of the hour. She also asked if hours are donated for hours or if it is an equal cost exchange, or do we take the value of the hours donated and then look at the recipient's rate of pay and exchange that way. This latter method would then perhaps allow a recipient that may make a lesser amount to actually receive more than 200 hours, which I believe is the maximum amount in the Compassionate Leave Bank Policy. The formula can also be at a greater cost to the City if the recipient's rate of pay is greater than the donees and there would be an added cost to the City of covering taxes. She is curious as to how the City computes this exchange between employees and if this is the best practice used.

8. MAYOR AND COMMISSIONERS' REPORT

District #3. Commissioner Paris said last Thursday he attended Seminole County's Business Expo. It is great to see how much the business community in Seminole County is thriving. He advised Ms. Coad that he too had the same questions and concerns about how the Compassionate Leave Bank works. From his understanding and from reading and talking to the City Manager, the rate comes from what is donated. If someone making \$12 an hour donates an hour's worth of sick time, the recipient takes the \$12 value of that sick time. It is a bit confusing, but it is set on the actual scale per hour of what is donated.

District #4. Mayor Morgan said the City of Longwood went viral this week when we became the first Monarch City in Seminole County. He thanked Chief Dowda, Chris Capizzi, Lori Rice, and everyone who played a part in making this happen. He said we have tried a multitude of different ways to try and get a new fire station here in Longwood. It is pretty expensive to do such. We had a meeting with Senator Simmons a while back and asked him for half of what it would cost to build a new fire station. Senator Simmons gave us the okay and said it would be set into motion. Mayor Morgan said he confirmed our request for 1.5 million was turned in on time before the cut off which was last week. Now we wait. Mayor Morgan said the Battle of the Food Trucks was awesome and jammed packed despite it being cold outside. He mentioned the I-4 Ultimate Project and how they are funding various approved cities to put up a mural on their respective exits as part of beautifying I-4. Altamonte Springs has just been approved for this. He said he is going to talk to Chief Dowda about the potential for Longwood to do this. He thinks it is a great idea and can set our city apart from the rest.

District #5. Deputy Mayor Sackett thanked everyone for the cards they sent regarding his brother's passing. He said he attended the Battle of the Food Trucks.

District #1. Commissioner Shoemaker congratulated Ms. Longo and her department for having all of the meeting minutes caught up. She attended the

Coffee with Christmas Dreams and toured the Christmas is Coming Mobile at Reiter Park. I was so glad I got to see the trailer. It was phenomenal. She said this is a group that travels in a very well decorated, detail-oriented trailer for children and families battling life-threatening illnesses. She said she went to the Battle of the Food Trucks as well and although she did not eat because she was too cold, her favorite truck was the Cosmo double-decker bus that had homemade ice cream.

District #2. Commissioner Drummond said he went to the Charter Review Committee meeting last week. He thanked everyone on the Committee for their hard work and effort they are putting into it. There has been a lot of time spent away from the meeting, researching what would be the best course for Longwood and I am sure they will come up with some great resolutions for us. He also attended the Battle of the Food Trucks and counted 25 trucks in total. He said he loved the way it was set up. It was easy to get around and the crowd was awesome. He was very happy with the way they were utilizing the parking spaces on Ronald Reagan Boulevard.

9. ANY ADDITIONS OR DELETIONS TO THE AGENDA.

Mayor Morgan requested to pull Item 10C for separate discussion and move it to the end of Regular Business.

It was the consensus of the Commission to pull Item 10C and move it to the end of Regular Business.

10. CONSENT AGENDA

A. Approve Minutes of January 20, 2020, Regular Meeting.

B. Approve the Monthly Expenditures for January 2020.

Pulled C. Approve the donation of vacation and/or sick leave from city personnel to City Manager, J.D. Cox for medical leave.

Commissioner Drummond moved to approve Items 10A and 10B as presented. Seconded by Commissioner Shoemaker and carried by a unanimous roll call vote.

11. PUBLIC HEARINGS

A. Read by title only and adopt Ordinance No. 19-2169, a Small Scale Comprehensive Plan Amendment (SPA 01-19).

Mr. Langley read Ordinance No. 19-2169 by title only.

Mr. Kintner presented the Item.

Mayor Morgan opened the public hearing. No one spoke in favor or opposition to Ordinance No. 19-2169.

Commissioner Paris moved to close the public hearing. Seconded by Commissioner Drummond and carried by a unanimous voice vote.

Deputy Mayor Sackett moved to approve Ordinance No. 19-2169 as presented Item 11A. Seconded by Commissioner Drummond and carried by a unanimous roll call vote.

B. Read by title only, set February 17, 2020, as the second public hearing date, and approve the first reading of Ordinance No. 20-2170, a General Longwood Development Code Update.

Mr. Langley read Ordinance No. 20-2170 by title only.

Mr. Kintner presented the Item and reviewed the code changes. He said we have seen a lot more multi-family and higher story development over the past few years than we have in any period of the city's history. Given the proximity of residential development, there is an inevitable conflict between the two. This Ordinance tries to find a middle ground between the city's higher-density developments and its existing developments. Most of the height measurements in the City Code are based on the concept of a story, which is a habitable level but does not mention a parking structure underneath and the height of the actual roof. One of the things we are changing in the Code is the height measured in feet rather than in stories. One of the benefits to this is being able to talk to residents about what that height means and compare it to other things in the City. He referenced Table A in the agenda memo that showed different building heights of completed or approved buildings in the City. He said the next part we talked about is increasing setbacks and tie those setbacks to the building height. You now have a setback under and above 35 feet. This stops a scenario where you have a land use district setback at 10 feet, which would not matter if it is a 25-foot tall building but might matter quite a bit more to a resident if it is a 60 or 70-foot building. We try to tie those things to their actual impact on the residents. We also talked about changes to how we handle general landscape. Our biggest concern was requiring more mature landscaping at planting. There is a lot of variability on how planting comes in. He mentioned that the planting in different projects and the public input he received helped reflect changes made in the Code and set the baseline for what people are required to do. Additionally, there is language in the Code about works of art, that we are currently under a moratorium, to come up with a solution on how to approve it. For the purpose of this Ordinance, we have restored this section and said that

works of art can be approved by the City Commission as part of a resolution moving forward. He noted that staff wants to bring forward a resolution to the next meeting for discussion where building owners can donate an art easement to the city and the city would then be able to do a call to artists for that easement area and evaluate that. We are not infringing upon the building owner's speech, it is actually government speech through this easement. You will see this at the next meeting. Finally, there is a development program in the Code called the Opportunity Node Overlay Zone (ONOZ). While well-intentioned, it has not been utilized and has not materially impacted economic development. The primary incentives to this program are payments from the general fund to the building and utility funds, as the City is not able to simply waive fees from those funds. The only way the program is really successful and can be implemented is by transferring money from the General Fund into those other funds. With all the pulls on the General Fund, staff did not see that as positive. Staff is proposing changes to the Longwood Economic Development Tax Abatement (LEDTA) Program, which is mentioned in another item on this agenda tonight. These changes will further guide the City's ability to incentivize desired development using tax abatement, rather than taking money from the general fund as the ONOZ program proposed.

Mayor Morgan opened the public hearing. No one spoke in favor or opposition to Ordinance No. 20-2170.

Deputy Mayor Sackett moved to close the public hearing. Seconded by Commissioner Drummond and carried by a unanimous voice vote.

Discussion ensued on the setbacks and the 75-foot minimum for buildings above 35-foot and adjacent to residential. Deputy Mayor Sackett would like to see the minimum at 100-foot. Mr. Kintner also pointed out some minor changes being made to the political sign section.

Deputy Mayor Sackett moved to approve Ordinance No. 20-2170 with an amendment to state buildings over 50-foot high have a 100-foot setback, and set February 17, 2020 as the second public hearing date. Motion died for the lack of a second.

Commissioner Paris moved to approve Ordinance No. 20-2170 as presented and set February 17, 2020 as the second public hearing date. Seconded by Commissioner Drummond and carried by a four-to-one (4-1) roll call vote with Deputy Mayor Sackett voting nay.

- C. **Read by title only and adopt Ordinance No. 20-2171 amending Chapter 3 - Section 3.04 (B.3) the Drug-Free Workplace and Alcohol Policy of the City of Longwood Policies and Procedures and adds a Substance Abuse Policy for Commercial Motor Vehicle Operators.**

Mr. Langley read Ordinance No. 20-2171 by title only.

Ms. Ricci presented the Item and noted language was added under Section II Prohibitions, to address a question by Commissioner Shoemaker regarding employees attending events where alcohol may be served.

Mayor Morgan opened the public hearing. No one spoke in favor or opposition to Ordinance No. 20-2171.

Commissioner Drummond moved to close the public hearing. Seconded by Commissioner Paris and carried by a unanimous voice vote.

Commissioner Drummond moved to adopt Ordinance No. 20-2171 as presented Item 11C. Seconded by Mayor Morgan and carried by a unanimous roll call vote.

12. REGULAR BUSINESS

- A. **Read by title only and adopt Resolution No. 20-1517, establishing a Business Tax Receipt (BTR) Study Committee.**

Mr. Langley read Resolution No. 20-1517 by title only.

Mr. Kintner presented the Item. He stated in 2019, the Business Tax Receipt function moved to the Community Development Department, and one of the goals following this change was to seek changes to the business tax schedule and structure. The structure has not been updated in a long time and the fee schedule is generally out of date related to not only the actual fees but also the types and categories of businesses. Additionally, many of the categories in the current schedule have pricing that is based on the number of employees, which incentivizes businesses to report lower numbers of employees to pay a lower rate. The primary issue that this causes for the Economic Development team is that it makes it difficult to effectively measure the number of employees in the City. Staff is looking to separate the pricing structure from the number of employees, reduce the number of overly-specific or outdated categories, incorporate new business types, and generally update the fee schedule. Making a change to the fee schedule for business taxes requires the formation of an equity study commission pursuant to Florida Statutes 205.0535. This committee has to meet and provide recommendations to the Commission. He said

staff has proposed forming a temporary Business Tax Receipt (BTR) Study Committee along with nine potential members for the Commission's consideration.

Commissioner Drummond moved to adopt Resolution No. 20-1517 as presented Item 12A. Seconded by Commissioner Shoemaker and carried by a unanimous roll call vote.

B. Read by title only and adopt Resolution No. 20-1518, amending the Building Division Fee Schedule.

Mr. Langley read Resolution No. 20-1518 by title only.

Mr. Kintner presented the Item and went over two main changes, Residential Alterations and Pool Permits. He explained, the Building Services and Inspections Fund is an enterprise fund which means the fee schedule must reflect the actual cost of doing business to the extent possible, per state statutes. Additionally, as the Building Fund is separate from the General Fund, it is important the permit fees accurately reflect the cost of staff time to ensure that there is not a situation where the General Fund would have to supplement the Building Fund at some point in the future. The standard permit does not come anywhere close to covering the inspections on it. There are also changes to re-inspection fees, removing the separate pre-power inspection fee, establishing fees for Temporary Certificates of Occupancy, and inspections for the Fire Marshall.

Commissioner Drummond moved to adopt Resolution No. 20-1518 as presented Item 12B. Seconded by Deputy Mayor Sackett and carried by a unanimous roll call vote.

C. Read by title only and adopt Resolution No. 20-1519, establishing an Emergency Permitting System.

Mr. Langley read Resolution No. 20-1519 by title only.

Mr. Kintner presented the Item. He noted this Resolution establishes a written emergency policy to get permits during or after emergencies and natural disasters.

Commissioner Drummond moved to adopt Resolution No. 20-1519 as presented Item 12C. Seconded by Mayor Morgan and carried by a unanimous roll call vote.

D. Read by title only and adopt Resolution No. 20-1520, amending the Declared Emergency Compensation Plan.

Mr. Langley read Resolution No. 20-1520 by title only.

Ms. Ricci presented the Item, went over its changes, and answered questions. She noted this Resolution limits discretion and provides clarity on how employees will be compensated when the City is closed during a declared emergency. The goal is to improve or enhance our likelihood for future reimbursements with the Federal Emergency Management Agency (FEMA), in the event of a declared emergency.

Discussion ensued on discretion. It was noted FEMA would only have an issue with those unique pay situations where the City Manager exercised their discretion. FEMA may or may not reimburse for these unique pay situations.

Commissioner Drummond moved to adopt Resolution No. 20-1520 as presented Item 12D. Seconded by Deputy Mayor Sackett and carried by a unanimous roll call vote.

E. Read by title only, set February 17, 2020, as the public hearing date, and approve the first reading of Ordinance No. 20-2172, which updates the Longwood Economic Development Tax Abatement (LEDTA) Program.

Mr. Langley read Ordinance No. 20-2172 by title only.

Mr. Kintner presented the Item. He noted staff is recommending updates to the LEDTA and to funnel everything through this program because it is a tax abatement rather than a tax rebate. It will provide guidance on the consideration of applications. This update requires the applicant to provide more justification for the request, and also provides the City Commission some criteria to consider the applications.

Commissioner Drummond moved to approve Ordinance No. 20-2172 and set February 17, 2020 as the public hearing date. Seconded by Commissioner Shoemaker and carried by a unanimous roll call vote.

F. City Commission approval of a Memorial Marker variance and allow a second flat memorial marker at the foot of a gravesite in Phase I, Block 32, Lot C (Old Section) of the Longwood Memorial Gardens be installed.

Commissioner Paris moved to approve the variance and allow a second flat memorial marker at the foot of a gravesite in Phase I, Block 32, Lot C of the Longwood Memorial Gardens be installed as

presented Item 12F. Seconded by Mayor Morgan and carried by a unanimous roll call vote.

10C. Approve the donation of vacation and/or sick leave from city personnel to City Manager, J.D. Cox for medical leave.

Mayor Morgan addressed the Item, stating it creates a conflict of interest and he is not in favor of approving it.

Mayor Morgan moved to deny the donation of vacation and/or sick leave from city personnel to City Manager, J.D. Cox. Seconded by Commissioner Paris.

Deputy Mayor Sackett asked Mr. Langley if this is a conflict of interest.

Mr. Langley said he is not aware of any legal standard. Mayor Morgan sees it that way and explained his reasons behind that. The City Manager is not voting on the Item before you. If there were a conflict, he would have to recuse himself from voting. In the realm of voting conflicts there is not one. He felt the Mayor may feel this is more awkward.

Mayor Morgan stated he feels it is inappropriate to ask your direct subordinates to donate hours.

Discussion ensued about the ethics of this request, how it would make employees feel if they did not donate, the unprecedented amount of time we do not have the City Manager, as well as, having compassion for the situation.

Motion carried by a four-to-one (4-1) roll call vote with Deputy Mayor Sackett voting nay.

Mayor Morgan passed out a document that outlined his concerns regarding the performance of the City Manager. He stated he has felt this way for a long time. He said months ago he had called for the City Manager's employee review and it never happened. He had a meeting with the City Manager to go over the review so he would understand I wanted it to be a written review. At that time the City Manager assured me it would happen, however, that never occurred. He noted his concerns are not health-related, rather 100% performance-related. He noted what was passed out was a preliminary resolution calling for the City Manager's termination. He said he would like to call for a Special Meeting on Wednesday for the Commission to have time to read the resolution before they discuss it further.

Commissioner Drummond expressed serious issues with Mr. Cox's performance since he had become City Manager. He has done several overt acts that he believes are cause for termination and he would like to further discuss this on Wednesday.

Commissioner Paris stated he has concerns with the City Manager's performance and would also like to talk about this on Wednesday.

Commissioner Shoemaker asked if we had the option to ask the City Manager to resign rather than to terminate him.

Discussion ensued on various options to talk about at the Special Meeting and the time to hold the meeting.

Mr. Langley clarified that the Mayor asked him to prepare the resolution based on his viewpoints. I do not want you to think this is my viewpoint. The Mayor told me his thoughts and I put them into words in the resolution. There is a process that has to be followed in the Charter. This resolution is the beginning of this process. I will be able to explain this process at that meeting if that is something you want to talk about.

Mayor Morgan called for a Special Meeting to be held on Wednesday, February 5, 2020, at 6:00 p.m. It passed by a four-to-one (4-1) voice vote with Deputy Mayor Sackett voting nay.

13. **CITY MANAGER'S REPORT.** None.
14. **CITY ATTORNEY'S REPORT.** None.
15. **CITY CLERK'S REPORT.** None.
16. **ADJOURN.** Mayor Morgan adjourned the meeting at 8:17 p.m.

Minutes approved by City Commission: 02-17-2020

/S/
Matt Morgan, Mayor

ATTEST:

/S/
Michelle Longo, CMC, FCRM
City Clerk

The Official signed minutes are on file in the City Clerk's Office.

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