

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

MINUTES
February 19, 2024
6:00 P.M.

Present: **Mayor Tony Boni**
 Deputy Mayor Matt Morgan
 Commissioner Abby Shoemaker
 Commissioner Matthew McMillan
 Commissioner Brian D. Sackett
 Dan Langley, City Attorney
 Clint Gioielli, City Manager
 Michelle Longo, City Clerk
 David Dowda, Police Chief
 Chris Kintner, Community Development Director
 Shad Smith, Public Works Director

- 1. CALL TO ORDER.** Mayor Boni called the meeting to order at 6:01 p.m.
- 2. OPENING INVOCATION.** Pastor Eric Scholten with First Baptist Church gave the invocation.
- 3. THE PLEDGE OF ALLEGIANCE.** Commissioner Shoemaker led the Pledge of Allegiance.
- 4. COMMUNITY ANNOUNCEMENTS.** Ms. Longo read the following announcements.
 - A. The Senior Matinee will be held on Wednesday, February 21, 2024, from 1:30 p.m. until 3:30 p.m. at the Longwood Community Building, 200 West Warren Avenue. This month's feature is Sound of Freedom.**
 - B. The Longwood Pirate Days will be held on Saturday, February 24, 2024, from 10:00 a.m. to 6:00 p.m. and Sunday, February 25, 2024, from 10:00 a.m. to 5:00 p.m. at Reiter Park, 311 West Warren Avenue. The event will showcase pirates, mermaids, a free kid zone, unique entertainment, and great food. This is a free event.**

- C. **The City of Longwood will be hosting the final tryouts for the Orlando Prowlers Professional Dance Team at Reiter Park, 311 West Warren Avenue, on Saturday, February 24, 2024, from 6:00 p.m. until 9:00 p.m. Food and beverages will be available for purchase.**

5. PROCLAMATIONS / RECOGNITIONS

- A. **District #4 Nomination of the Business Person of the Month Award for March 2024.**

Deputy Mayor Morgan nominated Central Florida Therapy Solutions, Inc., 455 West Warren Avenue for Business Person of the Month for March 2024. Nomination carried by a unanimous voice vote.

6. BOARD APPOINTMENTS. None.

7. PUBLIC INPUT

- A. **Public Participation.**

Henry Matta, 1315 Landry Circle, Longwood. He spoke about the impact of the changes to Ordinance 23-2247. He is the Westlake Manor Homeowners Association (HOA) treasurer and a member of the HOA's Architectural Review Committee. He asked the City Clerk to distribute the ordinance, which passed on November 8. He said there used to be an ordinance that required roofers to get an Architectural Review Committee (ARC) approval before starting the roof, but the Commission struck that requirement, so now the roofers can do whatever they want. The Commission's concept relies on the homeowners being aware of the architectural standards. He mentioned last week that they had an example of a roof that went up, and there's still no ARC form filled out. Mr. Matta feels that what will happen in his community and others in the City is that roofers will be putting up whatever they talk the homeowner into without regard to the flavor of the community. The ARC will have to take legal action to possibly reverse what is put up if the roof is not the correct color, which has happened in the past. He said it doesn't make sense from a public policy standpoint to be reactive rather than proactive, and examples in the past with roofs not approved had to be backtracked. He stated that the roof that went up last week matched, but there is still no ARC form. He commented that the ordinance passed on November 8 assumed that homeowners knew the regulations, but they did not know. He expressed the need to maintain some

semblance of a civilized community, and he said he was speaking for one, estimating there are about seventy-three (73) communities with HOAs in the City of Longwood. He stated that his community is very active, solvent, and caring, and they meet in the Commission Chambers every other month.

8. MAYOR AND COMMISSIONERS' REPORT

District #3. Commissioner McMillan addressed Mr. Matta's concerns, saying he agreed that a well-run HOA is a good thing and can enforce its standards. He stated he does support the ordinance as it stands because there are homeowners who do not know the rules, and then there are HOAs who do not know the rules. He felt it was best for the City to stay out of that situation, and the City has their standards for what they need for a permit. He believed a competent HOA can address the issue with an architectural review by communicating with the homeowners by monitoring business permit activity which was posted online. He pointed out the City represents all the homeowners in the associations not just the ones on the board and did not think it was best to treat HOAs as sub committees of the City.

Commissioner McMillan attended the Chili Cook-Off and Car Show on February 10. He attended the Tri-County League of Cities meeting in Ocoee and heard a presentation on cyber security. He commented that the State Legislature in 2022 changed the law to prevent cities from paying ransoms to hackers. As part of that bill, the state agreed to provide cybersecurity training for free, and they can look at the City's systems and work with staff. He provided that information to the City Manager.

Commissioner McMillan reported on the true, good, and beautiful. For the "true," he said the average rainfall for February was 2.5 inches, but rain totals were about 2.24 inches over the weekend. Rain may meet or exceed the average by the month's end. For the "good," he saw perseverance, particularly at the Smash Beer Festival. Rain drizzled intermittently, but it was a happy crowd, and the area around Reiter Park held up well in the weather. He also stopped by the farmers' market after the cancellation of opening ceremonies for Longwood Babe Ruth Baseball and Softball. He saw vendors setting up in their raincoats in the steady downpour. He was impressed with everyone moving forward with their events. He congratulated Gatlin Hall Brewing, Home State Brewing Co., Ravenous Pig for winning gold, silver, and bronze awards, and Tactical Brewing Co. for winning the People's Choice award. For the "beautiful," he saw fantastic strawberries and blueberries at the Farmer's Market and purchased a bunch. Also, during that day of the Commission meeting, the rain stopped, and the weather was beautiful.

District #4. Deputy Mayor Morgan commented that a makeup day was necessary for the Opening Ceremonies of Longwood Babe Ruth Baseball and Softball since it was canceled due to the rain. Regardless of vendor participation on a makeup day, he felt the players and coaches needed the support of families and friends for their participation in the league. He hoped Chris Capizzi and the staff would consider his request. He thought the Smash Beer Festival would be canceled due to the weather but heard otherwise from Mayor Boni at an earlier VFW event. He went to the festival and was surprised to see the crowd, which was not impacted. On February 7, Deputy Mayor Morgan attended an event called PB&J Wednesdays at the Seminole County Sheriff's Department on behalf of Heroes Strong. He said PB&J stands for purpose, balance, and joy. The non-profit organization brings peanut butter and jelly sandwiches and bananas to all heroes in the community, including police departments, fire departments, schools, and hospitals. He participated in the Chili Cook Off on February 10 as a vendor with Heroes Strong group. On February 13, he attended the Shepherd's Hope Breakfast which provides health services throughout Central Florida including a location in Longwood at The Sharing Center Plaza. He attended a board meeting on February 14 for the 2nd Annual Walk for Autism Awareness & Inclusion event. He reminded everyone that the event would be on April 27, 11:00 a.m. to 1:00 p.m., at Reiter Park. He thanked Mr. Capizzi and Ryan Rinaldo for their work and reported the board has already raised \$5,500, ahead of the \$3,500 raised last year. His goal was to raise \$10,000 this year so they could offer more items at the event.

Deputy Mayor Morgan addressed comments made earlier by Mr. Matta and understood there needs to be some level of responsibility regarding your neighbor. He said they could not do whatever they wanted, putting up a roof that did not fit the mold of the neighborhood, and upon moving in, they agreed to be part of the HOA. He felt, however, that the Commission believes in less government intervention only when necessary and there are people in the HOAs who know what they are doing. He asked Mr. Gioielli about roofing scammers who go around the neighborhoods.

Mr. Gioielli responded that as long as the roofers followed the permitting process through the City, there would be protection from those types of incidents. He thought Mr. Matta was referring to the process that allows the HOA to approve the design, colors, or type architecturally. He stated there was no scam in that; it is just a matter of trying to be consistent to match their neighborhood. He added that the City is empathetic to this situation and appreciates working with those who follow the rules. Staff's experience has been that some represent themselves as HOAs,

and permitting has been held up only to find out later that they are not a state-recognized HOA. Also, there have been cases where permits are delayed due to HOA Boards not meeting or attention not being properly served to the residents in desperate need of a roof. The resident being delayed felt it was the City's fault or the City was complacent in the HOA's negligence. There also have been disputes between neighbors, such as a board member who does not like the color of something that should have been allowed. Mr. Gioielli stated the City has no idea what the covenants of an HOA are, and the City was being put in the position under the previous resolution that requires them to be the enforcement arm without any input on what the rules are, what the interpretation is, or any appeals process. The City finds itself stuck between two private entities and being forced to pick sides in the resolution process, or if rules were misapplied for whatever reason, the City could find itself in a liability situation. The City ensures all permits are posted online when the application is made and can be viewed 24/7. The City has asked leaders in the neighborhoods for an educational process to make sure the rules are known to those who are there and those who will move there in the future.

District #5. Commissioner Sackett commented that the neighborhoods of Coventry and Danbury Mill are both in his district, and Danbury Mill keeps tight control over the neighborhood, and the roofs also have to be the same. He addressed the fact there are likely forty (40) HOAs in the City, not seventy-three (73) as quoted during Public Participation. He wondered about a special exception in regards to roofing especially with duplex houses and asked for this issue to be looked at further.

Commissioner Sackett reported that a Fun Run was held at Woodlands Elementary School, and his grandson ran fifty-eight (58) laps, exceeding the required thirty (30). The school raised a total of \$27,000. He understood that the fundraiser at Longwood Elementary School was successful as well. He attended the Council of Local Governments in Seminole County (CALNO) meeting and did a two-hour tour of the City of Casselberry's new police station. He said the facility is a beautiful, \$12 million building located across from the Seminole County Tax Collector's Office. There is also space for a new fire station. He attended a MetroPlan meeting and reported that you can key in any area in Longwood or Seminole County and find out the number of accidents or fatalities, which is a good system to use. He said he appreciated the City Manager's update at the last meeting about a slowdown through Longwood Elementary School that went from 30% at speed to 80% at speed by simple markings.

Commissioner Sackett attended the Chili Cookoff and talked with the cook from Wayman Place, which won the People's Choice Award. He was invited to Wayman Place, a retirement community in Longwood, to sample lunch and dinner in the next few months. He recently returned from a camping trip with his family in St. Augustine and heard Willie Nelson at the nearby amphitheater. He returned for the Opening Ceremonies of Longwood Babe Ruth Baseball and Softball but was told it had been canceled due to the rain. He attended the Smash Beer Festival and noted sixty (60) breweries. He thanked the Community Emergency Response Team (CERT) for arranging a meeting with himself and the new Fire Department Battalion Chief. He stated he would be out of town for a week to visit his new grandbaby.

District #1. Commissioner Shoemaker agreed with the statements by Commissioner McMillan and Mr. Gioielli about comments made by Mr. Matta during public participation. She reiterated previously that the ordinance put the City in the business of running HOAs and was told other cities do not do that. She did not recommend any change to what the City has in place now.

Commissioner Shoemaker commented that she was thrilled to show a resident the interactive development map that Community Development has produced. She thanked Ms. Longo for sharing a video on how to file Form 6 and better understood the new form. She congratulated Ms. Longo, who will start a 20-month challenge to complete the inaugural class of the new Florida Certified Professional Clerk Program. She had the opportunity to meet a client at Reiter Park and rode her bicycle. She was glad the park was still active and beautiful, with school groups and families visiting, which she had noticed before on non-event days. She thanked Leisure Services for their work on the park. She mentioned that Friday was Bunco Night, and tickets for \$10 were available at the Cottage Gift Shop. All proceeds go to the Longwood Historic Society.

District #2. Mayor Boni stated he agreed with the Commission regarding comments made by Mr. Matta earlier. He said it was unfortunate a few HOAs took advantage of the situation and caused some circumstances that put the city in the position it is now. The HOAs still have access to all permitting and they can take advantage of that to see whatever was being done in their neighborhood. He congratulated Ms. Longo on her new program and Commissioner Sackett on his new grandbaby. He also congratulated all winners of the JOY Award at the last Commission meeting, which he was unable to attend.

Mayor Boni attended the Seminole County Chamber Longwood Lunch and Learn at the Community Building and heard a speech by local veteran

and artist Jose Belen. He said Mr. Belen's story was very moving as a combat veteran in Iraq, and he participates in the Longwood Farmers Market every week. He urged everyone to visit Mr. Belen, thank him for his service, and possibly purchase artwork. He attended the Smash Beer Festival and knew it would be a good day when he saw people walking around in the rain with umbrella hats. His favorite ale was from a Longwood brewery, Alestone Brewing Co. He served as a judge at the VFW Chili Cook-Off along with Deputy Mayor Morgan.

Mayor Boni reported last Wednesday that the first CPR class for seniors was held in partnership with Mercy Road at Northland Church. He said the event represented a beginning for senior activities in Longwood, which is his mission. He announced that a class on diabetes for seniors was scheduled for April 3, running six (6) weeks every Wednesday, 9:30 a.m. until noon, at Northland Church. He attended a breakfast and ceremony hosted by Shepherd's Hope, which provides free medical services to those uninsured in Longwood and surrounding areas. The local center dedicated its site to Pastor Paul Hoyer and unveiled a new look inside. He attended the Chili Cook-Off in Historic Longwood and congratulated the Seminole County Central Rotary Club for winning Judge's Choice. He recognized the Rotary Club of Longwood for their participation in the contest and mentioned that the car show was great, too.

9. **ANY ADDITIONS OR DELETIONS TO THE AGENDA.** None.
10. **CONSENT AGENDA**
 - A. **Approve the Minutes of the February 5, 2024, Regular Meeting.**
 - B. **Approve the Monthly Expenditures for January 2024.**
 - C. **Approve the Monthly Financial Report for December 2023.**
 - D. **Approve an increase in the amount of \$65,000 to Aero GroundTek purchase order No. 24-00277 to provide citywide mowing and landscaping services for the current fiscal year.**

Deputy Mayor Morgan moved to approve Items 10A through 10D as presented. Seconded by Commissioner McMillan and carried by a unanimous roll call.

11. **PUBLIC HEARINGS**
 - A. **City Commission to hear a public request for a Conditional Use Permit (CUP 01-24) from Leafy8 at 979 West State Road 434 to continue a non-conforming use.**

Mr. Langley stated this was a quasi-judicial matter, and anyone wishing to speak on behalf or in opposition to this Conditional Use Permit (CUP 01-24) was requested to stand and be sworn in. He then swore in those wishing to speak.

Mr. Langley asked for disclosure of ex-parte communications by the Commissioners. Deputy Mayor Morgan disclosed a text message he received from the applicant and a copy was submitted to the Clerk. There were no other ex-parte communications.

Mr. Kintner presented the Item. He stated that 979 West State Road 434 operated as Herbal World, Inc. for many years and that the business has since closed. Staff verified from the business website that they were a purveyor of CBD products before their shutdown. The applicant began negotiations with Herbal World in July 2022 to convert the shop into a Leafy8 franchise. In September 2022, they began a four-month process, completing \$11,500 worth of improvements in the unit. The applicant signed a conditional lease on October 27, 2022, and took over the lease from the previous applicant in October 2023. He explained that the expiration of the business tax receipt for Herbal World Inc. occurred before the passage of Ordinance 23-2236, which imposes restrictions on CBD establishments, smoke shops, and then separate dispensaries and pharmacies. The ordinance included in part that CBD establishments shall be located no closer than one mile from another such use. He stated that within a mile of the site is another smoke shop at 962 West State Road 434 and Semoran Smoke at 1155 West State Road 434. The applicant maintains they were unaware of the ordinance upon assuming the lease and applied for a business tax receipt in November 2023. They were made aware of the ordinance prohibiting a CBD establishment at that location. In September 2023, the Commission passed Ordinance 23-2241, which amended Ordinance 23-2236, allowing a business to open as a legally nonconforming use if they signed a lease before March 20, 2023. The applicant assumed the lease after March 20, 2023; therefore, they are not eligible for the vesting provision. Staff in an attached memo recommended denial of the applicant's request for nonconforming use due to inconsistency with standards of LDC 10.3.2 "that the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties."

John Samaan, Attorney for the Applicant, 1600 E. Robinson Street, Suite 100, Orlando, 32803. He presented some history, stating it was a public record in the Seminole County Courthouse. The Herb Shop, the predecessor tenant, was selling products identical to the ones that Mr. Zifferblett and Leafy8 wanted to sell. There was a process whereby the Herb Shop was going to work with Mr. Zifferblett, but unfortunately, a default was entered against the Herb Shop because they did not do what they were supposed to do. One of those things was that they let their licensure lapse, and this was all without Mr. Zifferblett's knowledge. He had engaged with them and spent over \$20,000. He certainly understood the point that the City does not want someone to spend the money and then come in and try to work on their sympathies. He stated that this was not what happened here. Mr. Zifferblett was under the impression that an existing business operating legally within the limits of Longwood was doing what it should have done, and he was participating with them in starting to modernize their business. Leafy8 differs from many businesses, which he submitted to what the City already has. Mr. Zifferblett will testify that the other company officer is a primary care physician medical doctor. They do not sell cigarettes and have other locations, including one in Casselberry and one on University closer to the University of Central Florida (UCF). One of the things that was in their conditional use was that they do not sell vape. If you go into the store on University, it is CBD. Mr. Zifferblett is going to tell you that he will sell CBD, no vaping, no cigarettes; it is not an on-site smoking area.

Matthew Zifferblett, Leafy8, LLC, 979 W State Road 434, Longwood. He said his best friend had known the owners of the Herb Shop since he was twelve (12) years old and had worked there as a kid. He met the owners, Fran and Don, five (5) years ago. They used to carry his nutritional supplements and were franchising their business into his location. He explained he modernized the business from carpet to ceiling in hopes the franchise would take place. At this point, it is over \$20,000. They had an agreement in place and signed a non-disclosure agreement to start a franchise. He proceeded, and they signed a conditional lease stating that he would take it over if they could not do it. He made five (5) edits to the franchise agreement, and at that point, they ghosted him, and he did not hear from them for four (4) months. They started to do things independently, so the shop was selling products such as vapes and gummies for two (2) years. The difference between his shops and smoke shops is that with a medical doctor being his partner, he caters more toward the

medical even though they are non-medical. Their motto is no medical card required, meaning you can come in, speak to one of their staff, and be educated on the fundamentals of CBD. He said CBD is one of thirteen (13) different cannabinoids in the plant, and they do not sell any of the crazy psychoactive ones. They sell the ones that help people, the ones that help people get off different pain pills and things like that. They do not sell glass or tobacco. He said many of the smoke shops' primary focus is to sell everything that can be made. He makes every product, and their focus is more edibles, chocolates, and CBD – things people do not have to worry about smoking or taking a pill to get relief.

Mr. Zifferblet stated he has five (5) kids: a 19-year-old who works for him and he went to Lyman High School, a 16-year-old, and a four, five, and six-year-old. He coached in Longwood at Jets Wrestling and was a part of the community for a while. He went over the process for his products; they are tested in a DEA-registered facility, he tests the products before he makes them, he tests them after they are made, and every one of the products comes with a QR code that they check. He ensures it is a quality product, they do not advertise to kids, they check ID's at the door, and there are no cartoons on their packaging. He commented on his Casselberry location and another store on University and Goldenrod. He noted he is launching a store in Miami that his partner built from the ground up, which will be launched in about three (3) weeks. He said that when you walk into a smoke shop, it's filled with glass containers of different types of products, smokables, and glass, and his goal as an educator of the product was to be more of a dispensary. Referring to a picture of his shop, he said that when you walk in, there are three (3) menus and no products because they do not want people to feel obligated to purchase anything. They do not give them anything if the product is not a fit for them. The menus are there so they can guide them to what the products do. The difference is that he is not a smoke shop. He wants to have a hemp dispensary, and that is what he considers himself.

Mayor Boni opened the public hearing. No one spoke in favor or opposition to the Conditional Use Permit.

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

Commissioner Sackett moved to deny the Conditional Use Permit as presented Item 11A. Seconded by Deputy Mayor Morgan and carried by a unanimous roll call vote.

12. REGULAR BUSINESS

- A. Read by title only, set March 4, 2024 as the public hearing date and approve the first reading of Ordinance No. 24-2251 annexing and amending the corporate limits of the City of Longwood pursuant to an application for voluntary annexation by Foxtail Coffee on behalf of Present Equity Retail, LLC, the property owners for 385 South Highway 17-92.**

Mr. Langley read Ordinance No. 24-2251 by title only.

Mr. Kintner presented the Item.

Deputy Mayor Morgan moved to approve the first reading of Ordinance No. 24-2251 and set March 4, 2024, as the public hearing date. Seconded by Commissioner Sackett and carried by a unanimous roll call vote.

- B. City Commission consideration and approval of a Historic District Matching Grant Application (HG 02-24) from Christ Church, Inc. for the property at 151 West Church Avenue.**

Mr. Kintner presented the Item.

Commissioner Shoemaker moved to approve Item 12B as presented. Seconded by Commissioner McMillan and carried by a unanimous roll call vote.

- C. City Commission consideration and approval of an Interlocal Cost Share Agreement between Seminole County and the City of Longwood regarding the Skylark Subdivision Drainage System Rehabilitation at 800 and 804 Raven Avenue and authorize the City Manager to execute associated documents.**

Mr. Smith presented the Item.

Deputy Mayor Morgan moved to approve Item 12C as presented. Seconded by Commissioner Sackett and carried by a unanimous roll call vote.

13. CITY MANAGER'S REPORT

Mr. Gioielli thanked the team from Waste Pro, who brought barbecue as a token of their appreciation to the staff. He announced that on February 27 the Longwood Fire Department was hosting a multi-agency, multi-patient trauma scenario, entrapment exercise at Courtesy Towing. It will involve Orlando Health, Seminole County Fire Department, other municipal fire departments, and a scenario where the group was going to train about extracting victims from vehicles that are under vehicles while on fire and getting them transported to proper help. He planned to attend the exercise and if interested any Commissioner may contact him.

Mr. Gioielli reported that he and Deputy Mayor Morgan have been working on a project to install the City logos on Interstate 4 (I-4). They want to swap out the logos of Seminole County for the City of Longwood. The project went back over a year ago, and they were recently asked a couple of clarifying questions from the state and I-4 Ultimate. He realizes it was a big delay but thought it good news that questions were being asked, and hopefully, there will be a sign for Historic Longwood for those entering from the Altamonte side.

Mr. Gioielli said at the last Commission meeting on February 5 that Commissioner Sackett had asked to discuss code enforcement lien caps. Since then, they have had a meeting, and while caps were a good idea to find ways to close out liens, staff shared with Commissioner Sackett that they were not sure that the violators would address items that had reached a cap since they were not addressing them when the fines or liens were at zero cost or very low cost. These violators had been notified either in person at in-person hearings or through certified mail. He and the staff did not think a cap would motivate them, and a cap may inadvertently allow those who will not address the violation for years to then not be held responsible for the time they are still in violation after the cap has been reached. He stated that the fines stop automatically the minute the violations are corrected, so that was a way for someone to stop the fines even if they cannot pay them. They can come into compliance and create their own individual cap. He said if you combine that process with the ability to stop the cap with the fifteen percent (15%) lien reduction, he and staff think that this was an opportunity for anyone out of compliance to get into compliance, which was the Commission's number one priority and reduce fines which were probably the property owner's number one priority.

Mr. Gioielli reported, at the request of the Commission, that the City has increased education on the fifteen percent (15%) lien reduction program. He brought to their attention that out of the thirty-nine (39) that currently have fines open on the books, there are sixteen (16) that are running, eight (8) of them are businesses, eight (8) of them are residents,

and only seven (7) that are over \$5,000. He pointed out that the staff does not have a large list of liens of six digits.

14. CITY ATTORNEY'S REPORT. No report.

15. CITY CLERK'S REPORT

Ms. Longo reported that Friday, February 23, was the Seminole County Prayer Breakfast held at the Orlando Marriott Lake Mary beginning at 7:00 a.m. The keynote speaker will be Greg Warmoth with WFTV. All Commissioners have been registered to attend. Also, this month will be the Annual State of the County luncheon on Thursday, February 29, at the Orlando Marriott Lake Mary beginning at 11:30 a.m. All the Commissioners are registered to attend.

16. ADJOURN. Mayor Boni adjourned the meeting at 7:32 p.m.

Minutes approved by City Commission: 03-04-2024.

Tony Boni, Mayor

ATTEST:

Michelle Longo, MMC, FCRM
City Clerk

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