

CITY OF CASSELBERRY CITY COMMISSION MEETING

Monday, April 8, 2024
5:30 PM

City Commission Chambers
1st Floor, Casselberry City Hall
95 Triplet Lake Drive, Casselberry, Florida

TO THE PUBLIC: Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the A.D.A. Coordinator, 48 hours in advance of the meeting at (407) 262-7700, ext. 1150.

Any invocation that may be offered before the official start of the City Commission meeting is the voluntary offering of a private citizen to and for the Commission pursuant to Resolution 15-2808. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief of the City Commission or the City of Casselberry. No person in attendance at this meeting is or shall be required to participate in any invocation, and the decision whether or not to participate will have no impact on his or her right to actively participate in the meeting.

This is a public meeting, and the public is invited to attend. The agenda is subject to change. Please be advised that one (1) or more members of any of the City's Advisory Boards may be in attendance and may participate in the discussions at the meeting.

Persons can obtain an electronic copy of the agenda packet for this meeting by making a public records request to the City Clerk's Office by calling (407) 262-7700, Ext. 1133 or emailing cityclerk@casselberry.org.

AGENDA

1. MEETING CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. MINUTES

A. Minutes of December 11, 2023 - Regular Meeting

6. PRESENTATIONS/ COMMENDATIONS

A. Proclamation: Water Conservation Month

Mayor Henson will present Kelly Brock, Public Works & Utilities Director, with a proclamation designating April as Water Conservation Month in the City of Casselberry.

7. CONSENT AGENDA

The action proposed to be taken is stated for each item on the Consent Agenda. Unless one item is removed from the Consent Agenda by a City Commission member, no discussion on individual items will occur and a single motion will approve all items.

A. Approval of Legal Services Invoices

- Garganese, Weiss, D'Agresta & Salzman, P.A., Invoice No. 100439 - \$12,600.19

B. Piggyback Agreement with Danus Utilities, Inc. for Sanitary Sewer Manhole, Vault, and Lift Station Rehabilitation

Consideration for approval to piggyback the City of Clermont's Agreement No. 2023-071 with Danus Utilities, Inc. for Sanitary Sewer Manhole, Vault and Lift Station Rehabilitation services on an as-needed basis for an amount not to exceed \$3,000,000 for the term beginning April 8, 2024 through July 24, 2026 is requested.

C. **Amendment No. 2 to Agreement with Yellowstone Landscape – Southeast, LLC for Grounds Maintenance Services for Stormwater Ponds and Ditches**

Consideration for approval of Amendment No. 2 to the agreement with Yellowstone Landscape- Southeast, LLC for grounds maintenance services for stormwater ponds and ditches in order to extend the term for two more years and increase total approved compensation by \$118,005 for the contract extension is requested.

D. **Amendment No. 2 to the Agreement with WSP USA Environment & Infrastructure, Inc. for Continuing Professional Services for Stormwater and Lakes Management Projects**

Consideration to approve Amendment No. 2 to the agreement with WSP USA Environment & Infrastructure, Inc. for Continuing Professional Services for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested.

E. **Amendment No. 1 to the Agreement with Geosyntec Consultants, Inc. for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects**

Consideration to approve Amendment No. 1 to the agreement with Geosyntec Consultants, Inc. for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested.

F. **Amendment No. 2 to the Agreement with CPH Consulting, LLC for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects**

Consideration to approve Amendment No. 2 to the agreement with CPH Consulting, LLC for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested.

G. **Budget Amendment #24-034 - Provide Additional Funding for the New Casselberry Police Headquarters**

Approval of Budget Amendment #24-034 to re-establish a budget from FY2023 to provide additional funding for the New Casselberry Police Headquarters project, PD2001, is requested.

8. DISCUSSION ITEMS

A. **Future Agenda Items**

9. RESOLUTIONS

A. **Resolution 24-3410 - Legislation in Progress to Allow Medical Services in the OR (Office/Residential) Zoning District**

Approval of a Resolution to establish legislation in progress regarding permitting medical services in the OR (Office/Residential) zoning district is requested.

10. FIRST READING OF ORDINANCES

A. **First Reading of Ordinance 24-1599 - Amending, Repealing, and Replacing Various Sections of City Code Relating to Noise and Nuisance Abatement**

Approval of Ordinance 24-1599 on first reading, to amend, repeal, and replace various sections of the City's *Code of Ordinances* and *Unified Land Development Regulations* relating to noise and nuisance abatement, is requested.

B. **First Reading of Ordinance 24-1600 - Amending the *Future Land Use Map* Designation for Property Located at Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Road)**

Approval of Ordinance 24-1600 on first reading, amending the City's *Future Land Use Map* (FLUM) designation for one parcel located at 2075 Howell Branch Road (Parcel ID 28-21-30-300-0280-0000) from Seminole County Office (OFF) to City of Casselberry Commercial (C), is requested.

11. PUBLIC HEARINGS - None

The purpose of a Public Hearing is to receive input regarding the item being considered. Public Hearings are not intended to be a time for the public to obtain information about the subject matter of the hearing. (Hearing Sequence: 1st - Staff; 2nd - Applicant/Requesting Party; 3rd - Public; 4th - opportunity for brief rebuttals, if appropriate; Final - City Commission motion, discussion and action.)

12. OTHER ITEMS - None

13. CITIZENS' COMMENTS

Persons who wish to make comment or make inquiry on any matter NOT ON THIS AGENDA may do so at this time. Please raise your hand and when recognized by the Mayor, come forward to the microphone, give your name and address and speak briefly on the matter. All comments must be directed to the Mayor or City Commission as a whole, not an individual City Commissioner, a City staff member or another member of the audience. Citizens may be heard during PUBLIC HEARINGS or at any time any agenda item is before the City Commission for consideration by following the same procedure described above.

14. CITY MANAGER'S REPORT

15. CITY ATTORNEY'S REPORT

16. CITY CLERK'S REPORT

17. CITY COMMISSIONER'S REPORTS/COMMENTS

18. ADJOURNMENT

Date

Donna G. Gardner, CMC
City Clerk



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Minutes of December 11, 2023 - Regular Meeting

Introduction: The City Clerk is presenting the minutes of the December 11, 2023 Regular Meeting for approval.



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Proclamation: Water Conservation Month

Introduction: Mayor Henson will present Kelly Brock, Public Works & Utilities Director, with a proclamation designating April as Water Conservation Month in the City of Casselberry.



CITY MANAGER M E M O R A N D U M

7.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Approval of Legal Services Invoices

Introduction: Consideration for approval of the legal services invoice from the City Attorney is requested.

Background: Pursuant to Resolution 16-2815, invoice information for attorney fees and legal services must be submitted to the City Commission for approval prior to payment.

Discussion: The following invoice has been reviewed by the affected departments and is being presented for approval:

Garganese, Weiss, D'Agresta & Salzman, P.A.

- City Attorney Services - Marcy 2024 - Invoice No. 100439 - \$12,600.19

Budget Impact: Funds for the City Attorney's invoice are available in FY 2024 Budget Account No. 001-0140-514-31.01.

Recommendation: The City Manager and staff recommend approval of the legal services invoice as submitted.

Prepared by: Donna Gardner, City Clerk

Attachments:

1. Invoice No. 100439



CITY MANAGER M E M O R A N D U M

7.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Piggyback Agreement with Danus Utilities, Inc. for Sanitary Sewer Manhole, Vault, and Lift Station Rehabilitation

Introduction: Consideration for approval to piggyback the City of Clermont's Agreement No. 2023-071 with Danus Utilities, Inc. for Sanitary Sewer Manhole, Vault and Lift Station Rehabilitation services on an as-needed basis for an amount not to exceed \$3,000,000 for the term beginning April 8, 2024 through July 24, 2026 is requested.

Background: The City of Casselberry owns and operates a wastewater collection and transmission system consisting of gravity sewer lines, lift stations, and force mains. City staff have been working diligently to maintain the lift stations in the system for decades. As lift stations age, rehabilitation is needed on various parts of the system which cannot effectively be performed in-house. These rehabilitations require heavy equipment, electrical equipment, and bypass pumps, which the City does not have to perform the rehabilitation safely. The City desires a reliable agreement to have these services performed by qualified contractors.

Discussion: City staff requests to piggyback the City of Clermont's Agreement No. 2023-071 to provide for Sanitary Sewer Manhole, Vault and Lift Station Rehabilitation services on an as-needed basis. PBA-2024-1175 provides the City with a piggyback term agreement with Danus Utilities, Inc. for the term beginning April 8, 2024 through July 24, 2026, for an amount not to exceed \$3,000,000 for the term of the agreement.

It should be noted that the estimated not-to-exceed amount threshold was established as a means to provide for the maximum authorization. However, this amount does not imply actual expenditures, since various departments must work within their budget parameters and availability of funds is verified prior to issuance of a purchase order. Task Authorization will be issued as work is identified, and subject to the established Procurement Policy requirements. In addition, appropriations beyond Fiscal Year (FY) 2024 are subject to future City Commission approval.

Budget Impact: There is no impact to the FY 24 budget at this time. However, prior to the issuance of task authorizations, the availability of funds will be confirmed.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval to piggyback an agreement with Danus Utilities for Sanitary Sewer Manhole, Vault and Lift Station Rehabilitation services on an as-needed basis for an amount not to exceed

\$3,000,000 for the term beginning April 8, 2024 through July 24, 2026. City Commission approval further delegates through the established Purchasing Policy to the City Manager the authority to approve Task Authorizations within the scope of the Agreement.

Prepared by: Jiovani Charres, Utility Engineer

Attachments:

1. Agreement
2. Exhibit A



CITY MANAGER M E M O R A N D U M

7.C.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Amendment No. 2 to Agreement with Yellowstone Landscape – Southeast, LLC for Grounds Maintenance Services for Stormwater Ponds and Ditches

Introduction: The item provides for approval of Amendment No. 2 to the agreement with Yellowstone Landscape- Southeast, LLC for grounds maintenance services for stormwater ponds and ditches in order to extend the term and increase compensation. (Ref. RFP-2020-0686)

Background: The City depends on contractors in order to provide grounds maintenance services. In 2020, the City solicited under RFP-2020-0686 for grounds maintenance services for stormwater ponds and ditches. On November 16, 2020, the City Commission awarded a contract to Yellowstone Landscape-Southeast, LLC for a term of three (3) years with the option to renew for two (2) one-year periods. The first three (3) year term will expire on April 30, 2024. Amendment No.1 was processed and approved by the City Manager on August 29, 2023 to add Concord Drive Pond as a service location.

Discussion: The proposed Amendment No. 2 to the Agreement is the first of two one-year renewals that will extend the term to August 30, 2025 and includes an increase to compensation by \$118,005 for a cumulative total of \$349,008 for the term of this agreement.

Budget Impact: There is no impact to the City Budget at this time. Stormwater Utility Fund operating account(s) will be used to fund these services as needed.

Recommendation: The City Manager and Public Works and Utilities Director recommend approval of Amendment No. 2 to the Agreement with Yellowstone Landscape- Southeast, LLC (Ref. RFP 2020-0686) for Grounds Maintenance Services for Stormwater Ponds and Ditches following the current mowing schedule for an amount not to exceed \$118,005 for the period beginning April 30, 2024 through April 29, 2025.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Amendment 2
2. Exhibit A



CITY MANAGER M E M O R A N D U M

7.D.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Amendment No. 2 to the Agreement with WSP USA Environment & Infrastructure, Inc. for Continuing Professional Services for Stormwater and Lakes Management Projects

Introduction: Consideration to approve Amendment No. 2 to the agreement with WSP USA Environment & Infrastructure, Inc. for Continuing Professional Services for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested. (Ref. SOQ-2019-0424)

Background: As part of its adopted Stormwater and Lakes Management Master Plan, the City of Casselberry has numerous projects and programs for which assistance from professional consultants is needed. In 2019, as the result of solicitation SOQ-2019-0424, the City Commission awarded agreements to four firms: (1) CPH, Inc.; (2) Geosyntec Consultants, Inc.; (3) Vanasse Hangen Brustlin, Inc.; and (4) Wood Environment & Infrastructure Solutions, Inc. The initial term was for a period of five (5) years from May 13, 2019 through May 14, 2024, with the opportunity for two (2) additional one (1) year renewals when in the best interest of the City. The estimated not-to-exceed amount was \$300,000 per contract per year.

On November 30, 2022 the City Manager executed Amendment No. 1 to the agreement with Wood Environment & Infrastructure Solutions, Inc. to change assignability of the contract to WSP USA Environment & Infrastructure, Inc. (WSP).

Discussion: Amendment No. 2 to the agreement with WSP provides for the first of two one year renewals, extending the term to May 13, 2025. Amendment No. 2 also provides for modification of rates for WSP (but not its subconsultants), with rates generally increasing, which has been typical under recent market conditions.

Budget Impact: There is no impact to the City Budget at this time. Various operating and/or capital accounts in Public Works & Utilities and other City Departments/Divisions may be used for future Task Authorizations under this contract, subject to available budgets.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of Amendment No. 2 to the agreement with WSP USA Environment & Infrastructure, Inc. for Continuing Professional Services for Stormwater and Lakes Management Projects in order to extend the term and modify rates.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Amendment No. 2



CITY MANAGER M E M O R A N D U M

7.E.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Amendment No. 1 to the Agreement with Geosyntec Consultants, Inc. for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects

Introduction: Consideration to approve Amendment No. 1 to the agreement with Geosyntec Consultants, Inc. for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested. (Ref. SOQ-2019-0424)

Background: As part of its adopted Stormwater and Lakes Management Master Plan, the City of Casselberry has numerous projects and programs for which assistance from professional consultants is needed. In 2019, as the result of solicitation SOQ-2019-0424, the City Commission awarded agreements to four firms: (1) CPH, Inc.; (2) Geosyntec Consultants, Inc.; (3) Vanasse Hangen Brustlin, Inc.; and (4) Wood Environment & Infrastructure Solutions, Inc. The initial term was for a period of five (5) years from May 13, 2019 through May 14, 2024, with the opportunity for two (2) additional one (1) year renewals when in the best interest of the City. The estimated not-to-exceed amount was \$300,000 per contract per year.

Discussion: Amendment No. 1 to the agreement with Geosyntec Consultants, Inc. (Geosyntec) provides for the first of two one year renewals, extending the term to May 14, 2025. Amendment No. 1 also provides for modification of rates for Geosyntec (but not its subconsultants), with rates generally increasing, which has been typical under recent market conditions.

Budget Impact: There is no impact to the City Budget at this time. Various operating and/or capital accounts in Public Works & Utilities and other City Departments/Divisions may be used for future Task Authorizations under this contract, subject to available budgets.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of Amendment No. 1 to the agreement with Geosyntec Consultants, Inc. for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Amendment 1



CITY MANAGER M E M O R A N D U M

7.F.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Amendment No. 2 to the Agreement with CPH Consulting, LLC for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects

Introduction: Consideration to approve Amendment No. 2 to the agreement with CPH Consulting, LLC for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates is requested. (Ref. SOQ-2019-0424)

Background: As part of its adopted Stormwater and Lakes Management Master Plan, the City of Casselberry has numerous projects and programs for which assistance from professional consultants is needed. In 2019, as the result of solicitation SOQ-2019-0424, the City Commission awarded agreements to four firms: (1) CPH, Inc.; (2) Geosyntec Consultants, Inc.; (3) Vanasse Hangen Brustlin, Inc.; and (4) Wood Environment & Infrastructure Solutions, Inc. The initial term was for a period of five (5) years from May 13, 2019 through May 14, 2024, with the opportunity for two (2) additional one (1) year renewals when in the best interest of the City. The estimated not-to-exceed amount was \$300,000 per contract per year.

On June 27, 2022 the City Manager executed Amendment No. 1 to the agreement with CPH, Inc. to change assignability of the contract. CPH, Inc. is now referred to as CPH Consulting, LLC.

Discussion: Amendment No. 2 to the agreement with CPH Consulting, LLC (CPH) provides for the first of two one year renewals, extending the term to May 13, 2025. Amendment No. 2 also provides for modification of rates for CPH and its various subconsultants, with rates generally increasing, which has been typical under recent market conditions.

Budget Impact: There is no impact to the City Budget at this time. Various operating and/or capital accounts in Public Works & Utilities and other City Departments/Divisions may be used for future Task Authorizations under this contract, subject to available budgets.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of Amendment No. 2 to the agreement with CPH Consulting, LLC for Continuing Professional Services Contracts for Stormwater and Lakes Management Projects in order to extend term and modify rates.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Amendment 2



CITY MANAGER M E M O R A N D U M

7.G.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Budget Amendment #24-034 - Provide Additional Funding for the New Casselberry Police Headquarters

Introduction: Approval of Budget Amendment #24-034 to e-establish a budget from FY2023 to provide additional funding for the New Casselberry Police Headquarters project, PD2001, is requested.

Background: In 2022, City staff initiated the process to construct a new Police Headquarters. Construction cost was initially estimated to be approximately \$10 million, which included site work, construction, and furnishings. The City borrowed the funding with a 20-year term at 2.19% interest.

Discussion: As the project was bid for construction, it was determined that additional funding was necessary as costs for materials and labor had significantly increased. To address the funding gap, \$850,000 was identified in surplus general fund reserves. In addition, Owner Direct Purchases, buy-back savings, Police Impact Fees, and project value engineering were used to reduce costs and fully fund the project. The transfer from the General Fund was to be used at the end of the project as a last resort. Unfortunately, the budget for the transfer was overlooked and not included with the normal comprehensive roll over budget amendment that is done at the start of FY2024. It is also requested that \$68,910 in impact fees be committed which will reduce the need to rely on General Fund reserves.

Budget Impact: Budget Amendment #24-034 will provide sufficient funding by increasing Other Non-Operating Source account # 303-000-389.90-00 in the amount of \$850,000, Transfer from Fund 001, account # 303-0000-381.10-01 in the amount of \$850,000, Transfer to Fund 303, account number # 001-0190-581.91-33 in the amount of \$850,000, account #001-0000-389.90-00 in the amount of \$850,000, Other Non-Operating Source, account #303-0000-389.90-00 in the amount of \$68,910, Transfer from Fund 116, account # 303-0000-381.10-16 in the amount of \$68,910, Transfer to Fund 303, account # 116-0190-581.91-33 in the amount of \$68,910, and Other Non-Operating Sources, account #116-0000-389.90-00 in the amount of \$68,910.

Recommendation: The City Manager and Police Chief recommend approval of Budget Amendment #24-034.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. BA #24-034



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Future Agenda Items

Introduction: The opportunity to discuss items for placement on future City Commission agendas is provided.



CITY MANAGER M E M O R A N D U M

9.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: Resolution 24-3410 - Legislation in Progress to Allow Medical Services in the OR (Office/Residential) Zoning District

Introduction: Approval of a Resolution to establish legislation in progress regarding permitting medical services in the OR (Office/Residential) zoning district is requested.

Background: Through the adoption of Ordinance 22-1573, "medical services" were inadvertently removed as a permitted use in the OR zoning district. Presently, the City Commission desires to reverse this change through legislation in progress.

Discussion: In 2022, City staff brought forward a series of ordinances designed to provide consistency between the City's *Unified Land Development Regulations* (ULDR) and the *Comprehensive Plan*. The ordinances also increased certain densities and intensities and provided for new land uses and related performance standards. Ordinance 22-1573 specifically amended Section 2-5.2, "Purpose and Intent of Zoning Districts", Table 2-5.3, "Land Use by District", Table 2-5.4, "Size and Dimension Criteria", and Section 5-21.2, "Definition of Terms" of the ULDR. When amending ULDR Table 2-5.3, medical services were accidentally removed as a permitted use in the OR zoning district.

ULDR Section 2-5.2 states that the OR zoning district is established to implement *Comprehensive Plan* policies for areas designated "Commercial" (C) on the *Future Land Use Map* (FLUM) and intended to accommodate business and professional offices as well as single-family and two-family dwellings incidental to the office use. Medical services are defined as the provision of therapeutic, preventive, or other corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as medical laboratory testing and analysis services. Further, these services are provided to patients without overnight lodging.

Any development in the OR zoning district is subject to the size and dimension criteria outlined in ULDR Section 2-5.4. This ensures that the scope and intensity of medical services proposed in the OR zoning district will remain compatible with surrounding areas. The City desires a swift resolution to this oversight to avoid stifling opportunities in the OR zoning district.

Budget Impact: There is no impact on the City's budget.

Recommendation: The City Manager and Community Development Director recommend approval of Resolution 24-3410.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:

1. Resolution 24-3410



CITY MANAGER M E M O R A N D U M

10.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: First Reading of Ordinance 24-1599 - Amending, Repealing, and Replacing Various Sections of City Code Relating to Noise and Nuisance Abatement

Introduction: Approval of an Ordinance to amend, repeal, and replace various sections of the City's *Code of Ordinances* and *Unified Land Development Regulations* relating to noise and nuisance abatement is requested. (TA 24-02)

Background: The City has regulations in place to control excessively loud and unusual noises that can negatively impact surrounding areas. However, the current Code needs to be updated to reflect the latest case law that provides additional guidance on the constitutionality of noise codes. The proposed amendment aims to further secure and promote the public health, comfort, welfare, and prosperity of the City and its residents.

At an advertised public meeting, the City's Planning and Zoning Commission recommended approval of the proposed amendment to the City Commission by a 4-0 vote at the March 13, 2024, Regular Meeting.

Discussion: The proposed amendment makes three changes, which:

1. Repeal and replace City Code Section 58-56, "Unnecessary or Disturbing Noise," to update based on recent case law,
2. Amend City Code Section 2-210, "Schedule of Violations," and
3. Repeal and replace Paragraph G., "Noise," of ULDR Section 3-17.4, "Specific Standards for Nuisance Abatement."

Below is an updated table providing the proposed permissible sound levels based on the type of use of the subject property:

TABLE I. A-Weighted and C-Weighted
Sound Level Limits

<u>Type of Receptor Premises</u>	<u>Time of Day or Night*</u>	<u>Sound Level Limit</u>	
		<u>dB(A)</u>	<u>dB(C)</u>
<u>Residential</u>	<u>7:00 a.m. to 11:00 p.m.</u>	<u>60</u>	<u>65</u>
	<u>11:00 p.m. to 7:00 a.m.</u>	<u>55</u>	<u>60</u>
<u>Commercial</u>	<u>7:00 a.m. to 11:00 p.m.</u>	<u>65</u>	<u>75</u>
	<u>11:00 p.m. to 7:00 a.m.</u>	<u>60</u>	<u>70</u>
<u>Industrial, Manufacturing, and Public Use</u>	<u>All times</u>	<u>75</u>	<u>85</u>
<u>*All times are current local standard or daylight savings time in effect at the time of the measurement.</u>			

In summary, dB(A) and dB(C) are both used to measure sound levels, but they are more effective in different situations. While dB(A) is useful for measuring mild or lower volume levels, dB(C) is more accurate for measuring higher volume levels, especially in loud music and concert scenarios. The proposed amendment addresses both sound levels and provides performance standards for all possible instances while remaining consistent with Seminole County regulations.

The proposed amendment provides updated definitions, such as amplified sound, impulsive sound, noise control officer, and motor vehicle. The proposed amendment also considers exemptions, such as noise from permitted construction operations, emergency vehicle alarms, sanitation operations, and landscaping and yard maintenance. Additionally, "Noise Control" was added to the schedule of violations in City Code Section 2-210; Noise Control is considered a Class II violation for which the fine is \$100.00 for each day the violation continues.

Budget Impact: There is no impact on the City's budget.

Recommendation: The City Manager and Community Development Director recommend approval of Ordinance 24-1599 on first reading.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:

1. Ordinance 24-1599
2. Presentation Slides



CITY MANAGER M E M O R A N D U M

10.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 8, 2024
Subject: First Reading of Ordinance 24-1600 - Amending the *Future Land Use Map* Designation for Property Located at Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Road)

Introduction: Approval of Ordinance 24-1600, amending the City's *Future Land Use Map* (FLUM) designation for one parcel located at 2075 Howell Branch Road (Parcel ID 28-21-30-300-0280-0000) from Seminole County Office (OFF) to City of Casselberry Commercial (C), is requested. (FLU 24-03)

Background: The subject property is ± 1.79 acres and is located at 2075 Howell Branch Road. The subject property was recently annexed into the City, and the applicant, Carlos Gregory of Winter Springs Moree LLC, intends to develop it with commercial retail spaces. To proceed with site development, a consistent FLUM designation and zoning district must first be established.

The proposed Ordinance will amend the subject property's FLUM designation from Seminole County Office (OFF) to City of Casselberry Commercial (C). Further, the applicant intends to rezone the property to CG (Commercial General) and the property is located along an arterial roadway. Due to this, the subject property will be subject to a maximum Floor-to-Area (FAR) ratio of 0.35, as provided in Section 2-5.4 of the ULDR. The acreage of the subject property meets the criteria for a small-scale *Comprehensive Plan* amendment under Ch. 163.3187, *Florida Statutes*.

At an advertised public hearing on February 26, 2024, the Planning and Zoning Commission, the City's Local Planning Agency (LPA), recommended approval of this item to the City Commission by a 6-0 vote.

Discussion: Staff finds that the request to amend the City's FLUM designation to Commercial (C) for the subject property is:

- Consistent with the City's *Comprehensive Plan* and Commercial (C) FLUM designation;
- Compatible with the surrounding mix of land uses and zoning districts;
- That City water and sanitary sewer services are available to the subject property.

Budget Impact: There is no impact on the City Budget.

Recommendation: The City Manager and Community Development Director recommend approval of Ordinance 24-1600 on first reading.

Prepared by: Hunter McFerrin, Planner I

Attachments:

1. Ordinance 24-1600
2. Presentation Slides