

1 MINUTES OF THE LAKE MARY CITY COMMISSION WORK SESSION held May 6,
2 2010, 5:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road.

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4
5 The work session was called to order by Mayor David Mealor at 5:10 P.M.

6
7 Mayor David Mealor John Litton, City Manager
8 Deputy Mayor Gary Brender Carol Foster, City Clerk
9 Commissioner George Duryea – Arrived Late Jackie Sova, Finance Director/
10 Commissioner Shirley Gray Assistant City Manager
11 Commissioner Jo Ann Lucarelli John Omana, Com. Dev. Dir.
12 Steve Noto, Planner
13 Tom Connelly, City Engineer
14 Bruce Paster, Public Works Dir.
15 Bill Carrico, Parks & Rec. Dir.
16 Steve Bracknell, Police Chief
17 Bruce Fleming, Code Enf. Officer
18 Katie Reischmann, City Attorney
19 Mary Campbell, Deputy City Clerk
20

21 ITEMS FOR DISCUSSION:

22
23 1. Request from Hills of Lake Mary to discuss property ownership issues

24
25 Mayor Mealor asked the City Attorney to give an update.

26
27 Ms. Reischmann said this matter originally started because the City received a letter
28 from the management company requesting that certain repairs be made to the fountains
29 at Bright Meadow. The City investigated that matter. We also received a letter from
30 Harry Carls, the attorney for the Hills of Lake Mary, suggesting that because of the way
31 the documents were set up the City was actually the owner of those fountains. She said
32 she looked at the legal documents and it did not appear that was the case and we sent
33 a letter to Mr. Carls and the management company indicating that the fountains were
34 owned by the property owners or the HOA as common area. We didn't get that far into
35 the analysis. We just found they were not owned by the City.

36
37 Ms. Reischmann said we sent the letter and they subsequently had discussion among
38 themselves. They feel there may be some other outstanding issues with the County in
39 terms of right-of-way issues as far as whether the fountains are located in County right-
40 of-way, but at this point it appears that they agree that the City is not the owner of the
41 fountains. She clarified she was talking about the fountains at Bright Meadow
42 exclusively and not Lake Como. Those are distinct in terms of the ownership and
43 issues involved.

1
2 Ms. Reischmann said we received an e-mail from Mr. Carls' office indicating that they
3 still wanted to discuss some of the violation issues that are occurring in some of the
4 common areas at the Hills of Lake Mary. There are several common areas that are
5 owned by Attorney Roy. She said she indicated to Mr. Carls on the phone that the City
6 has been looking into that, Mr. Fleming with Code Enforcement has been very involved
7 in looking at those violations, we are constrained to follow our code and the statutes that
8 tell us the procedural steps we have to follow to protect everybody—the City, the owner
9 of the property, and the complainant—and that we follow a set notice, a hearing and so
10 forth with the Code Enforcement Board as opposed to this Board. This Board does not
11 hear code violations. For purposes of this meeting we are limited and constrained at
12 this work session to simply recognize that there are complaints out there and that they
13 will be investigated.

14
15 Ms. Reischmann pointed out that this Commission has a firm rule on work sessions to
16 take limited public comment, if any, at the discretion of the Commission and that no
17 decisions are ever made at work sessions because they are not set up that way and the
18 agenda doesn't reflect that any decisions will be made.

19
20 Mayor Mealor said Jerry McCollum, County Engineer and Acting Public Works Director
21 of Seminole County, was present. He thanked Mr. McCollum for the help in the past on
22 some of our projects.

23
24 Harry Carls of the law firm of Taylor & Carls, 150 North Westmont Drive, Altamonte
25 Springs, Florida, 32751 came forward. He said he was present on behalf of the Hills of
26 Lake Mary Homeowners' Association. He said he understood the procedural
27 requirements mentioned by the City Attorney and we are in full agreement with that.

28
29 Mr. Carls said the reason they wanted to attend the work session was to present to the
30 Honorable Commissioners and Mayor the frustrations that the residents and members
31 of the homeowners' association are experiencing. He said he would limit himself to
32 three issues.

33
34 Mr. Carls said the first is the Bright Meadow entrance. There are two major entrances
35 to the Hills of Lake Mary—one is at Lake Como and the other is at Bright Meadow. At
36 the Bright Meadow entrance there are some issues as to who actually owns what
37 property there. We also have some issues about the exact location of the entrance
38 facilities, whether some are on a landscape easement or some may be on the edge of a
39 private lot, and some may be on in right-of-way. We understand they do not appear to
40 be City owned.

41
42 Mr. Carls said the association and its members are more than willing to assume the
43 maintenance of the Bright Meadow entrance—the walls, the features. Their concern is

1 they don't want to do that until we can establish that they are the owners of the property
2 that they are going to assess their members to maintain, so it becomes a true common
3 expense for the membership. Another acceptable remedy would be a perpetual
4 easement to the association for the entrance features and that would satisfy their need
5 so they could levy assessments to the common expense.
6

7 Mr. Carls said he knew the Commission could not take any action now and was not sure
8 they could until we resolve some matters. To grant a deed or a perpetual easement, we
9 first have to identify who the owner of the property is or the easement holder if there is
10 already an easement there. All we are asking for at this point is that the City
11 understand that the association is willing to maintain but there is some work that needs
12 to be done legally between our office and the City Attorney to try and solve the
13 easement/ownership problem.
14

15 Deputy Mayor Brender asked if there had been a title search on this property and if so
16 what has that found.
17

18 Mr. Carls said there has and it shows several possibilities. He said the City Attorney
19 indicated the City may have a survey that shows where these features are actually
20 located. The association does not have that yet and that may be the next step. It
21 appears that it may be partially on an easement on a private lot, partially on a right-of-
22 way or partially on Bright Meadow Road itself because Bright Meadow Road flairs out
23 where it dovetails into 46A. Those are some of the issues we are going to have to
24 resolve.
25

26 Mr. Carls said at this point we are asking for some forbearance as far as the
27 maintenance of that item and the cooperation of City staff in helping us resolve it
28 permanently.
29

30 Mr. Carls said No. 2 is the medians within 46A. They run from the Bright Meadow
31 entrance past the Hills of Lake Mary to Tuscany Place. The issue is the maintenance of
32 the medians. The vegetation and landscaping is overgrown. The non-weeds are not
33 doing well because of the lack of irrigation. For awhile he and the association did not
34 understand who was charged with maintaining the 46A medians but we recently
35 received a permit associated with the medians that indicates that the homeowners'
36 association undertook the maintenance of the medians. We now know who the enemy
37 is and it's us, but we have an additional concern that gets us to the third issue which is
38 the Lake Como entrance.
39

40 Mr. Carls said the entrance at Lake Como is owned by a private company called Hills of
41 Lake Mary Management Company, LLC and would refer to the company as "LLC". We
42 can question the motives of why a private company would want to own the entrance to a
43 subdivision that has no market value, but that is the record owner. There was an

1 incident about a year ago where a truck jumped the median and went into one of two
2 walls at the entrance and severely damaged the wall and a fountain in front of the wall.
3 The LLC has not been repairing this entrance area. The landscaping has been allowed
4 to get very high.

5
6 Mr. Carls said the other problem that relates back to the association maintaining the
7 medians is that there was a water line that ran through the LLC's property that provided
8 the water for the fountain feature and then continued on to provide irrigation to the
9 medians in the middle of Paola Drive. For whatever reason, the water is no longer
10 flowing through the LLC's entrance property, therefore, it makes it difficult for the
11 association, even though they are willing to undertake the maintenance of the median
12 areas.

13
14 Mr. Carls showed pictures of the area after the accident and the landscaping prior to the
15 accident. He showed pictures of the view looking to the entrance of Lake Como
16 showing the overgrowth, a broken spotlight that illuminated the lettering (Hills of Lake
17 Mary) that was on the wall that was knocked down. He also showed pictures of weeds
18 (+30 inches in height) that are on the property.

19
20 Commissioner Duryea arrived at this time (5:25 P.M.).

21
22 Mr. Carls showed a picture of the entrance to Eagle's Crossing for contrast and it helps
23 to explain some of the frustration that the members feel.

24
25 Mr. Carls said across 46A is the City of Sanford and it was his understanding that when
26 the two properties were developed, there was an attempt to coordinate the brick walls
27 and the appearance so you had a consistent pattern. The other part of the frustration is
28 the part in the City of Sanford looks very nice.

29
30 Mr. Carls said we appreciate the City's consideration and assistance of staff to help
31 resolve this. He said the President of the association, Mario Pietrucci, was present.

32
33 Mario Pietrucci, 828 Bright Meadow Drive, President of Hills of Lake Mary HOA, came
34 forward. He thanked the Commission for the opportunity to come to the workshop.

35
36 Mr. Pietrucci said when Mr. Carls indicated that we are looking for some help and
37 assistance from the City of Lake Mary, the City Attorney indicated that they were
38 investigating this area for over a year and we haven't gotten a resolution yet. We as a
39 board decided that the only people who can make decisions are the City Council and
40 that is why we are here. If we have to attend City Council meetings we will do that.

41
42 Mr. Pietrucci said what we are asking the City to help them do is (1) Acquire the
43 property at Bright Meadow Drive so we can maintain it and make it as pretty as it was

1 when he first moved into the neighborhood. (2) Let the City enforce its own ordinances
2 when you have those unsightly places like we have on 46A. He said he didn't think they
3 could find another place in the City of Lake Mary that looks as bad as ours. It looks like
4 it is deserted. We have homeowners complaining about their property values. We have
5 gotten complaints from neighborhoods around us about their property values and what
6 they look like. You won't find anybody who is trying to shirk responsibility. We are
7 willing to fix whatever we can fix but we have reached a brick wall and we can't get any
8 resolution. We have no water to irrigate the median strip. We want to irrigate the
9 median strip but we have no access to water because the water has been cut off. He
10 said this is what he wanted to say on behalf of 321 homeowners.

11
12 Mr. Pietrucci said they had reached a decision whether it is correct or not that we have
13 to approach City Council to get resolutions to our problems. If it is necessary we will be
14 at every council meeting until it gets resolved. He hoped this group could give some
15 direction so we can resolve the matters in the Hills of Lake Mary.

16
17 Mayor Meador said this Commission has a standing policy that we are here to serve and
18 it is not necessary for Mr. Pietrucci, members of the association, or residents to be here
19 at every meeting. The three issues have been presented to us. Let's approach those
20 three issues and see what we can do. He said Mr. McCollum is here if there are County
21 issues. He said what he appreciated is the County is willing to collaborate or partner
22 with us on a resolution if one can be determined.

23
24 Mayor Meador said the letter Mr. Fleming sent went to Carls & Taylor. He asked Mr.
25 Fleming if he had contacted the LLC or has there been any communication with the
26 owners of the entrance at Lake Como.

27
28 Bruce Fleming, Senior Code Enforcement Officer for the City of Lake Mary, came
29 forward. He said he was most recently in contact with the owners of the Lake Como
30 entrance this morning. They have indicated that they are still in the process of
31 negotiating a conclusion to the damages that occurred at that location. He said he was
32 encouraged because the owners of the property have indicated that if there are lawn
33 maintenance issues present at their property that they will be happy to have their staff
34 go out there and resolve those issues.

35
36 Mr. Fleming said he was reluctant to deal with the issues demonstrated on the Power
37 Point prior to this meeting tonight because of the Bright Meadow issue. He said in
38 doing his job he tries as hard as he can to be even-handed. Now that we have resolved
39 those issues I feel confident that we can go forward with dealing with the Lake Como
40 issue as far as lawn maintenance is concerned as well as the Bright Meadow concerns.
41 He said during his patrols today he saw the inner medians for 46A being taken care of
42 and they were removing a lot of dead shrubbery and trees. It was already a work in
43 progress. He said the only thing left that he didn't understand was the right-of-way

1 immediately adjacent to the Hills of Lake Mary (the southernmost portion of County
2 Road 46A) was not being addressed by that group that was taking care of the rest of
3 County Road 46A to include the northern portion of CR 46A over on the Sanford side.

4
5 Deputy Mayor Brender asked if that was Nanak's. Mr. Fleming answered affirmatively.

6
7 Ms. Reischmann said the fountains were add-ons and were not part of the original
8 subdivision site plan; therefore, we cannot code enforce and require that the fountains
9 be operable. That is as to the LLC fountains on Lake Como. We don't have anything
10 that requires those fountains. While we can code enforce for high weeds and so forth,
11 we can't require that the fountains be turned on and operable.

12
13 Mayor Meador said the issue is coming up about trying to resolve the ownership issue.
14 He asked Mr. Litton if there was any way we could work with Mr. Carls, representing Mr.
15 Pietrucci and the association, in establishing who actually owns that property since they
16 have come forward and will willingly maintain it. He said he didn't know if they would
17 want a deed or a perpetual easement. He asked if there was anything we can do to
18 assist them.

19
20 Mr. Litton said as far as the ownership, he was not sure. We have pretty much
21 exhausted all of our avenues to do that. The relationship between the LLC and the Hills
22 of Lake Mary is probably not the best based upon how they acquired the property and
23 what happened. He said he didn't know if the association has had any direct
24 conversations with the LLC.

25
26 Mr. Pietrucci indicated from the audience that they had not.

27
28 Mr. Litton asked if what he just said was a true statement. Gina Holbrook stated from
29 the audience that they are two different issues.

30
31 Mr. Litton said they are two different issues but he was trying to ascertain whether or not
32 there's any opportunity to approach the LLC about possibly giving us an easement. The
33 alternative is to find an alternative way to get water to that location. He said he asked
34 Mr. Paster to look into that.

35
36 Bruce Paster, Public Works Director, came forward. He said there is currently no water
37 to the medians on 46A because when that accident happened the truck went through
38 the wall and also hit a well that was behind the wall. That well fed water not only to the
39 fountains at Lake Como but to the medians on 46A. If it is requested the City could
40 provide a City water meter. There is also reuse water available from the City of Sanford
41 at that intersection. Upon application we could set a water or reuse meter in the City
42 right-of-way and connect that to the existing irrigation lines that go out to 46A. As far as
43 providing water to the fountain, he didn't know if the City could do that without first

1 resolving the ownership issue. He said he didn't think the City could provide water to a
2 private property at someone else's request. The owner would have to request that.

3
4 Mayor Meador said if the Hills of Lake Mary Homeowners' Association has assumed
5 maintenance of the median and they come to us and say would we assist them in
6 providing water, we have two options. We could establish a meter, go through the City
7 right-of-way property or work with the City of Sanford on a reuse water line.

8
9 Mr. Paster said that was correct.

10
11 Deputy Mayor Brender asked about re-tapping the well.

12
13 Mr. Paster said the existing well is there. It is bent and would need to be repaired and
14 reconnected. The well pump was taken out during the accident so it would have to be
15 reestablished.

16
17 Mr. Litton said that well was located on LLC property.

18
19 Mayor Meador said Mr. Carls and Mr. Peitrucci have heard the City say we will work with
20 them if a request comes forward. He thought Commissioner Brender brings up a good
21 point that there is an established well that may need some retrofitting; however, if there
22 is an existing structure there we could start a dialogue with the LLC and it might be in
23 their best interest. He said he knew they had some outstanding legal issues but think
24 that dialogue could take place.

25
26 Commissioner Gray asked Mr. Fleming if he had cited the LLC for not maintaining the
27 property that they say they own.

28
29 Mr. Fleming said the property at Lake Como is in the exact same condition, with the
30 exception of dirty water, as the property at Bright Meadow. To go forward with citing
31 that property owner and not taking action against the Bright Meadow property was not in
32 the best interest of the City. Now that we have reasonably established ownership of
33 Bright Meadow, I will go forward with both properties and both properties will be advised
34 to resolve the code issues that are associated with the current conditions.

35
36 Commissioner Gray said maybe the LLC can put the pump back to work. If they own it
37 they are responsible to maintain it.

38
39 Mr. Fleming said if they were to reconstitute the pump on their property, it becomes their
40 pump and they may or may not allow the HOA to have access to water this pump would
41 generate. He said he didn't know if that would be an option at this point. The dialogue
42 has to occur between the City, the HOA and LLC to see if terms and agreements can be
43 made regarding reestablishing that pump.

1
2 Commissioner Gray asked whose property it was next to the wall. (She was referring to
3 the pictures in the Commission notebooks.) She asked if the property between the
4 sidewalk and the wall belonged to the HOA because that is in terrible condition too and
5 it looks like there is no water there.

6
7 Mr. Fleming said it is the opinion of the City that all the property from the HOA northerly
8 to CR 46A is County property and is not the City's right-of-way.

9
10 Deputy Mayor Brender said he had been trying to get involved in this for some time and
11 had been in touch with numerous homeowners. Now that we have established the City
12 doesn't own it we are not going to wash our hands of it and say you guys deal with it.
13 We will use whatever good offices the City has to help get a resolution because it does
14 affect the looks of the City as well as your homes. It will remain on our list until we find
15 some kind of acceptable solution. Therein lies the problem. We are talking about Bright
16 Meadow which is different from Lake Como which is different from the retention pond
17 that nobody has brought up yet because the LLC owns the retention pond in the back.
18 We also have agreements with the County as far as the median management.

19
20 Deputy Mayor Brender said if he understood the maintenance of the median on 46A,
21 they were supplying the water but we in turn have been taking care of the median
22 through Nanak's.

23
24 Mr. Litton said we have not. We do not have a contract with Nanak's. That was an
25 agreement that was made between the City and the HOA that we would reimburse them
26 in conjunction with Sanford--we each paid half. We would pay Nanak's but the
27 agreement was between the Hills of Lake Mary and Seminole County and that was a
28 condition of the right-of-way utilization permit that was issued at the time. We just found
29 a copy of that thanks to Jerry (McCollum). He gave a copy to Mr. Carls.

30
31 Deputy Mayor Brender asked who the letter regarding Bright Meadow would go to. Mr.
32 Fleming said the homeowners' association.

33
34 Deputy Mayor Brender said for Lake Como Mr. Fleming would be in touch with the LLC.

35
36 Mr. Fleming said the Lake Como issue as well as the retention ponds are issues he
37 would have to address with the property owner which is the LLC.

38
39 Deputy Mayor Brender asked if there had been any discussion about acquisition of that
40 property from the LLC. Mr. Carls said there had been discussion.

41
42 Deputy Mayor Brender said we've to establish the water but the problem is that's tied up
43 with Lake Como and we can't make improvements to private property. The more

1 immediate solution to the median and those areas is to hook up a water line within City
2 property with reclaimed and then we can start taking a look at the landscaping.
3 Meanwhile the discussions can continue on Lake Como and Bright Meadow. We can't
4 do anything until we have water.

5
6 Commissioner Lucarelli said she agreed with getting the water going and the reclaimed
7 if Sanford is willing to do that. She said she would like to put as much pressure as
8 possible on the LLC as far as code enforcement. She questioned if St. Johns had
9 jurisdiction. There had to be a permit for those ponds and the permits are very specific
10 as to what they have to do. We could report that to St. Johns and get some code
11 enforcement from them as well. It is ridiculous this has been dragging on for as long as
12 it has and felt bad for the homeowners. It's not right and fair. She would like the City to
13 do as much as we can to put pressure on this guy and get him to do something. It was
14 stated he was waiting on an insurance settlement. She said how do we know he didn't
15 already get the settlement and spent the money—that's just an excuse.

16
17 Deputy Mayor Brender asked Mr. Paster how long it would take to get a meter hooked
18 up to the reclaimed system. Mr. Paster said three days.

19
20 Mr. Litton asked if he was correct that there would not be a jack and bore necessary.

21
22 Mr. Paster said Sanford's mains are on the north side but there are laterals at both
23 intersections that cut across and go into the right-of-way of the City streets of Bright
24 Meadow. If the HOA would apply for City water we would set a City meter in the right-
25 of-way and they could have Nanak's or someone else connect that to the line going to
26 the medians. We would have to sever that line going to the LLC property. It is a Lake
27 Mary meter and is Lake Mary water.

28
29 Deputy Mayor Brender said they would be paying for Lake Mary water in the short term
30 so we can reestablish water to the median. If at some point a resolution is found to the
31 Lake Como entrance and the ownership of that land, if they want to reestablish that
32 wellhead then that is a decision that can be made at that point and can draw well water
33 like in the past. That way you may not have to endure the expense of reclaimed water
34 for any length of time. Once we have water then we can start going forward.

35
36 Mr. Litton said we are assuming you want to continue to have the enhanced
37 landscaping like you had before.

38 **SIDE 1B**

39
40 Gina Holbrook, owner of Premier Property Management, came forward. She stated
41 they manage the Hills of Lake Mary. For Bright Meadow, we haven't defined who owns
42 that property. The City is not claiming to own it so we are trying to decide if Seminole
43 County owns it, if there is an easement, or if it belongs to the owners on those corners.

1 She asked who was going to get cited to maintain Bright Meadow. We can't insure
2 something we don't own so we have no insurance on it and can't send vendors out
3 there to properly maintain it. She said that was the problem on her side of the
4 association.

5
6 Commissioner Lucarelli said the attorney stated they were still working through the title
7 search to try to find out who owns it.

8
9 Ms. Holbrook said Mr. Carls did a title search and it was provided to Katie (Reischmann)
10 and the City has determined that the City doesn't own it. We are trying to figure out who
11 does own it and where we go from here. We don't want to leave tonight and it still look
12 like that. We would love to mow it. We have been maintaining it and it looked just as
13 beautiful as Eagle's Crossing. She said she had pictures of Timacuan which they also
14 manage. We are very proud of our Lake Mary communities. We live in Lake Mary. We
15 are not proud of the Hills of Lake Mary. She said it was embarrassing to manage that
16 property.

17
18 Mayor Meador said Ms. Reischmann has heard the request from Ms. Holbrook as the
19 management group. He asked if she had any response to her question. It goes back to
20 trying to resolve the frustrations under the first point Mr. Carls brought forward and that
21 was the determination of ownership. He asked the next steps to answer the questions
22 just posed.

23
24 Ms. Reischmann said she had not seen the title search but saw the surveys that were
25 based on title searches which clearly showed the fountain was entirely on private
26 property (Lot 301). That's a 2002 survey and it is not a title search. She said she
27 hadn't seen a title search but that would help a great deal. She said Mr. Carls indicated
28 it was up in the air. Sometimes a better approach is to get a title commitment and that
29 way the title company tells you here is what you need to do if you want to get ownership
30 in the HOA. The point Mr. Fleming was making was that the HOA hasn't had ownership
31 but traditionally maintained and that was the intention now. Under your rules for
32 operation, you need something more formal than that. She thought Mr. Fleming was
33 indicating that because the HOA was the operator of those fountains that they would be
34 the logical party to cite and not the private owners and that the City would not lien the
35 private property owner's property because this is a misunderstanding with the way the
36 title was set up.

37
38 Ms. Holbrook said they would love to mow it but just can't. We have no insurance on
39 the property. The insurance company will not insure something I can't prove we don't
40 own so we are kind of tied right now.

41
42 Ms. Reischmann said the permits for the fountains were applied for by the HOA.
43

1 Ms. Holbrook said that is interesting because typically when you apply for a permit only
2 the owner of the property can apply, so that is a whole other issue. She said Lisa
3 Spillman is their historian and she has other questions for clarification. We are trying to
4 get some questions answered tonight so we can move on. She wanted to make sure
5 Lisa has an opportunity to clarify any questions. We have a board meeting coming up
6 and we want to be able to provide answers to 321 homeowners who keep calling us and
7 we are trying to avoid them all calling the Commission.

8
9 Lisa Spillman, 421 Country Wood Circle, came forward. You can go back at least ten
10 years and we have the County to thank for all the improvements they provided for us on
11 46A. We worked with them and they were great. They were at our meetings, met us
12 roadside, and were with us 100%. There were complaints that came in for the road
13 work, however, they came out and worked with us and we had beautiful landscaping.

14
15 Ms. Spillman said now we find out we don't own the property but all this time we have
16 done improvements, removed trees, kept up the landscaping, improved streetlights and
17 everything in the neighborhood. Nobody has said anything or complained about any
18 improvements we have done in the neighborhood. Now that there is a problem in the
19 front entrance, it can't be done. While we were doing improvements, nobody
20 complained we were doing stuff on their property. Now that we are trying to get their
21 property back to where it was—yes, it did have fountains, it had water, and entrance
22 lights. If you don't know where we're at just look for the weeds because our lights don't
23 work, the power has been shut off, and we have no streetlights at the front entrance.
24 How much safety does that go for? We have people that walk along the trails that lead
25 to the trails that go in front of Timacuan and those are nicely lit; ours aren't. I'm sure
26 everyone has driven by our neighborhood more than once in the past year and it still
27 looks the same. It's sad to refer to it as the ghetto when it was one of the most
28 prestigious areas in Lake Mary and we are proud of it.

29
30 Ms. Spillman said we were going to get reclaimed water. They came out and put spray
31 paint on our sidewalks and driveways. We were going to get reclaimed within six
32 months and it has been longer than six months. When the County did the project they
33 put reclaimed stub-outs all along there to provide for all the improvements for ten years
34 down the road. Now that you can put in reclaimed water, do it to save the environment
35 and to save money for the County and the homeowners.

36
37 Mayor Mealor said he had to be careful as to how he responds because of what the
38 insinuation was about all the markings. We operated in good faith with an option to
39 provide reclaimed water to the Hills of Lake Mary. That is a community decision. We
40 didn't walk away from anything.

41
42 Ms. Spillman said they haven't heard anything back.
43

1 Mr. Litton said that study is still ongoing. He asked Mr. Paster when it was supposed to
2 be completed.

3
4 Mr. Paster said we are currently about 40% complete with final design for reclaimed in
5 that subdivision.

6
7 Mayor Meador said it's been a most intriguing process. He said he was intimately
8 involved at one time with the development across the street and the end result was
9 there were some enhancements provided. He agreed that the County worked very
10 nicely with them. He said he didn't like what he saw right now. You have to realize that
11 once legal entities get involved--and we've seen an example now to where the president
12 of your association was advised by counsel not to respond—and once we enter into that
13 legal dynamic, the fiduciary responsibility we have to all of our citizens kicks in. He said
14 he was not saying that it ties our hands but it limits the response patterns that we have.
15 He said Mr. Litton could direct Ms. Reischmann and the appropriate staff to sit down
16 with your representatives and resolve this issue and come away with a plan that says
17 we are going to do A, B, C and D. We have already committed to you that we will do
18 this. We are not going to go in and do something unless it is requested because there
19 is an expense involved.

20
21 Mayor Meador said we ought to provide the most effective service in the most efficient
22 manner and stay out of people's lives. You've got a dilemma and you are hearing the
23 five of us and the entire staff acknowledge that is not what we want, it is not reflective of
24 what we are as a community, and the people who invested in the Hills of Lake Mary
25 don't feel that they are getting the maximum return on their investment by the very thing
26 they have to look at whenever they enter or leave. Commissioner Brender was right. If
27 we involve different groups we will be having this same discussion a year from now and
28 that is not what I want out of this work session. We can't make a commitment but we
29 can direct Mr. Litton and his team to work with you and get some resolution to what we
30 can deal with right now.

31
32 Ms. Spillman said they appreciate anything and would appreciate it in writing so they will
33 know what their timetable and plan is going to be. If we don't have it in writing we don't
34 have the phases or plan to look back on what's next.

35
36 Mayor Meador said let me tell you what we have done in the past with other community
37 groups. Commissioner Gray volunteers her time to work with a neighborhood group on
38 an issue they have. Commissioner Brender has been working with you or has made
39 himself available to the president or others and if my colleagues are in agreement I
40 would gladly say for him to represent us, get together with Mr. Litton and let's get some
41 resolution.

42

1 Ms. Spillman said they had their annual homeowners' meeting last July and was less
2 than six months after the accident with the truck. We voiced our opinions at that time on
3 what to do. Here we are about ready for our next annual homeowners' meeting in July
4 and we are going to need answers.
5
6 Mayor Mealor said he knew the truck thing was bad. That entrance has also been the
7 site of a true tragedy and anybody who was around that morning will never forget it.
8 There are some who have a very strong bond to that entrance. He said he didn't like
9 what he sees.
10
11 Mayor Mealor asked the Commission if they could identify Commissioner Brender as
12 their representative to work with Mr. Litton and his team.
13
14 Mr. Litton said he understood that the contractor was Nanak's. He asked if they were
15 still under a "No Work" order and are not to do any maintenance. Mr. Pietrucci said that
16 was correct.
17
18 Mr. Litton asked if Nanak's was back to maintaining or at least keeping the weeds down.
19
20 Ms. Holbrook answered negatively. We can't get insurance or authorization to maintain
21 any of that. The Hills of Lake Mary owns no common areas.
22
23 Mr. Pietrucci said they had a responsibility at Bright Meadow Drive to bring it back up to
24 speed like it's supposed to be, but we're concerned that five years from now
25 somebody's going to show up and say that's my property.
26
27 Mr. Litton asked about the median in 46A. Mr. Pietrucci said we are willing to do that as
28 well but we have no water.
29
30 Mr. Pietrucci said we are willing to do anything we have to do to try to restore our
31 neighborhood but we are limited when we get to that piece of land that we do not own.
32
33 Mr. Carls said the LLC that owns the property at the Lake Como entrance won't allow
34 any of the association people on the property. They have been told to do so would be a
35 trespass on the LLC property.
36
37 Mr. Carls said on behalf of the members and residents of the Hills of Lake Mary, we
38 thank the Mayor and Commission for their consideration.
39
40 Mayor Mealor said based on the statement about the LLC not allowing anyone on that
41 property, he asked Mr. Carls to talk with the Chief of Police and explore if there are
42 public safety issues where they need a conversation to take place with the identified
43 representatives.

1
2 Deputy Mayor Brender asked how they address putting a meter in the City right-of-way.
3
4 Mr. Paster said if the HOA applies for reuse or potable water at their desired location
5 (he suggested the intersection of 46A and Lake Como) then we can set them a meter.
6 They could have their contractor go from that meter and tie into the irrigation line that's
7 in County right-of-way. There is already a line going from the edge of the property in
8 question underneath to the median.
9
10 Deputy Mayor Brender said the City would bear the cost of installing that meter. Mr.
11 Paster said he didn't know that answer.
12
13 Mayor Meador said Commissioner Brender has been tasked by the Commission to work
14 with the City Manager. If that is something that needs to be done then find a way to get
15 that done.
16
17 Mr. Litton asked who would represent the HOA. Mr. Pietrucci said he would submit a
18 list of names.
19
20 Mayor Meador said we have identified an individual who will serve as a point person for
21 this Commission. He said it was very important that Mr. Pietrucci identify a point person
22 so we are not talking to six or seven different individuals. Commissioner Brender, Mr.
23 Litton and Ms. Reischmann know that if they are speaking and negotiating they are
24 negotiating with one person, or not more than two, speaking for your group. That way
25 we won't have "he said, she said" and six months from now be back here because no
26 one can resolve an issue and you can't do your job. You have done a remarkable job
27 on the other properties and we will do the same thing here.
28
29 Ms. Reischmann said she was just speaking with Mr. McCollum and he indicated the
30 County will fully cooperate to clear up the issue of County right-of-way. He says to the
31 best of his knowledge there is no way the County would have permitted the fountains to
32 be built in County right-of-way. He tends to agree with her opinion that the fountains are
33 on private property of those homeowners. She guessed the homeowners would be
34 happy to grant an easement to the HOA. They would probably have to clear it through
35 their mortgage company.
36
37 Mayor Meador thanked Deputy Mayor Brender for his willingness to do this.
38
39 Mayor Meador thanked the residents of the Hills who took time to be here this evening.
40 They have a beautiful community, there are some steps that need to be taken, and with
41 the support and cooperation of a number of people we will get you there.
42
43 2. Update on SunRail commuter rail station

1
2 Mr. Omana said we have been working closely with the Technical Advisory Committee
3 (TAC), FDOT and the SunRail folks, Mr. McCollum and his staff to bring the update on
4 the SunRail, specifically the 100% design plan that is shown on the exhibit. At 3:51 this
5 afternoon we received an e-mail from the FDOT folks giving an addendum to the plan.
6

7 Mr. Omana gave an overview of where we are at, some of the issues looked at, and
8 discussions with Mr. McCollum and FDOT staff. He showed the proposed station on
9 the overhead. The FDOT folks have submitted the 100% engineering plans and we
10 have included a number of exhibits in the packet.
11

12 Mr. Omana said the canopy that has been selected for the subject stops is Canopy
13 Option B and showed it from several angles on the overhead. He showed an exhibit of
14 the functionality of the station. He pointed out three access points: two off Palmetto
15 and one off Lake Mary Boulevard. He pointed out the platform and canopy. The
16 primary access for the bus drop off will be on Palmetto. He pointed out the
17 ingress/egress off of Palmetto. There are approximately 300 parking spaces. Moving
18 south on the property there are retention areas that will service the site. The station site
19 itself will be self contained with respect to the drainage and the parking. We
20 coordinated with Mr. McCollum and staff to have upgrades for landscaping so we
21 expect this to be aesthetically pleasing.
22

23 Mr. Omana said on Lake Mary Boulevard, we coordinated with the Police Department,
24 Fire Department and Mr. Litton. Originally discussions focused on this being a right
25 in/right out. We got additional information from the engineers for the project and we
26 propose a left turn into the site and this left turn will still be available off Palmetto. We
27 see that this presents some benefits because it will direct traffic into the station and
28 keep it off Palmetto more. We feel the more access points and connectivity the better.
29 These are some of the function aspects of the station that are proposed.
30

31 Mr. Omana said the platform itself will be 200 feet long and allow access from both
32 ends. We have had a number of meetings with FDOT and Jerry McCollum and we are
33 excited that the Mahnken property is proposing a mass transit station. It will be able to
34 locate in such a way where you will have direct access to the platform. The whole
35 concept of having an air conditioned climate controlled building, which was the direction
36 of the City Commission, we believe will be met through that approval and subsequent
37 building if it is carried out. We are going to be working closely with FDOT and the rail
38 folks to make sure that the proper alignments are made, there are proper alignments
39 with the platforms, and safety and accessibility standards are met.
40

41 Mr. Omana said with respect to the landscaping, it will be irrigated with reclaimed from
42 an existing line on Lake Mary Boulevard. He put an exhibit on the overhead showing
43 the left turn in to the point off Lake Mary Boulevard. The current median opening would

1 be closed off and would allow for additional stacking lane capacity for that movement.
2 He showed an exhibit of the landscape plan and a cross section of the canopy.

3
4 Mr. Omana said during this process we have always kept in mind the Commission's
5 direction to make this the "quality stuff" along the track and to enhance it to the best of
6 our ability. He said Mr. Connelly and staff have come up with a wish list of items that
7 will help meet that directive. We also coordinated with Mr. Litton.

8
9 Mr. Omana said one of the first items on the wish list involves connectivity along
10 Palmetto. We want to include a sidewalk along Palmetto going to Lake Mary Boulevard.
11 He asked FDOT to include that in the plan and they said they don't fund off-site
12 improvements. We understand their position but that is an item we are going to ask for.
13 He stated he would get into the funding mechanisms later.

14
15 Mr. Omana said the second item on the wish list is given the importance of the station
16 and its proximity and the fact that it is in downtown, we are working with Mr. Litton
17 coordinating an entry feature that would emphasize the downtown and emphasize that
18 we have a train stop here. That will be coming back to the Commission for
19 consideration at a later date. We will coordinate with Mr. McCollum and the FDOT staff
20 to make sure it is not creating any major impact to the station.

21
22 Mr. Omana said the third element on the wish list involves closed circuit TV cameras
23 and equipment to help monitor and provide some form of security for the train station.
24 In talking to the FDOT representatives that is something they will be looking for all the
25 cities with stations to pursue.

26
27 Mr. Omana said in his discussion with Mr. Litton earlier this week, just picture mid-
28 August, it is 105° outside and you are melting outside. It wouldn't be a bad idea to have
29 fans or mist fans to move the air to make it as comfortable as possible for the patrons.
30 That is something we will have to talk to Mr. McCollum and his staff about to see if it's a
31 possibility.

32
33 Mr. Omana said the question then becomes how to pay for this because it's not cheap.
34 We have been informed through meetings with TAC that SunRail has earmarked
35 approximately \$450,000 for the City of Lake Mary to be spent on upgrades, amenities,
36 and improvements for the station. These monies are available on an 80/20 percentage
37 match ratio. That would require the City to cough up \$90,000 leaving \$360,000 for
38 station upgrades.

39
40 Mr. Omana showed the property enveloped by the train station. The areas in purple are
41 old rights-of-way that FDOT has requested that the City vacate. An application for
42 vacate has been filed with the City and it is our intention to ask for compensation for that
43 right-of-way. We believe that by asking for the right-of-way compensation we can in

1 turn apply those monies to the matching requirement under the EMR grants amount and
2 help cover the cost of the wish list items identified this evening.

3
4 Mr. Omana said this is going to be double tracked. We have posed the question to the
5 FDOT and SunRail folks and they have indicated that the double tracks will go within
6 the existing right-of-way. We will keep monitoring that. There is a separate consultant
7 who will be doing the design and implementation of the double tracking and another
8 consultant who will do the actual design and construction of the parking area and
9 platform.

10
11 Mr. Omana said it was his understanding that the monies are in escrow and they are
12 waiting to close on the rights-of-way for the transfer to the SunRail folks which would
13 possibly be in October. It is projected that a start date on construction of the station
14 would be in early 2011 with a projected completion date of somewhere in 2013. We are
15 feverishly planning with FDOT and are looking forward to completion of this project.

16
17 Mr. Omana said as to where this project was with respect to our process, currently Mr.
18 Noto and Mr. Schindler are taking the site plan through the DRC process, and we have
19 solicited comments from all the respective agencies and technical staff. Once it clears
20 that the next step will be to take it to the Planning & Zoning Board and since it's in the
21 downtown boundaries it comes to you for consideration at a City Commission hearing.
22 We will then proceed with the vacate of the rights-of-way, set those up for Planning &
23 Zoning Board review, and those will come to you at a public meeting at the City
24 Commission level.

25
26 Mr. Omana said we are doing a juggling act and piggybacking a number of processes
27 and coordinating with Mr. McCollum and SunRail to get the best possible product for the
28 City of Lake Mary.

29
30 Deputy Mayor Brender pointed to an area on the exhibit and asked what it would be
31 used for. Mr. Omana said it is a wetland and would remain a green, wooded area.

32
33 Deputy Mayor Brender said if the property to the north of the tracks is developed as a
34 "station", the access across the track from one platform to another from the northbound
35 to the southbound platform, the crossings are only at the end. He asked if that was
36 correct.

37
38 Mr. Omana said they are at the end based on discussions with FDOT. He pointed them
39 out on the exhibit.

40
41 Deputy Mayor Brender said if we build a facility in the middle of that platform, we are
42 going to need a crossing in the middle. If they are going to wait for the southbound train
43 which will be on the southbound track, they will be waiting in the building and then walk

1 67 yards down to the crossings and then 67 yards back up to get to the middle of the
2 station.

3
4 Mr. Omana said based on his experience with TriRail, he didn't see a platform in the
5 middle happening. We got into more of the discipline to be ready to take the south end
6 or the north end platform crossing.

7
8 Commissioner Duryea said it was a safety issue.

9
10 Deputy Mayor Brender said he could understand the safety issue but you can't have a
11 standard crossing all the way across. If we are going to build a building to offer some
12 kind of relief from the heat, it seems counterproductive to require people to come out of
13 the building at a mid point and then walk one way or the other.

14
15 Mr. Omana said we don't have an elevation yet on the actual building as it aligns with
16 the platform. There could be multiple openings to address that issue.

17
18 Jerry McCollum, Seminole County Engineer, 520 West Lake Mary Boulevard, Sanford,
19 Florida, came forward. He said one of the other controlling items on this is that your
20 train set opens in certain areas so you have to have the people queue up to where the
21 train sets open. In general they are at the two ends of the platform area. There may be
22 a couple of them depending on where they come in and depending on the train sets
23 because we have changed that around over the last nine months, but it was set up
24 where you load up where the train sets come in, you try to line up the platform area so
25 you go right into there with some area to queue up. That was one of the considerations.

26
27 Mr. McCollum said Mr. Omana mentioned the \$450,000 grant. The County did work
28 and coordinated with the cities to get those extra funds to enhance the stations.
29 Though he appreciated wanting to get paid for those rights-of-way, he said to keep in
30 mind the if the County, state or feds are paying any differential in costs then we have to
31 pay that. The counties and cities can pursue that if they would like to but he saw that
32 as money coming out of the County's pocket. We are putting up \$46.2 million for this
33 system in Seminole County. He thought the amenities shown were great amenities and
34 staff has talked to them about that from the beginning, so he thought it was getting the
35 pieces coming together.

36
37 Mr. McCollum said we have gone with a very enhanced landscape plan, again working
38 with staff. We will be looking for assistance from the City on some of the landscaping.
39 Reuse water was mentioned and also some of the security. The County is responsible
40 for the maintenance of the system and we are going to be going around to all the cities
41 and talking about helping. It's basically when you have law enforcement many times
42 located right across from the station itself. We are working with DOT to get a level of

1 service on what they expect on security. We haven't started those talks and we kind of
2 define the parameters we are working with.

3
4 Mr. McCollum said we had a lot of people ask about transit. You will have the existing
5 transit line you have out there now but what's being proposed by Lynx is called the
6 "pick-up line". It is basically a service where they have the small 11 to 12 seat-type
7 buses. You can call two hours before and be picked up. There is a charge for it but you
8 can be taken to the station. You can have it set up where you can be picked up on a
9 regular basis.

10
11 Mr. McCollum said the operating hours are peak hours: 5:30 to 8:30 in the morning and
12 3:30 to 6:30 in the afternoon with 30-minute headway. We are working on the final
13 numbers but the trains will probably run until 10 or 11 at night. In non-peak you will be
14 looking at headways of a couple of hours.

15
16 **SIDE 2A**

17
18 Mr. McCollum said people have asked how much it is going to cost. He said he had
19 some preliminary numbers and asked that he not be held to that at this stage. Riding
20 within the County they are talking \$2.50 and going to another county \$1.00 and that is
21 one way.

22
23 Mr. McCollum said there were no restrooms located at the stations, only the water. The
24 restrooms would be located on the trains themselves.

25
26 Deputy Mayor Brender said if we start in 2011 would it take two years to build the
27 platform.

28
29 Mr. McCollum said it is not going to take two years. There are a lot of train logistics
30 going on. You are going to be starting at the end of this year or maybe the first of next
31 year putting in the double tracking, controls throughout the whole area, any upgrades
32 going on, any type of crossings—just everything you need to get the train operating.
33 Shortly after the first of 2011 they will be advertising the stations themselves. There is a
34 certain overlap they have to have where they check all the logistics out. You have your
35 vendor, ticket booths, all the telemetry that has to communicate with the train, so you
36 have to have a station there and functional before you open the whole system to
37 interact with the train. Our goal is to keep that pushed out so we really do not have any
38 time where we have a station out there and it's not open yet. We talked to DOT and
39 told them that leaving something like this unsecured is unacceptable. The goal is to
40 make them operational simultaneously so once you get the break-in period done you
41 are ready to go. They are saying spring but it may be summer of 2013 before the
42 system is operational.

1 Commissioner Gray said she was trying to envision how to get back and forth. She
2 asked if it goes up and over or actually across the tracks and the pedestrian crossover.
3
4 Mr. McCollum said it would be at grade. There will be safety controls and lights. There
5 will be something that says do not go across here.
6
7 There being no further business, the work session adjourned at 6:43 P.M.
8

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held May 6, 2010,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road.

3

4

5 I. Call to Order

6

7 The meeting was called to order by Mayor David Mealor at 7:12 P.M.

8

9 II. Moment of Silence

10

11 III. Pledge of Allegiance

12

13 IV. Roll Call

14

15 Mayor David Mealor
16 Deputy Mayor Gary Brender
17 Commissioner George Duryea
18 Commissioner Shirley Gray
19 Commissioner Jo Ann Lucarelli

John Litton, City Manager
Carol Foster, City Clerk
Jackie Sova, Finance Director/
Assistant City Manager
John Omana, Com. Dev. Dir.
Steve Noto, Planner
Tom Connelly, City Engineer
Bruce Paster, Public Works Dir.
Dave Dovan, Asst. Public Works Dir.
Ed Koch, Fac. Maintenance Mgr.
Steve Bracknell, Police Chief
Bruce Fleming, Code Enf. Officer
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

20

21

22

23

24

25

26

27

28

29

30 Mayor Mealor said we are beginning later than usual this evening. He explained we
31 had an earlier work session on an update of the SunRail commuter rail station that has
32 a great deal of potential for the downtown development district.

33

34 Mayor Mealor said the primary area of concern was a request from the Hills of Lake
35 Mary to discuss property ownership issues. A vast number of residents are here from
36 the Hills of Lake Mary and the letter that went out from the homeowners' association
37 probably indicated they needed to be here. We welcome your presence, but in the work
38 session the homeowner president, Mario Pietrucci, and the attorney representing the
39 homeowners' association, Mr. Harry Carls, did present three major issues.

40

41 Mayor Mealor said the first was the frustration with the Bright Meadow entrance and
42 trying to resolve the issue of ownership. The homeowners' group has agreed to
43 maintain that area if we can resolve those issues. The City Attorney has met with the

1 County and you will be receiving a letter. All of that will be resolved and will be able to
2 move forward.

3
4 Mayor Mealor said the second was the median within the 46A area. Because of the
5 accident that took place at the Lake Como entrance, the well that provided that water
6 was disabled. The City has committed that we will provide you water. The Commission
7 appointed Deputy Mayor Gary Brender to be the liaison to work with Mr. Litton, city staff,
8 and the homeowners' association. The homeowners' association president will appoint
9 one, or no more than two people, that will be the spokesperson(s). We will go ahead
10 and get that in place.

11
12 Mayor Mealor said the third area was the Lake Como entrance that is owned by the
13 Hills of Lake Mary Management Company, LLC. For whatever reason there has not
14 been the cooperation that we feel is necessary to move forward in providing the type of
15 amenity or beautification that is reflective of your community and also would be
16 reflective of the other communities in Lake Mary. The Chief of Police will be doing an
17 investigation this evening because of some street lamps and power being out.

18
19 Mayor Mealor said we have heard the concerns, we are going to take action, and are
20 going to work directly with the president as we have in the past. He thanked everyone
21 for taking time to be here this evening. We have a very simple philosophy that we
22 should provide the most effective service in the most efficient manner and we ought to
23 stay out of your lives. The fact that you are here we want you to know is recognized, it's
24 appreciated, but it is not necessary for you to be here every meeting. Deputy Mayor
25 Brender is the designee of this Commission and has been authorized to work with City
26 staff to make sure we get the necessary things done to move this forward. You have
27 made an incredible investment in the City of Lake Mary and we thank you for that. We
28 shared with the person representing the management group handling the homeowners'
29 association the next steps and we think you will be able to move forward.

30
31 Mayor Mealor said the work session does not allow public testimony but we felt we gave
32 everyone an opportunity to be heard. He pledged that this is a priority for the City
33 Commission and staff at this time. We appreciate you being here. We will continue
34 working directly with Mario Pietrucci and Mr. Carls if he chooses to step forward as your
35 legal representative. He said he was sorry it has come to this point but once you
36 involve legal entities then the fiduciary responsibility we have is to protect all citizens
37 and to make sure we at no time put the City in harm's way. We will not do that and will
38 do everything we can to resolve and address your issues. Thank you for bringing it to
39 our attention.

40
41 Mayor Mealor asked Mr. Pietrucci if there was anything else he wanted addressed to
42 the residents while they are here this evening.

1 Mr. Pietrucci answered negatively and thought the Mayor covered it adequately.

2
3 V. Approval of Minutes: April 15, 2010

4
5 **Motion was made by Commissioner Gray to approve the minutes of the April 15,**
6 **2010, meeting, seconded by Commissioner Lucarelli and motion carried**
7 **unanimously.**

8
9 VI. Special Presentations

10
11 A. Resolution No. 863 – Local Mitigation Strategy Plan – Alan Harris,
12 Emergency Manager for Seminole County

13
14 The City Attorney read Resolution No. 863 by title only.

15
16 Alan Harris, Seminole County Emergency Manager, came forward. He said the Local
17 Mitigation Strategy work group has been working for a long period of time looking at
18 critical infrastructure throughout Seminole County and developing a strategy for dealing
19 with the vulnerabilities we have throughout the County. This is very timely in that we
20 are coming up on hurricane season. We have benefitted from having a local mitigation
21 strategy in prior seasons.

22
23 Mr. Harris said there are two benefits for approving this resolution. The first is it gives
24 the City of Lake Mary an opportunity to apply for pre-disaster mitigation funds. The
25 second is after a disaster, the Federal Emergency Management Agency always
26 provides the county of a federally-declared disaster a certain amount of money
27 depending on the scope of the event/disaster. They allow a certain amount of money to
28 come back into the community to deal with those critical infrastructures.

29
30 Mr. Harris said the City of Lake Mary has a number of different projects that are
31 currently on the project list for the local mitigation strategy. He said the Commission
32 Chambers were beautiful and one of the projects is to protect this chamber and building.
33 It is to provide wind protection for all the windows and the rest of the building. There is
34 another project to protect structure off Rinehart Road (Mr. Harris was referring to the
35 Municipal Services Complex) that houses a lot of different critical infrastructures for the
36 City of Lake Mary. Another project is Soldiers Creek which is a stormwater project and
37 signing this resolution will give the City an opportunity to either apply for pre-disaster
38 mitigation funds or after a disaster to obtain those funds that are automatically
39 designated to the County and the cities to strengthen the critical infrastructures in the
40 County.

41
42 Mr. Harris said he appreciated the Commission taking the opportunity to look at and
43 approving this resolution.

1
2 Commissioner Duryea said he thought this was a great document and it is nice to know
3 that Seminole County believes that volcanoes are not a threat. Deputy Mayor Brender
4 interjected “and tsunamis”.

5
6 Mr. Harris said the Federal Emergency Management Agency makes us look at all
7 hazards throughout the entire country. While it is comical for the working group as we
8 go through this LMS (Local Mitigation Strategy), it is very cute to look at landslides and
9 the vulnerability of landslides, volcanoes and even to earthquakes to some degree. He
10 said Bram Towers suffered some damage from the rumblings of an earthquake in the
11 Gulf of Mexico. Even though we think that is a distant kind of disaster we have actually
12 felt the effects here. The chances of a volcano are pretty low but we are prepared.

13
14 Mayor Meador said we have been very fortunate the last season or two but forewarned
15 is forearmed. He thanked Mr. Harris for the preparation on this.

16
17 **Motion was made by Deputy Mayor Brender to approve Resolution No. 863,**
18 **seconded by Commissioner Lucarelli and motion carried unanimously.**

19
20 VII. Unfinished Business

- 21
22 A. Ordinance No. 1349 – Small scale land use amendment to the City’s
23 Comprehensive Plan revising the Future Land Use designation from LDR
24 (Low Density Residential) to DDD (Downtown Development District) for City-
25 owned property located south of Grandbend Avenue and west of Country
26 Club Road – Second Reading (Public Hearing)

27
28 The City Attorney read Ordinance No. 1349 by title only on second reading.

29
30 Staff had no additional information.

31
32 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1349. No
33 one came forward and the public hearing was closed.

34
35 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1349 on**
36 **second reading, seconded by Commissioner Duryea and motion carried by roll-**
37 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes;**
38 **Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

- 39
40 B. Ordinance No. 1350 – Rezone City-owned property located south of
41 Grandbend Avenue and west of Country Club Road – Second reading (Public
42 Hearing) (quasi-judicial)

1 The City Attorney read Ordinance No. 1350 by title only on second reading.

2
3 Staff had no additional information.

4
5 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1350. No
6 one came forward and the public hearing was closed.

7
8 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1350 on**
9 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**
10 **call vote: Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner**
11 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

12
13 C. Ordinance No. 1351 – Small scale land use amendment to the City’s
14 Comprehensive Plan from LMDR (Low Medium Density Residential) to DDD
15 (Downtown Development District) for two small City-owned properties located
16 on the SW corner and the SE corner of Greenleaf lane and Lake Street –
17 Second Reading (Public Hearing)

18
19 The City Attorney read Ordinance No. 1351 by title only on second reading.

20
21 Staff had no further information.

22
23 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1351. No
24 one came forward and the public hearing was closed.

25
26 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1351 on**
27 **second reading, seconded by Commissioner Gray and motion carried by roll-call**
28 **vote: Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
29 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

30
31 D. Ordinance No. 1352 – Authorize purchase of property located at 186 East
32 Crystal Lake Avenue – Second Reading (Public Hearing)

33
34 The City Attorney read Ordinance No. 1352 by title only on second reading.

35
36 Mr. Litton said this is 186 East Crystal Lake Avenue. It is in the Downtown
37 Development District and the price is \$150,000. Upon the Commission’s approval we
38 will begin due diligence which includes the environmental assessment and if everything
39 comes back okay then we will sign the contract.

40
41 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1352. No
42 one came forward and the public hearing was closed.

43

1 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1352 on**
2 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
3 **call vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes;**
4 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Mayor Meador, Yes.**

5
6 VIII. New Business

7
8 A. Resolution No. 864 – Approving Advanced Solar Photonics LLC as a
9 Qualified Target Industry business

10
11 The City Attorney read Resolution No. 864 by title only.

12
13 Tracy Turk, Senior Director for the Metro Orlando EDC, came forward representing
14 Advanced Solar Photonics. She introduced Thomas Gregory, Vice President of
15 Finance for Blue Chip Energy, which is the parent company for Advanced Solar. Many
16 of the Commission are familiar with the company, some have toured the facility, and
17 they did a presentation to the Commission.

18
19 Ms. Turk said Advanced Solar is currently housed in the old Siemens facility at 400
20 Rinehart Road. Their intent is to initially occupy 120,000 square feet of the building and
21 they have the option to take additional space for future expansion if needed. They are
22 purchasing a new solar PV panel line to allow them to increase capacity up to 60
23 megawatts which will require the addition of 150 new jobs. They anticipate these 150
24 jobs would be on line by the end of 2010. These positions pay an average wage of
25 approximately \$45,000, which is slightly higher than the QTI requirement of 115% of the
26 County's average wage which is \$44,199.

27
28 Ms. Turk said with purchases of R & D equipment, manufacturing equipment, and
29 tenant improvements to the space the estimated capital investment will be \$7.9 million.
30 The company is eligible for a total QTI award of \$450,000 from the state and that
31 requires a 20% local match, or \$90,000 to be provided by the City and County at
32 \$45,000 each over a four-year timeframe.

33
34 Ms. Turk said the County approved the resolution on April 28, 2010, contingent upon
35 the Commission's approval this evening.

36
37 Ms. Turk said a QTI project has to require an out of state competition to be eligible and
38 the location they are also considering is Ohio.

39
40 Commissioner Duryea said in the General Project Overview it says that they don't know
41 if the jobs are going here or Ohio.

1 Ms. Turk said that is part of the requirement. They have to be looking at two locations
2 and the project has to have out of state competition to qualify for the award.

3
4 Commissioner Duryea asked if this now says they have made a decision to do it in
5 Florida.

6
7 Ms. Turk said once it is approved, you are doing a portion of the approval process. The
8 resolution goes to the state and that is the final part of the application, the state
9 approves it and then they announce their decision. Their intent is to locate and expand
10 here.

11
12 Commissioner Duryea said it had been a while since they have gone through this
13 process. He wondered what happens to the companies that we've funded. He asked if
14 they had been successful, gone out of business, and their track record.

15
16 Ms. Turk said she didn't know off the top of her head. The state does do the contract
17 with the company and they follow them through the several years to provide the
18 incentive. She said she could find out that information. The EDC will start tracking
19 more of these companies as we go forward. In the past we have not tracked the actual
20 job creation. We know the company is here or not here but we haven't tracked the
21 actual number of jobs that have been created and maintained, and we are going to start
22 doing a better process of that so we will have better information on an ongoing basis.
23 She said she could get the statistics on the progress of the other companies that have
24 been incentivized so far.

25
26 Mr. Litton said they have not all been successful and some of them have failed. The
27 state is very diligent in following that up and they notify us when that happens. We
28 haven't paid anything that we weren't supposed to.

29
30 Commissioner Duryea said if we pay it is there is a chance of getting it back if they don't
31 do what they're supposed to. Mr. Litton answered affirmatively.

32
33 Commissioner Gray said she would like to see the tracking of the previous companies.

34
35 Commissioner Gray said the report says 150 jobs by December 31, 2011. She asked
36 Ms. Turk if she misspoke or was this misprinted.

37
38 Ms. Turk said the reason it is stated that way in the application is by the time the
39 company receives their contract from the state and signs the contract, it will be several
40 months from now. The state wants to give the company sufficient opportunity to create
41 the tax liability and enable them to get the full award. For example if they sign the
42 contract in August they only have from August to December to create the tax liability to
43 get the full refund next year. Because that was such a short timeframe the state

1 suggested we push the date back one year to give them the full advantage of the entire
2 incentive award. They expect the jobs will be on line before the end of this year but
3 they are not required to have them on board until the end of next year.

4
5 Mr. Litton said if they are successful and their goals are what they stated in their
6 application, our first payment would be due the end of 2011 in the amount of \$11,250
7 each year.

8
9 Mayor Meador said this is the type of investment we appreciate. He thanked Mr.
10 Gregory for looking at the City of Lake Mary. This city will do whatever we can to make
11 sure they are successful.

12
13 **Motion was made by Commissioner Gray to approve Resolution No. 864,**
14 **seconded by Deputy Mayor Brender and motion carried by roll-call vote: Deputy**
15 **Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner Gray, Yes;**
16 **Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

17
18 B. Request of conditional use approval to allow a mass transit station within the
19 Downtown Centre (DC) zoning district, 187 East Crystal Lake Avenue; Chris
20 Mahnken, applicant (Public Hearing) (quasi-judicial)

21
22 Mr. Noto said he would start the presentation where Mr. Omana was discussing earlier
23 with the proposed FDOT parking lot and SunRail stop. He pointed out the subject
24 property on the exhibit. The overall project is a multi-layer process. Last year Mr.
25 Mahnken came forward to rezone the property from C-1 to DC and as part of the
26 continuing process that he is going through to eventually get his project open, a transit
27 station in the DC zoning district is a conditional use and is why we are here tonight.

28
29 Mr. Noto said the current building is 4,500 square feet. While it says in the staff report
30 the transit station would be 14,977 that is actually the lot coverage area. The actual
31 building would be closer to 20,000 square feet because it will be two stories.

32
33 Mr. Noto said to discuss more of what was brought up at the workshop regarding the
34 platform, entrance and exit, he put up a conceptual plan provided by the applicant. He
35 said Mr. Mahnken is coordinating with City staff and FDOT on building this project.
36 There are four possible entrances to the building. This will all be worked out through
37 time as we go through site plan to make sure there are no obstacles in the platform and
38 to address some of the possible safety concerns as far as people parking in the FDOT
39 parking lot and wanting to get across to his building and to make sure there are no
40 safety problems crossing over the tracks. This is a conceptual plan and as we get to
41 the site plan stage and the ball keeps rolling we will make sure those issues are
42 addressed.

1 Mr. Noto said another item being looked at by staff, besides the item that the property
2 owner will be providing retail and office uses, there has been some discussion of a City
3 kiosk for folks to pay utility bills before or after boarding the train.

4
5 Mr. Noto said staff has found that the request has met the necessary findings of fact
6 and recommended approval.

7
8 Mr. Noto said on April 13, 2010, the Planning & Zoning Board unanimously
9 recommended approval.

10
11 Mayor Mealor asked if anyone wanted to speak in reference to this conditional use
12 request.

13
14 Joanne Counelis, 136 East Alma Avenue, came forward. She said they have got to
15 hurry and get that SunRail in before her 59th birthday on April 24th.

16
17 No one else came forward and the public hearing was closed.

18
19 **Motion was made by Commissioner Duryea to approve the conditional use,**
20 **seconded by Commissioner Lucarelli and motion carried by roll-call vote:**
21 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner Lucarelli,**
22 **Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

23
24 C. Request for site plan approval with variances for Carli Professional Office
25 Building, 2680 West Lake Mary Boulevard; Applicant: D&B Carli, LLC/Brent
26 Carli (Public Hearing) (quasi-judicial)

27
28 Mr. Omana provided some remarks on the process they have gone through with Mr.
29 Carli and his engineering staff and to highlight some of the challenges and hurdles they
30 were faced with.

31
32 Mr. Omana said the property is .5 acres in size. There were four primary characteristics
33 that we thought were unique to the property that we thought were some considerable
34 challenges.

35
36 Mr. Omana showed a statement from an engineer who made the survey and plat dated
37 March 31, 1927. These lots were platted in the 1920's. The challenge we are faced
38 with is applying the 2010 code to lots that were platted in 1927.

39
40 Mr. Omana said the second unique characteristic that we thought was critical was the
41 City Commission has given staff direction that when you are abutting Seminole Avenue
42 that Seminole Avenue was not to have any access. He showed a map of the property.

1 The area in the back was to be maintained in a residential forum—maintain the
2 residential character and nature of this area.
3
4 Mr. Omana said issue No. 3 is the subject property has triple frontage. In his tenure
5 with the City this is only the second project where we have had triple frontage involved
6 in a development review petition. We believe that is unique.
7
8 Mr. Omana said the fourth issue we felt was interesting and is more of a planning and
9 zoning analysis goes back to what the Comprehensive Plan mandates for this corridor.
10 The subject property is located at the corner of Fifth Street and Lake Mary Boulevard.
11 That entire corridor is in the Comprehensive Plan with the Office land use designation
12 with the respective PO zoning in place. It was designated for a specific density and
13 intensity which Mr. Carli has provided for and is continuing to do and wishes to pursue
14 further through this approval.
15
16 Mr. Omana said the interesting factor is what uses could also be allowed here given the
17 existing zoning and existing office land use designation. Let's say Mr. Carli sold the
18 building and we had Joe Smith Developer come in. Technically that person could
19 request a bank facility, a conditional use for a pharmacy, or as a permitted use by right
20 could place a church on this property.
21
22 Mr. Omana said to look at this in more detail. Fifth Street and Lake Mary Boulevard is
23 in close proximity to downtown. The Commission has given staff direction to keep a
24 close eye and regulate these uses on these properties and be as compatible as
25 possible with the downtown area, understanding that the subject property is not in the
26 downtown. We want to be vigilant and let the Commission know there are higher
27 intensity uses that could go on there given the zoning and land use designation.
28
29 Mr. Omana said it was his professional opinion that there are four very important factors
30 that lend uniqueness to the subject property.
31
32 Mayor Meador asked the Planning & Zoning Board's recommendation. Mr. Omana said
33 they unanimously recommended approval.
34
35 Mr. Noto said what Mr. Omana has outlined are key characteristics for this project. We
36 have taken them all seriously into account as well as the applicant and his engineer and
37 architect.
38
39 Mr. Noto said upon first glance the Commission may look at this project and think 12
40 variances are a lot. It is but these characteristics outlined are very unique and is why
41 what is before the Commission this evening is the best use for the property.
42

1 Mr. Noto said the applicant will be constructing a new building on the property. The new
2 building will be just under 3,700 square feet. The current building is roughly 1,500
3 square feet. The applicant is improving the property by constructing new parking
4 facilities as well as a drainage facility which it does not have right now.

5
6 Mr. Noto said in lieu of going over each variance he would outline the different types of
7 variances we have. There are 7 landscape variances that are outlined in the staff report
8 which are governed by Chapter 157. Those variances allow for more flexibility in how
9 they are granted and that is outlined in the staff report. Those variances were heard by
10 the Planning & Zoning Board on April 13, 2010, and they recommended all of them
11 except for the dumpster variance. He said he would get to that towards the end of the
12 presentation.

13
14 Mr. Noto said there are 5 variances noted as “other variances” within the staff report
15 which are governed by Chapter 154. Those variances were also heard by P&Z and all
16 of those variances were recommended for approval.

17
18 Mr. Noto said to fall back to the dumpster variance, when we met with the Planning &
19 Zoning Board we gave them two options in conditioning the approval. One of those was
20 to approve all the requested variances with the exception of the variance for the
21 dumpster and that they revise the site plan to show a dumpster, dumpster enclosure
22 and landscaping. The other option was that they approve the requested variances and
23 the variance relative to the dumpster and dumpster enclosure and require landscaping.
24 They chose the first option.

25
26 Mr. Noto said after that meeting staff met with Mr. Litton and we came up with a third
27 option which we believe is viable: “The City Commission approve the above requested
28 variances and the variance related to the dumpster, the dumpster enclosure, and
29 required landscaping with the condition that at such time that the use of the subject
30 property shall change from that of an insurance company/investment office, or if four 96-
31 gallon garbage containers shall be required per week, whichever comes first, the
32 owner(s) of the subject property shall comply with the relevant requirements regarding
33 the dumpsters, dumpster enclosures, and landscaping.”

34
35 Mr. Noto said as Mr. Omana pointed out, if a pharmacy were to come in here, that
36 would encourage a dumpster to be put on the property. There may be some gray areas
37 and we will look at those on a case by case basis for whatever we may get there.

38
39 Mr. Noto said staff finds the proposed site plan complies with all relevant standards of
40 the City of Lake Mary Land Development Code with the condition that prior to the
41 issuance of a site construction permit, the applicant enter into a sidewalk deferral
42 agreement with the City regarding construction of sidewalks on both Fifth Street and
43 along Seminole Avenue.

1
2 **SIDE 2B**
3

4 Mr. Noto reiterated that the Planning & Zoning Board unanimously recommended
5 approval on April 13, 2010.
6

7 Mayor Mealor thanked staff and P&Z for the diligence that they have approached this
8 matter prior to bringing it to the Commission.
9

10 Commissioner Duryea asked for clarification on the sidewalks.
11

12 Mr. Noto said there are existing sidewalks on the west side of Fifth Street. As part of
13 one of the scenarios Mr. Omana outlined as far as the lack of impact on the residential
14 areas on Seminole and the fact that we would not want to encourage a sidewalk to
15 nowhere, the applicant will enter into an agreement that as development occurs
16 throughout time he will then provide a sidewalk.
17

18 Commissioner Duryea clarified that this was just a deferral. Mr. Noto answered
19 affirmatively on the west side of Fifth Street and on Seminole Avenue.
20

21 Commissioner Gray said it was stated the survey was done in 1927. She asked if it was
22 not correct. She was trying to discern what that has to do with the variances.
23

24 Mr. Omana said it was correct. He showed the 1927 plat on the overhead and pointed
25 out Lots K, L and 66 feet not in the plat plus the two in the back, all of those add up to
26 the exact dimensions that Mr. Carli has before the Commission this evening. There was
27 no error in the plat but the fact that it was platted in 1927, these are lots of record, and
28 the challenge is we are applying 2010 standards to 1927 lots.
29

30 Commissioner Gray asked if the examples of what could go in there such as a
31 pharmacy or church, is that not true all the way up and down Lake Mary Boulevard
32 where it is zoned the same.
33

34 Mr. Omana said those would be allowed in the PO zoning district that the lots along
35 there do have that zoning designation. If Mr. Carli sold the property somebody could
36 come in and do that.
37

38 Commissioner Duryea asked if any of these provisions come into play if the property is
39 turned over. If Mr. Carli decides to do this for the next five years and then sells the
40 property, he asked if that triggered these improvements or are they still conditional.
41

42 Mr. Omana said they are conditions to the development order. For example, the
43 dumpster provision would be recorded in the public records and have it run with the land

1 and the same with the sidewalk deferral. We would have those conditions run with the
2 property.
3
4 Ms. Reischmann said the variance itself runs with the land unless the Commission
5 provides a condition otherwise like they did with the dumpster condition that if the use
6 changed then that variance would no longer be in effect for the dumpster.
7
8 Commissioner Duryea said he saw there was a variance for a 3-foot berm and a 4-foot
9 wall. He asked where on the plat that would have to be put.
10
11 Mr. Omana said the 4-foot high brick wall and 3-foot high berm would be located on the
12 north landscape buffer. One the western buffer there will be a 6-foot high brick wall.
13
14 Commissioner Duryea said they were only talking about the north piece of property. Mr.
15 Omana said the north piece and the western portion of the perimeter.
16
17 Commissioner Duryea asked if there would have to be a wall all the way down through
18 there or just to where the alley used to be.
19
20 Mr. Omana said for the north landscape buffer would have to have a 4-foot brick wall
21 and a 3-foot berm. As you go to the western portion, the northern 126 feet of that would
22 have a requirement for a 6-foot high brick wall. He said Mr. Carli has indicated that he
23 has talked to the adjoining property owners and they have come to an understanding as
24 to the appropriateness of what's before the Commission this evening.
25
26 Commissioner Duryea said that would be a requirement nonetheless. Mr. Omana said
27 that would be a requirement in this petition for relief under the variance process.
28
29 Deputy Mayor Brender said there is no dumpster but if one is required there is room on
30 the property for one. He didn't want to hear five years from now when Joe Smith wants
31 to open up a hot dog stand that the building is taking up the whole thing and there is no
32 room.
33
34 Mr. Omana said in talking with Mr. Frith, the engineer for the property, he has provided
35 accommodations for possible placement.
36
37 Deputy Mayor Brender said without removing parking. Mr. Omana answered
38 affirmatively.
39
40 Mayor Meador said under the scenario Commissioner Brender just mentioned, it is
41 already factored in and City staff has the wherewithal to implement it. Mr. Omana
42 answered affirmatively.
43

1 Deputy Mayor Brender asked why we are not requiring the sidewalk.
2
3 Mayor Mealor said it makes absolutely no sense and we would create more of a hazard
4 than what is currently there. It would be a sidewalk to nowhere. If you are pulling into
5 the building, you are going to have access to the building through the parking. For
6 future development absolutely but it has to be tied in.
7
8 Deputy Mayor Brender questioned if there was room for a sidewalk in the area where it
9 says sod.
10
11 Mr. Omana said for ADA accessibility as required under the law we had them provide
12 the minimum connection into the site so there would be room.
13
14 Deputy Mayor Brender said in meeting all these variances we are not only giving up a
15 significant amount of space requirements but we are also giving up a fair amount of
16 landscape. This is rife with problems in the future. He asked if this is what we want for
17 Lake Mary Boulevard. He was not sure that the fact it was platted in 1928 necessarily
18 makes it unique; all those properties along Lake Mary Boulevard were platted back
19 then. He questioned if this is the kind of packing we are looking for for office
20 development on Lake Mary Boulevard.
21
22 Commissioner Duryea said there is always a compromise when you've got such small
23 lots. He thought maybe the building would fit better on the rear property than the front
24 property but then again there would be parking on Lake Mary Boulevard. He said he
25 would rather see the office with a nice façade, trees and landscaping rather than a
26 parking lot. The applicant doesn't own contiguous property so you are constrained with
27 the fact do I spend whatever it is going to cost to develop this property but I have to
28 develop to a certain extent so I can get return on investment or else it's a waste of time.
29
30 Ms. Reischmann said these are lots of record so they are entitled to build on them. Our
31 standards are geared toward new development. Here we are trying to fit a square peg
32 into a round hole. In order to allow for development along this stretch is why the
33 Commission has the leniency that they do as to the landscape variances. They are lots
34 of record and are entitled to build.
35
36 Commissioner Duryea asked if they would be doing all these variances if this were in
37 the downtown area.
38
39 Mr. Omana answered negatively. The downtown area has more relaxed setbacks, the
40 impervious coverage ratios are more friendly, so we wouldn't be in this degree of
41 variance analysis.
42
43 Mayor Mealor for Regency Pointe we have granted similar variances.

1
2 Deputy Mayor Brender said his concern is we have about three blocks from Fourth
3 Street to Seventh Street where there is a tremendous opportunity for that area to end up
4 developing individual lots. He said his vision of the north side of Lake Mary Boulevard
5 was developers getting hold of contiguous properties and building larger complexes. If
6 we do this are we setting up a three or four block area where every piece is going to be
7 a square peg in a round hole.

8
9 Commissioner Duryea said that is what we are going to have to deal with.

10
11 Deputy Mayor Brender said the lots between Fourth Street and Eighth Street, that whole
12 stretch of 15 lots can go in this direction. He questioned if that is where we want to go.

13
14 Commissioner Lucarelli said she didn't think they would want it lined with long, huge
15 strip malls. A little mix there is good. She thought it was good to have the smaller ones
16 in between. It breaks it up, and there will be more businesses coming in stimulating the
17 economy.

18
19 Commissioner Gray asked if this is an all or nothing that we have to vote on.

20
21 Ms. Reischmann said she didn't think it is but the Commission is interested in certain
22 variances and not others but it affects the applicant's plan. The applicant may want to
23 make comment on how it affects his plan to eliminate certain variances. It is not an all
24 or nothing.

25
26 Ms. Reischmann explained that the variance process is a case by case process. Each
27 applicant can be judged on its own merits. She said she didn't know what incentives we
28 have for aggregation in the code but those can be explored.

29
30 Mayor Mealor said this Commission has had discussions, we have met with staff, talked
31 about a long range plan and spent a lot of energy and resources in creating what this
32 city is to be. Staff understands what that is. We have an opportunity for someone to go
33 vertical. Staff is very cognizant of what we are talking about. If we come in here and
34 want to start micro managing these issues as this Commission has done in the past, we
35 send a message that is counterproductive to all of the effort that we as a combined
36 group have put in this over the last several years. When we see something that comes
37 before us, this is a very deliberate process. It's coming to us with staff giving us their
38 best input, capitalizing on City Attorney input, P&Z input and others. This is one of
39 those times that we've got an opportunity to do some different things. He said that is
40 why he is excited to see this project come forward because he thought it was a
41 precursor of other types of development we will be dealing with.

42

1 Mr. Litton said this protects the residential component to the north. That was a long
2 standing philosophical direction from the Commission.

3
4 Commissioner Lucarelli said she liked the third option that they offer (regarding the
5 dumpster).

6
7 Mayor Meador asked if anyone wanted to speak in reference to this request for site plan
8 approval with variances.

9
10 Brent Carli, co-manager of D & B Carli, LLC, came forward. He said D & B stands for
11 Debbie (his wife) and Brent. He said it is our legacy. Someone made the comment
12 about us selling. His son, Tory, is 30 years old and has been running the agency for
13 five or six years. This is what we want to do for the City of Lake Mary. He said he had
14 been here since the '60's. We appreciate the Commission's consideration and would
15 like a favorable decision. We are well over budget and was not getting a return on
16 investment except for his family.

17
18 No one else came forward and the public hearing was closed.

19
20 **Motion was made by Commissioner Lucarelli to approve the site plan with**
21 **variances with the optional condition regarding the dumpster variance and the**
22 **condition that the applicant enter into a sidewalk deferral agreement prior to site**
23 **construction permit, and all criteria for the variances have been met; seconded by**
24 **Commissioner Duryea and motion carried by roll-call vote: Commissioner Gray,**
25 **Yes; Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner**
26 **Duryea, Yes; Mayor Meador, Yes.**

27
28 Mayor Meador thanked Mr. Carli. He said Mr. Carli does not draw a lot of attention to
29 himself but the gift he gave the University of Central Florida in terms of their golf training
30 facility that rivaled that of Augusta, the fact that the University of Central Florida is a
31 conference USA golf champions, he thought that was an effort that has been more than
32 successful.

33
34 D. Resolution No. 865 – Demolition of an unsafe structure and executing a lien
35 on property located at 605 Timberlane Drive

36
37 The City Attorney read Resolution No. 865 by title only.

38
39 Mr. Litton said a copy of the demolition order is in the packets that was issued by the
40 Building Official declaring this an unsafe structure. This was a fire in the Forest that
41 occurred earlier this year. Because of insurance issues, the structure is still standing
42 and it is a hazard not only to the people who live around but to those people driving,
43 walking, etc. through the Forest. Both the property owners have been consulted and

1 they do not have the wherewithal to remove the structure. After we approached them
2 they have consented to a lien if the City would remove it. He said we owe it to the
3 people of the Forest to get it out of there and we will get our money eventually. It's a
4 hazard.

5
6 Mr. Litton recommended that the Commission approve Resolution No. 865 and
7 corresponding budget adjustment of \$2,200.00. The reason that is different from the
8 total of \$2,255.50 is some of that is administrative fees and \$50.00 of that is recording
9 fees and that comes out of the City Clerk's office.

10
11 **Motion was made by Commissioner Duryea to approve Resolution No. 865 and**
12 **the associated budget adjustment, seconded by Commissioner Lucarelli and**
13 **motion carried unanimously.**

14
15 IX. Citizen Participation

16
17 Joanne Counelis, 136 East Alma Avenue, came forward. She stated a bus was needed
18 on Sundays and holidays for 45 and a bus was needed at Longwood-Lake Mary Road,
19 also on Sundays and holidays. We need Bus 434 on Sundays and holidays. We need
20 bus service for everything including holidays and weekends for all of Seminole, Orange
21 and Osceola Counties.

22
23 No one else came forward and citizen participation was closed.

24
25 X. Reports

26
27 A. City Manager

- 28
29 1. Request Commission authorize expenditure from Law Enforcement Trust Fund
30 for various organizations in a total amount not to exceed \$9,000 and authorize
31 City manager to execute associated budget adjustment

32
33 Mr. Litton said the Commission has a list of projects that the Police Department would
34 like to fund from their forfeiture account. These are donations that we do every year:
35 \$1,000 each to Lake Mary and Seminole High Schools Alcohol Free Graduation; the
36 Grove Counseling Center, Kids House of Seminole, Seminole YMCA Family
37 Scholarship, MADD Central Florida Chapter, and SafeHouse of Seminole; and \$500
38 each to the Children's Rights Foundation and Crooms Academy of Information
39 Technology to assist with their drug free/alcohol free graduation. Earlier this year we
40 gave \$1,000 to CrimeLine and they are still running short and would like to donate
41 another \$1,000. That is a very valuable tool in crime fighting.

1 Mr. Litton said this requires Commission approval and asked the Commission to
2 approve the expenditures and corresponding budget adjustment in the amount of
3 \$9,000.00.

4
5 **Motion was made by Commissioner Gray to approve the expenditures from the**
6 **Law Enforcement Trust Fund as outlined in the staff report and authorize the City**
7 **Manager to execute the associated budget adjustment in the amount of \$9,000,**
8 **seconded by Commissioner Lucarelli and motion carried unanimously.**

9
10 2. Request Commission cancel June 17, 2010, Commission meeting; reschedule
11 second meeting in July; reschedule meetings in August and September; and
12 approve FY 2011 budget schedule

13
14 Mr. Litton said this is a request to change the meeting schedule for the next three
15 months due to various circumstances. The first would be to cancel the June 17th
16 meeting as we do not anticipate anything coming forward. If we have anything coming
17 up we can always call a special meeting.

18
19 Mr. Litton suggested changing the second meeting in July to July 22nd. Normally that
20 would be the 15th but we need as much time as we can with the budget. The later we
21 present the better our numbers are going to be. July does have give Thursdays.

22
23 Mr. Litton said because of the League of Cities he suggested changing the August
24 meeting dates to the second and fourth Thursdays which would be August 12th and 26th.
25 Because of the TRIM Bill, we need to change the September meetings to the second
26 and fourth Thursdays which would be September 9th and 23rd. There are some
27 extenuating circumstances here and didn't like to do this any more than we have to but
28 the TRIM notice catches us this year. The earliest we could adopt is September 3rd
29 which is a Friday so we miss out on that window.

30
31 **Motion was made by Deputy Mayor Brender approve cancellation of June 17,**
32 **2010, meeting; reschedule second meeting in July to July 22, 2010; reschedule**
33 **meetings in August to August 12th and 26th; reschedule meetings in September to**
34 **September 9th and 23rd; and approve FY 2011 budget schedule. Seconded by**
35 **Commissioner Lucarelli and motion carried unanimously.**

36
37 Mr. Litton said there was a great turnout and a lot of good comments on the Family Fun
38 Day. Hopefully we will be able to continue that in the future.

39
40 Mr. Litton said as of April 27th, we had 77% of our residents who had returned their
41 census form. That is down about 3% from 2000. This figure is prior to the cut off for
42 door to door non-response follow-up operations. They are going to be doing that in the
43 near future.

1
2 Mr. Litton said we are soliciting proposals for Continuing Engineering & Planning
3 Services. A lot of this has to do with downtown. He asked the Commission to appoint a
4 review committee and his suggestion would be the City Manager, Public Works
5 Director, Community Development Director, City Engineer and a member of the
6 Commission. He thought we can go through those proposals and bring them back to
7 the Commission as a shortlist and hopefully a presentation.

8
9 Commissioner Duryea volunteered to serve on the committee.

10
11 **Motion was made by Commissioner Gray to approve appointment of**
12 **Commissioner Duryea to the Engineering Review Committee, seconded by**
13 **Deputy Mayor Brender and motion carried unanimously.**

14
15 Mr. Litton said he and Bruce Paster met yesterday with several of the residents of
16 Countryside subdivision which is off South Country Club Road. They have had a
17 terrible time with the rains. They are flooded and they are all private. They are a victim
18 of growth over the years of the basin and getting all those flood waters coming down.
19 What we think they need is another culvert. They've got some start-up costs associated
20 with surveying and the application. It won't exceed \$2,500 and he thought we owe it to
21 those people to help them get started on this.

22
23 Commissioner Duryea said when they first did that subdivision they didn't want roads
24 and a couple of people had horses. We don't have any jurisdiction back in there.

25
26 Mr. Litton said we don't but we think another pipe will help them. The problem is you
27 have to do all these wetland studies and things downstream to make they are not
28 impacting them. He wanted to let the Commission know that we are going to help them
29 get started. He said they may come in with a wish list of their own and sometimes they
30 feel they are ignored, but their forefathers chose that living condition.

31
32 Mr. Litton said we have been going back and forth with FEMA and the state since
33 Hurricane Charlie. We thought we had it resolved for \$400. We got a bill for
34 \$161,719.93 and that is all due to private road pickup during the storms. They have
35 gone back and forth on this decision. The state is going to support our appeal. He
36 wanted the Commission to know we are going to appeal and are not going to pay it. He
37 thought the state agreed with us but this is coming from the federal level. All the cities
38 are going through that. If we lose the initial appeal then we need to get congressional
39 help. Other cities have been successful doing that. This is just now coming to light. He
40 said Ms. Sova has worked very hard on that. He wanted the Commission to be aware
41 that is still out there.

1 B. Mayor

2
3 Mayor Mealor had no report at this time.

4
5 C. Commissioners (1)

6
7 Deputy Mayor Brender said CALNO was last night sponsored by the County and dinner
8 was sponsored by Commissioner McLean. The discussion was the County budget and
9 the current situation. They are talking about the possibility of drawing into their reserve
10 fund which right now stands at about \$50 million. The proposal that Commissioner
11 McLean has entered into is to draw down about \$12 million and declare this the rainy
12 day and use that to lower the ad valorem rate down to the 2007/2008 number. He said
13 they don't know where that's going to go yet. The County is in budget sessions.

14
15 Deputy Mayor Brender said he has called for a special called meeting of the Seminole
16 County Expressway Authority on June 8th. We have the response to the Orange County
17 Expressway Authority's position on a membership on their board and we are going to be
18 continuing that process for the next several months. We are still hoping to have public
19 hearings on the placement of the road by the fall.

20
21 Deputy Mayor Brender asked if there was anything new on the city clinic concept.

22
23 Mr. Litton said he assembled a group of employees representing each department at
24 different classifications. They all visited Oviedo and came back very impressed. We've
25 got a lot of choices to make. The County just closed their bids and is in the process of
26 reviewing those. We may or may not want to go with the County. We are gathering
27 information and are working on it but we are not ready to bring it forward.

28
29 Commissioner Duryea had no report at this time.

30
31 Commissioner Gray said she attended the Tri-County League of Cities board meeting.
32 We are going as a group to the Mayors Summit.

33
34 Commissioner Gray said she attended the Chamber Breakfast and had the legislative
35 panel of four people from the State Legislature. They used \$2 million for a study on the
36 septic tank thing. She questioned why they didn't use the \$2 million to give to people
37 when they needed to replace their septic tanks. That was drawn out of a hat because
38 we had to write our questions.

39
40 Commissioner Lucarelli said Relay for Life team awards will be next Thursday at
41 Fiserve and we are going to be receiving an award as the top new team. We raised
42 \$3,187. Most of them are psyched to do it again next year and get bigger and better.

1 Commissioner Lucarelli said she attended the Victim's Rights lunch. She said she had
2 an issue she is trying to push through Tallahassee to change our stalking laws and
3 would be talking to Mayor Mealor for help.

4
5 Commissioner Lucarelli said the Family Fun Day was a huge success. We received
6 tons of compliments. The Lake Mary Prep kids were very professional and people
7 commended them on how polite they were. She thanked her committee. Everybody
8 worked great together and did an awesome job.

9
10 D. City Attorney

11
12 Ms. Reischmann had no report at this time.

13
14 XI. Adjournment

15
16 There being no further business, the meeting adjourned at 8:40 P.M.

17
18
19
20
21 _____
22 David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

23
24
25 ATTEST:

26
27
28
29 _____
30 Carol A. Foster, City Clerk