

1 MINUTES OF THE LAKE MARY CITY COMMISSION WORK SESSION held August  
2 12, 2010, 5:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club  
3 Road.

4  
5

6 The work session was called to order by Mayor David Mealor at 5:06 P.M.

7

8 Mayor David Mealor	John Litton, City Manager
9 Deputy Mayor Gary Brender	Carol Foster, City Clerk
10 Commissioner George Duryea – Late	Jackie Sova, Finance Director/ Assistant City Manager
11 Commissioner Shirley Gray	John Omana, Com. Dev. Dir.
12 Commissioner Jo Ann Lucarelli	Bill Carrico, Parks & Rec. Dir.
13	Bruce Paster, Public Works Dir.
14	Steve Bracknell, Police Chief
15	Colin Morgan, Deputy Police Chief
16	Craig Haun, Fire Chief
17	Mary Campbell, Deputy City Clerk
18	
19	

19

20 ITEMS FOR DISCUSSION

21

- 22 I. Proposed 2010/2011 Budget
- 23 General Fund
- 24 a. General Fund Programs
- 25 b. Special Revenue Funds
- 26 c. Revenue Projections

27

28 Mr. Litton thanked everyone for their consideration and prayers. He said it had been a  
29 tough couple of weeks but was feeling better.

30

31 Mr. Litton said he asked Ms. Sova to take the lead today but was present to talk about  
32 policy issues. This is an opportunity to go forward, especially in the Downtown area.  
33 We are on the cutting edge and have the chance to truly become a destination and to  
34 develop our Downtown and that was one of his primary concerns. The other was to  
35 take care of the employees. We have a lean, mean work machine and they all do an  
36 excellent job. While we hear this city gave raises or didn't, first of all a lot were union  
37 contracts that played themselves out. Second of all some enforced some type of  
38 furlough or time off. Our fund balance overall is still going to be good for a city our size.  
39 Starting in '09 our fund balance went up more than anticipated.

40

41 Mayor Mealor asked if there had been any change in Commission direction that fund  
42 balance should never get below \$10 million.

43

44 Mr. Litton answered negatively and we would end up there based on projections even  
45 with the reductions. We have taken into account the forecast that doesn't look good.

1 We have reduced the property values going out five years and that is why the five-year  
2 projections are so important.

3  
4 Mr. Sova said for Ad Valorem Taxes, the property appraiser sends us the valuation. By  
5 state law we have to budget 95% of what we expect from our millage rate. We actually  
6 collect a little more than 95% and this year we are a little above at \$80,000 above the  
7 95% point so far this year. Next year that is a significant drop from \$7.2 million to \$6.3  
8 million but that's the 12.2% drop in property valuations.

9  
10 Ms. Sova said the next biggest category of revenues is the Franchise Fees and Utility  
11 Taxes with the two electric companies being the largest of them. We have budgeted  
12 those conservatively this year but are concerned about the 2009 spike. We can't  
13 pinpoint what happened and don't think we should rely on it happening again or it  
14 staying up at that level. Some of it is usage and weather. It is strong revenue between  
15 the franchise fees and utility taxes. Propane remains flat because a lot are related to  
16 people with home heating systems for their pools.

17  
18 Ms. Sova said we had a spike in Telecommunications because of state audits. We got  
19 over a \$200,000 receipt all at one time and it is not going to be repeated so the  
20 revenues this year had to be ratcheted back to a more normal level. This was a re-  
21 distribution of some of the companies. In one case one of the companies was paying  
22 only counties and not paying any municipalities so the counties from that provider lost  
23 lots of money as it got re-distributed. This is trending downward and she thought it was  
24 related to people dropping land lines. Over nine million Florida homes have done that.

25  
26 Ms. Sova said Business Tax Receipts are stable and is almost renewal time for those.  
27 We follow up with those who don't pay. We have task teams that go out a couple of  
28 times of year in targeted areas.

29  
30 Ms. Sova said things are still slow for Building Permits. We budgeted next year about  
31 equivalent with how we think things are going for us this year. We don't have any  
32 definitive projects coming on line.

33  
34 Ms. Sova said in Fines and Forfeitures, court fines are down and that is related to the  
35 system out there now. The magistrates do the fines and rather than people going to  
36 court they distribute it throughout the county. Those people have too much heart and  
37 are not enforcing a lot of that.

38  
39 Ms. Sova said the Local Option Gas Tax is probably going up a little bit. The state said  
40 their revenues and sales have been improving. That is a number they calculate for us.

41  
42 Ms. Sova said in Grants we know we are going to get \$3,667. It is something for fire  
43 prevention.

1 Ms. Sova said State Revenue Sharing is projected to pop back up a little. Alcoholic  
2 Beverage Licenses bobs around because they tend to pay us for other jurisdictions.  
3 They don't want us to send the money back. They want to short the next check.  
4  
5 Ms. Sova said the One-Half Cent Sales Tax is going upward a bit and also our share of  
6 the County business licenses.  
7  
8 Ms. Sova said under Charges for Services are zoning and development related fees.  
9 We think they are going to run on trend to where we are this year.  
10  
11 Ms. Sova said in Police Services we get money back from when our people work with  
12 the County. We also do some billing for security type of work with our officers.  
13  
14 Ms. Sova said we estimated transport fees to be about equal to 2009.  
15  
16 Ms. Sova said the good news is the Events Center. The Farmer's Market, splash park  
17 and skate park are stable. We don't do many park rentals and that is a small revenue.  
18 The Sports Complex rentals will stay consistent as well as the leagues. Concession  
19 revenues have dropped off.  
20  
21 Commissioner Duryea arrived at this time (5:20 P.M.).  
22  
23 Ms. Sova said interest just isn't good.  
24  
25 Ms. Sova said new to the General Fund this year is the streetlighting assessments. We  
26 are going to have new reporting requirements for governmental funds and streetlighting  
27 didn't qualify to stand alone any longer so we merged it into the General Fund.  
28  
29 Ms. Sova said we expect about \$90,000 in Miscellaneous Revenues. We left the  
30 transfer from the Water & Sewer Fund the same. We expect \$16,836,645 in General  
31 Fund Revenues.  
32  
33 Ms. Sova said the Commission budget hasn't changed a lot. This budget accounts for  
34 how the Commission is paid and the travel and training. In the City Manager's budget,  
35 the senior staff assistant got moved to the building department and she comes into city  
36 hall one day a week to help out. Expenditures in the City Manager's budget are down.  
37  
38 Commissioner Duryea asked how they ended up in 2010. Ms. Sova said we're not  
39 done with 2010 but for year-to-date we have spent \$364,115 which is 71% of the budget  
40 and we have two months to go.  
41  
42 Ms. Sova said the Legal budget is the same. We haven't had any lawsuits that required  
43 any special attorneys.  
44  
45 Ms. Sova said the City Clerk's budget is about the same.  
46

1 Ms. Sova said under General Administrative, two of the big changes are professional  
2 services allowing some things to happen in Downtown and \$170,000 for an employee  
3 health clinic. Seminole County is trying to finalize something and Oviedo is open. We  
4 keeping hearing good things and had heard over utilization because it is so popular. A  
5 lot of the start up costs are going to be facility related. We have to remodel and then  
6 there is the equipment.

7  
8 Mr. Litton said the key is who we partner with. It could be two or three cities or it could  
9 be the County but that's critical.

10  
11 Ms. Sova said the 17-92 CRA payment is going down and that is in conjunction with  
12 property values going down. In contributions we budgeted \$5,000 for Meals on Wheels  
13 and the economic incentive payments for Advanced Solar Photonics. Risk  
14 Management is a small budget and takes care of the benefits fair and medical services  
15 for pre-employment.

16  
17 Ms. Sova said in Community Development staff is staying the same. The actual  
18 anticipated budget is down \$4,000. In Finance, staffing is the same but there will be  
19 more in expenses. The audit will cost more and we have to have an update of actuarial  
20 values for health insurance accounting requirements.

21  
22 Ms. Sova said in the Building Department is the same number of people. This is where  
23 we moved the senior staff assistant when there was a vacancy. In Facilities  
24 Maintenance there is little change.

25  
26 Ms. Sova said in the Police Department there are the same number of people. There  
27 were organizational changes last year. Salaries and operating costs are anticipated to  
28 come down. The Police Department uses the largest amount of fuel. We dropped the  
29 fuel price this year.

30  
31 Mr. Litton said we have been approached by other cities interested in combining  
32 dispatch centers. We want to keep it. They provide a lot of services that are not 9-1-1  
33 related.

34  
35 Ms. Sova said in the Fire Department is the same number of people. Operating costs  
36 have come down. Fire Prevention is going to get a grant for their public education  
37 program.

38  
39 Ms. Sova said Public Works Administration has managed to drop their operating  
40 expenses.

41  
42 Ms. Sova said in Parks we upgraded a staff assistant from part-time to full-time. The  
43 Events Center is the same.

44  
45 **SIDE 1B**

1 Commissioner Duryea said it would cost a lot of money to refurbish the Events Center in  
2 the future. He asked if there was a reserve in the budget for that.  
3  
4 Ms. Sova said we have the carpet budgeted in the Capital Projects Fund for 2013.  
5 Those are the kinds of things we put in the five-year plan.  
6  
7 Ms. Sova said in the Senior Center budget, they do well with what they have. We  
8 amend this during the year because of their fundraising activities and Shred-A-Thon.  
9 They have a donation box for classes that they offer and the classes are very full.  
10  
11 Ms. Sova said the Tennis budget is very consistent.  
12  
13 Ms. Sova said the Special Revenue Funds have ratcheted back from the past several  
14 years. Impact Fees are construction related and we had one house last year and one  
15 house so far this year. The Second Dollar Education and Training Fund is the \$2.00 we  
16 collect per ticket and is allocated for training expenditures.  
17  
18 Ms. Sova said in Police Impact Fee funds they don't have any expenditures planned. It  
19 is the same story with the Fire Impact Fees but they do have some equipment budgeted  
20 out of that fund. There was not very much in Public Works Impact Fees (\$25.00).  
21  
22 Ms. Sova said in the Law Enforcement Trust Fund, we don't budget those forfeitures.  
23 The state says we can't plan on budgeting to confiscate things from people. During the  
24 year we will spend some of the fund balance in some of the confiscated money. This is  
25 where we moved the DARE program so we could maintain that funding. There are  
26 some operating costs when we confiscate a vehicle. We have to pay court costs and  
27 sometimes court costs related to other monies. They would like to have some wireless  
28 transmitters for the motorcycles and that was budgeted.  
29  
30 Commissioner Lucarelli expressed concern and disappointment that the DARE program  
31 was cut because a particular school was not in the city limits. She thought teaching kids  
32 safety and what's right and wrong was important.  
33  
34 Mayor Meador said last year he was in Kentucky and there was a convention of sheriffs  
35 and police officers from Kentucky, Ohio and some of the neighboring states and with all  
36 the budget cutbacks they were talking about how some communities had cut them out.  
37 They were having such a positive response to what they were doing that they did a cost  
38 analysis and if they only reached five or six students, the program paid for itself in one  
39 year compared with the cost if they entered the system. He said as long as he had the  
40 opportunity to serve, he agreed this should be done.  
41  
42 Ms. Sova said the Recreation Impact Fees are light on the revenues. We have money  
43 from fund balance to begin the feasibility study for Heritage Park.  
44  
45 Ms. Sova said we have the new Lake Mary Cemetery Fund and we are learning. We  
46 have done our best "guesstimating" and we are underway.

1  
2 Ms. Sova said we have the money to make the debt service payments. The first is the  
3 2003 bonds and payments will total \$951,380 next year. In 2012 the debt service drops  
4 off considerably and we have another half in 2013 and these are done. These bonds  
5 diminishing will help us move on financially. For the 2007 Series A and B bonds, the  
6 Series A bonds is for the Events Center in the amount of \$175,000 principal payment  
7 and \$196,792 for interest. The 2007 B bonds are refunding bonds in the amount of  
8 \$235,000 for principal and \$57,145 in interest. These bonds become due on 10/1 of  
9 each year.

10  
11 Ms. Sova said in the Capital Projects Fund, we are going to transfer funds from the  
12 General Fund. We are going to continue to spend some of the balance. There is some  
13 carry forward money for downtown beautification projects in the amount of \$48,303. We  
14 added this year \$300,000 for downtown land acquisitions. We depleted all the money  
15 we had there in the past and we did budget amendments as we have been buying  
16 parcels. The T-21 projects grant money probably won't all be spent by the end of the  
17 year and we expect about \$18,000 to be spent next year. We have an estimate of  
18 \$96,063 for SunRail and then our annual desk top computer replacements. Since  
19 everyone now has flat screens we are not buying monitors and are just buying the box.  
20 The network servers need to be replaced and we have a replacement plan.

21  
22 Mayor Meador said Seminole State leases all their technology and there is an ongoing  
23 refresh cycle. He asked if that had been looked at.

24  
25 Ms. Sova said we did that for a couple of years. Computers have quit changing so fast.  
26 For a while by the time you ordered it and got it on your desk it was out of date. One  
27 thing about leases is they are taxable so we ended up paying taxes on the computers  
28 and was a little nit on top of the price. Technology is not changing as quickly so we are  
29 not encountering the problem of somebody complaining about their computer being out  
30 of date. We have a good feel for what's going on. One of the markers is who needs the  
31 memory upgrades. We have computers like the one in GIS where there is always  
32 something specially ordered and out of the ordinary.

33  
34 Deputy Mayor Brender asked if we had a replacement fund for the AS-400.

35  
36 Ms. Sova said it is server priced these days but we don't have a replacement fund for it.  
37 What is going to be upcoming is a big software upgrade. We have been running off this  
38 software since 1992/1993 and one package we bought in 1995. We get the annual  
39 updates but it is old school/old format. It works well for us but our software company is  
40 coming out with a solution that is going to be net based. She said she was watching  
41 that carefully. One of the other cities is about ready to sign on. The cost is also coming  
42 down. One of the reasons we are staying with who we have is conversion of the data.

43  
44 Ms. Sova said the Police Department has annual replacements for laptops and mobile  
45 and portable radios. This year they have carry forward money for in-car cameras.

1 There is funding for ticket writers and radars. We are going to get a grant for almost all  
2 the replacements.  
3  
4 Ms. Sova said we have some carry forward money for conservation.  
5  
6 Ms. Sova said we added Sports Complex lighting because we got a grant but then the  
7 grant got rescinded. It is going to a meeting tomorrow.  
8  
9 Ms. Sova said in Public Works for streets and sidewalks we have some set aside  
10 money and we have carry forward for streetlighting additions. We have \$300,000 for  
11 the downtown Fourth Street project that is dual funded between the Capital Projects  
12 Fund and \$100,000 in the Stormwater Fund. There is \$300,000 for annual street  
13 resurfacing.  
14  
15 Ms. Sova said carry forward funding from the Penny Sales Tax for Sand Pond  
16 Road/Skyline Drive is moving along. We will get reimbursed for the bulk of the  
17 construction monies.  
18  
19 Mr. Litton said we are very close to acquiring the necessary property from Progress  
20 Energy for the punch through. We promised we would have public input on whether or  
21 not we will do the punch through. Even if we don't, having the opportunity to get the  
22 right-of-way and not taking it is stupid.  
23  
24 Mayor Mealor asked the Commission if there were any items they would like to put on  
25 the table to talk about or use as advanced organizers for the next meeting.  
26  
27 Commissioner Duryea said some people had been hammering him about more tennis  
28 courts. He said he didn't think we need to do that right away.  
29  
30 Mayor Mealor said we have a recommendation for funding to do a stormwater fee  
31 review. He asked how much was budgeted. Mr. Litton said \$15,000.  
32  
33 Mayor Mealor said he didn't think that any of them are moving forward with talking about  
34 modifying that stormwater fee, although it has been in place for quite some time and  
35 has not been changed. He questioned if that was the best use of money at this time.  
36 He said he had no intention of bringing that issue forward during this upcoming fiscal  
37 year, but his colleagues may feel differently. Knowing that St. Johns is doing some  
38 modifications and we are going to be asked to do some things, he asked if the study is  
39 going to be viable in terms of the efficacy of that study a year or two out.  
40  
41 Ms. Sova said it is the five-year projection of getting in front of that. We are  
42 overspending every year from here forward and have been overspending. We are  
43 spending it faster than we are taking it in. That was the purpose of looking at it.  
44  
45 Mayor Mealor asked staff to poll surrounding communities and see what their  
46 stormwater fee is and bring it to the next work session.

1  
2 Commissioner Duryea said he didn't think it was a question of what everybody else is  
3 doing. It's obvious that we are not doing something right. We are either spending  
4 money out of that budget that we should be allocating somewhere else or we're not  
5 taking in enough revenue.

6  
7 Mr. Litton said what he didn't want to happen is our services to go down and we don't  
8 maintain what is out there. We have been forced by the state to take on more  
9 responsibility in the stormwater area. We are trying to allocate the money to the  
10 appropriate line items.

11  
12 Ms. Sova said what we have found is the allocation of public works employees is time  
13 and the Water & Sewer Fund is carrying a significant load for the time being spent on  
14 stormwater functions. Only two employees get charged to stormwater but there is a lot  
15 of effort applied in that arena that doesn't get charged there.

16  
17 Commissioner Duryea said we have two or three centralized employee entities yet we  
18 have no way to get people from the train station to those. He asked if they should have  
19 a continuous bus route or trolley that goes from the train station to Heathrow and  
20 Colonial and back again. We have some major areas employing a lot of people and  
21 have no way to get them there and make more use of the commuter rail. He said he  
22 had no idea of what that would cost.

23  
24 Mr. Omana said TAC has been keeping an eye on that issue. We will be in the process  
25 of setting up meetings with Tony Walters of Lynx and addressing that issue specifically.  
26 We experienced this same thing in West Palm Beach. Lynx indicated they have  
27 expanded Route 45 which would take you to the International Parkway area, service  
28 those offices and go back down the Boulevard and tie into the commuter rail station.  
29 We want to reconfirm that and see if there is a possibility to expand that. They have  
30 also created a special region whereby if you are within a certain radius of the commuter  
31 rail station, there will be a cross routing system that will allow you to have service within  
32 that radius to the commuter rail station. He said he could get with the Lynx folks and  
33 get an update.

34  
35 Mayor Mealor said that issue was talked about at the Mayors and Managers meeting in  
36 April or May. It might worth a presentation or update to the Commission. He asked Mr.  
37 Omana to follow up on that and maybe on August 26<sup>th</sup> we could allocate five minutes for  
38 the update.

39  
40 There being no further business, the work session adjourned at 6:25 P.M.  
41

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held August 12, 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 7:10 P.M. He apologized for  
8 the late start and explained the first budget work session as held earlier in the evening  
9 and they will continue that in two weeks.

10  
11 II. Moment of Silence

12  
13 III. Pledge of Allegiance

14  
15 IV. Roll Call

16		
17	Mayor David Mealor	John Litton, City Manager – Excused
18	Deputy Mayor Brender	Carol Foster, City Clerk
19	Commissioner George Duryea	Jackie Sova, Finance Director/Assistant
20	Commissioner Shirley Gray	City Manager
21	Commissioner Jo Ann Lucarelli	John Omana, Com. Dev. Dir.
22		Gary Schindler, City Planner
23		Steve Noto, Planner
24		Bill Carrico, Parks & Rec. Dir.
25		Bruce Paster, Public Works Dir.
26		Steve Bracknell, Police Chief
27		Craig Haun, Fire Chief
28		Katie Reischmann, City Attorney
29		Mary Campbell, Deputy City Clerk
30		

31 V. Approval of Minutes: July 22, 2010

32  
33 **Motion was made by Commissioner Lucarelli to approve the minutes of the July**  
34 **22, 2010, meeting, seconded by Deputy Mayor Brender and motion carried**  
35 **unanimously.**

36  
37 VI. Special Presentations

38  
39 A. State of the Children – The Children’s Cabinet of Seminole County

40  
41 Lynn Whitcomb came forward on behalf of The Children’s Cabinet of Seminole County.  
42 (Power Point presentation attached.) We are the state model for the county children’s  
43 cabinets in the State of Florida. We are a group of service providers, individuals and  
44 churches, and we are all advocates for children and have been since 2003. We share a  
45 vision, mission and values all relating to the well-being of our children. It is a true  
46 collaborative effort to serve families and children in our county. We are continuing the

1 efforts that were begun with the Children’s Service Committee. They started making a  
2 transition in 2003 and we have been going strong as the Cabinet for the last four years.

3  
4 Ms. Whitcomb said their guiding principles are to empower families, invest in children,  
5 and engage all in our community to raise awareness of children’s needs. We like to  
6 think of ourselves as working with integrity to fill the gaps for children in Seminole  
7 County and strive to eliminate duplicate efforts, and at the very least to make the  
8 duplicate efforts coincide and not truly overlap.

9  
10 Ms. Whitcomb said they currently have 47 members and was now looking to stretch out  
11 into the business community. We have many service providers represented at our table  
12 but are always looking for more and any community member who would want to be a  
13 part and cares about the children in Seminole County.

14  
15 Ms. Whitcomb said the most important part of why she is here to report is what they  
16 have done. In 2005 The Village was a collaborative effort with Leadership Seminole,  
17 the Alliance and the Children’s Cabinet to create these homes for young men and  
18 women who are aging out of foster care. To date 61 have been served and of those 61,  
19 72% within two to six months of being in The Village received their GED or high school  
20 diploma. Of that 72%, 90% have gone on to secondary education. Eighty-five percent  
21 were employed within three to six months.

22  
23 Ms. Whitcomb said children of the foster care system usually do not know how to drive  
24 when they are 18 so these kids are being thrust out into the cruel world without a  
25 driver’s license or car. Those numbers are impressive because they have to learn to  
26 drive and provide transportation.

27  
28 Ms. Whitcomb said in 2007, Family Connections became an operation and collaborative  
29 effort of people at the Cabinet table looking to try to prevent abuse—abused children or  
30 children that were called in on the hot line or a police officer was sent to the home. As  
31 they were recognized through this hot line process or the law enforcement child  
32 protective investigators, they were assigned a case worker and CBC of Seminole, Kids’  
33 House, Boys’ Town, and Children’s Home Society were the four principal collaborators.  
34 They serve approximately 200 families annually and are striving to keep these children  
35 from falling into the system of care and to date have been very successful.

36  
37 Ms. Whitcomb said the last initiative that came to fruition was the Pathways to Home  
38 which is when we examined the homeless situation in Seminole County. At the end of  
39 the school year, we had over 1,300 children in Seminole County schools that are  
40 deemed homeless, which means they are not living in a home of their own. They may  
41 be living with family or friends or in a hotel or car, but they are not in a home of their  
42 own. They are precariously housed. We have created the Pathways to Home  
43 organization that has 17 partners that are faith based and not for profit. Within their first  
44 six months they served 33 families which equated to 78 children. We are pleased to  
45 say we have 19 families in stable housing at this point. Continuing to work and grow  
46 they have their first gala coming up on September 24<sup>th</sup> to start raising money for these

1 children and families. They have also been working on getting employment for the  
2 families.

3  
4 Ms. Whitcomb said our current priorities are to continue to strengthen families in our  
5 community and continue with the stable housing effort. We are trying to figure out what  
6 to do about quality affordable child care for some of our families that can't afford it and  
7 can't go to work. We are looking to establish a legislative forum. The monies that go to  
8 children has been in decline from the state the last four years so we are hoping to raise  
9 more ruckus so maybe it won't go down so much this year.

10  
11 Ms. Whitcomb said how can you help? We are not asking for money. We are hoping  
12 you will be able to utilize the Children's Cabinet of Seminole County as experts in issues  
13 regarding children. If you as a commission have issues regarding children and you  
14 need statistics, need some input and need to talk to our executive committee, anyone  
15 on our Cabinet would be happy to give you whatever information you may need and we  
16 will seek out the statistics you might want for your city. We would like to invite you to  
17 attend our annual meeting and will be sending individual invitations. It is currently set to  
18 follow the Mayors and Managers meeting on October 19<sup>th</sup>. At that time we will go into  
19 more detail of the accomplishments of the Children's Cabinet. We would hope that you  
20 will continue to support and share what you know about the Cabinet and direct people  
21 our way, especially if there is anyone you know of that might want to attend our meeting  
22 and see what they might be able to do for Seminole County's children. We meet on the  
23 second Wednesday of the month in the Sheriff's Office community room at 9:30 A.M.

24  
25 Deputy Mayor Brender said he served on the Alliance for Children. He asked Ms.  
26 Whitcomb where she sees the Children's Cabinet in relation to the Alliance for Children.

27  
28 Ms. Whitcomb said there are people on the Cabinet that are also in the Alliance. She  
29 said she was not familiar with what the Alliance has accomplished but knew they  
30 thought they were more of a working place where they throw ideas out and try to see  
31 who can come to the table to solve a certain problem.

32  
33 Deputy Mayor Brender said that is something we have been discussing. Not only do we  
34 want to prevent from duplicating efforts in children, we don't want to duplicate efforts in  
35 management. The Alliance has looked at itself as a supervisory, oversight-type level.

36  
37 Mr. Whitcomb said if that's the case then the people on the Alliance would know what's  
38 happening at the Cabinet.

39  
40 Deputy Mayor Brender said he was curious as to what the experience and background  
41 has been (on the Cabinet) and is something we need to get together on.

42  
43 **SIDE 2A**

44  
45 Ms. Whitcomb said she would talk to their chairperson.

1 VII. Unfinished Business

2  
3 Mayor Mealor said the City Attorney will read Ordinance No. 1371 through Ordinance  
4 No. 1383 by title only, we will discuss them as a group and will vote on them  
5 individually.

6  
7 The City Attorney read Ordinance No. 1371 through Ordinance No. 1383 by title only on  
8 second readings.

9  
10 Staff had no further comments.

11  
12 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1371  
13 through Ordinance No. 1383. No one came forward and the public hearing was closed.

14  
15 A. Ordinance No. 1371 - Small scale land use amendment to the  
16 Comprehensive Plan revising the Future Land Use designation from LMDR  
17 (Low Medium Density Residential) to DDD (Downtown Development District),  
18 147 N. High Street; Danna Bradford, applicant - Second Reading (Public  
19 Hearing)

20  
21 **Motion was made by Commissioner Gray to approve Ordinance No. 1371 on**  
22 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**  
23 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes;**  
24 **Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

25  
26 B. Ordinance No. 1372 - Small scale land use amendment to the  
27 Comprehensive Plan revising the Future Land Use designation from LMDR  
28 (Low Medium Density Residential) to DDD (Downtown Development District),  
29 136 N. High Street; John Spolski, applicant - Second Reading (Public  
30 Hearing)

31  
32 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1372 on**  
33 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**  
34 **call vote: Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner**  
35 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

36  
37 C. Ordinance No. 1373 - Small scale land use amendment to the  
38 Comprehensive Plan revising the Future Land Use designation from LMDR  
39 (Low Medium Density Residential) to DDD (Downtown Development District),  
40 134 N. Lake Street; William and Chau McAfee, applicants - Second Reading  
41 (Public Hearing)

42  
43 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1373 on**  
44 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**  
45 **call vote: Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**  
46 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

1  
2 D. Ordinance No. 1374 - Small scale land use amendment to the  
3 Comprehensive Plan revising the Future Land Use designation from LMDR  
4 (Low Medium Density Residential) to DDD (Downtown Development District),  
5 142 N. Lake Street; Gwyn Yates, applicant-Second Reading (Public Hearing)  
6

7 **Motion was made by Commissioner Gray to approve Ordinance No. 1374 on**  
8 **second reading, seconded by Commissioner Duryea and motion carried by roll-**  
9 **call vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes;**  
10 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Mayor Mealor, Yes.**

11  
12 E. Ordinance No. 1375 - Small scale land use amendment to the  
13 Comprehensive Plan revising the Future Land Use designation from LMDR  
14 (Low Medium Density Residential) to DDD (Downtown Development District),  
15 140 N. High Street; Martha Mitchell, applicant – Second Reading (Public  
16 Hearing)  
17

18 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1375 on**  
19 **second reading, seconded by Commissioner Duryea and motion carried by roll-**  
20 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**  
21 **Gray, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

22  
23 F. Ordinance No. 1376 - Small scale land use amendment to the  
24 Comprehensive Plan revising the Future Land Use designation from LMDR  
25 (Low Medium Density Residential) to DDD (Downtown Development District);  
26 1950, 1970 and 1990 W. Lake Mary Blvd.; John Spolski, applicant - Second  
27 Reading (Public Hearing)  
28

29 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1376 on**  
30 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
31 **vote: Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner**  
32 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

33  
34 G. Ordinance No. 1377 - Small scale land use amendment to the  
35 Comprehensive Plan revising the Future Land Use designation from LMDR  
36 (Low Medium Density Residential) to DDD (Downtown Development District),  
37 133 N. High Street; Nathan Myers, applicant - Second Reading (Public  
38 Hearing)  
39

40 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1377 on**  
41 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
42 **vote: Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**  
43 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

44  
45 H. Ordinance No. 1378 - Small scale land use amendment to the  
46 Comprehensive Plan revising the Future Land Use designation from LMDR

1 (Low Medium Density Residential) to DDD (Downtown Development District),  
2 130 N. High Street; Harry and Elaine Deer, applicant - Second Reading  
3 (Public Hearing)  
4

5 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1378 on**  
6 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
7 **vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner**  
8 **Duryea, Yes; Commissioner Gray, Yes; Mayor Mealor, Yes.**  
9

10 I. Ordinance No. 1379 - Small scale land use amendment to the  
11 Comprehensive Plan revising the Future Land Use designation from LMDR  
12 (Low Medium Density Residential) to DDD (Downtown Development District);  
13 123 N. High Street; Mary/Dale and Jane Tryzbiak, applicants - Second  
14 Reading (Public Hearing)  
15

16 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1379 on**  
17 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
18 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**  
19 **Gray, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**  
20

21 J. Ordinance No. 1380 - Small scale land use amendment to the  
22 Comprehensive Plan revising the Future Land Use designation from LMDR  
23 (Low Medium Density Residential) to DDD (Downtown Development District),  
24 139 N. High Street; Henry and Hazel Flores - Second Reading (Public  
25 Hearing)  
26

27 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1380 on**  
28 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
29 **vote: Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner**  
30 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**  
31

32 K. Ordinance No. 1381 - Small scale land use amendment to the  
33 Comprehensive Plan revising the Future Land Use designation from LMDR  
34 (Low Medium Density Residential) to DDD (Downtown Development District),  
35 141 Palmetto Street; Kirk and Jona Howe, applicants - Second Reading  
36 (Public Hearing)  
37

38 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1381 on**  
39 **second reading, seconded by Commissioner Gray and motion carried by roll-call**  
40 **vote: Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**  
41 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**  
42

43 L. Ordinance No. 1382 - Small scale land use amendment to the  
44 Comprehensive Plan revising the Future Land Use designation from LMDR  
45 (Low Medium Density Residential) to DDD (Downtown Development District),

1 273 Greenleaf Lane; Amir Golchini, applicant - Second Reading (Public  
2 Hearing)  
3

4 **Motion was made by Commissioner Gray to approve Ordinance No. 1382 on**  
5 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**  
6 **call vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes;**  
7 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Mayor Mealor, Yes.**  
8

9 M. Ordinance No. 1383 - Small scale land use amendment to the  
10 Comprehensive Plan revising the Future Land Use designation from LDR  
11 (Low Density Residential) to DDD (Downtown Development District), 160 N.  
12 4th Street; Steve and Deborah Bracknell, applicants - Second Reading  
13 (Public Hearing)  
14

15 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1383 on**  
16 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**  
17 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes;**  
18 **Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**  
19

20 N. Ordinance No. 1384 – Conveying an easement to Seminole County for  
21 pedestrian underpass at International Parkway and Lake Mary Boulevard –  
22 Second Reading (Public Hearing)  
23

24 The City Attorney read Ordinance No. 1384 by title only on second reading.  
25

26 Staff had no further comments.  
27

28 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1384. No  
29 one came forward and the public hearing was closed.  
30

31 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1384 on**  
32 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**  
33 **call vote: Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner**  
34 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**  
35

36 VIII. New Business  
37

38 A. Request for one variance from the Resource Protection Standards,  
39 §160.07(B)(2)(b), City Code of Ordinances, to construct a swimming pool,  
40 paver deck, and aluminum fence, 240 Humphrey Road; Tom Geodde,  
41 applicant (Public Hearing)  
42

43 Mr. Noto said the subject property is located at 240 Humphrey Road at the intersection  
44 of Wood Street and Humphrey. The property is part of the Country Wood Estates  
45 subdivision that was recorded in 1996. The subdivision was recorded a few years after  
46 the adoption of Chapter 160 which is usually not the case when we have variances from

1 Chapter 160. When the subdivision was recorded they did take into account the 160  
2 regulations. He showed the plat on the overhead. He said on the official recorded plat  
3 they memorialized the 25-foot environmental buffer zone as well as the 75-foot setback  
4 so when the subdivision was recorded they did take into account the new regulations.  
5

6 Mr. Noto said in 2008 the house currently on the property was built and they did not  
7 require any variances for that construction. The 100-year flood line was originally  
8 located a little more north on the property. When the applicant came in to apply for their  
9 swimming pool permit, according to their survey FEMA has moved the line to the south  
10 which rendered most of their backyard area useless without a variance from Chapter  
11 160.  
12

13 Mr. Noto said the variance is from 160.07(B)(2)(b) as they will be encroaching within the  
14 75-foot setback and not the 25-foot buffer. It would be a reduction of 55 feet to a 20-  
15 foot setback. To be consistent with recent Commission direction, we asked the  
16 applicant to sign a hold harmless agreement nullifying the City liable in case of an  
17 emergency or disaster. The applicant returned that signed agreement today so they  
18 have already agreed to that.  
19

20 Mr. Noto said we reviewed this as we review all other requests from Chapter 160, the  
21 hardship this time being the change in location of the 100-year flood line has affected  
22 their backyard area and they require this variance to construct their pool.  
23

24 Mr. Noto said the Planning & Zoning Board unanimously (5 – 0) recommended approval  
25 at their July 13, 2010, meeting. This is the 17<sup>th</sup> request of this nature from Chapter 160.  
26

27 Mr. Noto said staff recommends approval with the condition that prior to building permit  
28 approval the applicant shall provide the City with a hold harmless indemnification  
29 agreement releasing the City from any liability in case of flooding or other disaster and  
30 the applicant has given that to us today.  
31

32 Commissioner Gray said this is different from the other ones we approved because this  
33 house was built after 160 and all the others were built before. She said she didn't see  
34 the similarity.  
35

36 Mr. Noto said when they recorded the subdivision in 1996, they took into account the  
37 25-foot buffer and the 75-foot setback and they noted it on the plat. They built the  
38 house in such a way that they didn't need any variances. Since the original location of  
39 the 100-year flood line shifted southward through FEMA, it created a different type of  
40 hardship. We reviewed this and feel that occurrence is what justifies the hardship for  
41 this request.  
42

43 Mayor Mealor asked if anyone wanted to speak in reference to this request for a  
44 variance. No one came forward and the public hearing was closed.  
45

1 **Motion was made by Commissioner Lucarelli to approve, seconded by Deputy**  
2 **Mayor Brender.**

3  
4 Commissioner Duryea said this is different in the sense that the original 100-year  
5 floodplain when this house was built was significantly different than it is now. He  
6 assumed the owner put his house in a situation where he thought he could put in a pool  
7 without any problems. He said he didn't have any problems with it.

8  
9 **Motion carried by roll-call vote: Commissioner Gray, Yes; Commissioner**  
10 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Mayor**  
11 **Mealor, Yes.**

12  
13 B. Request for site plan approval with one variance for Lake Mary Professional  
14 Offices at 155 & 165 Middle Street, Lake Mary Professional Offices, LLC,  
15 applicant (Public Hearing)

16  
17 Mr. Noto said the subject property is located at the southernmost portion of Middle  
18 Street. The property to the north is developed as the Beach Brothers office building and  
19 across the street is the Emeritus Assisted Living Facility. The subject property is  
20 roughly 2 acres in size and the address is 155 and 165 Middle Street.

21  
22 Mr. Noto said the applicant is proposing to build two 3,500 S.F. office buildings. The  
23 property was recently rezoned from R-1A to C-1 at the July 1, 2010, Commission  
24 meeting. Along with that rezoning was a developer's agreement that restricted certain  
25 medical uses due to the additional handicapped parking that would be required for  
26 those types of uses.

27  
28 Mr. Noto said the applicant was required to go before the Arbor Board for the removal of  
29 one 24-inch long leaf pine. The 24-inch pine which was considered a historic tree was  
30 located in what was the parking area. We decided to try and work with the applicant  
31 and they worked with us in trying to save this tree. The most obvious attempt would be  
32 to kick over a parking island and wrap the tree within that. What occurred from that  
33 discussion was the way the site was engineered it utilized a lot of fill. There would have  
34 been extra fill needed to try and save that tree. Ironically the additional fill would have  
35 killed the tree. Staff felt it was a reasonable request to take the tree out. The applicant  
36 did memorialize into the plans the amount of replacement trees necessary and they will  
37 be providing four red maples in the area of the retention pond. The Arbor Board  
38 approved the request at their July 12, 2010, meeting and the applicant will be providing  
39 four replacement trees.

40  
41 Deputy Mayor Brender asked if this was the bitter end of Middle Street. He asked if we  
42 are going to get requests for a continuation of Middle Street. There is a good deal of  
43 property down there.

44  
45 Mr. Noto said the end of Middle Street is at the top right-hand corner of the exhibit. This  
46 property extends beyond that terminus point. The applicant has said that some time in

1 the future they may develop the open area that is left over after this project. If that is the  
2 case, depending on how the site is designed, Middle Street may be extended by the  
3 applicant or they may re-engineer in such a way that they re-design to have the cut  
4 through to what is being proposed tonight.

5  
6 Deputy Mayor Brender said this is not necessarily the end of the road. He asked if fire  
7 and police require this to be circled.

8  
9 Mr. Noto said fire reviewed the site plan as part of the Development Review Committee  
10 and the applicant provided a fire turnaround as part of the plan. That was looked upon  
11 favorably by the fire marshal. They would come into the site and if they needed to turn  
12 around they could do the movement within the site.

13  
14 Mr. Noto said the other thing we had to overcome was the request for a variance from  
15 the eastern landscape buffer. The applicant was looking to provide a Type A buffer.  
16 The requirements of that type of buffer are different from the C. Specifically, instead of  
17 a 45-foot wide buffer they would be providing a 35-foot wide buffer as well as 9  
18 understory trees instead of the required 27. Staff looked upon this request favorably for  
19 two reasons. The landscape variance criteria is different than that of the standard  
20 variances, with one of the criteria being existing land use and zoning classifications of  
21 surrounding properties are inconsistent. The property that abuts to the east has a  
22 zoning classification of A-1 and a land use of Commercial, but it is currently vacant  
23 grazing land so that satisfied that criteria. The Beach Brothers office park to the north  
24 has a similar type of landscape buffer width as well as number of plantings. We are  
25 recommending approval of that variance as part of the site plan request.

26  
27 Mr. Noto said the Planning & Zoning Board unanimously (5 – 0) recommended approval  
28 of the site plan request at their regular July 13, 2010, meeting. That includes  
29 recommendation of approval of the landscape variance. Staff recommends approval.

30  
31 Deputy Mayor Brender asked if the A-1 piece to the east goes all the way to  
32 Washington.

33  
34 Mr. Noto answered affirmatively. He said there was one more piece of property south of  
35 that then Washington.

36  
37 Deputy Mayor Brender said the A-1 area is future land use of Commercial. Mr. Noto  
38 answered affirmatively.

39  
40 Deputy Mayor Brender said he was thinking about the amount of traffic generation if we  
41 allow commercial east and south.

42  
43 Mayor Mealor said that would be deliberated later but did not think it would impact this  
44 project.

45  
46 Mr. Noto said they could take a closer look at that at staff level.

1  
2 Deputy Mayor Brender said he didn't want to create more traffic signals on Lake Mary  
3 Boulevard and didn't know whether there was a way to cut it out to Longwood-Lake  
4 Mary Road. In five years who knows what commercial properties will be going in there.  
5 If somebody comes into the east we may want to look at connecting at Longwood-Lake  
6 Mary Road.

7  
8 Mr. Noto said so noted.

9  
10 Mayor Meador asked if anyone wanted to speak in reference to this request for site plan  
11 approval with one variance. No one came forward and the public hearing was closed.

12  
13 **Motion was made by Deputy Mayor Brender to approve the site plan with the**  
14 **variance, seconded by Commissioner Lucarelli and motion carried by roll-call**  
15 **vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner**  
16 **Duryea, Yes; Commissioner Gray, Yes; Mayor Meador, Yes.**

17  
18 C. Ordinance No. 1385 – Rezoning of property located on the northwest corner  
19 of Hollis Street and Lake Mary Boulevard from R-1A to DC; Steven DeBole,  
20 applicant – First Reading (Public Hearing)

21  
22 The City Attorney read Ordinance No. 1385 by title only on first reading.

23  
24 Ms. Schindler said under Old Business tonight, the Commission approved the land use  
25 change for this property to Downtown Development District. The next step is the zoning  
26 change. The Comp Plan says for development or redevelopment purposes, Downtown  
27 Centre is the land use that is most compatible. Findings of Fact A through D determine  
28 to provide support for the request to rezone the property from R-1A Residential to DC  
29 Downtown Centre by establishing consistency and compatibility.

30  
31 Mr. Schindler said at the July 13, 2010, meeting, the P&Z voted unanimously to  
32 recommend the requested DC zoning.

33  
34 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1385. No  
35 one came forward and the public hearing was closed.

36  
37 **Motion was made by Commissioner Gray to approve Ordinance No. 1385 on first**  
38 **reading, seconded by Commissioner Lucarelli and motion carried by roll-call**  
39 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**  
40 **Gray, Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

41  
42 D. Resolution No. 868 – Amending Master Downtown Plan to include property  
43 located at 160 North Fourth Street

44  
45 The City Attorney read Resolution No. 868 by title only.

46

1 Mr. Schindler asked to address Items D and E together since it was the same property.  
2 There were no objections from the Board.

3  
4 The City Attorney read Ordinance No. 1386 by title only on first reading.

5  
6 Mr. Schindler said in the resolution it says CRR Commercial Retail Residential. There  
7 is a change that it should be Mixed Use. In the new master plan we changed that  
8 category from CRR to Mixed Use. If it is the Commission's pleasure you would be  
9 voting for Mixed Use rather than CRR. He stated he had a revised copy of the  
10 resolution for the clerk.

11  
12 Mr. Schindler said regarding the rezoning, earlier this evening the Commission also  
13 voted to amend the land use of this property to Downtown Development District. The  
14 DC Downtown Centre zoning is the logical step. Findings of Fact A through D are  
15 determined to provide support for the request to rezone the subject property from R-1A  
16 Residential to DC Downtown Center by establishing consistency and compatibility.

17  
18 Mr. Schindler said the Planning & Zoning Board at their July 13, 2010, meeting voted  
19 unanimously to recommend the DC zoning.

20  
21 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1386. No  
22 one came forward and the public hearing was closed.

23  
24 **Motion was made by Deputy Mayor Brender to approve Resolution No. 868,**  
25 **seconded by Commissioner Lucarelli and motion carried unanimously.**

26  
27 E. Ordinance No. 1386 – Rezoning property located on the northwest corner of  
28 North Fourth Street and Crystal Lake Avenue, 160 North Fourth Street, from  
29 R-1A to DC; Steve and Deborah Bracknell, applicants – First Reading (Public  
30 Hearing)(quasi-judicial)

31  
32 Ordinance No. 1386 was read by title only on first reading and discussed under Item D.

33  
34 **Motion was made by Commissioner Gray to approve Ordinance No. 1386 on first**  
35 **reading, seconded by Commissioner Duryea and motion carried by roll-call vote:**  
36 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner Lucarelli,**  
37 **Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

38  
39 F. Ordinance No. 1387 – Amending Firefighters' Retirement Plan – First  
40 Reading (Public Hearing)

41  
42 The City Attorney read Ordinance No. 1387 by title only on first reading.

43  
44 Ms. Sova said Rick Fudge, Chairman of the Firefighters' Pension Plan, would present  
45 this item.

1 Rick Fudge, Division Chief, Lake Mary Fire Department and Chairman of the  
2 Firefighters' Pension Fund, came forward. Mr. Fudge said this ordinance change is a  
3 clarification of a circular reference that we realized existed in Ordinance No. 1209  
4 providing if somebody works beyond what would be considered their normal retirement  
5 age which is defined by the plan as 20 years of service regardless of age, age 50 for  
6 early retirement, or age 55 for normal retirement. Should that person had not made  
7 some sort of election of what they wanted to occur, there is confusion on what would be  
8 left in regard to how their spouse could react if that person were to die before actually  
9 retiring. The verbiage in this plan change clarifies that and gives the spouse an  
10 opportunity to make an election as if the employee retired and made an election on the  
11 day they died.

12  
13 Ms. Sova said this is a no cost item. The actuary has declared it no cost.

14  
15 Mayor Meador asked if anyone would like to speak in reference to Ordinance No. 1387.  
16 No one came forward and the public hearing was closed.

17  
18 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1387 on**  
19 **first reading, seconded by Deputy Mayor Brender and motion carried by roll-call**  
20 **vote: Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**  
21 **Brender, Yes; Commissioner Duryea, Yes; Mayor Meador, Yes.**

22  
23 IX. Citizen Participation

24  
25 No one came forward at this time and citizen participation was closed.

26  
27 X. Reports

28  
29 A. City Manager

30  
31 1. Request Commission authorize Mayor to execute amendment for termination of  
32 agreement with Smart City Television, LLC

33  
34 Ms. Sova said in November 2006 the City entered into an IP services agreement with  
35 Smart City Television for the Fountain Parke development so we could collect for their  
36 IP based television franchise fee. In 2007 the Florida State Statute took over video and  
37 IP services into the telecommunications fee we collect. We have had this outstanding  
38 franchise agreement that is invalid. They are supposed to pay the state and not the  
39 City. We went through an audit with them and clarified where we stood with the fees,  
40 what got paid to the state and what got paid to us. They sent us a check for the  
41 difference. We need to clean up this agreement.

42  
43 **Motion was made by Commissioner Duryea to approve, seconded by**  
44 **Commissioner Lucarelli and motion carried unanimously.**

45

1 Ms. Sova said qualifying for Mayor and Commission Seats 1 and 3 will begin at noon on  
2 August 23<sup>rd</sup> and will run until noon on August 27<sup>th</sup>. For additional information contact  
3 the City Clerk's office at 407-585-1423.  
4

5 Ms. Sova invited everyone to stop by the Lake Mary Historical Museum to see "Rocks  
6 Rock" which is an exhibit of minerals, fossils and gemstones. Admission is free. The  
7 museum is located at 158 North Country Club Road. It is open Thursday evenings from  
8 6:30 P.M. to 8:30 P.M. and Saturdays from 10:00 A.M. to 2:00 P.M., or by appointment.  
9 During the exhibit the museum will host two kids' fun days on Saturday, August 21<sup>st</sup> and  
10 Saturday, September 18<sup>th</sup>, from 10:00 A.M. to 2:00 P.M. on both days. During the fun  
11 day kids can learn about the exhibit and break open their own geode. Cost is \$2.00 per  
12 child and reservations are required.  
13

#### 14 B. Mayor

15  
16 Mayor Mealor said this evening there was a wine tasting across the street at Pierre's.  
17 There is a new surf boutique open called Fourth and Ocean and is a remarkable facility.  
18 Vercini's has been doing record business and we want to thank them for their  
19 investment in the City and encourage residents to take advantage of those merchants.  
20

#### 21 C. Commissioners (2)

22  
23 Commissioner Duryea said July 31<sup>st</sup> was the last day of the museum's railroad exhibit  
24 and the Historical Society told him there were well over 2,000 people coming in and out  
25 over the six weeks that was going on. He gave them a lot of credit for organizing that  
26 and they did a good job of monitoring all the things that were lent to them during that  
27 period. He thanked the Historical Society and Historical Commission.  
28

29 Commissioner Gray said today she participated as a facilitator with Leadership  
30 Seminole. There is a new class and it was orientation day. They have 52 in the class.  
31 Mr. Litton tried to get one of our folks in but it was too late.  
32

33 Commissioner Lucarelli reminded everyone that school starts next week. This weekend  
34 is the tax-free holiday.  
35

36 Commissioner Lucarelli said next year will be the Lake Mary-Heathrow Festival of the  
37 Arts 25<sup>th</sup> anniversary. We are planning a big celebration and the City is going to be a  
38 big part of that.  
39

40 Deputy Mayor Brender said the Seminole County Expressway Authority has met twice  
41 since our last meeting, mostly to go over the interlocal agreement. As of Tuesday of  
42 this week, the interlocal was passed and is to be voted on by the Orlando-Orange  
43 County Expressway Authority on Monday of next week. Once that is in hand it opens  
44 up a series of funding requirements.  
45

1 Commissioner Lucarelli asked if that had something to do with Seminole having more of  
2 a part of it.

3  
4 Deputy Mayor Brender said there was a great deal of discussion and the argument was  
5 over how much authority the SCEA was going to give up to Orlando-Orange County to  
6 essentially own and operate the road. It was a 4 – 3 vote to approve. He said he felt  
7 this agreement was eventually going to be wrapped up into a regional transportation  
8 authority and it is going to be moot because of that. We will have a place on some kind  
9 of regional transportation authority and thought that was the direction they were  
10 generally going in. The OOCEA may be doing that kicking and screaming but was not  
11 sure if they would have a lot of choice in the matter. It does give a great deal of control  
12 but considering it's Orlando-Orange County Expressway Authority's money and  
13 experience, and also the County has zero dollars and we have no ability to even think  
14 about that five mile stretch of road that costs an estimated \$800 million. If you were to  
15 try to toll a five mile stretch of road to bill a \$800 million bond, you would be looking at  
16 tolls at \$40 or \$50 a hit. There is no other way to build this except by turning it over to  
17 the Orlando-Orange County Expressway Authority. There was strong discussion as to  
18 whether or not we can get a seat on the OOCEA Board.

19  
20 **SIDE 2B**

21  
22 Deputy Mayor Brender said the Orlando-Orange County Expressway Authority is  
23 legislatively appointed and is not done by the City of Orlando or Orange County so in  
24 order to get a seat on their board we would have to go to the legislative branch and get  
25 it approved. He said he had discussions with most of our local legislators and not one  
26 of them was in favor of bringing anything like that forward in 2011. What happens in  
27 2012 or 2013 with SunRail and high speed rail coming will be another discussion point.  
28 In any case that was approved and we are heading toward public hearings. The  
29 engineer of record will be doing public hearings in October or November which will head  
30 us toward the final right-of-way and siting of the road.

31  
32 **D. City Attorney**

33  
34 Ms. Reischmann gave an update on the statute that was adopted in 2009 about you  
35 can't express an opinion if it costs any money. That has been tempered by a change  
36 the legislature made to the definition of election communications and a couple of  
37 Division of Election opinions. What people think it boils down to now is that you are only  
38 prohibited from express advocacy which is vote for, support, oppose and you are only  
39 prohibited from that where the government is paying to distribute the message. If there  
40 is no expense involved, you can still express an opinion. If you are not expressly  
41 advocating you can express an opinion and still the government can pay.

42  
43 Deputy Mayor Brender asked how do we not expressly advocate.

44  
45 Ms. Reischmann said you are just saying I disagree with this proposed statute. They  
46 said you don't violate that by just using a city copier, a city computer or a city vehicle.

1 The government is opining that if you are just giving a media interview then you can  
2 expressly advocate. You can say vote for or against Amendment 4. It is tied to the  
3 government paying to distribute via radio, TV, newspaper, magazine, mail or display. If  
4 you can use that as your main parameter rather than whether you are expressly  
5 advocating or not, which can be difficult. The example they used is vote for, support,  
6 oppose and using those types of direct words as opposed to my feeling is that it is not a  
7 good idea.

8  
9 Deputy Mayor Brender said I can't go out and say vote no on Amendment 4.

10  
11 Ms. Reischmann said if you're not spending any money except the copier. It ties to  
12 spending of money. You can talk to the *Sentinel* or Channel 9 or something like that.

13  
14 Commissioner Lucarelli said what if one of us were to start our own pack and raise  
15 funds for that pack and then use that pack to advocate for a statute or a certain  
16 candidate. She asked how that applied across the board with state representatives and  
17 things like that.

18  
19 Ms. Reischmann said this statute specifically is a local government or person acting on  
20 behalf of local government so that doesn't apply to a pack that is independent, which  
21 they all are.

22  
23 XI. Adjournment

24  
25 There being no further business, the meeting adjourned at 8:15 P.M.

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27  
28  
29

30 \_\_\_\_\_  
31 David J. Mealor, Mayor

30 \_\_\_\_\_  
31 Mary Campbell, Deputy City Clerk

32  
33  
34 ATTEST:

35  
36  
37  
38 \_\_\_\_\_  
39 Carol A. Foster, City Clerk