

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held March 7, 2013,  
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake  
3 Mary, Florida.

4  
5

6 I. Call to Order

7

8 The meeting was called to order by Mayor David Mealor at 7:02 P.M.

9

10 II. Moment of Silence

11

12 III. Pledge of Allegiance

13

14 IV. Roll Call

15

16 Mayor David Mealor  
17 Commissioner Gary Brender  
18 Commissioner George Duryea  
19 Commissioner Allan Plank  
20 Deputy Mayor Jo Ann Lucarelli

Jackie Sova, City Manager  
Carol Foster, City Clerk  
Dianne Holloway, Finance Director  
John Omana, Community Dev. Dir.  
Gary Schindler, City Planner  
Steve Noto, Planner  
Bruce Paster, Public Works Dir.  
Bryan Nipe, Parks & Recreation Dir.  
Randy Petitt, Human Resources Mgr.  
Mike Biles, Police Lieutenant  
Bruce Fleming, Code Enforcement Ofc.  
Craig Haun, Fire Chief  
Katie Reischmann, City Attorney  
Mary Campbell, Deputy City Clerk

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30

31 V. Approval of Minutes: February 21, 2013

32

33 **Motion was made by Commissioner Brender to approve the minutes of the**  
34 **February 21, 2013, meeting, seconded by Commissioner Plank and motion carried**  
35 **unanimously.**

36

37 VI. Special Presentations

38

39 A. Proclamation – Fire Department Appreciation Month

40

41 The City Attorney read a proclamation proclaiming March 2013 as “Fire Department  
42 Appreciation Month”. Mayor Mealor presented the proclamation to Chief Haun.

43

44 Ashley thanked the Fire Department for raising money to support her.

45

1 Mayor Meador said all of the money collected is done by one group in the City of Lake  
2 Mary and we are so fortunate that the men and women of the Lake Mary Fire  
3 Department give of their own time to do this. He thanked them for a job well done.

4  
5 Alisha Feltman of the Muscular Dystrophy Association thanked the Commission for their  
6 support. Lake Mary's "Fill the Boot" campaign last year was the highest grossing in  
7 Central Florida raising over \$17,000. That is something to be proud of and we couldn't  
8 provide the services that we do without your help.

9  
10 VII. Unfinished Business

- 11  
12 A. Ordinance No. 1481 – Final Planned Unit Development (PUD) for The Station  
13 House located south of Wilbur Avenue, north of East Crystal Lake Avenue,  
14 and west of Old Lake Mary Road – Second Reading (Public Hearing) (Steve  
15 Noto, Planner)

16  
17 The City Attorney read Ordinance No. 1481 by title only on second reading.

18  
19 Mr. Noto stated staff had no additional comments.

20  
21 Commissioner Duryea said when the traffic element was studied by Rockett &  
22 Associates he asked if they recommended anything in addition to what was proposed  
23 such as traffic lights or additional control devices on Crystal Lake Avenue and on C-15.

24  
25 Mr. Noto answered negatively. He said all they did was study what type of development  
26 impacts could be handled under the current facilities at the time. They did not make any  
27 recommendations for certain roadway improvements or traffic lights.

28  
29 Commissioner Plank asked if the study encompassed both of the main arteries of  
30 Wilbur and Crystal Lake Avenue.

31  
32 Mr. Noto said they studied the whole Downtown.

33  
34 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1481.

35  
36 Richard Riga, 353 Oak Leaf Circle, came forward representing the Misty Oaks  
37 Homeowners' Association. We met with the folks at Epoch and they put some of our  
38 concerns to rest. One concern they could not ignore was traffic. It looks like traffic will  
39 be a nightmare for them getting to and from their residences and asked the Commission  
40 to consider what options they will have as far as getting to and from their neighborhood  
41 in the future once this development and the continued development of Downtown  
42 continues to persist.

43  
44 Mayor Meador thanked Mr. Riga for his comments and the manner he brought the  
45 information forward at the first reading.

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

2  
3 **Motion was made by Commissioner Brender to approve Ordinance No. 1481 on**  
4 **second reading, seconded by Deputy Mayor Lucarelli and motion carried by roll-**  
5 **call vote: Commissioner Brender, Yes; Commissioner Duryea, Yes;**  
6 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

7  
8 B. Resolution No. 915 – Partial vacation of North First Street, a 54-foot wide  
9 right-of-way (Public Hearing) (Steve Noto)

10  
11 The City Attorney read Resolution No. 915 by title only.

12  
13 Mr. Noto stated staff had no additional comments.

14  
15 Mayor Mealor asked if anyone wanted to speak in reference to Resolution No. 915. No  
16 one came forward and the public hearing was closed.

17  
18 **Motion was made by Deputy Mayor Lucarelli to approve Resolution No. 915,**  
19 **seconded by Commissioner Plank and motion carried by roll-call vote:**  
20 **Commissioner Duryea, Yes; Commissioner Plank, Yes; Deputy Mayor Lucarelli,**  
21 **Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**

22  
23 C. Resolution No. 917 – Right-of-Way Use Agreement for The Station House  
24 (Steve Noto, Planner)

25  
26 The City Attorney read Resolution No. 917 by title only.

27  
28 Mr. Noto said in the fourth whereas clause, we added the word “appropriate” on the  
29 second line.

30  
31 Commissioner Brender asked if there was a time limit on this.

32  
33 Mr. Noto answered negatively and will run with the land.

34  
35 **Motion was made by Commissioner Brender to approve Resolution No. 917,**  
36 **seconded by Deputy Mayor Lucarelli and motion carried by roll-call vote:**  
37 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner Brender,**  
38 **Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

39  
40 Ms. Reischmann clarified that even though it does run with the land there is a 99-year  
41 term with an automatic 99-year renewal.

42  
43 D. Resolution No. 918 – Parking Garage Agreement for The Station House  
44 (Steve Noto, Planner)

45  
46 The City Attorney read Resolution No. 918 by title only.

1  
2 Mr. Noto stated staff had no additional comments.

3  
4 Commissioner Duryea said this is a unique agreement for us because it provides  
5 ownership and access. He asked if there was adequate hold harmless in this to protect  
6 the citizens.

7  
8 Ms. Reischmann answered affirmatively. There is an indemnity clause whereby Epoch  
9 agrees to hold us harmless for the construction of the parking garage.

10  
11 Commissioner Duryea asked about later on with the maintenance and all that.

12  
13 Ms. Reischmann said that was correct. There is a hold harmless for that but is less  
14 comprehensive because of the fact there will be members of the public in the garage  
15 and could be a contributing factor in any potential claim.

16  
17 Ms. Sova said she discussed this with the City's insurance company and got their  
18 agreement on this.

19  
20 Ms. Reischmann said we are fully insuring the garage as well. The City is covering the  
21 public portion and Epoch is covering the private portion. The City Manager spoke to the  
22 insurance company to make sure we had the full limits that were needed for a facility of  
23 this type.

24  
25 **Motion was made by Deputy Mayor Lucarelli to approve Resolution No. 918,**  
26 **seconded by Commissioner Brender and motion carried by roll-call vote: Deputy**  
27 **Mayor Lucarelli, Yes; Commissioner Brender, Yes; Commissioner Duryea, Yes;**  
28 **Commissioner Plank, Yes; Mayor Mealor, Yes.**

29  
30 E. Ordinance No. 1480 – Final Waterside Planned Unit Development (PUD)  
31 located at 1255 & 1275 West Lake Mary Boulevard, Lake Mary, Florida  
32 (Remanded at the January 17, 2013, City Commission meeting); ZDA,  
33 LLC/Allan Goldberg, applicant – First Reading (Public Hearing) (Gary  
34 Schindler, City Planner)

35 1. Preliminary Subdivision Plan will be presented for discussion purposes  
36 only

37  
38 The City Attorney read Ordinance No. 1480 by title only on first reading.

39  
40 Mr. Schindler said the plan for the PUD is also the plan for the Preliminary Subdivision  
41 Plan and will come back for formal review and action at second reading.

42  
43 Mr. Schindler said this was remanded to P&Z at the January 17, 2013, meeting. He  
44 highlighted how the plan has changed. Right now we have approval for 7 lots.  
45 Originally Mr. Goldberg proposed 5 and the plan before the Commission is for 6.  
46 Because he has increased the number of lots the lots are smaller but still meet or

1 exceed the R-1AAA zoning. Only Lots 1, 5 and 6 exceed the lot area for the Big Lake  
2 Mary Overlay. Lot 6 exceeds the requirements of n 154.12 which deals with waterfront  
3 lots.

4  
5 Mr. Schindler said potable water has not changed. We have a huge water line along  
6 Lake Mary Boulevard. We have a small line that runs diagonally through the property  
7 that will have to be relocated and is something the City will do.

8  
9 Mr. Schindler said sewer service is still an issue and an area where the Commission  
10 would need to make some policy decisions. There are five components to the issue of  
11 sewer service.

12  
13 Mr. Schindler said it is the City of Sanford service area and we have an agreement with  
14 them in place so that's not an issue.

15  
16 Mr. Schindler said regarding Lake Mary Boulevard, the developer has proposed that the  
17 City own and maintain a portion of the system under Lake Mary Boulevard. We have  
18 come upon some information that is relevant to this. The original agreement anticipated  
19 connection to the City of Sanford system. There is a manhole in the Lake Mary  
20 Boulevard right-of-way along the north side. The City of Sanford's system goes 200 to  
21 300 feet to the east and then drops down to the south side of the Boulevard, travels  
22 east and then goes back across to the north side. If the applicant chooses to go along  
23 the south side of the Boulevard then there is a much easier and cheaper connection  
24 than having to jack and bore under Lake Mary Boulevard. If we were to go strictly by  
25 the code and state statutes, this property is adjacent to sewer now and technically the  
26 City does not have to participate at all with the cost. That is our usual practice;  
27 however, we have an agreement in place that says we are going to participate in the  
28 cost. If the Commission wishes to keep in the spirit of that agreement then that is a  
29 policy decision. The issue is how much and is something the Commission would need  
30 to decide. He said Mr. Goldberg is asking for \$50,000 participation. He said he spoke  
31 with Mr. Paster and he said the cost of connecting along the south side of Lake Mary  
32 Boulevard and not having to jack and bore should cost \$5,000 to \$10,000 assuming  
33 there are no major obstacles. He and Mr. Omana walked the property today and did not  
34 see any major obstacles but they are planners and not utility people. It should be  
35 significantly cheaper than the \$25,000 to \$30,000 Mr. Paster believes it would cost to  
36 connect if we did a jack and bore.

37  
38 Commissioner Duryea said on the south side is an old subdivision. He asked if we were  
39 sure the sewer main is big and new enough to take on more capacity.

40  
41 Mr. Schindler said not only did we rely on the map but spoke to someone from the City  
42 of Sanford Utilities and they believe the line is there and we have no indication that the  
43 line should be anything but sufficient for what is proposed. We have 6 lots proposed for  
44 Waterside. The only other development that could foreseeably develop in the near  
45 future that would connect to sewer would be the power line property. It is going to have  
46 a minimum of 1-acre lots, there are wetlands there, so it is likely we are going to be

1 dealing with the range of 8 to 12 lots at the most. We are dealing with 14 or 15 new  
2 connections which in the scheme of things is very minor for a 4-inch force main.  
3  
4 Mayor Mealar asked if the \$50,000 previously discussed was part of the compromised  
5 agreement.  
6  
7 Mr. Schindler answered affirmatively.  
8  
9 Mayor Mealar said Mr. Goldberg came in at the previous meeting with a request for  
10 \$80,000 which is now back to \$50,000.  
11  
12 Mr. Schindler said that was correct.  
13  
14 Mayor Mealar said Mr. Paster is saying that it is conceivable that the hookup could be  
15 done for less than \$50,000 and believed the \$50,000 was to allow the applicant to tie in.  
16  
17 Mr. Schindler said that is correct.  
18  
19 Mayor Mealar said the City has made a commitment of a certain amount predicated on  
20 previous information. It could be less and is a Commission decision.  
21  
22 Ms. Reischmann said the previous agreement stands on its own and doesn't provide for  
23 a \$50,000 payment. It provides that the City and developer shall each be responsible  
24 for 50% of the cost of installation of a pipe and the City's cost shall only include the  
25 installation of the pipe and the jack and bore in the public right-of-way provided that the  
26 contribution shall not exceed \$50,000.  
27  
28 Mayor Mealar said what we saying is the information that came to P&Z from staff is  
29 showing that there may be a better and more cost effective way to do this which makes  
30 our decision easier in terms of a fiscal accountability.  
31  
32 Mr. Schindler said the City's contribution is a policy decision. If the Commission wants  
33 to keep in the spirit of the previous agreement then a contribution may be in order and  
34 that will be a policy decision as to how much.  
35  
36 Mr. Schindler said regarding the issue of the connection of other properties, the only  
37 other property that is anywhere likely to develop and connect to sewer would be the  
38 power line property. The issue of the developer's agreement agreeing to that is now  
39 moot because this property is adjacent. If it develops and the Commission decides they  
40 want it connected to sewer, it will connect. That connection is now moot because of the  
41 location of this force main.  
42  
43 Mr. Schindler said the driveways have been eliminated from Lake Mary Boulevard  
44 except for the westernmost driveway and access will be via Stillwood and  
45 ingress/egress easement. That is definitely an improvement and a much safer situation.  
46

1 Mayor Meador said the western driveway has to have a turnaround or three point or  
2 something so they don't back out into the Boulevard.  
3  
4 Mr. Schindler said P&Z said they wanted something to prevent back-out traffic and Mr.  
5 Goldberg said he would work to see that happen.  
6  
7 Mr. Schindler said access to Big Lake Mary has not changed. The only lot that has  
8 access would be the westernmost lot.  
9  
10 Mr. Schindler said regarding the roadways, Mr. Goldberg has proposed the City own  
11 and maintain Stillwood Lane and the ingress/egress easement. If Mr. Goldberg were  
12 willing to reconstruct it to City standards we would have no problem with owning and  
13 maintaining the roadways but without them meeting City standards, Mr. Paster said it  
14 would be inappropriate for us to do so unless it is the Commission's decision to do so.  
15  
16 Commissioner Duryea said on the plans it says the only lot with water access is Lot 5.  
17  
18 Mr. Schindler said that was an old plan and apologized. Lot 1 will be only lot with water  
19 access. The note on the plan needs to be corrected.  
20  
21 Mr. Schindler said stormwater has not changed. They are proposing individual  
22 stormwater ponds on each of the lots. Each pond will have to address the 100-year  
23 storm because there is no positive outflow.  
24  
25 Mr. Schindler said the gates are gone but a wall is proposed along Lake Mary  
26 Boulevard and Mr. Goldberg is asking for either a brick or stucco wall and the details  
27 are included.  
28  
29 Mr. Schindler said the developer's agreement will need to be revised per the  
30 Commission's decisions.  
31  
32 Mr. Schindler said on February 12, 2013, the Planning & Zoning Board voted  
33 unanimously to recommend approval of the proposed revisions to the Final PUD and  
34 Developer's Agreement for Waterside with the eight conditions. We have incorporated  
35 their recommendations and under Findings of Fact there are nine conditions.  
36  
37 Mr. Schindler said staff finds the Final PUD for the Waterside development meets or  
38 exceeds the relevant provisions of the City's Code of Ordinances with the nine  
39 conditions.  
40  
41 Commissioner Brender said because of the bend in Sanford's water line, they are not  
42 considered adjacent to that pipe because the land doesn't go down that far.  
43  
44 Mr. Schindler said they are adjacent to the point directly across on Sterling Pine. The  
45 state law and City Code says if there is a sewer line in a right-of-way it's considered to  
46 be adjacent even if it's on the other side. Technically the Commission could say we are

1 not contributing because you comply with the 100-foot requirement and we don't have  
2 to. If the Commission wishes to keep in the spirit of the previous agreement then that is  
3 a policy decision.  
4  
5 Commissioner Brender said the previous agreement addresses a jack and bore under  
6 Lake Mary Boulevard. He asked if they were going to change that agreement to read  
7 something to the effect that we will handle 50% of the cost of attaching to the line.  
8  
9 Mr. Schindler said that is within the Commission's ability to do so. Just approve the  
10 agreement without the language that stipulates the jack and bore and indicate it is to be  
11 connected to the line on the south side of the Boulevard. It would be to be the City's  
12 benefit as well as Mr. Goldberg's benefit if that works out to be the most expedient way.  
13  
14 Commissioner Brender said as far as positioning the line relative to these lots, he asked  
15 if a lift station was required or needed.  
16  
17 Mr. Schindler answered affirmatively. A lift station will be required on the subject  
18 property.  
19  
20 Commissioner Brender asked if the property would be maintaining that or would there  
21 be an association.  
22  
23 Mr. Schindler said that was a policy decision. Mr. Goldberg says he wants the City to  
24 own and maintain it and Mr. Paster says that should be the developer and subsequently  
25 the HOA responsibility.  
26  
27 Commissioner Duryea said he was under the impression that we don't have to consider  
28 anything that's gone on before this particular subdivision.  
29  
30 Ms. Reischmann said there are quite a few changes between what was in the prior  
31 development agreement and what is proposed. There was a mandatory HOA in the  
32 prior agreement to provide for the operation of the lift station and maintenance of the  
33 easements. Even though there were 7 lots and we didn't like some of what was in  
34 there, there were some things in there that we like. When you ask me do we have to  
35 consider it, he can hold that over us. He can say he is going to develop pursuant to that  
36 prior agreement.  
37  
38 Commissioner Duryea said then he would have to agree to all the conditions.  
39  
40 Mr. Schindler answered affirmatively.  
41  
42 Commissioner Duryea said once Mr. Goldberg agrees to change the configuration of  
43 the lots and so forth it is up to our discretion of whether we are going to honor any of  
44 those prior agreements.  
45

1 Ms. Reischmann answered affirmatively but we run the risk of him going back to the  
2 prior agreement. That's where his bargaining position comes in.

3  
4 Mayor Meador said one of the reasons we sent this back to P&Z is that we have  
5 somebody willing to invest in the City of Lake Mary. We heard last night at the WineArt  
6 festival that there aren't enough new homes for the people who would like to come to  
7 Lake Mary. This is a great opportunity. The question is how do we reach the kind of  
8 consensus that maintains City standards and our past practices and at the same time  
9 acknowledge that we have a quality development that is about to come into the City.

10  
11 Commissioner Brender said the prior agreement means driveways on Lake Mary  
12 Boulevard and everything else. We don't want to go back in that direction. He thanked  
13 Mr. Goldberg for redoing this. He believed the City does have some position on how  
14 much we are going to pay for the sewer and we are going to have to arrive at what that  
15 position is going to be. He would like to see the term \$50,000 taken out and maybe just  
16 say 50/50 and some other maximum number. He said he thought the intent of their last  
17 discussion had been reached.

18  
19 Deputy Mayor Lucarelli said she was in agreement with all the nine conditions with 3  
20 being specifically 3(b) that the sewer system within the Lake Mary Boulevard right-of-  
21 way is owned by the City of Lake Mary. She questioned if they needed a monetary  
22 amount or just specify that we will cover the cost within the right-of-way meaning the  
23 jack and bore and the line up to that point. The cost can fluctuate. She said that or just  
24 say up to \$25,000.

25  
26 Commissioner Duryea said he would rather have a number certain. He suggested  
27 saying we would pay half up to \$25,000 then we know we have an upper limit.

28  
29 Mayor Meador said he thought 50% or up to a maximum amount is probably a fairer way  
30 to do it because it does give some degrees of freedom. We know it's not going to be a  
31 \$50,000 amount. It will be less than that but to what degree remains to be seen.

32  
33 Commissioner Brender asked the cost of a lift station.

34  
35 Mr. Paster said he had not seen any design plans for this lift station. The City requires  
36 the lift station meet the Seminole County water and sewer standards. It would be  
37 anywhere from \$50,000 and up for just the lift station portion. The force main is a 4-inch  
38 PVC piece of pipe and is not very expensive compared to the collection system.

39  
40 Commissioner Brender said Mr. Schindler mentioned we are looking at a \$10,000  
41 connection.

42  
43 Mr. Paster said \$5,000 to \$10,000 just to run it down Lake Mary Boulevard from his  
44 property corner to the point of connection to the City of Sanford's existing force main.

1 Commissioner Plank said in the original documents we were responsible for some of  
2 the costs within the property beyond just the connection. He asked if he misunderstood.  
3  
4 Mr. Paster said he believed the original agreement was the City would pay 50% of the  
5 cost for that portion in Lake Mary Boulevard up to a maximum of \$50,000. The actual  
6 cost to do a jack and bore under the Boulevard could be \$20,000 to \$30,000 so the City  
7 was looking at half of that.  
8  
9 Commissioner Plank said but there was no mention about any of the other infrastructure  
10 related to the sewer system.  
11  
12 Mr. Paster said that was correct.  
13  
14 Ms. Reischmann said Deputy Mayor Lucarelli mentioned about the preference of having  
15 the City own the pipe within the right-of-way. She thought the Commission might want  
16 to hear from Mr. Paster on that point.  
17  
18 Mr. Paster said it had not normally been done that way. The Enclave at Tuscany is the  
19 most recent single-home development and the developer installed the collection system  
20 and the rights-of-way. The rights-of-way in that subdivision are not full City rights-of-  
21 way and the City did not take over ownership or maintenance of any of that system.  
22 That system has a lift station and a force main that runs down 46A until it reaches a  
23 point where it does connect to an existing City system. The City did not take over  
24 ownership or pay for any of that new development similar to Fountain Park. Fountain  
25 Park is a large collection system with a large lift station and force main. They own,  
26 maintain and paid for the construction all the way to the point of connection to the  
27 existing system on Rinehart Road. That is very typical for new development.  
28  
29 Deputy Mayor Lucarelli said she was good with that.  
30  
31 Commissioner Brender asked if they would need to oversize the pipe if they wanted the  
32 adjacent property to connect (power line property). He asked if the power line property  
33 would connect to this line or directly to the Sanford line.  
34  
35 Mr. Paster said if the City were to ask the developer to oversize the line for future  
36 development, it is very common for the City to pay the cost of the oversizing of that. In  
37 this case, that lot currently has the City of Sanford's force main adjacent to their  
38 property so they would be able to put in a lift station for whatever amount of homes and  
39 go straight into Sanford's existing line and not have to connect to this development's  
40 line.  
41  
42 Mayor Mealar said the other issue is the applicant wanted the City to be responsible for  
43 Stillwood Lane. With the 1-inch cold mix it would be the responsibility of the HOA based  
44 on past experience.  
45

1 Mr. Paster said the City only takes over roads if they meet current City standards and  
2 that includes a 60-foot right-of-way, 24-foot of asphalt, and sidewalks.

3  
4 Mayor Mealor said that would defeat the purpose of the project and what we're trying to  
5 do to be creative to make it work.

6  
7 Commissioner Brender asked Mr. Paster if he could see any point in oversizing the line  
8 to try to get to these lots to the south along the lake.

9  
10 **SIDE 1B**

11  
12  
13 Mr. Paster answered negatively. The sewer master plan has us connecting towards the  
14 college. Our master plan includes several lift stations in that subdivision and the force  
15 main shot out towards the lift station at the college.

16  
17 Commissioner Brender said there would be no point in us oversizing this for anything  
18 other than the power line project if that comes to fruition.

19  
20 Mr. Paster said he thought the power line project would connect directly to the City of  
21 Sanford.

22  
23 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1480.

24  
25 Marion Anderson, 2840 Stillwood Lane, came forward. In discussion about this  
26 subdivision, everybody talks like Stillwood Lane goes to the mailboxes and goes behind  
27 this property. It also continues south to four other homes. When you talk about taking  
28 over maintenance of Stillwood Lane don't forget about those four houses at the other  
29 end.

30  
31 No one else came forward and the public hearing was closed.

32  
33 Allan Goldberg, applicant, came forward. He said when he came in to do this project he  
34 reduced the density to 5 lots. The commitments he was making were all optional.  
35 There was the optional wall, he was going to do septic tanks, and was going to have all  
36 the entrances off of Lake Mary Boulevard so he wouldn't have to endure the cost of  
37 paving on the interior of the project. That's all changed after our first meeting and  
38 discussions with some of the Commissioners and knowing which way the Commission  
39 wanted to see the project go. Some of those ways are beneficial to the project as well  
40 as the City.

41  
42 Mr. Goldberg said regarding the question of the sewer, the intent of the first agreement  
43 is the intent of the first agreement. The discussion he had with the Commission and  
44 P&Z was the differential cost of putting in sewer versus putting in septic tanks. The cost  
45 of putting in sewer, even without the jack and bore, is a little over \$100,000 including the  
46 lift station. The cost of putting in septic tanks runs around \$7,500 apiece so we are

1 looking at \$50,000. He said he was incurring an additional \$50,000 to put in a sewer  
2 system where legally he could have put in septic tanks but that was not the decision  
3 they all decided to go. The \$50,000 he was requesting of the City was the differential  
4 between what it costs to put in the sewer system versus septic tanks. This will be the  
5 only project south of Lake Mary Boulevard that has sewer.

6  
7 Mr. Goldberg said as to the question of ownership of the system and maintenance of  
8 the right-of-way, if we put in a sewer system that has a lift station, there will have to be a  
9 homeowners' association formed. The six homeowners that live on this property will  
10 have total responsibility for maintaining that lift station as well as the roadway which in  
11 his mind is a tremendous burden on six homeowners—especially the lift station and  
12 sewer system.

13  
14 Mr. Goldberg said bringing the entrances off of Lake Mary Boulevard was good for both  
15 of us. As long as it doesn't change things and he doesn't have to go to P&Z one more  
16 time, he offered that he could eliminate that last driveway on Lake Mary Boulevard and  
17 have all of the lots served from the interior roadway.

18  
19 Mayor Meador said Mr. Goldberg was getting head nodding from staff. Since Mr.  
20 Goldberg would be bringing back a subdivision plan that might be a good thing and  
21 would address the concerns P&Z had relative to the public safety issue of that one lot.

22  
23 Mr. Schindler said staff has no problem with eliminating the westernmost driveway off of  
24 Lake Mary Boulevard. We can address that on March 21<sup>st</sup>.

25  
26 Mayor Meador asked the Commission's preferences related to the nine conditions and  
27 the issue Mr. Goldberg brought forward that compliments Mr. Paster's presentation.

28  
29 Ms. Reischmann said to clarify, Mr. Goldberg does have an obligation to connect to  
30 sewer. The suggestion that Stillwood and the access easement could be dedicated to  
31 the City, probably the access easement could not be dedicated to the City because he  
32 only has an easement. He would have to assign that to the City and that would be an  
33 expansion of his rights.

34  
35 Commissioner Brender thought the City needed to be on the hook for part of this in light  
36 of the previous agreement but mainly from the standpoint that it was at the City's  
37 direction that we even started exploring the whole concept of sewerage this project. He  
38 said Mr. Goldberg will be the only one on the south side of the Boulevard but will only  
39 be the first one because as the Boulevard on the south side develops the intent of this  
40 commissioner in order to protect the lake we need to address sewer systems. Right  
41 now we are on the hook for 50% of the cost of a jack and bore which is no longer a  
42 point. He proposed to be on the hook upwards of \$25,000 which is half the amount.  
43 Considering the positioning of the sewer line Mr. Goldberg is obligated to hook up, he  
44 was throwing out a number to start the discussion. We are in favor of allowing the sixth  
45 lot because the applicant would be incurring additional costs for the sewer as well as  
46 Stillwood Lane and thought that was only fair.

1  
2 Deputy Mayor Lucarelli said she was in agreement with Commissioner Brender to put  
3 the monetary amount for the jack and bore 50% but no more than \$25,000.  
4  
5 Commissioner Plank said he also agreed to honor 50% up to \$25,000 and was not  
6 adverse to that being a total contribution in light of the fact we are removing the septic  
7 system potential from the lake area.  
8  
9 Mr. Schindler clarified that is the cost of going from the north property line of Waterside  
10 to the City of Sanford system whether it be jack and bore or along Lake Mary Boulevard  
11 to the east.  
12  
13 Mayor Mealor said that was correct.  
14  
15 Commissioner Brender questioned if they were just talking about that section of line or  
16 were they talking about a credit of \$25,000 for the entire system.  
17  
18 Commissioner Plank said he was talking about a credit.  
19  
20 Mayor Mealor asked Deputy Mayor Lucarelli and Commissioners Brender and Duryea if  
21 they were comfortable with the term "credit".  
22  
23 Mr. Schindler asked for clarification. He asked if the City is going to own and maintain  
24 only that portion of the system within Lake Mary Boulevard or are they not going to own  
25 and maintain any portion of the system.  
26  
27 Mayor Mealor said he thought Mr. Paster said our previous agreements with other  
28 developers are that they are solely responsible.  
29  
30 Commissioner Brender said Mr. Goldberg brought up the maintenance of the road  
31 combined with the lift station. He wasn't sure what the annual cost of a lift station is.  
32 The roadway would be a shared expense for those few other homes on Stillwood and  
33 asked why that would not be.  
34  
35 Mr. Schindler said because at this point there is only an easement over the property for  
36 Stillwood Lane. Stillwood goes to the south end. It does go south but that is over  
37 private property. In essence these people have an easement for each other to travel.  
38  
39 Commissioner Brender asked if the roadway is going to be on Mr. Goldberg's property  
40 or would it be Stillwood Lane as it is now.  
41  
42 Mr. Schindler said Stillwood Lane is on private property. It's not a platted right-of-way.  
43 It is going to be part of the easternmost lot.  
44  
45 Mr. Goldberg said Stillwood Lane is not a platted right-of-way. The entrance for  
46 Waterside will be on our property. There is a 20-foot ingress/egress along Lot 6 on our

1 property owned by our property and will ultimately be owned by the homeowners if the  
2 City decides it doesn't want to take title to and maintain that roadway. Past the first  
3 corner on Lot 6 it continues down to four additional homeowners down what is called  
4 Stillwood Lane but it is also private right-of-way. There are two homes south of  
5 Waterside on the lake which will access on our property, which is what they do now,  
6 and come off of our maintained roadway. He said he didn't have the right to ask those  
7 homeowners to help us maintain but they get the use of it because it is their legal right-  
8 of-way.

9  
10 Commissioner Brender clarified that right now the road that Mr. Goldberg is planning on  
11 is going to be on his property.

12  
13 Mr. Goldberg said it is all on private property although he has requested the City take  
14 title to it as part of the platting.

15  
16 Ms. Reichmann said we still have Condition 6 of the staff conditions about the roadways  
17 that says the developer shall revise the PUD to indicate developer and/or HOA shall  
18 maintain Stillwood and the access. She said the motion should include all the staff  
19 conditions as well as the changes indicated.

20  
21 **Motion was made by Deputy Mayor Lucarelli to approve Ordinance No. 1480 on**  
22 **first reading including staff conditions listed in staff report, the City contribution**  
23 **being a credit of \$25,000, the portion of the sewer system in Lake Mary Boulevard**  
24 **being owned by the HOA and/or the developer, Lot 1 having access from the**  
25 **easement in the rear, and a change in the notes that Lot 1 is the only lot with**  
26 **access to the lake. Seconded by Commissioner Brender and motion carried by**  
27 **roll-call vote: Commissioner Brender, Yes; Commissioner Duryea, Yes;**  
28 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

29  
30 Mayor Mealor asked Mr. Goldberg to keep in mind there has been a history on this  
31 Commission that there is a great sensitivity to Big Lake Mary and that part of the  
32 Boulevard area. He thanked Mr. Goldberg for his patience and his willingness and  
33 adaptability of the needs of the greater community.

34  
35 VIII. New Business

- 36  
37 A. Request for Minor Site Plan approval with Developer's Agreement for a  
38 conversion of a single family residence to a professional office located at 165 N.  
39 Fourth Street (formerly 144 W. Crystal Lake Avenue); Lisa Minter, applicant  
40 (Public Hearing) (Steve Noto, Planner)

41  
42 Mr. Noto said this structure is located at the northeast corner of Fourth Street and Crystal  
43 Lake Avenue. It was historically a single-family residence. The applicant acquired the  
44 property last spring. It is just under 2,000 S.F. in size and the applicant wishes to convert  
45 it to a professional office.

1 Mr. Noto said the main item with this request is deferral of improvements on Fourth Street  
2 along the frontage of the property. The typical way we have been doing things and the  
3 way the Code is written is that when you redevelop in the Downtown you have to provide  
4 improvements in the right-of-way. The City recently completed on-street parking and  
5 stormwater improvements in the Downtown area that includes the angled parking on the  
6 south side of the subject property. There are five to six spaces there. Because of the low  
7 impact that we are anticipating with this development and to avoid future tear-out or  
8 reconstruction of improvements on Fourth Street, we along with the applicant think it is a  
9 good idea and we are recommending not to do improvements in the right-of-way on Fourth  
10 Street along the perimeter of the property. She only needs three parking spaces per code.  
11 Based upon what's going on in the Downtown, we would hate to see that go in and see  
12 that torn up as part of a larger reconstruction project. That's the purpose of the  
13 developer's agreement and is consistent with what City policy has been since 2001 with a  
14 previous project in a different part of Downtown related to the Junior Academy.

15  
16 Mr. Noto showed the site plan on the overhead. Very basic improvements are needed.  
17 There is a going to be a sidewalk connection to existing facilities, an ADA accessible  
18 handicapped space on the north side of the property, and landscape improvements  
19 consistent with Code.

20  
21 Mr. Noto said the Planning & Zoning Board heard this item at their February 12, 2013,  
22 meeting and unanimously recommended approval 5 – 0.

23  
24 Mr. Noto said staff recommends approval. The applicant is tying into existing utilities that  
25 are available in the area. He noted the applicant was present.

26  
27 Commissioner Plank asked if the change in address was due to the entrance they are  
28 going to use.

29  
30 Mr. Noto said that was correct.

31  
32 Commissioner Brender said of the three spaces that are required, two are the City's and  
33 one is in the driveway.

34  
35 Mr. Noto said that was correct.

36  
37 Mayor Mealor asked if anyone would like to speak in reference to this site plan approval.  
38 No one came forward and the public hearing was closed.

39  
40 **Motion was made by Commissioner Plank to approve the Minor Site Plan and**  
41 **Developer's Agreement for 165 North Fourth Street, seconded by Deputy Mayor**  
42 **Lucarelli and motion carried by roll-call vote: Commissioner Duryea, Yes;**  
43 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner Brender,**  
44 **Yes; Mayor Mealor, Yes.**

45

1 B. Ordinance No. 1482 - Revision to the Final Planned Unit Development (PUD)  
2 and Developer's Agreement for the Lake Mary Preparatory School, 650 Rantoul  
3 Lane, and the Junior Academy, 140 E. Wilbur Avenue & 143 E. Lake Mary  
4 Avenue, Stuart Buchanan for Lake Mary Real Estate, LLC, applicant – First  
5 Reading (Public Hearing) (Gary Schindler, City Planner)  
6

7 The City Attorney read Ordinance No. 1482 by title only on first reading.  
8

9 Mr. Schindler said on May 21, 2009, the City Commission adopted Ordinance No. 1321  
10 which expanded the Lake Mary Preparatory School PUD to include the properties located  
11 at 140 East Wilbur Avenue and 143 East Lake Mary Avenue. That was done because the  
12 property on Wilbur Avenue was proposed to be used as a dormitory. We said the most  
13 efficient way to do that was to incorporate it into the overall PUD. A dormitory was  
14 developed and it was found that was not the best location for a dormitory and the school  
15 purchased property on Sand Pond Road where they have developed a dormitory campus.  
16

17 Mr. Schindler said the City has purchased the property on Wilbur and East Lake Mary  
18 Avenue and it is no longer a part of the school nor is it proposed to be used for school or  
19 education purposes so we need to separate the two properties. Lake Mary Prep is not  
20 proposing to make any changes to the main campus than what they already have  
21 approved. This is to separate out the property that we now own from the main campus  
22 and plan to develop it into a community center.  
23

24 Mr. Schindler said at the February 12, 2013, meeting, the P&Z unanimously  
25 recommended approval.  
26

27 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1482. No  
28 one came forward and the public hearing was closed.  
29

30 **Motion was made by Commissioner Brender to approve Ordinance No. 1482 on first**  
31 **reading, seconded by Deputy Mayor Lucarelli and motion carried by roll-call vote:**  
32 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner Brender,**  
33 **Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**  
34

35 C. Ordinance No. 1483 - Rezoning from Planned Unit Development (PUD) to  
36 Government Use (GU), for the two properties located at 140 E. Wilbur Avenue &  
37 143 E. Lake Mary Avenue – First Reading (Public Hearing) (Gary Schindler, City  
38 Planner)  
39

40 The City Attorney read Ordinance No. 1483 by title only on first reading.  
41

42 Mr. Schindler said the PUD zoning is no longer appropriate. It does not meet the minimum  
43 criteria of area for a PUD and we need to give it a relevant zoning category that will enable  
44 us to have a community center and government uses and the Government Use zoning  
45 district is the appropriate zoning.  
46

1 Mr. Schindler said on February 12, 2013, the P&Z unanimously recommended approval.

2  
3 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1483. No  
4 one came forward and the public hearing was closed.

5  
6 **Motion was made by Deputy Mayor Lucarelli to approve Ordinance No. 1483 on first**  
7 **reading, seconded by Commissioner Plank and motion carried by roll-call vote:**  
8 **Deputy Mayor Lucarelli, Yes; Commissioner Brender, Yes; Commissioner Duryea,**  
9 **Yes; Commissioner Plank, Yes; Mayor Meador, Yes.**

10  
11 D. Request to appeal Code Enforcement Case No. 09-072 Lien in the amount of  
12 \$20,195.83 for Rinehart Place; Branch Banking & Trust Company (BB&T),  
13 Applicant (Bruce Fleming, Sr. Code Enforcement Officer)

14  
15 Bruce Fleming, Senior Code Enforcement Officer, came forward. Mr. Fleming said on  
16 August 18, 2009, the Lake Mary Code Enforcement Board had a public hearing for the  
17 property listed on the projector. At the hearing the board found the property owner at that  
18 time, Flovest LLC, had violated Ordinance No. 91.34, Prohibited Acts, with an  
19 accumulation of miscellaneous construction trash, rubbish and debris as well as  
20 Ordinance No. 91.75, Standards of Maintenance of Lawns, with an overgrowth of weeds  
21 and grass throughout the property. The property owner was required to bring the property  
22 into compliance within 30 days of the hearing or pay a fine of \$100 a day for each day the  
23 violations continued. Code Enforcement performed a compliance inspection on  
24 September 21, 2009, and compliance had not been obtained.

25  
26 Mr. Fleming said while on patrol he observed on December 12, 2012, what looked like  
27 work or activity had occurred at the location. A subsequent inspection revealed that they  
28 had brought the property into compliance. At that time he filed an Affidavit of Compliance  
29 for 1,179 days of non-compliance. The outstanding fine at that point was \$117,900.

30  
31 Mr. Fleming explained when the Code Enforcement Officer finds the property in  
32 compliance a Compliance Hearing occurs. That hearing is for the owner or respondent to  
33 be able to dispute Code Enforcement's assessment of the date the compliance was  
34 obtained. The board convened a Compliance Hearing on January 15, 2013, and  
35 determined that compliance had been obtained on said property and the board ordered  
36 that lien be filed in the amount of \$117,900.

37  
38 Mr. Fleming said while still at the Compliance Hearing, the board determined the property  
39 had transferred from the original owners, Centennial Bank and Flovest, over to BB&T as a  
40 result of a foreclosure on May 31, 2012. The bank requested at the Compliance Hearing  
41 that the lien balance be reduced reflecting the date of title transfer for 195 days of non-  
42 compliance or a fine of \$19,500. The board reduced the outstanding balance to \$20,000  
43 plus applicable filing fees and interest for a total of \$20,195.83. Since that time the City  
44 has received a letter from the owner of the property requesting that the City Commission  
45 reconsider the fine for a further reduction.

1 Ms. Sova said staff has recommended denial of this request. This has been a very labor-  
2 intensive property for us to deal with over the years. There was a lot of police work  
3 chasing off homeless camps and safety conditions that have been problematic. We had to  
4 do a lot more here than is typical.

5  
6 Mr. Fleming showed pictures of the violations on the overhead. Mr. Fleming said we had a  
7 problem with homeless people moving into those structures that the police department had  
8 to deal with as well as several manhole covers being taken because of the abandoned  
9 condition that it remained at for so long.

10  
11 **Motion was made by Commissioner Brender to deny the request, seconded by**  
12 **Commissioner Plank and motion carried unanimously.**

13  
14 E. Resolution No. 919 – Granting City Manager the authority to negotiate Code  
15 Enforcement Liens (Bruce Fleming, Sr. Code Enforcement Officer)

16  
17 The City Attorney read Resolution No. 919 by title only.

18  
19 Mr. Fleming said the housing market has started to turn for the better and we are starting  
20 to get a lot of properties that had been foreclosed purchased by investors or new  
21 homeowners. One of the problems we are starting to have are requests for reductions  
22 and going through the process of having the City Commission determine how to deal with  
23 liens. Once a lien is filed by Code Enforcement it runs in the name of the City Commission  
24 and only the City Commission can make disposition of that lien in the way of mitigation or  
25 abatement.

26  
27 Mr. Fleming said the purpose of this proposed resolution is in cases of foreclosed  
28 residential property within the City as a result of a Code Enforcement action, the City  
29 Manager be granted the authority from the City Commission to mitigate in certain  
30 circumstances those types of liens. Where both parties agree with the determination of a  
31 mitigation of a lien then the City Manager would have the authorization from the  
32 Commission to sign off on those types of cases, keeping in mind that the City Commission  
33 always maintains absolute authority over all liens filed in the City. In cases where the  
34 parties were unable to agree then the respondent or potential property owner would have  
35 the right to bring it before the Commission for consideration for mitigation. By creating this  
36 proposal we believe it would expedite the City's ability to resolve abandoned foreclosed  
37 properties and move them through the system faster.

38  
39 Commissioner Duryea said he didn't know if he wanted to give the City Manager the  
40 responsibility to do that considering every particular property has unique circumstances  
41 and a lot of pressure can be put on the City Manager. He wasn't sure he wanted to put  
42 that burden on her.

43  
44 Commissioner Brender said in the fourth whereas clause it doesn't specify residential  
45 property. He asked if they were talking only residential property or all real property.

1 Mr. Fleming said we will make that correction to the document but we are talking  
2 residential property.  
3  
4 Commissioner Brender said he agreed with Commissioner Duryea's comment in view of  
5 the kinds of fines that can be had on commercial property but for residential property he  
6 was open to suggestions.  
7  
8 Commissioner Plank said it does allow for appeal if the entity that owns the property  
9 disagrees with the City Manager's decision. He asked if that was correct.  
10  
11 Mr. Fleming answered affirmatively. For example, a mortgage company will say we  
12 realize it was like this for months but we will take care if everything if the City will accept  
13 \$10,000. In those types of situations we wanted to give the City Manager the ability to  
14 mitigate and negotiate when they come forward and want to alleviate the issues on  
15 residential real estate.  
16  
17 Commissioner Plank said the reference says bank owned. He asked if that was intended  
18 to apply to all entities that own property.  
19  
20 Mr. Fleming said primarily bank owned or financial institutions that have foreclosed a  
21 property.  
22  
23 Commissioner Plank said so it would cover a mortgage company or investment firm that  
24 had acquired it.  
25  
26 Mr. Fleming answered affirmatively.  
27  
28 Commissioner Plank said in foreclosure, using the example of Rinehart Place, if  
29 somebody negotiates a short sale with a bank that may preclude it going into foreclosure.  
30 He asked at what point are we entering the picture that the City Manager would have that  
31 right of negotiation.  
32  
33 Ms. Reischmann said the way it is written now it would apply only if the property had gone  
34 into foreclosure. It could be changed to state that if there is a short sale pending that  
35 would allow Ms. Sova to make this abatement. She suggested to add that this only  
36 applies when a closing is pending before the next Commission meeting. That is not  
37 specifically stated in the resolution. That may be a way to address Commissioner  
38 Duryea's concern.  
39  
40 Commissioner Plank asked what happens if the sale falls through after we have approved  
41 it.  
42  
43 Ms. Reischmann said the lien would be gone.  
44  
45 Deputy Mayor Lucarelli said with the process we have now or if we change, it still has to  
46 go before the Code Enforcement Board.

1  
2 Mr. Fleming said once the lien is filed it belongs to the City Commission, but Lake Mary's  
3 practice as a courtesy to the board that made the determination, we take it back and tell  
4 them that this person is asking for some type of relief, but not always. If we get a property  
5 that's going to close next week we may dispel a sale by holding it for the next code  
6 enforcement hearing.

7  
8 **SIDE 2A**  
9

10 Mayor Mealor asked staff to rewrite Resolution No. 919 and bring back.

11  
12 F. Approval of Local Option Gas Tax (LOGT) Interlocal Agreement (Jackie Sova,  
13 City Manager)  
14

15 Ms. Sova said the Local Option Gas Tax levy of 4 cents will expire on August 31, 2013,  
16 and the 5<sup>th</sup> and 6<sup>th</sup> cent on August 31, 2015. The gas tax is shared by the cities by the  
17 1986 interlocal agreement and in accordance with statute. The County receives 63.6% of  
18 the Local Option Gas Tax and the cities share the rest, right now calculated on a five-year  
19 rolling average of transportation expenditures. Our current distribution is estimated to be  
20 \$242,138.

21  
22 Ms. Sova said an alternative method of distributing city shares has been discussed by  
23 mayor/managers of the cities and it is our intent for the finance directors to form a working  
24 group to consider a different methodology that can be implemented in the future. The  
25 County has asked that we bring forward the combined 6-cent levy to be considered for the  
26 Local Option Gas Tax through August 31, 2043.  
27

28 Ms. Sova said the County Manager is trying to get this done over the next month and is  
29 why we are bringing it forward now. It was agreed upon that the finance directors can  
30 meet and take a look at that distribution. Some of the folks feel that the calculation is  
31 onerous and is too much work every year. They were looking at having the transportation  
32 expenditures submitted every five years and that could be difficult if your transportation  
33 expenditures go up and down quite a bit. She said she has always had concerns. She  
34 has done this from the beginning. She had concerns with inconsistencies and stumbled  
35 across those several times across the years. She thought it would be good to have the  
36 finance directors work on it but we can adopt the interlocal agreement.  
37

38 Commissioner Plank said the ability in changing the procedure, there is still an annual  
39 review and a change could be made annually in the distribution even though it's an  
40 agreement through 2043.  
41

42 Ms. Sova answered affirmatively.  
43

44 Commissioner Duryea asked what would happen if we didn't approve it.  
45

1 Ms. Sova said only half the cities have to approve it. For the agreement in place now two  
2 of the cities did not agree to.  
3  
4 Commissioner Duryea asked if anybody had agreed already.  
5  
6 Ms. Sova said it has been before three other commissions already.  
7  
8 Deputy Mayor Lucarelli asked Ms. Sova if she had any feedback from them.  
9  
10 Ms. Sova said nothing negative.  
11  
12 Commissioner Brender said this item comes before CALNO every year because the Local  
13 Option Gas Tax distribution has to be approved by CALNO. CALNO tries to address the  
14 methodology every year. He thought the time to attack the methodology question is at the  
15 beginning of the new Local Option Gas Tax. He would support the gas tax but would be in  
16 support of a change in methodology and a change in the distribution levels. CALNO has  
17 always had an objection to the 63.6% the County starts with that was based on a figure  
18 from 30 years ago which had the majority of the population living in unincorporated  
19 County. That number has now almost flip flopped where most of the population of the  
20 County live in the seven cities. We handle the urban core of the County and the County is  
21 handling the unincorporated areas. The methodology discussion should be not only  
22 methodology and how it is determined but also the methodology of how much each area is  
23 supposed to get.  
24  
25 Ms. Sova said if we update from the number we have here, the County can get more  
26 money and the cities get less so it is better to hold this percentage for the County but  
27 looking at the distribution method amongst the cities. It is not population based but is  
28 transportation expenditure based.  
29  
30 Commissioner Brender asked what the 63.6% was based on.  
31  
32 Ms. Sova said that comes out of the Florida Statutes for the ability to levy this tax.  
33  
34 Mayor Meador said this was an issue back when he chaired CALNO. He said he was  
35 encouraged by the fact that the finance directors are a working group and thought some of  
36 the concerns would be addressed and there would be a better outcome. It is probably to  
37 our best interest right now to stay with the status quo.  
38  
39 Commissioner Duryea asked if they were asking us to go to 6%.  
40  
41 Ms. Sova said they are asking us to keep the same levy but just extend it and merge them  
42 together so they expire at the same time in August 2043. Right now they have the two-  
43 year difference in the expiration date.  
44

1 **Motion was made by Commissioner Plank to approve the Local Option Gas Tax**  
2 **Interlocal Agreement, seconded by Deputy Mayor Lucarelli and motion carried**  
3 **unanimously.**

4  
5 G. Approval of 1<sup>st</sup> Generation Sales Tax Interlocal Agreement (Bruce Paster,  
6 Public Works Director)  
7

8 Ms. Sova said at the work session on January 22, 2013, the Board of County  
9 Commissioners gave staff direction to amend the Seminole County Transportation Plan  
10 Interlocal Agreement for the 1991 Infrastructure Sales Tax to include the new Oxford  
11 Road project from 436 to 17-92 as well as State Road 46 widening from Mellonville  
12 Avenue to State Road 415. Of the \$10,000 that is available from project savings these  
13 projects can be completed. It is currently projected that the County will collect \$12  
14 million in transportation impact fees through 2021 to be used to refund the 1991  
15 Infrastructure Sales Tax Fund. There is an exhibit in the packets that shows the  
16 roadways. This is another one based on an interlocal agreement amongst the cities.  
17

18 Commissioner Brender said this is another one of those things where the County  
19 collected the money from everybody and fix the roads they want to fix.  
20

21 Mayor Meador said to keep in mind that Lake Mary has been a beneficiary of this  
22 outcome. We have been treated very fairly.  
23

24 **Motion was made by Commissioner Brender to approve the 1<sup>st</sup> Generation Sales**  
25 **Tax Interlocal Agreement, seconded by Commissioner Plank and motion carried**  
26 **unanimously.**  
27

28 IX. Citizen Participation  
29

30 Stella Tagliavore, 350 Birchwood Court, came forward. She said over the last two or  
31 three years of hard work we came to the first step to bind our future for our community  
32 in regards to arts and culture. On behalf of the Arts Association of Lake Mary, she  
33 announced they were joining with the City of Lake Mary to bring more arts and culture to  
34 the City.  
35

36 Ms. Tagliavore said the organization is a non-profit supported by the memberships and  
37 sponsored by the City of Lake Mary and the Art Studio of Lake Mary School of Art. Our  
38 mission is simple. The Art Association of Lake Mary strives to promote, support and  
39 recognize artists, our culture and our education within our community. Our goals are:  
40

- 41 1. Providing hands-on support to visual artists and educators, art students through  
42 art classes, training sessions, and workshops.
- 43 2. Creating more visual displays such as murals, sculptures, pictures, and artifacts  
44 in public places throughout the City of Lake Mary.
- 45 3. Assisting the City of Lake Mary in building a stronger art culture and community.  
46

1 Ms. Tagliavore invited the citizens to join their first meeting on Monday, April 8, 2013, at  
2 7:00 P.M. We are talking to Bryan Nipe regarding the meeting place.

3  
4 Ms. Tagliavore said we have great support from the City and was proud to be a citizen  
5 of Lake Mary. She thanked the City of Lake Mary for all of the support they have  
6 provided to them as a group of citizens in Lake Mary. We are happy to have Lake Mary  
7 as their government. She especially wanted to mention Jo Ann Lucarelli and Bryan  
8 Nipe who have been working with her closely. She thanked the Mayor. Everyone  
9 under his leadership has provided so much for the City and art culture.

10  
11 Ms. Tagliavore said their annual art exhibit at the Lake Mary School of Art will be held  
12 on Sunday, April 21<sup>st</sup>. Grades K – 3 would be at 1:00 P.M. and grades 4 – 12 would be  
13 at 3:00 P.M. We have been celebrating the arts every year since the art school started  
14 in 2001. We have served incredible time and lessons that help our students grow and  
15 change and better themselves and better our community. She invited the City officials  
16 and City community members to see their art exhibit at the Lake Mary School of Art  
17 from April 21<sup>st</sup> through May 20<sup>th</sup>. That is open to the public. During the ceremony we  
18 have award presentations to all the students and focus on their accomplishments. We  
19 have 38 categories for each student. She said Ms. Lucarelli has been there for the last  
20 two or three years and Mr. Plank last year came over and saw our exhibit and he spoke  
21 highly of the students. Mr. Nipe also came and saw our artwork and invited us to bring  
22 some of their artwork to exhibit at city hall. She thanked everyone.

23  
24 Bob Hyres, Executive Vice President of WastePro, 2101 West State Road 434,  
25 Longwood, came forward. He said there was an item on the City Manager's report to  
26 consider directing staff to enter into discussions to renew the contract with Waste  
27 Management for another five years. He asked for the opportunity to bid on this contract.

28  
29 Mayor Meador apologized. He explained citizen participation is an opportunity for  
30 anyone to address the Commission on any item not on tonight's agenda.

31  
32 No one else came forward and citizen participation was closed.

33  
34 X. Reports

35  
36 A. City Manager

37  
38 1. RFQ 13-03 – Agent of Record Services for Employee Benefit Programs

39  
40 Ms. Sova said this is RFQ 13-03 for Agent of Record Services for our employee benefit  
41 programs. The Requests for Qualifications were received on February 1, 2013, and  
42 received 11 responses. We had a selection committee of herself, Dianne Holloway and  
43 Randy Petitt. We narrowed it down to the top five applicants and brought them in for  
44 interviews. We asked them to speak to four topics: the history and relationship with on-  
45 site health clinics, history and relationship with Aetna (the City's current carrier), history  
46 with self-funded clients for providing health insurance, and methodology and processes

1 used in determining and making recommendations for employee payments (payroll  
2 deduction) for the self-funded environment. The top five applicants included Brown &  
3 Brown, Gallagher Benefits Services, Gehring Group, Hylant, and LassiterWare. After  
4 going through all the interviews we ranked and came to the point where we all agreed  
5 that Gehring Group would be the best fit for the City and best met our requirements.  
6

7 Ms. Sova asked the Commission to allow her to enter into contract negotiations with the  
8 Gehring Group to be the Agent of Record for employee benefit services.  
9

10 **Motion was made by Commissioner Duryea to authorize the City Manager to enter**  
11 **into contract negotiations with the Gehring Group, seconded by Commissioner**  
12 **Plank and motion carried unanimously.**  
13

14 2. Direction on extension of Waste Management contract  
15

16 Ms. Sova said this is a request for direction on the extension of the Waste Management  
17 contract. In accordance with their exclusive contract, Waste Management has  
18 requested their five-year extension provided for in Article 5 of their contract. Should this  
19 contract not be extended the final contract expiration date will be February 28, 2014.  
20 This type of contract does require a long lead time as it would take adequate time to go  
21 through an extensive bid process, time to negotiate a new contract if we were to  
22 change, and prepare for any changes that could take some time because a new  
23 provider would have to have the change out in carts, have enough carts, make sure  
24 they had staff and trucks and everything to make that happen.  
25

26 Ms. Sova said at this time we are not experiencing any problems with Waste  
27 Management. They have not asked for a rate increase this year. It does provide for an  
28 annual CPI and we have only had one increase in the last five years. Our annual  
29 revenues for the last five years have been \$382,912. We have an add-on on top of the  
30 rate where the City gets this much in revenues. The annual contract remittance which  
31 is what we pay to Waste Management is about \$1.4 million because we bill the  
32 residential and commercial businesses ourselves. She asked the Commission for  
33 direction.  
34

35 Deputy Mayor Lucarelli said what concerned her was that it had not gone out for bid for  
36 20 years or more. She realized things have been going along great but felt they were  
37 doing a disservice to the citizens to not look and see what else is out there that could be  
38 better or cheaper. If they still come in the cheapest then so be it, but 20 years is a long  
39 time to not go out to RFP and felt they needed to do that.  
40

41 Ms. Sova agreed it had been a long time but there has been a lot of vigorous  
42 negotiating in between.  
43

44 Commissioner Plank said to some extent he shared the concern of the lack of not going  
45 out for bid for that length of time. Based on Option B in the contract, he asked if they

1 had a legal obligation to at least first negotiate with Waste Management as is being  
2 requested and that coming back to the Commission for further consideration.

3  
4 Ms. Reischmann said it is an option for the Commission to authorize the City Manager  
5 to negotiate. It is not mandatory.

6  
7 Commissioner Duryea said the former city manager beat up Waste Management pretty  
8 good. There is always room for improvement. He agreed with Deputy Mayor Lucarelli  
9 that there has been a very long time. One of the reasons we have kept this relationship  
10 is that they have done an excellent job. They sometimes pick up twice in the same day  
11 if they know somebody hadn't gotten their bins out. He had no problem with any of their  
12 employees, but it would not be fair to the rest of the business community to see what's  
13 going on. Waste Management is a tough act to beat. One of the reasons we did not go  
14 to RFP was because the industry was in turmoil for many years. WastePro was not a  
15 big company at that time and didn't have the resources it has now. The other  
16 companies were jumping from one city to another and we wanted stability and we got it.

17  
18 Commissioner Brender said he had been back and forth both times on this. Initially he  
19 thought a RFP sounded like a good idea after 20 years. In talking with staff he realized  
20 there was a great deal of staff time and a fair amount of cost involved in putting together  
21 the RFP. When this started single stream recycling and all that stuff didn't exist. When  
22 Waste Management came up with that it made that year's negotiation much easier  
23 because they were essentially the only one in town. Now WastePro and some others  
24 have moved into the market so there may be competition. In either case we have to do  
25 this five years from now regardless because that is as far as the contract goes. He said  
26 he was unsure. There is a lot of staff time and work involved. There has been a distinct  
27 lack of complaints from anybody regarding trash service.

28  
29 Mayor Mealor said the two options are negotiate or go out for bid.

30  
31 **Deputy Mayor Lucarelli**  
32 **Commissioner Plank**

**RFP**  
**Negotiate**

33  
34 Mayor Mealor said he had been incredibly pleased with Waste Management. He  
35 appreciated Commissioner Brender's concern about staff time but we have a  
36 remarkable staff. We take very good care of them and thought it was their responsibility  
37 to investigate. We have had a very effective service but the issue is if it the most  
38 efficient service for our residents. He said his role in government is how to provide the  
39 most effective service in the most efficient manner and stay out of people's lives. Waste  
40 Management has done a good job of letting them stay out of our lives and we  
41 appreciate that. He said he had to think in this marketplace in the competitive  
42 environment that we have, we know the track record of Waste Management, we know  
43 others would like to enter into this process, and he thought it was in the community's  
44 best interest to ask what does the market provide us in terms of providing for the  
45 residents. It wouldn't be a bad idea to see what others have to offer.

1 **Mayor Mealor**  
2 **Commissioner Duryea**

**RFP**  
**RFP**

3  
4 **It was the consensus of the Commission for the City Manager to start the RFP**  
5 **process.**

6  
7 Ms. Sova said the first action she was going to take is to work with the City Attorney and  
8 Finance Director and do some work on our ordinance. It needs to be worked on before  
9 we use it as a basis for a bid. We worked on it some in 2009 but it is not the document  
10 it needs to be to go to bid. We have a year. We have other bids coming up in between.  
11 We've not bid out roadway work in a long time and we're about to do that.

12  
13 Mayor Mealor said in no way are we being critical of any particular group. We have  
14 been quite complimentary. He thought in a 20-year period of time the whole  
15 marketplace has changed dramatically, what does it look like, and how might we best  
16 be served as a community.

17  
18 3. Information Technology Infrastructure Strategies and surplus computers

19  
20 Ms. Sova said we are going to talk about our information technology infrastructure  
21 strategies and then surplus some computers. Over the past several months we have  
22 had staff changes in our IT as well as in October we had a lightening hit at city hall that  
23 just about took us down. We had planned in the budget for some disaster recovery and  
24 we got put to work as soon as the new budget got adopted. We lost about \$30,000  
25 worth of equipment. We overcame it and learned a lot about reducing our risks and  
26 preventing disasters. We had insurance for it but it still takes time.

27  
28 Ms. Sova said it happened a week after we lost our two IT people so Dianne has been  
29 multi-tasking. We have since hired Lindsay and Mario. Lindsay has been through our  
30 entire system very carefully, worked up some strategies to do virtual servers so we don't  
31 have to have actual machines in every location. We are going to be able to eliminate  
32 five physical servers through this new strategy. They are at the end of their life so they  
33 won't be replaced. Some of these will decommission and we will move them as storage  
34 servers. With the assistance of a JAG grant with the police department we are going to  
35 a Storage Area Network (SAN) to be used for some reliable backup and recovery. We  
36 will be able to back up some things we aren't currently backing up and that we need to  
37 do a better job of and is part of the disaster recovery plan. It takes a lot of storage to  
38 record the police officers' recording devices and their cameras. The building permit  
39 system IVR has been out of warranty for two years and we have to get that up to date  
40 so we are doing some deferred maintenance items. Our AS400 needs an update  
41 before the end of this year.

42  
43 Ms. Sova said we need to purchase 19 desktop and 16 laptop computers. We will have  
44 older units we will move around some but also have some to surplus. We estimate all  
45 these needs to be \$102,000 and in the 2013 budget we have \$91,352 for disaster  
46 recovery and network upgrades and computer and laptop replacements. The grant was

1 for \$15,990 so with that \$107,000 we can do all this work and get the desktops, laptops,  
2 virtual server, and the SAN through Dell on state contract in an amount not to exceed  
3 \$70,000. We need to surplus these 34 tag numbers:

4					
5	2004	10355	10575	10658	10714
6	2184	10440	10579	10659	10758
7	2281	10443	10580	10660	10763
8	2297	10490	10581	10680	10764
9	2298	10491	10582	10686	10788
10	2327	10494	10589	10698	10900
11	10235	10540	10657	10703	

12  
13 **Motion was made by Commissioner Duryea to approve the purchases from Dell**  
14 **the City Manager enumerated in an amount not to exceed \$70,000, declare 34**  
15 **asset tag numbers listed in staff report surplus, and authorize City Manager to**  
16 **dispose of. Seconded by Commissioner Plank and motion carried unanimously.**  
17

18 Ms. Sova said ReThink and Seminole County Government are coordinating a bike tour  
19 event to celebrate transportation as part of the County centennial activities. The  
20 bicycling event will bring participants from Heathrow at International Parkway and AAA  
21 Drive over the I-4 Bridge then south on Rinehart Trail to Lake Mary Boulevard where  
22 they will ride east to the SunRail Station. They will come to Central Park for a  
23 presentation, and there will be some information tables and speeches. Our ordinance  
24 prohibits rental of the park prior to 5:30 P.M. on weekdays and asked the Commission  
25 to approve them using Central Park for the ReThink Bike Tour event.  
26

27 **Motion was made by Deputy Mayor Lucarelli to allow ReThink to rent Central Park**  
28 **prior to 5:30 P.M. on March 21, 2013, seconded by Commissioner Brender and**  
29 **motion carried unanimously.**  
30

31 Ms. Sova announced daylight savings time begins on Sunday so twice a week lawn  
32 irrigation is back but not between 10:00 A.M. and 4:00 P.M. Residences with odd street  
33 addresses may irrigate on Wednesdays and Saturdays and residences with even street  
34 addresses may irrigate on Thursdays and Sundays. Non-resident properties can be  
35 watered on Tuesdays and Fridays.  
36

- 37 B. Mayor  
38 1. City Manager's Evaluation  
39

40 Mayor Mealor said at the Strategic Planning Session, we had talked about the fact that  
41 our City Manager has not been evaluated. He thought it was time for input from the  
42 Commission and would go through him. It was obvious at the Strategic Planning  
43 meeting how we all feel. This is an instrument that is straightforward and allows the  
44 Commission to rate the City Manager on defined areas a city manager would be  
45 expected to do. The competency definitions are on the second page. On the third page  
46 we provided a breakout of the current salary statuses of the various city managers.

1 When our City Manager came to us she did not ask for any increase in salary. She said  
2 to give her one year to prove herself. He thought it was the consensus that she has  
3 done a remarkably good job. He said our City Manager is only asking that her  
4 consideration be the same as all other City employees and that would be 3%. He asked  
5 the Commission to complete the evaluation and route it through the City Clerk. He  
6 thanked Ms. Sova for the job she has done.

7  
8 C. Commissioners (4)  
9

10 Deputy Mayor Lucarelli announced Family Fun Day would be on Saturday, April 6<sup>th</sup>,  
11 from 11:00 A.M. to 4:00 P.M. It will be a repeat of last year minus the food trucks. We  
12 decided that didn't work out as well as we thought it would. We want to promote the  
13 new businesses Downtown like the Fourth Street Bar & Grill and Lonnie's. We are  
14 encouraging them to come out and have food for everyone. We will have the same  
15 inflatables, the joust, sticky wall, bounce house, obstacle course, rock climb wall, food,  
16 DJ with games for adults and kids. She invited everyone to come out and enjoy the  
17 festivities. She said we will have an opening ceremonies kickoff if the Commission  
18 would do her the honor of coming.

19  
20 Commissioner Brender complimented Commissioner Plank on Lake Mary Celebrates  
21 and Deputy Mayor Lucarelli on her work on Family Fun Day.

22  
23 Commissioner Brender we hosted CALNO last night and celebrated in conjunction with  
24 WineArt Wednesdays. He complimented Parks staff and everyone who works on that.  
25 We had a great turnout and the food trucks were there. A few people went to the food  
26 trucks and we convened the meeting at 7:00 P.M. We had Zach Hudson speak on  
27 training for elementary school teachers that we started in Lake Mary and is getting a  
28 great deal of attention nationwide. 9-1-1 is great but as we add more people to world,  
29 9-1-1 isn't going to be there all the time and you can't just roll over and do nothing.  
30 Sometimes in disastrous situations you have to do something. He complimented Zach  
31 on an excellent presentation.

32  
33 Commissioner Brender said on Monday there would be a talent show at the Forest and  
34 he would be there.

35  
36 Commissioner Duryea said last night he went to Fourth Street and noticed how  
37 insufficient our parking system is. We created this monster, it's growing, and there is no  
38 place to put the people. It was well attended and everyone seemed to have a good  
39 time.

40  
41 Commissioner Plank said we had a very successful Lake Mary Celebrates. We had  
42 about 80 vendors and they were all extremely pleased with the level of sales they had.  
43 We had good entertainment. He thanked the Parks & Recreation, Police and Fire  
44 Departments. We could not have done what we did without their assistance and  
45 coordination. It's one more example of what makes Lake Mary different. We operate

1 on a team basis and everybody pulls together to make things successful. He thanked  
2 those who braved the weather to attend.

3  
4 D. City Attorney

5  
6 Ms. Reischmann said there was a victory in federal courts for cities today. The City of  
7 Winter Park won a victory. They had an anti-picketing ordinance prohibiting picketing in  
8 residential areas because of some harassment of a citizen and the court held it  
9 constitutional and dismissed the case.

10  
11 Ms. Reischmann said another issue that has been all over the panhandle newspaper  
12 involves FDOT. Some years ago some public citizens uncovered that FDOT had  
13 allowed a well-connected billboard company to take down over 2,000 trees and skirt the  
14 law. They didn't have to pay for mitigation and saved about \$3 million. A grand jury  
15 found that FDOT had flagrantly violated the law. The state attorney said they didn't  
16 know how to indict an entire agency but if they could they would. FDOT settled with that  
17 well-connected billboard company for a \$100,000 fine to be paid over six years.

18  
19 XI. Adjournment

20  
21 There being no further business, the meeting adjourned at 9:25 P.M.

22  
23  
24  
25 \_\_\_\_\_  
26 David J. Meador, Mayor

\_\_\_\_\_

Mary Campbell, Deputy City Clerk

27  
28  
29  
30 ATTEST:

31  
32  
33  
34 \_\_\_\_\_  
35 Carol A. Foster, City Clerk