

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held December 6,
2 2012, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,
3 Lake Mary, Florida.

4
5
6 I. Call to Order

7
8 The meeting was called to order by Mayor David Mealor at 7:05 P.M.

9
10 II. Moment of Silence

11
12 Mayor Mealor said tomorrow evening we will have a community gathering with family
13 and friends and will enjoy those festive activities. He asked everyone to keep in mind
14 that there are many men and women who are not with their families but are willing to
15 serve and sacrifice so we can gather as we are doing this evening and celebrate
16 tomorrow night.

17
18 III. Pledge of Allegiance

19
20 IV. Roll Call

21
22 Mayor David Mealor Jackie Sova, City Manager
23 Deputy Mayor Gary Brender Carol Foster, City Clerk
24 Commissioner George Duryea Dianne Holloway, Finance Director
25 Commissioner Allan Plank John Omana, Community Development Dir.
26 Commissioner Jo Ann Lucarelli Gary Schindler, City Planner
27 Steve Noto, Planner
28 Bruce Paster, Public Works Director
29 Bryan Nipe, Parks & Recreation Director
30 Randy Petitt, Human Resources Manager
31 Steve Bracknell, Police Chief
32 Bruce Fleming, Code Enforcement Officer
33 Katie Reischmann, City Attorney
34 Mary Campbell, Deputy City Clerk
35

36 V. Approval of Minutes: November 15, 2012

37
38 **Motion was made by Deputy Mayor Brender to approve the minutes of the**
39 **November 15, 2012, meeting, seconded by Commissioner Plank and motion**
40 **carried unanimously.**

41
42 VI. Special Presentations

43
44 A. Florida League of Cities Years of Service Awards presented to Commissioner
45 George Duryea and Commissioner Gary Brender
46

1 Aaron Carper of the Florida League of Cities came forward. He said on behalf of the
2 League he had a couple of resolutions to present. He read a resolution honoring
3 Commissioner Gary Brender for 20 years of elected service and commending him for
4 his unselfish commitment to municipal leadership and governance. He said the
5 resolution was adopted by the Board of Directors assembled on the 24th of August 2012
6 in Hollywood, Florida.

7
8 Mr. Carper read a resolution honoring Commissioner George Duryea for 25 years of
9 elected service and commending him for his unselfish commitment to municipal
10 leadership and governance. He said this was adopted by the Board of Directors of the
11 Florida League of Cities in Hollywood, Florida, on the 24th of August 2012.

12
13 Mr. Carper thanked the Commission for the opportunity to present the resolutions and
14 wished everyone Happy Holidays.

15
16 Mayor Mealar thanked Mr. Carper for being with them and best wishes to the League.
17 There was a loss that we all felt throughout the state. He said Mr. Carper and his team
18 are to be commended. Mayor Mealar thanked Mr. Carper for taking the time to
19 recognize two outstanding public servants.

20
21 VII. Unfinished Business

- 22
23 A. Ordinance No. 1473 – Large Scale Land Use Amendment related to GOP-1,
24 Policy 1.4, to increase the total number of dwelling units permitted within the
25 High Intensity Planned development-Target Industry (HIP-TI) land use
26 designation; Colonial Realty Limited Partnership, applicant – Second Reading
27 (Public Hearing) (Steve Noto, Planner)

28
29 The City Attorney read Ordinance No. 1473 by title only on second reading.

30
31 Mr. Noto said the state had no comments on these amendments, therefore, staff has no
32 additional comments and recommends approval.

33
34 Mayor Mealar asked if anyone wanted to speak in reference to Ordinance No. 1473. No
35 one came forward and the public hearing was closed.

36
37 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1473 on**
38 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
39 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, No; Commissioner**
40 **Plank, Yes; Commissioner Lucarelli, Yes; Mayor Mealar, Yes.**

41
42 VIII. New Business

43
44 Mayor Mealar said the first three items will be discussed as a composite but will vote on
45 them individually.

1 A. Request for Third Amendment to Pre-Annexation Agreement for Colonial
2 Center Heathrow (Public Hearing) (Steve Noto, Planner)

3
4 The City Attorney read Ordinance No. 1477 by title only on first reading.

5
6 Mr. Noto said these items are adjusting the regulatory table of the Colonial Center
7 Heathrow development. They are all accomplishing the same thing: increasing total
8 residential units in the DRI by 132 units for a total of 472 as referenced on the last item.

9
10 Mr. Noto said the rezoning item and the NOPC are more or less doing the same thing.
11 The NOPC is focused on simultaneous increase/decrease of residential and office
12 square footage, total number of multi-family units, and the PUD has added a few
13 specific development standards.

14
15 Mr. Noto said the P&Z heard the rezoning and NOPC items at their September 25th
16 meeting and unanimously recommended approval 5-0. The NOPC has four conditions
17 on Page 5 of the staff report that are consistent with the previous NOPCs that came
18 before the Commission for Phases 1 and 2. He pointed out that the Phase 3 project is
19 now being referred to as Phase 2A as it is essentially an extended build out of Phase 2.
20 He noted the applicant's representative, Mr. James Johnston, and the applicant, Mr. Ed
21 Wright from Colonial, were present. Staff recommends approval.

22
23 Mr. Noto pointed out in the rezoning staff report the applicant has agreed to make a
24 voluntary contribution of \$50,000 to the City's parks and open space fund.

25
26 Deputy Mayor Brender said these are topped out at 1,037 units.

27
28 Mr. Noto said that was correct in the entire DRI. Our portion has 472.

29
30 Deputy Mayor Brender said our portion has 472 and we are topped out unless they
31 want to go through another restated amendment which he could tell them up front that it
32 won't happen. He wanted to make sure that as far as rental units we are finished.

33
34 Mr. Noto said that was correct.

35
36 Mayor Mealor asked if anyone wanted to speak in reference to Items 8-A, 8-B or 8-C.
37 No one came forward and the public hearings were closed.

38
39 **Motion was made by Commissioner Lucarelli to approve the Third Amendment to**
40 **the Pre-Annexation Agreement for Colonial Center Heathrow, seconded by**
41 **Commissioner Plank and motion carried by roll-call vote: Commissioner Duryea,**
42 **Yes; Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
43 **Brender, Yes; Mayor Mealor, Yes.**

44
45 B. Ordinance No. 1477 – Second Amendment to Fourth Amended and Restated
46 Commitments, Classification and District Description for Colonial Center

1 Heathrow Planned Unit Development – First Reading (Public Hearing) (Steve
2 Noto, Planner)

3
4 Ordinance No. 1477 was read by title only on first reading, presented and a public
5 hearing was held under Item 8-A. See Page 3, Line 4.
6

7 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1477 on**
8 **first reading, seconded by Commissioner Lucarelli and motion carried by roll-call**
9 **vote: Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
10 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

11
12 C. Request for the Sixth Amendment to the Third Amended and Restated
13 Development Order (DO) – Colonial Center Heathrow (Public Hearing) (Steve
14 Noto, Planner)

15
16 This item was presented and a public hearing was held under Item 8-A. See Page 3,
17 Line 6.
18

19 **Motion was made by Commissioner Lucarelli to approve the Sixth Amendment to**
20 **the Third Amended and Restated Development Order for Colonial Center**
21 **Heathrow, seconded by Commissioner Plank and motion carried by roll-call vote:**
22 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Duryea,**
23 **Yes; Commissioner Plank, Yes; Mayor Mealor, Yes.**

24
25 Mayor Mealor said they appreciated Mr. Johnston’s diligence and tenacity that he has
26 worked with staff as well as his patience.
27

28 James Johnston of Shutts & Bowen, the applicant’s representative, came forward. He
29 said they have enjoyed working with staff. The staff is great. It has been a pleasure
30 and we are excited about what’s going on and hoped the Commission was as well.
31

32 Mayor Mealor thanked Mr. Wright (applicant) for his investment in the community. We
33 will do what we can to try to make sure his investment is successful.
34

35 D. Ordinance No. 1475 – Amendment to Section 154.09 (Definitions), 154.65, M-
36 1A (Office and Light Industrial Zoning District), Section 154.66, M-2A
37 (Industrial District), and creation of Section 154.20, Pill Mills – First Reading
38 (Public Hearing) (Gary Schindler, City Planner)
39

40 The City Attorney read Ordinance No. 1475 by title only on first reading.
41

42 Mr. Schindler said in May 2011, the Commission took action to establish a moratorium.
43 The intent of the moratorium was to prevent the proliferation of pill mills and pill mills
44 masking as pain management clinics. It was in order to give the state time to implement
45 regulations and that has been done. In September we felt there was not adequate time
46 to implement local regulations before the moratorium expired so we asked the

1 Commission to continue it to December 31, 2012, and you did. We are proposing to
2 implement regulations that will address legitimate pain management clinics and what
3 has been identified as pill mills.

4
5 Mr. Schindler said we had to find a location for legitimate clinics. We are proposing they
6 be a conditional use in both the M-1A and M-2A zoning districts. The M-1A zoning
7 district has a number of medical offices and uses so it is very compatible with the M-1A.
8 The M-2A is the catchall. Anything allowed in M-1A is allowed in M-2A. Specifically we
9 are identifying pain management clinics as a conditional use in both districts. We are
10 proposing to add some locational requirements which involve separation, they cannot
11 have a cash-only business, and there could be no loitering or outside seating. These
12 are the criteria of a pill mill. We are implementing revised definitions that are very much
13 compatible with state definitions of pain management clinics and pill mills. In order for a
14 pain management clinic to operate in the City, they must be registered with the state.
15 The regulations for a conditional use in both the M-1A and M-2A are identical.

16
17 Commissioner Plank asked for an example of where M-1A and M-2A zones would be.

18
19 Mr. Schindler said they are very small. For the M-2A we have two small pockets. One
20 is close to Wallace Court and is where the Remington School of Nursing is located. The
21 other is located off Emma Oaks Trail and is pretty much the mini warehouses. The M-
22 1A zoning is basically on the west side of Lake Emma and Rinehart between Lake
23 Emma, Rinehart, and I-4.

24
25 Mr. Schindler said at their November 13, 2012, meeting, the Planning & Zoning Board
26 unanimously recommended approval with three conditions: (1) Add assisted living and
27 nursing homes to the list of uses, which has been done. (2) Increase the number of
28 times that there would be background checks on employees. (3) The word "onto" be
29 changed to "not" in proposed Section 154.120. In discussions with Chief Bracknell, we
30 felt additional background checks was not the most efficient manner in which to
31 proceed. If we have a pill mill masquerading as a pain management clinic, it's going to
32 become very obvious. They have a large clientele, there is a great deal of loitering, and
33 it will soon be obvious to the police department and they will take the effective
34 enforcement action against the clinic. That is a more effective means of control than
35 background checks.

36
37 Commissioner Plank asked if there was any background check that the City is involved
38 in.

39
40 Mr. Schindler said we are proposing that in order for them to get their annual business
41 tax receipt that there will be a background check and documentation that the owners,
42 physicians, and clinic employees have not been charged with a disciplinary action
43 and/or convicted of a felony within the last five years. The Planning & Zoning Board
44 wanted two to four times a year.

1 Commissioner Plank said if someone is hired after the initial check, he asked if that
2 person would also undergo a background check.

3
4 Mr. Schindler said only when they would renew the business tax receipt.

5
6 Commissioner Plank said they could be employed there for nine to ten months.

7
8 Mr. Schindler said they could be.

9
10 Mr. Schindler said both the physicians and nurses have what's called impaired
11 programs. These are programs where employees have been identified that have a drug
12 and/or an alcohol problem and have gone through rehab and are now in supervised
13 employment.

14
15 Ms. Reischmann pointed out there is state law about employing convicted felons and
16 that the City has to have a very legitimate reason. There is a number of standards.
17 Seminole County has adopted a very elaborate licensing scheme. We are using the
18 business tax receipt which is really just a tax. To revoke that isn't very effective
19 because that is only a tax and is not a license like we do with adult entertainment. If we
20 were going to go the route of carefully checking records, we would need to add onto this
21 ordinance a lot of what Seminole County has in their ordinance and look at various
22 findings that we need to make to justify that. We would have to require the pain clinics
23 to keep records of employment and that's often challenged. What Seminole County is
24 doing is going to put them at risk for some challenge. She said she and Mr. Schindler
25 talked and he spoke to the Chief that perhaps this is something that could wait until we
26 see how this all comes down because these clinics will file litigation and challenge some
27 of these provisions.

28
29 Commissioner Duryea said we have a clinic and all of a sudden one of the employees
30 comes up not kosher. He asked what we would do. He asked if there was an
31 automatic shutdown.

32
33 Mr. Schindler said the most effective control will be via the police department. Even if
34 we revoked their business tax receipt, that is not a guarantee that they would not
35 continue to operate. The most effective control will be via the criminal code. He said he
36 and former Officer Schaeffer discussed his efforts and he was effective in getting some
37 changes in some of the clinics that we have. He said Officer Schaeffer felt confident our
38 remaining clinics are operating as legitimate businesses.

39
40 Deputy Mayor Brender said he had been watching this process for three years. It used
41 to be you went to the doctor if you were in pain and he would write a prescription and
42 you would go to a pharmacy and get something for your pain. He said he would
43 challenge a pain management clinic to come in here and tell him they are legit because
44 he had seen too many of these operating. He said he followed what Mr. Schindler was
45 saying about how we enforce it by the outer appearance. If we see 150 people lined up
46 in the morning at 8:00 to get their pain pills and they are all a bunch of gangbangers

1 from the entire region then we have a suspicion it's not. The question is what we do
2 from there. If we tell them no loitering and there are four people out front, he asked if
3 that was loitering and if they would shut them down or do we go through a two or five
4 year process of trying to shut them down. There is no way we can stop this. We can't
5 outright ban a "pain management clinic". If somebody is in pain they go to a legit
6 doctor and then to a legit pharmacy and not certain pharmacies in Sanford that were
7 passing out 12 million oxycodone tablets.

8
9 Ms. Reischmann said you feel you have seen a lot of illegitimate pain management
10 clinics but there is recognition at the state level that there are legitimate pain
11 management clinics so for this city to take the position that a pain management clinic is
12 always illegitimate would be problematic.

13
14 Commissioner Duryea said the Office of the Attorney General of Florida states that
15 Florida has a dubious distinction of being the epicenter of the nation's pill mill. Ninety of
16 the top 100 oxycodone purchasing physicians in the nation are located in Florida. This
17 is a problem and wanted everyone to realize it is a big problem.

18
19 Chief Bracknell said it is a very serious problem and we have a Pill Mill Task Force
20 within Seminole County. Those pill mills get identified very quickly. We have a list of
21 people who are getting these pills and we actively go after them. We are getting a lot of
22 cooperation from the pill mills because they will lose their license, we go after them and
23 they go to jail. This is not an operation where you make an arrest overnight. It takes
24 months.

25
26 Deputy Mayor Brender said we have a pain management clinic open in M-2A, there are
27 six people out there in the morning with their hats on backwards, tattoos all over the
28 place, they are 20 years old and are trying to deal with the serious pain they have.

29
30 Chief Bracknell said his colleagues in other cities are parking marked patrol vehicles in
31 front of businesses and they are leaving. When we are talking about zoning issues we
32 can turn them over to our CCIB folks and we investigate it.

33
34 Deputy Mayor Brender said he pulled up next to the shop of one of his clients in
35 Orlando and next door is the AAA Pain Management Clinic. It was about 8:30 in the
36 morning and there were 85 people lined up outside this guy's door all the way down this
37 strip mall and halfway around the building waiting to get into the pain management
38 clinic. He didn't think one of them was over 35 years old. There was an Orange County
39 deputy's car sitting in the parking lot. They didn't scatter, they didn't leave. This was
40 idiocy. These people are walking in and walking out with bags full of pain medication.
41 He said he was astounded that the state can allow this to occur. The bottom line is
42 there are pharmacies. There are closed-in pharmacies, compounding pharmacies.
43 There has never been a pain clinic and somehow the human race has survived without
44 them. He asked Chief Bracknell how he was going to enforce it and what was he going
45 to do.

1 Chief Bracknell said we are taking baby steps. We looked into that pain clinic Deputy
2 Mayor Brender was discussing through the Orange County Sheriff's Office. They were
3 taking cash which has been addressed in this ordinance. They were taking satchels of
4 cash and putting it in the trunk of their car throughout the day because they were afraid
5 they would get robbed. Many of the shops are not able to dispense anymore. They are
6 leaving with prescriptions for 250 oxycodone tablets every week. A lot of his colleagues
7 in Seminole County are putting marked police cars out there and they are waiting for
8 them to come out and pass a pill to their new friend so they can crush it and snort it and
9 then they make an arrest. They are taking cars, money and a lot of pills.

10
11 Deputy Mayor Brender said he just hoped that if something starts happening that we are
12 going to be able to recognize it and effectively do something about it. That pain
13 management clinic that he mentioned has been there for three years even though he
14 knows after his initial discussion with Chief Bracknell and the FDLE that they raided the
15 place and shut them down for two days and they are still there.

16
17 Chief Bracknell said he thought Seminole County has a put their Cadillac out there and
18 we have put some shiny wheels on our policy but for us to take a more aggressive
19 stance than is proposed here is going to put us in a bad situation. We have the County
20 working that. Let some bigger organizations fight that battle for us.

21
22 Mayor Meador said we are trying to address an issue on the front end that doesn't allow
23 us to find ourselves in the position that was described. He said that is why he was
24 pleased with the way this has been reworked.

25
26 Ms. Reischmann said some of what P&Z was suggesting with reviewing the employees'
27 records and staff looking more intimately at the pain management clinics to determine if
28 they are legitimate or not, some of that is so incredibly time intensive. You don't just
29 have litigation. You also have to dedicate a staff person to look at all these issues. If
30 you cast too wide a net, you are going to involve some general practitioners and
31 legitimate doctors' offices that do dispense pain pills. This is happening all over the
32 state. They are trying to define these ordinances well. This model came from Winter
33 Springs and thought this was done with a lot of deliberate care to make sure that the
34 city is protected but not put a tremendous burden.

35
36 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1475. No
37 one came forward and the public hearing was closed.

38
39 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1475 on**
40 **first reading, seconded by Commissioner Plank and motion carried by roll-call**
41 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**
42 **Plank, Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

43
44 E. Ordinance No. 1476 – Amendment to Section 155, Appendix I, related to
45 temporary signs and ground signs within the Downtown portion of the

1 Gateway Corridor (Lake Mary Boulevard) – First Reading (Public Hearing)
2 (Gary Schindler, City Planner)
3

4 The City Attorney read Ordinance No. 1476 by title only on first reading.
5

6 Mr. Schindler said he and Mr. Fleming would be handling this item. It is a joint effort
7 between him and Mr. Fleming, Community Development and the Police Department.
8

9 Bruce Fleming, Senior Code Enforcement Officer, came forward. He said during the
10 month of July, the City Commission convened a workshop to discuss the possibility of
11 revising the sign code as a result of continuous complaints from the citizenry as it
12 relates to temporary signs, specifically banner signs. At that workshop the Commission
13 directed staff to explore the feasibility of establishing a provision under the sign code
14 that would allow banner signs to deal with new businesses for grand openings and
15 things of that nature so long as the new businesses had obtained a local business tax
16 receipt from the Clerk's office. This amendment to the ordinance as it pertains to
17 temporary signs proposes that the City will allow temporary signage/banners to be
18 displayed at new businesses for a period of up to 30 days so long as they are removed
19 within two days after the event. He said he also made some cosmetic and grammatical
20 changes.
21

22 Mr. Schindler said he has addressed the issue of the construction material of the base
23 of ground signs within the Downtown portion of the Gateway Corridor. He said at the
24 workshop it was expressed "enough with the bricks". As proposed the bricks are still
25 allowed but now any construction material that is permitted for a base of a ground sign
26 anywhere in the City is now allowed within the Downtown portion of the Gateway
27 Corridor. We are not treating them any differently.
28

29 Mr. Schindler said the other change is that several years ago when we made a
30 distinction between temporary for undeveloped property and temporary signs of
31 developed property, there was a requirement that there be a planter base for
32 undeveloped property for temporary signs. It was decided that was not workable. The
33 bases were deteriorating and they didn't do the job they were supposed to do. Due to
34 direction from the previous city manager, staff was told that we should not require the
35 base so for some time we have not required bases for temporary signs for undeveloped
36 properties. This is memorializing that change.
37

38 Mr. Schindler said the City Attorney has recommended some language in the
39 severability section that makes our sign code more legally defensible.
40

41 Mr. Schindler said the Planning & Zoning Board at their November 13, 2012, meeting
42 voted 3 – 2 to recommend the proposed changes.
43

44 Deputy Mayor Brender on Page 4 they talk about illuminated signs in the Downtown
45 District. It says no illuminated sign shall exceed 100 feet located within 500 feet of
46 property with a residential land use. He said 500 feet is a good part of what the

1 Downtown is right now. He asked if we are restricting illuminated signs on Fourth
2 Street.

3
4 Mr. Schindler said the only change in this section is we are going from 500 feet written
5 to 500 feet numerical. This is no change to what we have had in place for some time.
6 This is a housekeeping change and is not a new provision.

7
8 Deputy Mayor Brender expressed concern of it being too restrictive because a
9 substantial part of what is developing as our Downtown is within 500 feet of a residential
10 property.

11
12 Mayor Mealar said let's be realistic. Many of those people who have residential units
13 didn't ask for what we are doing. We made a very conscious decision to move forward
14 and hopefully be respectful of those individuals in this process. What he particularly
15 liked about the way this was worded is he believed that respect is maintained.

16
17 Deputy Mayor Brender said he wasn't disagreeing.

18
19 **SIDE 1B**

20
21 Deputy Mayor Brender questioned if there should be a provision on Fourth Street. If
22 there is a sign on the front of their building that shines directly towards City Hall that
23 sign is within 500 feet of a residence but it's not in that direction.

24
25 Mr. Schindler said but it says shall not exceed 100 square feet. That is 10 X 10. He
26 said he didn't know of any sign in the Downtown that exceeds 100 square feet.

27
28 Deputy Mayor Brender said the key is that we are not going to be outlawing anything
29 that is already there.

30
31 Mr. Schindler said that was correct. He said it would be a policy decision but
32 questioned if the Commission would want an illuminated sign that exceeds 100 square
33 feet.

34
35 Deputy Mayor Brender said categorically no but the key question is the directionality of
36 the illumination and is what he was suggesting. If those signs face directly at City Hall
37 and there are houses 150 behind it then that is within 500 feet so they can't have an
38 illuminated sign.

39
40 Mr. Fleming explained that it says it has to be visible from a residential property so if it's
41 facing City Hall then this covers that aspect.

42
43 Deputy Mayor Brender pointed out a scrivener's error and should read "no later than
44 10:00 P.M."

45

1 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1476. No
2 one came forward and the public hearing was closed.

3
4 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1476 on**
5 **first reading, seconded by Deputy Mayor Brender and motion carried by roll-call**
6 **vote: Commissioner Duryea, Yes; Commissioner Plank, Yes; Commissioner**
7 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

8
9 F. Ordinance No. 1478 – Amending Code Enforcement notice requirements –
10 First Reading (Public Hearing) (Bruce Fleming, Senior Code Enforcement
11 Officer)

12
13 The City Attorney read Ordinance No. 1478 by title only on first reading.

14
15 Bruce Fleming, Senior Code Enforcement Officer, came forward. In July 2012 the State
16 Legislature changed Chapter 162 of the Florida Statutes as it pertains to providing
17 notice of code violations to property owners.

18
19 Mr. Fleming said prior to the change, in order to provide notice and due process to a
20 person alleged to have committed a violation of code, the statute outlined ways the
21 person could legally receive notice, which was certified mail with a return receipt
22 requested, hand delivered notice, and/or posting of property. The legislators removed
23 the requirement for the return receipt so long as you verify electronically. The logic
24 behind that process was to save municipalities and governments at least \$1.40 per
25 letter sent out certified mail because of the return receipt provision having been
26 removed. All we did was to request that the original ordinance for notice, Chapter 30.41
27 of the Code of Ordinances, be repealed and we established the new Chapter 30.41 by
28 stating that we adopt Chapter 162 of the Florida Statutes as it may be amended from
29 time to time.

30
31 Commissioner Plank asked Mr. Fleming if he felt the new system would be effective.

32
33 Mr. Fleming said he had bittersweet feelings about it. From a practical standpoint and
34 from the financial aspect, it works better. He said he had used the new system to verify
35 someone has received the certified letters he has sent out; but from the old standpoint
36 of having done it for so many years, he liked getting the green card back and having it in
37 the file. He said he thought it would work.

38
39 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1478. No
40 one came forward and the public hearing was closed.

41
42 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1478 on**
43 **first reading, seconded by Commissioner Plank and motion carried by roll-call**
44 **vote: Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
45 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

1 G. Resolution No. 911 – Amending FY 2013 Budget to purchase Night Vision

2
3 The City Attorney read Resolution No. 911 by title only.

4
5 Ms. Sova said this for a purchase out of the Law Enforcement Trust Fund and is
6 required to be approved by the City Commission. It is \$30,133 to purchase night vision
7 glasses primarily for our SWAT crews so they can be safe in many situations. These
8 would come in around \$2,152 each. It is a purchase that falls within her purchasing
9 authority but the budget amendment has to come to the Commission.

10
11 Chief Bracknell said we recently had a call out to a very dark area and our officers had a
12 hard time seeing. We feel when our SWAT guys and K-9 officers are deployed in
13 wooded areas they will be able to wear those and be able to see a bad guy before the
14 bad guy sees them.

15
16 **Motion was made by Commissioner Plank to approve Resolution No. 911,**
17 **seconded by Commissioner Lucarelli and motion carried unanimously.**

18
19 IX. Citizen Participation

20
21 No one came forward at this time and citizen participation was closed.

22
23 X. Reports

24
25 A. City Manager

26
27 1. Request for Proposal RFP No. 13-01 – Disaster Debris Planning and Support
28 Management Services

29
30 Ms. Sova said this is RFP No. 13-01 for disaster debris planning and support
31 management services. Before we can start to clean up after a storm and while we are
32 cleaning up there are a lot of requirements by FEMA for reimbursement. FEMA does
33 reimburse these costs but we are still in a contentious situation with them. We are in an
34 appeal process for our final payment for 2004. We need to have services from a firm
35 like this that can help us do everything correctly and do a lot of work for us. When these
36 things happen we don't have the staff to handle it. The last time we wrapped our hands
37 around it and did a lot of work but here we are years later still in an appeal process.

38
39 Ms. Sova said what will come after this is the debris collection. FEMA doesn't like
40 piggybacking and keep telling us they don't like piggybacking and that's the situation we
41 have right now. They may or may not pay. She thought it was imperative to move
42 forward with a contract and use our planning and support people to help us with the
43 debris collection contract so we are more assured that we would get reimbursed after a
44 disaster.

1 **Motion was made by Deputy Mayor Brender to authorize the City Manager to**
2 **enter into contract negotiations with Thompson Consulting Services for Disaster**
3 **Debris Planning and Support Management Services, seconded by Commissioner**
4 **Lucarelli and motion carried unanimously.**

5
6 2. Vehicles/equipment replacements and vehicle purchase
7

8 Ms. Sova said this is a request for annual vehicle replacement purchases. We have two
9 for Public Works, two for the Fire Department, eleven police vehicles with one being
10 purchased from the Police Impact Fee Fund, one for Facilities Maintenance, and six for
11 Parks & Recreation.
12

13 Ms. Sova said in Public Works we have a Toro Workman and Ford F-150. They no
14 longer make the Ranger so the F-150 is the smaller vehicle that we are going to replace
15 with. We have a 2013 Tahoe for the Fire Department as well as a Ford Escape and that
16 is to downsize from an Explorer. For the Police Department we have a 2013 Explorer
17 Interceptor, two Explorers for the lieutenants, and eight Taurus Interceptors. We are
18 going with the Taurus vehicle this year. We have one and it has made everyone happy.
19 It is less maintenance intensive and has more space in it. Another 2013 Taurus
20 Interceptor we will be buying from the Police Impact Fee Fund.
21

22 Ms. Sova said in Facilities Maintenance we delayed a purchase. We are going to try
23 using the Fire Department's pickup that's coming out of service and see what our
24 optimal vehicle there is for the electrician. We are going to try that for a year. We also
25 had a budgetary problem and putting this off for a year. Those folks were nice enough
26 to do that so everybody else got what they needed.
27

28 Ms. Sova said for Parks & Recreation we are getting a trailer, a roller, a Workman and
29 three of the large mowing-type pieces of equipment.
30

31 Ms. Sova said the total purchases are \$560,768.04 out of a budget of \$575,500.00.
32 From the Police Impact Fee Fund the budget was \$36,000.00 and we will be spending
33 \$35,620.67.
34

35 Ms. Sova said we have a full list of vehicles being surplused for all the replacements we
36 will be buying and requested authorization to dispose of those. She said she intended
37 to use GovDeals as we have been doing the past couple of years. It is an on-line
38 bidding service.
39

40 Mayor Mealor said he believed these were items presented in the budget workshops.
41

42 Ms. Sova answered affirmatively.
43

44 **Motion was made by Commissioner Lucarelli to approve the purchase of vehicles**
45 **and equipment as presented, declare vehicles surplus as listed in staff report and**
46 **authorize City Manager to dispose of same. Seconded by Deputy Mayor Brender**

1 **and motion carried by roll-call vote: Commissioner Lucarelli, Yes; Deputy Mayor**
2 **Brender, Yes; Commissioner Duryea, Yes; Commissioner Plank, Yes; Mayor**
3 **Mealor, Yes.**

4
5 3. Election of Deputy Mayor
6

7 Ms. Sova said in accordance with Section 4.04 of the Charter, it is time for the
8 Commission to select a Deputy Mayor. At the Strategic Planning Session on February
9 3, 2004, it was the consensus of the Commission for the Mayor to nominate a Deputy
10 Mayor and the Commission to vote.

11
12 Mayor Mealor commended Deputy Mayor Brender. In February 2008 he was selected
13 as the deputy mayor and has served continuously almost five years. He said Deputy
14 Mayor Brender had done an incredibly good job of representing the City in a number of
15 different venues. Mayor Mealor thanked him for that service.

16
17 **Mayor Mealor nominated Commissioner Jo Ann Lucarelli to serve as Deputy**
18 **Mayor, seconded by Commissioner Brender and carried unanimously.**

19
20 Mayor Mealor thanked Deputy Mayor Lucarelli for her willingness to serve and thanked
21 Commissioner Brender for a job well done.

22
23 4. Annual appointments to Advisory Boards
24

25 Ms. Sova said these are annual appointments to advisory boards. For the Board of
26 Adjustment we have Jim Lormann and Eugene Vaughn as alternate; Elder Affairs Celia
27 Dellamonte and Sharon Blanchard; Historical Commission Cora Rice and DeLores
28 Lash; Parks & Recreation Thomas Lackey, Lynette Swinski, and James Buck; Planning
29 & Zoning Colleen Taylor with Sean Fitzgerald as alternate; and for the Firefighters
30 Pension Jeffrey Koltun as the fifth member. In regard to Mr. Koltun that is a ministerial
31 duty to appoint him.

32
33 **Motion was made by Commissioner Brender to reappoint the stated individuals to**
34 **the various boards and confirm the reappointment of Jeffrey Koltun, seconded by**
35 **Deputy Mayor Lucarelli and motion carried unanimously.**

36
37 Ms. Sova requested to schedule a Strategic Planning Session for the latter half of
38 February. The primary topic will be connectivity including SunRail and local
39 transportation needs. The City Clerk will be contacting the Commission to arrange a
40 convenient date and time to meet.

41
42 Ms. Sova said Holiday in the Park will be held tomorrow evening from 6:00 P.M. to 8:00
43 P.M. in Central Park. The tree lighting will be at 6:30 followed by the arrival of Santa
44 and Mrs. Claus at 6:45.

1 Ms. Sova said Santa will begin his annual tour of the neighborhoods on the next two
2 Saturdays (December 8th and 15th) beginning at approximately 8:30 A.M. The route is
3 posted on our website www.lakemaryfl.com.

4
5 Ms. Sova reminded everyone the annual Benefits Fair is next Thursday, December 13th,
6 from 10:30 A.M. until 2:00 P.M. at the Events Center. Lunch will be served about noon.
7 All non-emergency offices will be closed from 11:15 A.M. until 1:15 P.M. so all the
8 employees can attend.

9
10 B. Mayor

11
12 Mayor Meador said citizens brought to their attention a safety issue and he has
13 discussed this with Chief Bracknell. With the construction in the Downtown of a park
14 that is adjacent to the Events Center, that area is heavily utilized by families with young
15 children and there has been some cut through traffic and speed has been an issue. He
16 said he talked with the Chief about posting some Local Traffic Only signs and other
17 activities. He thanked Chief Bracknell for the input and for monitoring that situation.

18
19 C. Commissioners (4)

20
21 Deputy Mayor Lucarelli said she attended the DARE graduation at Crystal Lake
22 Elementary. It was always a joy to see the kids get excited and pumped up about it.

23
24 Deputy Mayor Lucarelli said she attended the Mike Bender Golf Academy and it is a
25 beautiful facility.

26
27 Deputy Mayor Lucarelli said she attended the Boys and Girls Town Christmas Tree
28 lighting ceremony and this was their largest attended event yet.

29
30 Deputy Mayor Lucarelli said Rotary had their Christmas party tonight and she stopped
31 in to say hello.

32
33 Deputy Mayor Lucarelli said as far as Metroplan, she was asked to give a report on
34 quiet zones and the funding that was requested for the cities to do concept plans. We
35 have three crossings. She said she would forward the information to the City Manager
36 for distribution to the City Commission.

37
38 Deputy Mayor Lucarelli said the Florida League of Cities had a board meeting this week
39 and several of them were asked and they agreed to be on an advocacy team which is a
40 new pilot project they are trying to start. It has been done in other areas where we will
41 be trained and do more advocacy for our respective communities, working closely with
42 state legislators. They have an agenda set up and will provide the Commission a copy.
43 Pill mills, synthetic drugs and pension reform were on it. Pension reform is one of the
44 big things they are pushing for this year and they asked her to represent at the
45 delegation on the 20th.

1 Deputy Mayor Lucarelli said she presented a couple of times in the last few weeks
2 about her January stalking awareness event that will be on the 11th in Altamonte
3 Springs at the Hilton from 8:00 A.M. until 11:00 A.M. She invited the Commission to
4 come and support that. It will start with introductions and a kick-off event and then it will
5 go into two breakout one-hour training sessions, one for law enforcement and one for
6 civilian community advocate-type to train them on not only what the law does but how
7 we can coordinate and work together to protect people from stalking, and educate them
8 on what stalking is so they are reporting it. A lot of stalking cases aren't reported
9 because the people are too scared or they don't realize it is actually stalking. We are
10 starting a big campaign on education and getting the word out on that.

11
12 Deputy Mayor Lucarelli shared a video done by the Orlando Sentinel of a recap of the
13 arts festival. She thanked staff and Jackie (Sova) for the help and support provided to
14 make the festival one of the best in several years.

15
16 Mayor Mealor said he appreciated the recognition that Deputy Mayor Lucarelli made to
17 the men and women of our public safety department. Their presence is appreciated by
18 so many.

19
20 Commissioner Brender gave a big "Wow!" to Parks on the decorations in Central Park.

21
22 Commissioner Brender said he attended CALNO last night at the City of Winter Springs
23 and brought some information back to the Chief regarding their Citizens Advisory
24 Committee and ideas they are working with that we can take a look at and continually
25 improve. He extended congratulations to now Chairman Dallari with the County
26 Commission.

27
28 Commissioner Duryea recognized and thanked Commissioner Brender for his 20 years
29 of service. We don't always agree but always have good feelings toward each other
30 afterwards.

31
32 Commissioner Duryea brought everyone's attention to the outside of City Hall. He said
33 he didn't know how these people do it. Every year it is something different and more
34 spectacular and probably with less money than they did before. He congratulated Kathy
35 (Gehr) and her people. It is amazing.

36
37 Commissioner Plank said we had a very successful Open House on December 2nd and
38 was well attended by between 150 and 200 people. There are still a number of
39 Christmas trees available for sale. We will be open until December 15th.

40
41 Commissioner Plank said on December 3rd he had the pleasure of sitting in on the North
42 Phase Rezoning of the School Board. They have started the rezoning process. They
43 have formed core committees for each of the zones. We are considered to be the North
44 Phase which involves the schools of Bentley, Crystal Lake, Heathrow, Highlands,
45 Idyllwilde, Lake Mary, Bear, Wicklow, Wilson, Winter Springs and Woodlands. There
46 are 11 schools involved. Their purpose is to realign the population of the schools so

1 they are more evenly distributed not only in general population but in diversity in the
2 number of free lunches. To do this they have formed core committees that are made up
3 of three entities. They are the SAC (School Advisory Council), a representative from
4 the PTA, and a representative from the school which is usually the principal. They will
5 be meeting to discuss the rezoning. The next meeting for the North Phase is next
6 Monday (December 10th). This is the beginning of a process they hope to have finished
7 by next March or April. They also had meetings for the East and other phases as well.
8 The ones we are following are the ones that affect us.

9
10 D. City Attorney

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

13
14 XI. Adjournment

15
16 There being no further business, the meeting adjourned at 8:25 P.M.
17
18
19

20
21 _____
22 David J. Meador, Mayor

_____ Mary Campbell, Deputy City Clerk

23
24
25 ATTEST:

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