



## **LAKE MARY CITY COMMISSION**

**Lake Mary City Hall  
100 N. Country Club Road**

**Regular Meeting  
AGENDA  
THURSDAY, NOVEMBER 01, 2012 7:00 PM**

- 1. Call to Order**
- 2. Moment Of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: October 18, 2012**
- 6. Special Presentations**
  - A. Lake Mary - Heathrow Festival of the Arts - DeLores Lash, Chairman**
  - B. Proclamation - Pancreatic Cancer Awareness Month**
- 7. Unfinished Business - none**
- 8. New Business**

- A. Appeal of Arbor Board denial of arbor permit related to the removal of five laurel oak trees at 824 Blairmont Lane, (Gary Schindler, City Planner)**
- B. Ordinance No. 1474 - Amending Section 30.81 of the Code of Ordinances reducing the membership of the Historical Commission from 9 members to 7 - First Reading (Public Hearing) (Bryan Nipe, Parks & Recreation Director)**

**9. Other Items for Commission Action - none**

**10. Citizen Participation**

**11. City Manager's Report**

**A. Items for Approval**

- a. Canceling January 3, 2013 meeting.**

**12. Mayor and Commissioners Report**

**13. City Attorney's Report**

**14. Adjournment**

**THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE**

**Per the direction of the City Commission on December 7, 1989, this meeting will not extend beyond 11:00 P. M. unless there is unanimous consent of the Commission to extend the meeting.**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY ADA COORDINATOR AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (407) 585-1424.**

**If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.**

**NOTE: If the Commission is holding a meeting/work session prior to the regular meeting, they will adjourn immediately following the meeting/work session to have dinner in the Conference Room. The regular meeting will begin at 7:00 P. M. or as soon thereafter as possible.**

**UPCOMING MEETINGS: November 15, 2012**



1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held October 18,  
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 7:00 P.M.  
9

10 II. Moment of Silence  
11

12 III. Pledge of Allegiance  
13

14 IV. Roll Call  
15

16 Mayor David Mealor	Jackie Sova, City Manager – Excused
17 Deputy Mayor Gary Brender	Carol Foster, City Clerk
18 Commissioner George Duryea	Dianne Holloway, Finance Director
19 Commissioner Allan Plank	John Omana, Com. Dev. Dir./Acting City Mgr.
20 Commissioner Jo Ann Lucarelli	Gary Schindler, City Planner
21	Randy Pettit, Human Resources Manager
22	Bruce Paster, Public Works Director
23	Bryan Nipe, Parks & Recreation Director
24	Radley Williams, Recreation Crew Leader
25	Colin Morgan, Deputy Police Chief
26	Craig Haun, Fire Chief
27	Katie Reischmann, City Attorney
28	Mary Campbell, Deputy City Clerk
29	

30 V. Approval of Minutes: October 4, 2012  
31

32 **Motion was made by Deputy Mayor Brender to approve the minutes of the**  
33 **October 4, 2012, meeting, seconded by Commissioner Plank and motion carried**  
34 **unanimously.**  
35

36 Mayor Mealor announced that the City Manager's mom had a setback and she is taking  
37 care of that situation. Our thoughts and prayers are with Jackie, her mom, and her  
38 family.  
39

40 VI. Special Presentations  
41

42 There were no special presentations at this time.  
43

44 VII. Unfinished Business  
45

1 A. Ordinance No. 1472 – Progress Energy Franchise Agreement – Second  
2 Reading (Public Hearing) (~~Jackie Sova, City Manager~~ John Omana,  
3 Community Development Director/Acting City Manager)  
4

5 The City Attorney read Ordinance No. 1472 by title only on second reading.  
6

7 Mr. Omana said included in the agreement is the Favored Nations clause. Should  
8 Progress Energy offer more favorable terms to another city, the City of Lake Mary would  
9 be entitled to those specific terms as well. Missing from the agreement is the option to  
10 purchase the grantee's electric facilities and the methodology to do so. The City has  
11 never expressed an interest in purchasing such facilities or equipment and in  
12 consideration that nearly 40% of the City is serviced by Florida Power & Light, the  
13 practicality of having that clause is not necessary. We recommend approval on second  
14 reading.  
15

16 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1472. No  
17 one came forward and the public hearing was closed.  
18

19 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1472 on**  
20 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**  
21 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**  
22 **Plank, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**  
23

#### 24 VIII. New Business

25  
26 A. Approval of Interlocal Agreement between Seminole County and the City  
27 relating to jurisdictional road transfer of a portion of Old Lake Mary Road  
28 (Gary Schindler, City Planner)  
29

30 Mayor Mealor said this is the area tied into the TOD and is from Palmetto to Wilbur.  
31

32 Mr. Schindler said a few months ago the Commission had a similar item for North  
33 Country Club Road and this agreement is virtually identical. Staff recommends  
34 approval. This is adjacent to the area that we are developing as part of the TOD.  
35

36 Deputy Mayor Brender asked if this took us to the city limits.  
37

38 Mr. Schindler answered negatively. There was a logical terminus. It goes from the west  
39 right-of-way line extended to First Street and then runs northeasterly to the extended  
40 north right-of-way line of Wilbur. That makes it much easier for the police to know  
41 where our jurisdiction ends and where the County's jurisdiction begins for law  
42 enforcement. It is much easier when you have a definite line.  
43

44 Deputy Mayor Brender said there is a neighborhood farther up.  
45

1 Mr. Schindler answered affirmatively. There is Misty Oaks, Sun Oaks and another one.  
2 We gave some serious thought to that and the County also felt it was more logical to  
3 have a definite right-of-way line.  
4

5 Commissioner Plank asked if that same action was taken on North Country Club Road  
6 as far as breaking it before the city limits for the same reason.  
7

8 Mr. Schindler answered affirmatively.  
9

10 **Motion was made by Commissioner Plank to approve the interlocal agreement**  
11 **between Seminole County and the City relating to jurisdictional road transfer of a**  
12 **portion of Old Lake Mary Road, seconded by Commissioner Lucarelli and motion**  
13 **carried by roll-call vote: Commissioner Duryea, Yes; Commissioner Plank, Yes;**  
14 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Meador, Yes.**  
15

16 B. Approval of Seminole County Emergency Interconnect Water Agreement  
17 (Bruce Paster, Public Works Director)  
18

19 Mr. Paster said this is an agreement between Seminole County and Lake Mary and is in  
20 reference to the three water interconnects that we have had for years at Greenwood  
21 Boulevard, South Country Club Road, and on Lake Emma Road at Technology Park.  
22 Historically there have been no meters on these interconnects. We would open them as  
23 needed and there was no billing involved. The St. Johns River Water Management  
24 District is pushing to get every use metered. Seminole County at their expense is  
25 providing meters for these three water interconnects. We can now get exact amounts  
26 and can bill each other. This document allows us to bill each other through those  
27 interconnects at the lowest wholesale rate of either entity.  
28

29 Deputy Mayor Brender said the wholesale rate that Lake Mary is charging is \$.90 and  
30 the County is \$1.17.  
31

32 Mr. Paster said those are the lowest rates of both entities. Lake Mary has a lower water  
33 rate than the County.  
34

35 Commissioner Duryea asked if there was a provision for adjustment if somebody raises  
36 that rate.  
37

38 Mr. Paster answered affirmatively. If the wholesale rates change, it will be adjusted but  
39 we are guaranteed the lowest wholesale rate that they offer.  
40

41 Commissioner Duryea said this is for potable water and has nothing to do with  
42 reclaimed. Mr. Paster said that was correct.  
43

44 **Motion was made by Commissioner Lucarelli to approve the Seminole County**  
45 **Emergency Interconnect Water Agreement, seconded by Deputy Mayor Brender**  
46 **and motion carried by roll-call vote: Commissioner Plank, Yes; Commissioner**

1 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Duryea; Yes; Mayor**  
2 **Mealor, Yes.**

3  
4 C. Resolution No. 907 – Amending Chapter 155, Appendix C, of the Code of  
5 Ordinances providing for an increase in stormwater fees (Dianne Holloway,  
6 Finance Director  
7

8 The City Attorney read Resolution No. 907 by title only.  
9

10 Mr. Omana in 2011 and 2012, an assessment and analysis of the City's Stormwater  
11 Fund was conducted by staff, recognizing that the current funding would not be  
12 adequate to continue the City's investment in capital improvements. The Stormwater  
13 Fund pays for inspections, maintenance, and repairs to the City's swale systems,  
14 ditches, ponds, and stormwater infrastructure such as manholes, pipes and lifts. The  
15 City engaged the services of Inwood Consulting Engineers to review the rate analysis  
16 performed by staff and their study concluded that an increase in current rates was  
17 necessary. We have included in the packets the table outlining the fiscal year analysis,  
18 base fees, contribution fees, and total charges per EDU. He said Ms. Holloway was  
19 available to answer any questions regarding the financial aspects and Mr. Paster was  
20 available to address any engineering/technical issues. Staff recommends approval.  
21

22 Mayor Mealor said when we first initiated this fee of \$3.00, it was put in place as a  
23 preemptive move because the thought was if the City didn't do it that the County would  
24 do it for us. We implemented the fee in the 1990's at \$3.00 and it has remained the  
25 same for that entire period of time. That fee has generated close to \$2.3 million in public  
26 improvements. If you project out what we are expected to do as a community, the rates  
27 we are currently charging will not sustain that system. It should be pointed out that at  
28 \$3.00 we are less than half of most municipalities where the rates range from \$5.50 to  
29 \$7.00.  
30

31 Ms. Holloway said the proposal is to increase the rate \$1.00 per month per EDU  
32 effective October 1, 2012, another \$1.00 effective October 1, 2013, and another \$1.00  
33 effective October 1, 2014 maxing out at \$6.00 per month per EDU.  
34

35 Commissioner Duryea said he didn't like the idea of doubling this in three years. He  
36 understood the reasoning for needing an increase but would rather lower the unit size.  
37 He said if he had a 4,000 S.F. house and Allan has a 2,000 S.F. house then Allan  
38 should be paying a lesser amount because his house creates a bigger footprint. He  
39 expressed concern of raising the rates in this economy.  
40

41 Deputy Mayor Brender said he realized the rates are important and Inwood Consulting  
42 does the job of putting these estimates together. He said he was nervous tying future  
43 Commissions to three or four years of rate increases. He was not sure he was  
44 comfortable with that. He said he was comfortable going up a dollar this year. He  
45 suggested going up a dollar this year, take a look at it next year and go up another  
46 dollar if we need to.  
47

1 Ms. Holloway said we could do that if it was the Commission' s desire. When we  
2 prepared the Fiscal Year 2013 budget with the five-year plan, we realized that by raising  
3 it one dollar this year that we would not be able to sustain the fund for the next several  
4 years with the capital improvement projects we have planned. We have been able to  
5 defer increasing that rate due to the One Cent Sales Tax. In the last couple of years we  
6 have had \$3.5 million worth of projects that we were able to use the sales tax money for  
7 but that came to an end at the end of December. Now we are sustaining stormwater  
8 projects with stormwater fees. This year we have planned \$60,000 of improvements in  
9 Downtown.

10  
11 Mr. Paster said currently there are projects going on in Downtown at Seminole Avenue,  
12 Fourth Street and Crystal. The majority of that is stormwater. Stormwater ponds and  
13 stormwater collection systems on these roads need several more acres in Downtown to  
14 have stormwater treating. That project is being partially funded out of the Stormwater  
15 Fund. Next year with the addition of the Station House, we have \$450,000 of  
16 stormwater associated with that project. We are enlarging the pond behind the police  
17 station to accommodate stormwater. In future years we have the Stair Step Park  
18 project and the original estimates were in the millions of dollars. We are taking that  
19 slowly and doing one piece at a time. We will start putting that money out there in  
20 Fiscal Year 2015/2016. We will not have funds to do anything in future years. We also  
21 don't know what may happen three years from now. With these developments going on  
22 and the economy the way it is, they are looking for the City to participate in stormwater  
23 efforts. That has been a big push in the Downtown. We are actually doing the  
24 stormwater now. The next big push is parking. The stormwater element is coming out  
25 of the Stormwater Fund.

26  
27 Mr. Paster said as far as the NPDES permitting, we have a new permit now. We were  
28 concerned about additional requirements. There are many additional requirements but  
29 the economic impact is not going to be that great because there are things we can  
30 handle in-house.

31  
32 Deputy Mayor Brender said some of these pollution discharge items that were going to  
33 be costing \$100,000 a year have not come true.

34  
35 Mr. Paster said we got a new permit and a lot of the requirements are inspection and  
36 reporting but our system is pretty good. We are required to do a lot more inspections  
37 than we did before and more items will come up. We are expecting some increase but  
38 not to the level of stormwater projects.

39  
40 Commissioner Plank said he shared the same concern on multiple increases during this  
41 period. He asked if the increase was matched dollar for dollar in what we are expecting  
42 to spend or is this reserves just in case.

43  
44 Ms. Holloway said the projected revenues generated by this \$1.00 increase for the next  
45 three years and matching that to the capital projects that we are anticipating to do in  
46 that timeframe, we would run out of money in 2016.

1 Commissioner Plank said of this increase for the infrastructure, he asked the projections  
2 on what kind of impact fees we might get from selling the property that is now covered  
3 by the new stormwater facilities, etc.

4  
5 Ms. Holloway said she didn't think there was an impact from the impact fees because  
6 they have already been paid.

7  
8 Ms. Reischmann said in relation to Commissioner Brender's remark about tying future  
9 commissions, this can be changed by resolution.

10  
11 Commissioner Lucarelli said she wasn't for raising taxes and fees but it hasn't been  
12 done for so long and she questioned what they would do three or four years from now  
13 and we run out of money.

14  
15 Ms. Holloway said if we don't implement the rate increases proposed, we will probably  
16 revisit this next year and the following year.

17  
18 Mayor Meador said we hope there is going to be a turnaround but looking at economic  
19 projections from the economists at the University of Central Florida or Fishkind &  
20 Associates, it would be very optimistic to believe that we could meet some of our targets  
21 within the timeframe. He said he would love to see it happen for this community but  
22 thought it was optimistic. We are not being good stewards to not address this. We  
23 dealt with this last year and said to look at it this year. We know what the trend lines  
24 look like. Based on what Commissioners Duryea and Brender said, it might be fairer to  
25 all concerned that a resolution come back with a dollar increase rather than Resolution  
26 No. 907 that ties a three-year scale. We can revisit it. The reputation that this  
27 community enjoys is because of the vision and leadership of the Commission and the  
28 incredible information that's provided to us to make the kind of decisions that are in our  
29 community's best long-term interest. Our residents have come to expect a certain level  
30 of service. The last thing we want is to do anything that would undermine what we  
31 currently have in place or not be able to meet certain expectations. He said he knew  
32 what staff was doing and appreciated it and thought it was a long-range plan. The  
33 question now is there a better way to get there.

34  
35 Commissioner Duryea asked if it would be a substantial change to go with the resolution  
36 but adding that increases in the next years would have to be ratified by the Commission  
37 before they came into effect.

38  
39 Ms. Reischmann said it would be simpler to just vote on the next year. She said if the  
40 Commission is going to increase the rate they need to do it tonight because this is  
41 retroactive to October 1.

42  
43 Mayor Meador asked if it would be a substantial change to amend the resolution to only  
44 include a dollar increase at this time.

45  
46 Ms. Reischmann answered negatively.

1 Deputy Mayor Brender said he was more comfortable doing that and would rather look  
2 at it again next year.

3  
4 Commissioner Lucarelli asked why Lake Mary's unit size was so much larger than other  
5 communities.

6  
7 Mr. Paster said we looked at unit size. The unit size applies as one unit per residential.  
8 For commercial we take their square footages and divide it by that unit size to determine  
9 how many equivalent residential units. Our residential lots or homes are larger than the  
10 surrounding communities. We have some large homes with triple car garages. We  
11 think about the impervious areas. It's not just the home but is also walkways, deck  
12 areas, driveways, etc. That is on average larger in Lake Mary than the surrounding  
13 cities. It is a benefit to our large commercial customers because they are paying less in  
14 Lake Mary than in other cities because the EDUs are going to be less.

15  
16 **Motion was made by Deputy Mayor Brender to approve Resolution No. 907 as**  
17 **amended to increase stormwater fee to \$4.00 per month per EDU for Fiscal Year**  
18 **2012/2013 only, and revisit the issue in future years, seconded by Commissioner**  
19 **Lucarelli and motion carried by roll-call vote: Commissioner Lucarelli, Yes;**  
20 **Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner Plank,**  
21 **Yes; Mayor Mealor, Yes.**

22  
23 IX. Citizen Participation

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

26  
27 X. Reports:

28  
29 A. City Manager

30  
31 1. Parking Area Lease for 2013 Shred-A-Thon

32  
33 Bryan Nipe, Parks & Recreation Director and Radley Williams, Recreation Crew Leader,  
34 came forward.

35  
36 Mr. Williams said the 7<sup>th</sup> annual Shred-A-Thon event is coming up. With that  
37 tremendous growth and popularity, we have outgrown our original event location which  
38 is the Senior Center. Our Elder Affairs Commission led by Jim Gudinas went out and  
39 researched some other possible locations to hold the event.

40  
41 Mr. Williams said last year we had over 700 vehicles come through and five Shred-It  
42 trucks for a total of 40,000 pounds of shredded paper. Last year we had to call the Lake  
43 Mary Police in to help coordinate traffic control because the line got so long it started  
44 wrapping around Wallace Court. He said Mr. Gudinas searched the area nearby the  
45 Senior Center and found a suitable location at Remington College at 660 Century Point.  
46 He said Mr. Gudinas began talks with Rinehart Ridge, Inc. that is the property manager  
47 for that site. Currently Director Nipe has been in the final process of hashing out a

1 liability lease agreement for the City to use that property for eight hours on January 26,  
2 2013. There would be no charge to the City for using that site.

3  
4 Ms. Reischmann said there may be some tweaks to the lease but nothing major.

5  
6 Mayor Meador asked Mr. Williams to communicate to Mr. Gudinas the Commission's  
7 appreciation for his leadership in this area.

8  
9 **Motion was made by Deputy Mayor Brender to authorize the City Manager to**  
10 **execute the parking area lease agreement for the 2013 Shred-A-Thon, seconded**  
11 **by Commissioner Plank and motion carried unanimously.**

12  
13 2. Expenditure from Forfeiture Fund for Lake Mary High School's Challenge Day

14  
15 Deputy Police Chief Colin Morgan came forward. Deputy Chief Morgan said in the past  
16 we have donated to Lake Mary High School from our Forfeiture Fund for several  
17 programs. Challenge Day is a very effective program for bullying and making sure  
18 everyone understands cliques, groups, and gangs. It's to bring people together in the  
19 school to show this is not the way a school should be run. The County normally funds  
20 this program and has funded four schools but Lake Mary was not chosen this year.  
21 This program is so successful that they want to run it. It costs \$9,500 and have already  
22 raised some funds but are \$7,000 short. They asked the City for a donation and Chief  
23 Bracknell offered \$750 to come out of the Forfeiture Fund. He asked the Commission  
24 for approval.

25  
26 Commissioner Lucarelli asked if the money would come back if they don't raise  
27 adequate funds to host the program.

28  
29 Deputy Chief Morgan answered affirmatively.

30  
31 **Motion was made by Commissioner Lucarelli to approve the expenditure of \$750**  
32 **from the Forfeiture Fund for a donation to Lake Mary High School's "Challenge**  
33 **Day", seconded by Deputy Mayor Brender and motion carried unanimously.**

34  
35 Mr. Omana said Seminole County is holding a Tire Amnesty Day on Saturday, October  
36 20<sup>th</sup>, from 8:00 A.M. until 2:00 P.M. at the transfer station located at 1950 State Road  
37 419 in Longwood and the landfill in Geneva. This is for private households only and  
38 there is a ten tire maximum. Call 407-665-2260 for more information.

39  
40 Mr. Omana said the dinner and awards ceremony recognizing the winners of the 11<sup>th</sup>  
41 Annual Fire Safety Poster contest will be Wednesday, October 24<sup>th</sup>, from 6:30 P.M. until  
42 8:00 P.M. at the Senior Center.

43  
44 Mr. Omana said the Spooktacular will be held Saturday, October 27<sup>th</sup>, from 6:00 P.M.  
45 until 8:00 P.M. in Central Park. There will be trick or treating, music, games, train rides,  
46 costume contests and lots more.

1 Mr. Omana said the food trucks will be returning to Central Park on Sunday, October  
2 28<sup>th</sup>, from 4:00 P.M. until 7:00 P.M. Bring the family out and enjoy a picnic in the park  
3 and don't forget your blankets or chairs.  
4

5 Mr. Omana said to facilitate safe and timely construction of Downtown infrastructure  
6 improvements at the intersection of Fourth Street and Crystal Lake Avenue, the City's  
7 contractor, Briar Construction, will be closing sections of each roadway in proximity to  
8 the intersection starting as early as Monday, October 22, 2012. The closure will occur  
9 after proper notification of fire, police, school board, Waste Management and other  
10 agencies. Only one occupied residence is within the enclosed portion of the roadway  
11 and they have already been notified. The five businesses located west of the proposed  
12 closure on Crystal Lake Avenue have also been notified. The City has reviewed the  
13 contractor's maintenance of traffic plans for this closure. The roadways will be open to  
14 fire, police, and local residents only. The work by the contractor includes the installation  
15 of underground stormwater structures and the paving of new parking spaces, new  
16 sidewalks, and the repaving of the roadways.  
17

18 Mr. Omana requested to schedule a work session at 5:00 P.M. on November 1<sup>st</sup> to go  
19 over the Neighborhood Improvement Program, the naming of the new community  
20 building, and an update on Heritage Park.  
21

22 Mr. Omana said in September the representative for the property at 203 Hurst Court  
23 came before the Commission asking for relief of the \$500,000+ lien against the property  
24 for an illegally constructed wall. Both the representatives of the bank and the contractor  
25 have been in contact with the Building Division and staff in regard to the process of  
26 demolishing the wall. As of today they have not submitted any paperwork. We will  
27 keep coordinating with staff and advising the Commission accordingly of the status.  
28

29 Commissioner Plank said relating to the closure for the Fourth Street construction, he  
30 asked if that would close Crystal Lake Avenue at that time.  
31

32 Mr. Paster said the work in question is at the intersection of Fourth Street and West  
33 Crystal Lake Avenue. We will need to close the entire intersection. It continues east on  
34 West Crystal Lake Avenue approximately two lots. Two of the homes to the north are  
35 vacant. It does close the entire intersection so you won't be able to cross Fourth Street  
36 on West Crystal Lake and you won't be able to cross West Crystal Lake if you are  
37 coming down Fourth Street.  
38

39 Commissioner Plank asked if there would be a posted detour route.  
40

41 Mr. Paster answered affirmatively. For the maintenance of traffic they will have signs.  
42 There is a message board out there now letting people know of the closure. All the  
43 businesses were spoken to already. There will be detour signs.  
44

45 Deputy Mayor Brender asked the estimated time for completion.  
46

1 Mr. Paster said we are looking at about three weeks to get all the work done. The  
2 whole thing won't be closed the entire three weeks. They can close it in sections and  
3 open it up when things get cleaned up.

4  
5 B. Mayor

6  
7 Mayor Mealor had no report at this time.

8  
9 C. Commissioners (2)

10  
11 Commissioner Duryea announced that they were selling pumpkins at the Presbyterian  
12 Church.

13  
14 Commissioner Duryea said we all screwed up. We allowed Terry Shaw to build quite a  
15 number of buildings and there aren't enough parking spaces. Now we compounded the  
16 problem because the construction workers are parking in the spaces where customers  
17 should be parking. That was brought up by a number of merchants and it has had no  
18 effect on that situation. Even if there was no construction, with all the new employees  
19 for the new restaurant they are building on the corner and the existing people working in  
20 the shops, there is not enough parking for customers. He thought of where an  
21 employee parking lot would be off site within walking distance but not necessarily  
22 adjacent and he couldn't come up with anything. This is going to be an ongoing  
23 problem even without any new construction because there isn't enough parking. He  
24 said he would like staff to look at some alternatives and come up with some creative  
25 ideas and try to alleviate this problem that we allowed to be created.

26  
27 Mayor Mealor suggested to brief those coming in to do work about the noise ordinance  
28 and when they may begin a task and also about a recommended parking area for those  
29 people involved in any given project. We disrupted some of the residents on Lakeview  
30 because of the additional 111 parking spots we are putting in to address that concern.

31  
32 Deputy Mayor Brender asked how many parking spaces does Terry Shaw have now if  
33 you include Lakeview and discounting those directly in front of city hall.

34  
35 Mr. Omana said he didn't have a specific number but he and Messrs. Schindler and  
36 Noto sat down to address that question wherein what did his site plan show and how  
37 many spaces were provided. We then looked at the situation where he came back and  
38 downsized the buildings and that in turn helped minimize the amount of required  
39 parking. The conclusion we came to was the parking assigned to a specific site plan  
40 meets the code requirements. He said he didn't recall the number. In his discussions  
41 with Mr. Shaw, he had planned a two-story structure where the pond is on the northwest  
42 corner. He is looking to convert that to three one-story buildings, again downsizing and  
43 minimizing the impact on parking. There may be the minimums to meet code. The  
44 project has been a great success and suspected it would continue to be a great  
45 success. There is probably going to be a lot more people wanting to come here. That  
46 demand will make it go above our minimums of code which will create the observations  
47 that Commissioner Duryea has made. We will take a look at that issue.

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**SIDE 1B**

Commissioner Plank said part of the problem is the nature of some of the businesses that have a heavy influx such as the yoga and that locks up a high percentage of spaces for the period of those classes. We are a victim of success in that respect. It's a problem that is not going away. He said he didn't see a ready solution but was something we need to look at.

Commissioner Plank complimented the volunteer group for the Lake Mary Museum. They completed a successful ghost walk last week and we have another one coming up this Saturday, October 20<sup>th</sup>. We had a Candlelight Tales session last week. All three have been sold out. We have a lot of interest on the part of our citizens for this type of event and thought we would see the same thing at the Spooktacular on the 27<sup>th</sup>. It's part of what makes Lake Mary a special town.

Commissioner Lucarelli said she attended the state attorney's Crime Victims Awareness lunch and Chief Harriett received an award.

Commissioner Lucarelli said the Mayor was with them at the Servants of the People lunch.

Commissioner Lucarelli said today she attended a Tri-County League of Cities meeting in Kissimmee and she officially got voted on as a board member.

Deputy Mayor Brender said he had heard from people about the success of the food trucks and they ask why we can't get more of them. He asked how many we had and if we were limited by space.

Mr. Nipe said there is a limit of space with regard to how many we can put on the pavers and loss of parking spaces along the road. He said Radley is out there every Sunday.

Mr. Williams said they started out with about nine and then business dropped off so they cut back to six. The past couple of months he has talked to Bonnie Lease who is the head food truck coordinator and she is trying to get more trucks out there with more variety. They would like to have eight and they are also looking at tent vendors for desserts.

Deputy Mayor Brender said we needed to keep things fresh.

Mr. Williams said she does try to rotate her trucks and tries to keep it fresh. They are looking to increase it back to eight trucks.

Deputy Mayor Brender said on the parking issue, we are going to add 116 spaces. He presumed we would go up at least 50% to 60%. One of the problems on Fourth Street is there is no place to park for the employees of the shops and they end up parking on

1 our side of the street. Once we add the 60 on Seminole we can start directing some of  
2 the employees on Fourth Street to park in those areas which should open up Fourth  
3 Street for parking. After we get everything done a reexamination is in order.  
4

5 Commissioner Plank asked if we knew the employee count and how much that is  
6 affecting the parking.  
7

8 Mr. Omana said we don't have an employee count at this point. Behind Mr. Shaw's  
9 buildings on Fourth there is a one-way out that has angled parking on each side and  
10 those are designated for employee parking. Once the construction is cleared out it will  
11 help in some capacity.  
12

13 Commissioner Plank said that was also true for the shops on Lakeview.  
14

15 Mr. Omana answered affirmatively.  
16

17 Deputy Mayor Brender said the sports bar that will be opening will have 10 to 12  
18 employees at a minimum. We will have to reexamine this.  
19

20 Mayor Meador said the one thing we need to do right now, particularly with the  
21 discussions with Epoch and the parking garage, is to have a serious conversation about  
22 the interconnect and the connectivity on that side of the street back over here. This is  
23 where the activity hub is. We are going to have to put people on the other side of  
24 Country Club to park. He asked how we are conveniently and comfortably going to get  
25 them from that side back over here. He said he believed the term was "connectivity".  
26

27 D. City Attorney  
28

29 Ms. Reischmann had no report at this time.  
30

31 XI. Adjournment  
32

33 There being no further business, the meeting adjourned at 7:55 P.M.  
34  
35  
36  
37

38 \_\_\_\_\_  
39 David J. Meador, Mayor  
40

\_\_\_\_\_ Mary Campbell, Deputy City Clerk  
41

42 ATTEST:  
43  
44  
45  
46

47 \_\_\_\_\_  
Carol A. Foster, City Clerk



**CITY OF LAKE MARY, FLORIDA  
OFFICE OF THE MAYOR  
PROCLAMATION**

**WHEREAS**, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease with approximately 2,670 of those in Florida; and

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

**WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

**WHEREAS**, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

**WHEREAS**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Lake Mary and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

**WHEREAS**, the Pancreatic Cancer Action Network and its affiliates in Lake Mary support those patients currently battling pancreatic cancer, as well as those who have lost their lives to the disease, and are committed to nothing less than a cure; and

**WHEREAS**, the good health and well-being of the residents of the City of Lake Mary are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

**NOW, THEREFORE, I, DAVID J. MEALOR**, by virtue of the authority vested in me as Mayor of the City of Lake Mary, Florida, do hereby proclaim **November 2012**, as:

**"Pancreatic Cancer Awareness Month"**

in the City of Lake Mary, Florida.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY  
HAND AND CAUSED THE SEAL OF THE CITY OF LAKE  
MARY, FLORIDA, TO BE AFFIXED THIS 1<sup>ST</sup> DAY OF  
NOVEMBER, 2012.

---

DAVID J. MEALOR, MAYOR



## **MEMORANDUM**

DATE: November 1, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Steve Noto

SUBJECT: Appeal of Arbor Board denial of arbor permit related to the removal of five laurel oak trees at 824 Blairmont Lane, (Gary Schindler, City Planner)

---

**Request:** Appeal of staff's denial of an arbor permit to remove five laurel oak trees along the frontage of Blairmont.

**BACKGROUND:** On May 31, 2012, staff made an on-site inspection at 824 Blairmont Lane. The inspection was triggered by an arbor request from Mr. & Mrs. Patel to remove five laurel oak trees, which are located along the Blairmont Lane frontage. Verbally, Mrs. Patel told me that the reason for the request is that the roots of the trees have caused a break in the irrigation lines. They want to remove the trees so as to prevent subsequent damage to the irrigation system.



The five oak trees are in the range of 13" to 15" in diameter. Trees #1, 2, 3 & 4 are located a minimum of 16.5' from the dwelling. Tree #5, the farthest removed from the dwelling, is located approximately 30' from a structure. The trees appeared to be healthy. See attached photos showing the subject property and the proximity of the dwelling to the five laurel oak trees.

Chapter 157 of the City's Code of Ordinances allows staff to approve arbor permits when the non-historic trees are located within 15' of a structure. If the tree is historic, it must be located within 7.5' for staff to be able to approve the permit.

It is staff's opinion that the trees in question are an asset to both the subject property and to the neighborhood. Additionally, staff questions if it would be cheaper to relocate the irrigation line than to remove the five laurel oak trees.

**FINDINGS OF FACT:** Irrespective of staff's opinion of the intrinsic value of the trees, staff's decision is based upon the following facts. The trees are healthy, not historic and located in excess of 15' from the closest structure. In light of these facts, staff denied the original request for an arbor permit to remove the five laurel oak trees.

**RECOMMENDATION:** It is recommended that the City Commission find that staff acted in compliance with the provisions of Chapter 157 to deny the applicant's original application to remove the five laurel oak trees and also deny the applicant's subsequent appeal of staff's original decision.

If the City Commission is inclined to approve the applicant's request, staff recommends that it be with the condition that five replacement canopy trees be planted. Each canopy tree shall be a minimum of 15' tall and have a minimum width, at caliper, of 3.5". The applicant also has the option of contributing the cost of the five canopy trees to the City to be used for planting trees in parks and/or other public spaces.

**ARBOR BOARD:** At their September 10, 2012 meeting, the Arbor Board voted to uphold staff's decision regarding the denial of the arbor permit at 824 Blairmont.

**Attachments:**

Location Map

Photos

Copy of Arbor Application and City's May 31, 2012 letter

Copy of Mrs. Patel letters of appeal

Aerial Photo

City's September 11, 2012 after Arbor Board letter

Applicants October 9, 2012 appeal email

Minutes



**Location Map  
824 Blairmont Ln.**







# CITY OF LAKE MARY PERMIT FOR TREE REMOVAL

Fee: \$30

PERMITS FOR REMOVAL, RELOCATION, ALTERATION OR REPLACEMENT OF TREES SHALL BE OBTAINED BY MAKING APPLICATION IN THE FORM OF AN ARBOR PERMIT. THE APPLICATION MUST BE SIGNED BY THE HOMEOWNER.

Applicant: Ramesh Patel Phone: 407-732-4731  
Project location/Address: 827, 824, Blairmont Ln, Lake Mary, FL 3274  
Project request: Number of trees to be removed 05  
Number of trees to be trimmed \_\_\_\_\_ (Non residential property only)  
Reason for request: Roof breaking the pipe of sprinkler

RECEIVED

MAY 30 '12

LAKE MARY  
CDD

Name of contractor who will be doing the work (if applicable) \_\_\_\_\_

**NOTE:**

PLEASE ATTACH A LEGIBLE DRAWING OR SITE PLAN SHOWING THE LOCATION OF THE TREES TO BE REMOVED OR TRIMMED, AND ALSO THE LOCATION OF ALL EXISTING OR PROPOSED STRUCTURES INCLUDING THE HOUSE, DRIVEWAY, SHED, ETC., AND ALL EXISTING OR PROPOSED UTILITY SERVICES.

**PLEASE READ THE FOLLOWING INFORMATION CAREFULLY:**

I hereby certify that I am the owner of the property and that to the best of my knowledge and belief, all information supplied in this application and supporting documents is true and accurate and I agree that no tree removal or tree trimming shall occur until this application has been approved. I hereby give my permission for the City's Arbor Inspector to access my property to inspect trees to be removed.

Signature: [Signature] Date: 5/30/12

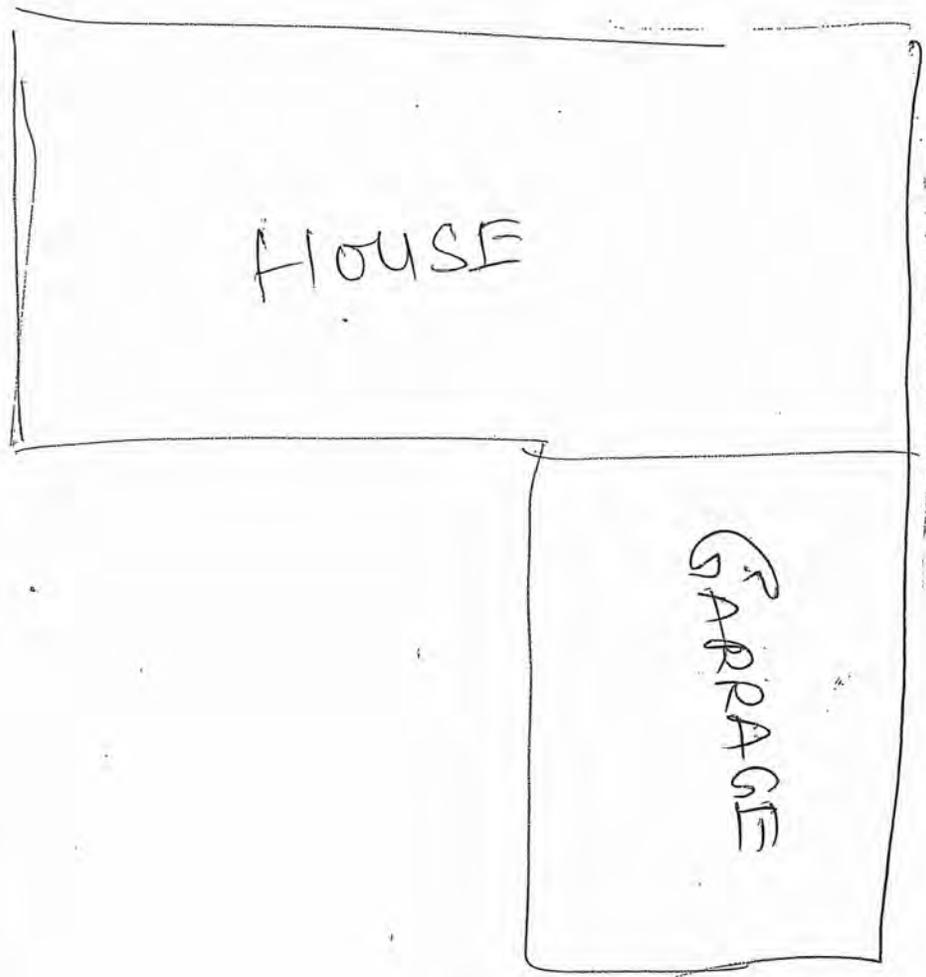
## OFFICE USE ONLY

Inspected by: M.M. Schindler Date: 5/31/12

Determination: Denied

Comments/Conditions: Trees 1-4 are 4-16.5' from house.  
Tree #5 is 30' or greater from the house

- #1
  - #2
  - #3
  - #4
  - #5
- Removed:



BLAIRMONT LANE

Date - 7/13/2012  
Friday,

~~Dear~~ Dear Staff,

An Appeal Staff Decision  
to Denine the about Permite  
for # 824 Blairmont LN.  
to remove five Oke trees.

Nita Patel  


REVIEWED

  
JUN 13 2012

CITY OF LAKE MARY  
BUILDING & LIFE SAFETY DIVISION



**Go Green**  
**Lawn Services, LLC**  
*Servicing All of Florida*

James  
 Owner & Operator  
 Lic. & Insured

**386-259-3292**

**386-215-1428**

386-801-1562

**SERVICE ORDER**

Name <i>Mrs. D. [unclear]</i>		Date <i>13 Apr 12</i>		
Address <i>824 Blair Mont Lane</i>				
City <i>Lake Mary</i>	State <i>FL</i>	Zip <i>32740</i>	Phone <i>407-732-4173</i>	
Make	Model	Serial No.		
TYPE OF SERVICE			Prepaid or Collect \$	
QTY	PART #	DESCRIPTION	UNIT PRICE	AMOUNT
		<i>Zone 4</i>		
		<i>Broken 1" line</i>		
		<i>Down to tree</i>		
		<i>Root Breaking</i>		
		<i>2.20</i>		
		<i>Valve put 3 valves</i>		
		<i>in middle of tree roots</i>		
		<i>Repaired 1" line</i>		
Comments: <i>Paid Cash</i>			Total Materials	<i>65.00</i>
			Service Time	<i>75.00</i>
			Tax	
Technician: <i>James</i> Date			<b>TOTAL</b>	<i>140.00</i>

*(w) [Signature]*  
 Home Owners Signature



**CITY OF LAKE MARY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
PLANNING & ZONING DIVISION | BUILDING DIVISION | ENGINEERING DIVISION

May 31, 2012

Ramesh Patel  
824 Blairmont  
Lake Mary, FL 32746

Re: Request to remove 5 laurel oak trees at 824 Blairmont

Dear Mr. Patel:

On Thursday, May 31, 2012, I made an on-site inspection at the above referenced address. I found 5 laurel oak tree approximately 13" to 15" in diameter. Trees #1, #2, #3 & #4 are located approximately 16.5' from the structure. Tree #5 is located in excess 30' from the structure. Each of the trees appears to be healthy.

Per Chapter 157 of the City's Code of Ordinances, staff is authorized to approve arbor permits to remove laurel oak trees when they are located within 15' of a structure. Since the trees in question are located in excess of 15' from the house, staff is not authorized to approve the requested permit. In light of this, staff has denied the permit.

To appeal staff's denial, you may apply to the City's Arbor Board. To appeal, you must submit either a letter or email within 30 days of the date of this letter. Please address all appeals to John Omana, Community Development Director, at 911 Wallace Court, Lake Mary, FL 32746. His email address is [jomana@lakemaryfl.com](mailto:jomana@lakemaryfl.com). If you have any questions, please contact me at 407-585-1442.

Sincerely,

Gary Schindler  
City Planner

Arbor/824 Blairmont Let

**JUAN (JOHN) OMANA,  
JR.**

COMMUNITY  
DEVELOPMENT  
DIRECTOR  
P 407.585.1454  
F 407.585.1346  
[jomana@lakemaryfl.com](mailto:jomana@lakemaryfl.com)

911 WALLACE COURT  
LAKE MARY, FLORIDA  
32746

CUSTOMER SERVICE  
407.585.1493

**JACKIE SOVA**  
CITY MANAGER

WEBSITE  
[www.lakemaryfl.com](http://www.lakemaryfl.com)

**DOWNTOWN  
LAKE MARY**



*Where everyone is waiting for you*

# Blairmont Lane





**CITY OF LAKE MARY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
PLANNING & ZONING DIVISION | BUILDING DIVISION | ENGINEERING DIVISION

September 11, 2012

Ramesh & Nitaben Patel  
824 Blairmont  
Lake Mary, FL 32746

Re: Arbor Board action regarding the denial of a request to remove 5 laurel oak trees at 824 Blairmont

Dear Mr. & Mrs. Patel:

On Monday, September 10, 2012, the City of Lake Mary Arbor Board voted unanimously to uphold staff's denial of an arbor permit to remove five (5) laurel oak trees at the above referenced address.

You have the right to appeal the Arbor Board's decision to the City Commission. To appeal, you must submit either a letter or email within 30 days of the date of this letter. Please address all appeals to John Omana, Community Development Director, at 911 Wallace Court, Lake Mary, FL 32746. His email address is [jomana@lakemaryfl.com](mailto:jomana@lakemaryfl.com). If you have any questions, please contact me at 407-585-1442.

Sincerely,

  
Gary Schindler  
City Planner

Arbor/824 Blairmont 91112 Let

**JUAN (JOHN) OMANA,  
JR.**

COMMUNITY  
DEVELOPMENT  
DIRECTOR

P 407.585.1454

F 407.585.1346

[jomana@lakemaryfl.com](mailto:jomana@lakemaryfl.com)

911 WALLACE COURT  
LAKE MARY, FLORIDA  
32746

CUSTOMER SERVICE  
407.585.1493

**JACKIE SOVA**  
CITY MANAGER

WEBSITE  
[www.lakemaryfl.com](http://www.lakemaryfl.com)

**DOWNTOWN  
LAKE MARY**



*Where everyone is waiting for you.*

## Gary Schindler

---

**From:** R. Patel [rameshnita@yahoo.com]  
**Sent:** Tuesday, October 09, 2012 3:04 PM  
**To:** gschindler@lakemaryfl.com  
**Subject:** Fw:

City of Lake Mary  
Community Development Department

911 Wallace Court

Lake, Mary, FL 32746

Attention: Juan Omana

Dear Mr. Omana:

We are hereby requesting an appeal to the City of Lake Mary Arbor Board's decision, dated September 10, 2010, to the City Commission. Would you please schedule a hearing date at your earliest convenience and notify us, our contact information is below (it is also subject property). Thank you for your time and attention in this matter.

Sincerely,

Ramesh and Nitaben Patel

824 Blairmont

Lake Mary, FL 32746

DRAFT

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, CITY TREE BOARD MEETING**  
2 **HELD SEPTEMBER 10, 2012, 6:00 P.M., CITY HALL, 100 N. COUNTRY CLUB**  
3 **ROAD**

4  
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 6:30 p.m.

8 II. Roll Call/Determination of a Quorum

9 The following members were present:

10 Chairman Danny Williamson  
11 Vice Chairman Lynette Swinski  
12 Member Robert Boardman  
13 Member Robert Sebald

14  
15 Member James Buck, Member Jeanne Miller and Member John Lackey were  
16 absent.

17  
18 City staff present were Juan (John) A. Omana, Jr., Community Development  
19 Director; Gary Schindler, City Planner; and Diana T. Adams, Administrative  
20 Secretary.

21  
22 Also present was Nitaben Patel.

23  
24 III. Approval of Minutes - July 9, 2012

25  
26 **MOTION:**

27  
28 **Member Boardman moved to approve the Minutes of the July 9, 2012, City**  
29 **Tree Board meeting, as presented. Member Sebald seconded the motion,**  
30 **which carried unanimously 4-0.**

31  
32 IV. Arbor Appeals

33  
34 A. 2012-TREE-04: Ramesh and Nitaben Patel, 824 Blairmont Lane (Reserve at  
35 Lake Mary), Lake Mary, Florida 32746-Appeal of staff's denial of an arbor  
36 permit related to the removal of five (5) Laurel Oak trees.  
37

DRAFT

1 Gary Schindler, City Planner, presented the appeal and the related  
2 Memorandum (Staff Report). The Location Map was on the overhead projector.  
3 He said, you have before you tonight a request for an appeal of staff's denial of  
4 an arbor permit to remove five Laurel Oak trees at 824 Blairmont Lane. On May  
5 31<sup>st</sup>, 2012, staff made an onsite inspection at the subject property. The  
6 inspection was triggered by a request from Mr. and Mrs. Patel to remove five  
7 Laurel Oak trees which are located along the Blairmont Lane frontage. Verbally,  
8 Ms. Patel told me that the reason for the request is that the roots of the tree had  
9 caused a break in the irrigation lines and they want to remove the trees so as to  
10 prevent subsequent damage to the irrigation system.

11  
12 Mr. Schindler stated, the five oak trees are in the range of 13 to 15" in width, and  
13 trees 1, 2, 3 and 4 are located a minimum of 16.5' from the dwelling. Tree  
14 number 5 – and in just a moment I will put up pictures of the trees – tree number  
15 5, the farthest removed from the dwelling, is located approximately 30' from any  
16 structure. The trees appear to be healthy. Let me show you the pictures (puts  
17 several colored photographs, one after the other, on the overhead projector).

18  
19 Mr. Schindler said, the trees appear to be healthy. The foliage is lush; they're  
20 full. Yes, they are Laurel Oaks. Subjectively, most people would rather believe  
21 that a Live Oak is more valuable than a Laurel Oak; however, these trees are  
22 healthy. They are very – the foliage is very full. You can see that it provides  
23 some excellent shade. The sidewalk did not, in any way, appear to be lifted up  
24 or damaged from the roots. Now, I am in no way here to say that the Applicants  
25 did not have problems with their irrigation system. I don't know. We take the  
26 Applicants' comments at face value.

27  
28 Mr. Schindler stated, but, staff is very concerned about removal of these trees.  
29 From a very subjective perspective, staff feels that these five trees are important  
30 to not only the subject property but to the neighborhood. That being said, the  
31 request to remove a tree and the request before you tonight can't be on  
32 subjectivity alone. So, the facts are that each of the five trees are greater than  
33 15' from a structure. For purposes of an arbor permit, fences and walls do not  
34 count as structures. So, we are looking at houses, storage sheds, and there is a  
35 minimum of 16.5' and the farthest tree is at least 30' from a structure.

36  
37 Mr. Schindler said, so, staff is not able to approve the permit to remove the trees.  
38 I have been working with Ms. Patel. I have indicated to her that the option that  
39 she had was to come to you. If you are so inclined, whatever action you take  
40 tonight, either staff or Ms. Patel, one of us is going to be disappointed. Whoever  
41 is disappointed does have the option of appealing your decision to the City  
42 Commission. Within 30 days of the action tonight, either staff or Ms. Patel may  
43 appeal and this would then go to the City Commission for their review and action.

**SEPTEMBER 10, 2012-2**  
**CITY TREE BOARD**

1 Staff believes that these trees are significant enough that it is likely that we would  
2 appeal a decision to approve the permit to the City Commission. This is in no  
3 way targeting Ms. Patel. It is just that these are very nice trees, and because  
4 there are five of them, staff questions whether or not the cost of removing five  
5 trees would be less – or if it would be more effective to somehow rework the  
6 irrigation than to remove the five trees. At this point, I will answer any questions  
7 that you may have, and Ms. Patel is here and I'm sure that she would like to  
8 address you. And, once again, I want to emphasize that we are not, in any way,  
9 picking on this Applicant. It is just that staff feels strongly about the value of  
10 these trees to both the subject property, the neighborhood, and to the City.

11  
12 Chairman Williamson stated, I'm looking at this and I can't help but notice how  
13 close they are to the sidewalk. He asked, how close are these to the easement  
14 of the City? It's got to be right on the border.

15  
16 Mr. Schindler answered, well, generally, the rule of thumb is that the right-of-way  
17 line or the property line are at the back of the sidewalk.

18  
19 Chairman Williamson said, it looks like the trees were maybe planted by the  
20 developer of the neighborhood. That's probably why they are in line like that.

21  
22 Mr. Schindler stated, oh, I'm sure they were; yes; um-hum. I don't think that they  
23 were existing trees because when they come in and they develop a subdivision,  
24 they do an awful lot of filling and cutting and a lot of the existing trees are just  
25 taken out because if you alter the existing grade, the trees simply can't – most of  
26 the trees just don't live and so they plant new trees.

27  
28 Member Sebald questioned, did you see any damage to the sidewalk when you  
29 were there?

30  
31 Mr. Schindler responded, no, I didn't see any damage to the sidewalk.

32  
33 Member Sebald asked, do you project there will be any damage in the near  
34 future?

35  
36 Mr. Schindler replied, in the future, it's possible, yes, but it's the City's  
37 responsibility to replace the sidewalk. So, if damage would occur, the City would  
38 come in and would take out the – let's assume that one section of sidewalk is  
39 raised and it was a trip hazard, the City would come in and take out that section  
40 of sidewalk, and if it was significant, they might go in and try to remove the roots  
41 under that section of sidewalk, which would have a short-term impact on the  
42 trees, but the trees are healthy and I have no doubt that the trees would continue  
43 to thrive and prosper.

DRAFT

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Chairman Williamson said, in most cases, irrigation lines are 18" deep. I mean, mine are at my house. He questioned, is that conducive of tree roots to grow that close to the surface?

Mr. Schindler answered, well, remember the main feeder roots of a tree are the top six inches of soil. Now, feeder roots are generally much more hair like as opposed to a pine tree which has a tap root. The oak trees have spreading finger roots. So, it is not unlikely that the roots would have damaged the irrigation line. It is certainly within the realm of possibility.

Member Boardman stated, in reference to the receipt for the work that was done, looking at this, it looks like the damage was in one area. He asked, is there a reason then to take all the trees versus the ones that are causing the damage?

Mr. Schindler responded, I believe that Ms. Patel may be looking to thinking that by taking out the trees they would avoid damage in the future; maybe some preemptive action on their part.

Member Boardman said, it ends up being a lot more expensive than just replacing the.....

Mr. Schindler stated, that would be a question to ask Ms. Patel.

Chairman Williamson requested the Appellant come forward and address the Board.

Nitaben (Nita) Patel, Appellant, 824 Blairmont Lane, Lake Mary, Florida 32746, came forward and addressed the Board in favor of granting the appeal. She said that she was a little nervous because this is the first time she has been before the City Tree Board. She stated that the tree roots are causing the wall on her house to crack and she saw the tree roots are around her main gutter, but she didn't close it out. She said that the tree roots have affected her foundation and she has had to repair it two or three times but she didn't realize she should have kept those receipts. She stated that all the tree roots are going to her house side.

Chairman Williamson advised Ms. Patel that it would be a lot less expensive to repair her irrigation system than replace those trees; that if you take one tree out, then you have to plant five more trees.

Ms. Patel suggested if she could at least take out three trees. She said that she sees little cracks in her master bedroom bath and she sees roots all around her sewage system.

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Member Boardman questioned Mr. Schindler, so, it would be 15 trees that she would have to pay for if she took all three down?

Mr. Schindler replied, yes, that's correct.

Member Boardman asked, and to replace one tree of similar size is approximately how much?

Mr. Schindler answered, \$200 at least.

Member Boardman questioned, so, you're talking \$3,000 minimum?

Mr. Schindler responded, yes, because we're talking about a tree that is 15' tall and 3.5" in width at one foot above the ground. I mean, we're not talking about going down to Lowe's and buying one of their trees. A replacement tree must meet the canopy tree standards.

Vice Chairman Swinski asked, have you had an irrigation expert visit the property and assess the irrigation issues?

Ms. Patel replied, no, once it broke, then we call one guy to do my sprinkler and he told me that. She stated, actually, this is our first house, so, you know, we didn't know we had to call expert and.....

Vice Chairman Swinski questioned, so, regarding what Mr. Schindler referenced about possibly an irrigation expert relaying the lines, have you entertained that idea?

Ms. Patel answered, no.

Chairman Williamson stated, it would be a lot cheaper.

Mr. Schindler said, let me clarify something. Since no violation has occurred, there would simply be a requirement for five replacement canopy trees, not five trees per each one removed. We would simply want the trees replaced one for one. If there is a violation, then the number of replacement trees per tree removed increases. This is simply a total of five.

Member Board man asked, so that would be close to \$1,000 then?

Mr. Schindler responded, yes, plus whatever...

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Member Boardman interjected saying, and whatever the cost is to remove them, which is not going to be cheap either.

Mr. Schindler replied, that's right.

Chairman Williamson stated, I really don't see anywhere on the property where she could put five more trees actually.

Member Sebald said, three trees. He questioned Mr. Schindler, can you clarify how many trees are requested to be removed?

Mr. Schindler answered, five trees are requested to be removed, and because no violation has occurred, it would be a replacement of one for one. If a violation had occurred, it would either be two or three to one.

Member Sebald asked, so, where did the three trees come in? You mentioned that three trees were involved. What was that about?

Chairman Williamson responded, if she was in violation, it would be three per one.

Member Sebald questioned, so, the request is to remove all five trees?

Mr. Schindler responded, yes.

Vice Chairman Swinski asked Ms. Patel, are you aware that you would have to replace each tree?

Ms. Patel replied, yeah, if we needed -- if City -- you know, if they want. But, actually, I'm not sure how many trees -- you know, like, three I know so far -- like, you know. But -- I don't know. The first one and last one -- is -- you know.

Member Sebald stated, that's what I heard. They are only taking three down, not all five. Okay.

Chairman Williamson opened the hearing to public comment. Hearing none, he closed that portion and entertained board discussion and/or a motion.

**MOTION:**

**Member Sebald moved to deny the request by Ramesh and Nitaben Patel, Application No. 2012-TREE-04, to appeal staff's denial of an arbor permit related to the removal of five (5) Laurel Oak trees located at 824 Blairmont**

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Lane (Reserve at Lake Mary), Lake Mary, Florida 32746. Member Boardman seconded the motion.

Chairman Williamson requested a roll-call vote on the motion, which was taken as follows:

- Vice Chairman Swinski - Yes
- Member Sebald - Yes
- Member Boardman - Yes
- Chairman Williamson - Yes

The motion carried unanimously 4-0.

It is noted that Chairman Williamson informed Ms. Patel that she has the right to appeal the Board's decision to the City Commission; that to appeal to the City Commission, she must do so in writing within 30 days from the date of this decision. Also, Mr. Schindler informed Ms. Patel that he would be mailing her the decision of tonight's hearing and what avenues are open to her.

V. Adjournment

The meeting was adjourned at 6:49 p.m.

\_\_\_\_\_  
Danny Williamson, Chairman

\_\_\_\_\_  
Diana T. Adams, Administrative Secretary



QUASI-JUDICIAL SIGN-IN SHEET

9/10, 2012  
City Tree Bd. MEETING  
(please print)

Name \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

Item of Interest \_\_\_\_\_

Name \_\_\_\_\_ Phone No. \_\_\_\_\_

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Name \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_

Item of Interest \_\_\_\_\_



## **MEMORANDUM**

DATE: November 1, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Bryan Nipe, Parks & Recreation Director

SUBJECT: Ordinance No. 1474 - Amending Section 30.81 of the Code of Ordinances reducing the membership of the Historical Commission from 9 members to 7 - First Reading (Public Hearing) (Bryan Nipe, Parks & Recreation Director)

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At their October 9, 2012, meeting, the Historical Commission voted to recommend that the City Commission amend the Code of Ordinances to reduce the membership of their board from 9 members to 7. Currently, they have two vacancies and by reducing the membership, they would have a full board.

RECOMMENDATION: The Commission adopt Ordinance No. 1474 reducing the membership of the Historical Commission to 7 members.

ORDINANCE NO. 1474

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING SECTION 30.81 OF THE CODE OF ORDINANCES, DECREASING THE NUMBER OF MEMBERS ON THE HISTORICAL COMMISSION FROM 9 TO 7; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Lake Mary Historical Commission currently consists of 9 members, 7 of whom shall be appointed by the City Commission and 2 of whom shall be appointed by the Historical Commission; and

WHEREAS, at their meeting held on October 9, 2012, the Historical Commission voted to recommend that the City Commission adopt an Ordinance decreasing the number of members from 9 to 7 members.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY, FLORIDA, AS FOLLOWS:

Section 1. Section 30.81 of the Code of Ordinances is amended as follows:

30.81 MEMBERSHIP.

The Historical Commission shall consist of 9 7 members, ~~7~~ 5 of whom shall be appointed by and serve at the pleasure of the Mayor and City Commission. Two members shall be appointed by the Historical Commission and ratified by the Mayor and City Commission. All appointments/reappointments shall be for a three year term.

- (A) - no change
- (B) - no change
- (C) - no change
- (D) - no change
- (E) - no change

Section 2. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

Section 3. Severability: If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination

shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 4. This Ordinance shall be effective immediately upon passage and adoption.

FIRST READING: November 1, 2012

SECOND READING: November 15, 2012

CITY OF LAKE MARY, FLORIDA

\_\_\_\_\_  
MAYOR, DAVID J. MEALOR

ATTEST:

\_\_\_\_\_  
CITY CLERK, CAROL A. FOSTER

For the use and reliance of the City of Lake Mary only. Approved as to form and legality.

\_\_\_\_\_  
CITY ATTORNEY, CATHERINE D. REISCHMANN



## **CITY MANAGER'S REPORT**

DATE: November 1, 2012  
TO: City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: City Manager's Report

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### **ITEMS FOR COMMISSION ACTION:**

1. Canceling January 3, 2013 meeting.



## **CITY MANAGER'S REPORT**

DATE: November 1, 2012  
TO: City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: Canceling January 3, 2013 meeting.

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As has been our past practice, we traditionally cancel the first meeting in January because of vacations, etc. I would ask that you again do that for the January 3, 2013, meeting.

### **RECOMMENDATION:**

Request Commission cancel the January 3, 2013, City Commission meeting.