



## **LAKE MARY CITY COMMISSION**

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

**Regular Meeting  
AGENDA**

**THURSDAY, DECEMBER 20, 2012 7:00 PM**

- 1. Call to Order**
- 2. Moment Of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: December 6, 2012**
- 6. Special Presentations**
- 7. Unfinished Business**
  - A. Ordinance No. 1477 - Request for the Second Amendment to Fourth Amended and Restated Commitments, Classification and District Description for Colonial Center Heathrow Planned Unit Development - First Reading (Public Hearing) (Steve Noto, Planner)**

**B. Ordinance No. 1475 - Amendments to Section 154.09 (Definitions), 154.65 M-1A (Office and Light Industrial Zoning District), Section 154.66, M-2A (Industrial District) and creation of Section 154.20, Pill Mills - First Reading (Public Hearing) (Gary Schindler, City Planner)**

**C. Ordinance No. 1476 - Amendment to Section 155, Appendix I, related to temporary signs and ground signs within the Downtown portion of the Gateway Corridor (Lake Mary Boulevard) - First Reading (Public Hearing) (Gary Schindler, City Planner)**

**D. Ordinance No. 1478 - Amendment to Section 30.41 regarding notices for Code Enforcement violations - First Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer)**

**8. New Business**

**A. Resolution No. 912 - Pay and Classification Plan**

**B. Resolution No. 913 - Amending FY 2013 Budget to purchase K-9 from Law Enforcement Trust Fund**

**9. Other Items for Commission Action**

**10. Citizen Participation**

**11. City Manager's Report**

**A. Items for Approval**

**a. Janitorial services one-year contract extension.**

**b. Mutual Aid Agreement with Orange County Sheriff's Office.**

**B. Items for Information**

**a. Parks & Recreation update.**

**b. Monthly Department Reports.**

**12. Mayor and Commissioners Report**

**13. City Attorney's Report**

**A. Update on purchase of Harriet Mixon's property**

#### **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: January 17, 2013**

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

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 24<sup>th</sup> 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 24<sup>th</sup> 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 Meador 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 Meador 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 Meador 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 Meador, Yes.**

41  
42 VIII. New Business

43  
44 Mayor Meador 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 25<sup>th</sup>  
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.

46

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 Mealor 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 surplus 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 8<sup>th</sup> and 15<sup>th</sup>) beginning at approximately 8:30 A.M. The route is  
3 posted on our website [www.lakemaryfl.com](http://www.lakemaryfl.com).

4  
5 Ms. Sova reminded everyone the annual Benefits Fair is next Thursday, December 13<sup>th</sup>,  
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 20<sup>th</sup>.

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 11<sup>th</sup> 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 Meador 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 2<sup>nd</sup> 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 15<sup>th</sup>.

40  
41 Commissioner Plank said on December 3<sup>rd</sup> 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 10<sup>th</sup>). 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. Mealor, Mayor

\_\_\_\_\_

Mary Campbell, Deputy City Clerk

23  
24  
25 ATTEST:

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



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Steve Noto

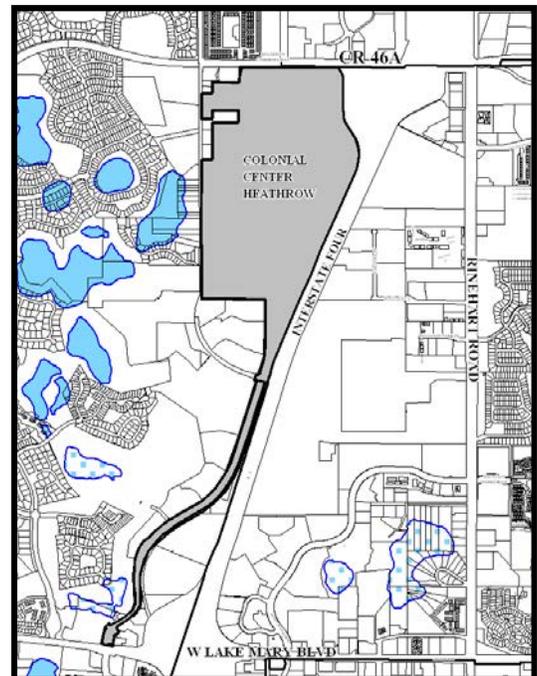
SUBJECT: Ordinance No. 1477 - Request for the Second Amendment to Fourth Amended and Restated Commitments, Classification and District Description for Colonial Center Heathrow Planned Unit Development - First Reading (Public Hearing) (Steve Noto, Planner)

**REFERENCE:** City Code of Ordinances and Comprehensive Plan, Fourth Amended and Restated Commitments, Classification and District Description, for Colonial Center Heathrow (CCH).

### **DISCUSSION:**

**Location:** The subject property is located west of I-4, east of Banana Lake Road, south of CR 46A and north of Lake Mary Boulevard.

**Site Description:** The CCH DRI (f.k.a. Heathrow International Business Center - HIBC) is a Development of Regional Impact (DRI) that is within the jurisdiction of both the City of Lake Mary and Seminole County. There is a total of +/- 436 acres within the DRI. Of this total, +/- 239 acres are within the City of Lake Mary and +/- 159 acres are within unincorporated Seminole County.



**Background:** The chronology of the CCH DRI is as follows:

October 20, 1988 – Original Development Order was adopted and recorded in Official Records Book 20120, Page 0623 of the Public Records of Seminole County, Florida.

October 10, 1989 – The First Amendment to the Development Order was approved and executed on December 21, 1989 and recorded in Official Records Book 2139, Page 1994. This was determined to be a non-substantial deviation.

August 5, 1993 – The Second Amendment to the Development Order was approved and executed on August 11, 1993 and recorded in Official Records Book 2679, Page 1080. This amendment was determined to be a non-substantial deviation.

April 20, 1995 – The Third Amendment to the Development Order was approved and executed on May 4, 1995 and recorded in Official Records Book 2913, Page 1484. This amendment was determined to be a non-substantial deviation.

October 3, 1996 – The First Amended and Restated Development Order was approved and executed on October 17, 1996 and recorded in Official Records Book 3153, Page 1589. This change was deemed a non-substantial deviation.

May 6, 1999 – The Second Amended and Restated Development Order was approved and executed on July 1, 1999 and recorded in Official Records Book 3721, Page 1691. This change was deemed to be a non-substantial deviation.

December 22, 2000 – The Third Amended and Restated Development Order was approved and executed on June 21, 2001 and recorded in Official Records Book 4113. The Third Amended and Restated Development Order added 39.6 acres and 268 multi-family residential units to the DRI (Tract “Q”). The Third Amended and Restated Development Order was deemed a non-substantial deviation.

October 16, 2003 – The First Amendment to the Third Amended and Restated Development Order was approved and executed on October 16, 2003 and recorded in the Official Records Book 5095, Page 1489. This amendment added a community college facility for 860 students and increased the office square footage by 14,000 square feet within the Seminole County portion of the DRI. This amendment was deemed to be a non-substantial deviation.

On March 16, 2006, the City of Lake Mary annexed +/- 46.3 acres, incorporating Tracts O, P and a portion of Tract N.

May 3, 2007, the City Commission approved the Second Amendment to the Third Amended and Restated Development Order. In addition to revising the name from Heathrow International Business Center to Colonial Center Heathrow, this amendment added 302 multi-family units to the Lake Mary portion of the DRI while decreasing the office square footage to 2,827,000 square feet, transferred office square footage entitlements from Seminole County to Lake Mary to compensate for the annexation of 46 acres into Lake Mary and changed the designation of several tracts from office to multi-family.

On August 27, 2010, the City Commission approved the First Amendment to the Pre-Annexation Agreement. The amendment designated “Community A” as a 232 unit multi-family rental community, in lieu of a fee-simple multi-family community.

On October 26, 2010, the City Commission approved the Fourth Amendment to the Third Amended and Restated Development Order Colonial Center Heathrow

On September 22, 2011, the City Commission approved the Second Amendment to the Pre-Annexation Agreement. The amendment designated "Community B" as a 108 unit multi-family rental community, in lieu of a fee-simple multi-family community.

On June 2, 2011, the City Commission approved the Fourth Amended and Restated Commitments, Classification and District Description Colonial Center Heathrow.

On November 17, 2011, the City Commission approved the First Amendment to the Fourth Amended and Restated Commitments, Classification and District Description Colonial Center Heathrow.

**Proposed Revisions:** The applicant is proposing changes to the CCH PUD for purposes of developing Colonial Grand at Lake Mary Phase 3; a 132 unit multi-family rental community. In the recent past, the PUD was amended to create development standards for Phase 1 and 2. That said, the revisions in this instance are minor, and are as follows:

**Page 2: Section III, Land Use Table, Table III-1** Decreasing the amount of Office square footage from 2,756,000 to 2,681,000; increasing the number of Multifamily units from 653 to 785. Decreasing the TOTAL Office square footage from 2,870,000 to 2,795,000; increasing the TOTAL Multifamily units from 653 to 785.

**Page 3: Section III, Land Use Table, Table III-2:** Decreasing the amount of Office square footage from 2,187,551 to 2,112,551; increasing the number of Multifamily units from 340 to 472. Decreasing the TOTAL Office square footage from 2,277,551 to 2,202,551; increasing the TOTAL Multifamily units from 340 to 472.

**Page 10: Section VI, C:** Allowing six (6) wide sidewalks to be used as wheel-stops, and not meet a one and one-half (1.5) foot setback requirement; but leaving a minimum 44" wide travel way to provide for ADA accessibility.

At the time of City Commission packet preparation, the applicant committed to making a voluntary contribution of \$50,000 to the City's Parks and Open Space fund.

**COMPREHENSIVE PLAN AMENDMENT & NOPC:** Concurrent with this application, the applicant is requesting an amendment to the DRI, and to the City's Comprehensive Plan. The DRI amendment allows for additional residential units while decreasing total amount of office space and the Comprehensive Plan amendment allows for additional residential units within the HIP-TI land use designation.

**STAFF FINDINGS OF FACT:** Staff finds the PUD for the CCH DRI is in compliance with the Florida Administrative Code, Florida Statutes, City of Lake Mary Comprehensive Plan and the Code of Ordinances and recommends approval.

**PLANNING AND ZONING BOARD:** At their regular September 25, 2012, meeting, the Planning and Zoning Board unanimously recommended approval, 5-0, for the proposed Second Amendment to Fourth Amended and Restated Commitments, Classification and District Description Colonial Center Heathrow (Formerly Heathrow International Business Center) Planned Unit Development.

**ATTACHMENTS:**

Ordinance No. 1477

Proposed "First Amendment to Fourth Amended and Restated Commitments, Classification and District Description Colonial Center Heathrow (Formerly Heathrow International Business Center) Planned Unit Development" strike-thru/underline version

Location Map

Zoning Map

Future Land Use Map

September 25, 2012 Planning & Zoning Board Minutes

Z:\commdev\staff reports\PUD\2012-RZ-02 CCH PUD Amend CC.doc

**ORDINANCE NO. 1477**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING ORDINANCE NO. 399, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 811, ORDINANCE NO. 924, ORDINANCE NO. 1020, ORDINANCE 1106, ORDINANCE 1249, ORDINANCE 1422, AND ORDINANCE 1447 PROVIDING FOR THE FOURTH AMENDED AND RESTATED COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION FOR COLONIAL CENTER HEATHROW (CCH) PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.**

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

Section 1. Short Title. This Ordinance shall be known as and may be referred to as the Second Amendment to the Fourth Amended and Restated Commitments, Classification and District Description for the Colonial Center Heathrow Planned Unit Development (PUD).

Section 2. Legislative Intent. In adopting this Ordinance, the City Commission makes the following findings of fact and declares the following legislative intent:

(1) James Johnston of Shutts and Bowen, authorized representative for Colonial Realty Limited (hereinafter "Owner") filed an application to amend the Planned Unit Development District called Colonial Center Heathrow, pursuant to the Land Development Code of the City of Lake Mary for real property located in the City of Lake Mary, Florida and Seminole County, Florida, more particularly described in Exhibit "A" attached to and incorporated in this Ordinance and hereafter referred to as the "Property".

(2) The Owner has represented to the City that it is the owner of and has the authority to file an Application for an Amendment to the Planned Unit Development District with respect to the Property and bind the Property to the changes set forth below.

(3) All public hearings as required by law have been duly noticed and held.

Section 3. Amendment to Colonial Center Heathrow PUD District (FKA Heathrow International Business Center). The City hereby amends the Colonial Center Heathrow PUD District as described in Attachment "A"

Section 4. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

Section 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

First Reading: December 6, 2012

Second Reading: December 20, 2012

**PASSED AND ADOPTED** this 20<sup>th</sup> day of December 2012.

ATTEST:

---

Carol A. Foster, City Clerk

---

David J. Mealor, Mayor

CITY OF LAKE MARY, FLORIDA

FOR THE USE AND RELIANCE OF THE  
CITY OF LAKE MARY ONLY.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

---

CATHERINE REISCHMANN, CITY ATTORNEY

## EXHIBIT "A"

### SECOND AMENDMENT TO FOURTH AMENDED AND RESTATED COMMITMENTS, CLASSIFICATION AND DISTRICT DESCRIPTION COLONIAL CENTER HEATHROW (FORMERLY HEATHROW INTERNATIONAL BUSINESS CENTER) PLANNED UNIT DEVELOPMENT

On June 2, 2011, the City adopted the Fourth Amended and Restated Commitments, Classification and District Description for the Colonial Center Heathrow Planned Unit Development (the "CCH PUD"), as recorded at Official Records Book 7582, Page 705, Public Records of Seminole County, Florida.

On November 17, 2011, the City adopted the First Amendment to Fourth Amended and Restated Commitments, Classification and District Description for the CCH PUD, as recorded at Official Records Book 7669, Page 1930, Public Records of Seminole County, Florida.

Colonial Realty Limited Partnership ("Colonial") owns or controls certain property within the CCH PUD, as described in the attached **Exhibit "A"** (the "Property").

Colonial desires to modify the Fourth Amended and Restated Commitments, Classification and District Description for CCH, as amended, to allow it to develop 132 multifamily rental units on the Property.

Therefore, the Fourth Amended and Restated Commitments, Classification and District Description for CCH, as amended, is hereby further amended as follows:

1. **Section III. LAND USE TABLE** is hereby amended as follows:

#### III. LAND USE TABLE

Table III-1

#### COLONIAL CENTER HEATHROW LAND USE DATA

#### **Lake Mary and Seminole County PUD Development Program**

<u>Land Use Classification</u>	<u>Acres</u>	<u>Square Feet</u>	<u>Units</u>	<u>Rooms</u>	<u>Students</u>
Office <sup>1</sup>	150.7	<b>2,756,000</b>			
		<b><u>2,681,000</u></b>			
College/University					860 <sup>2</sup>
Retail/Commercial	38.2	90,000			
Hotel				429	
Day Care	1.8	24,000			
Multifamily	55.6		<b>653</b>		
			<b><u>785</u></b>		
Parks:					
Urban Park	9.1				
Linear Park	7.0				
Open Space/Retention/Lakes	84.6 <sup>3</sup>				
Right-of-Way	26.49				
Sub Total	373.49				
Right-of-way Tract M	25.11				
TOTAL	398.6	<b>2,870,000</b>	<b>653</b>	429	860
		<b><u>2,795,000</u></b>	<b><u>785</u></b>		

- 1 Office use includes Support Retail/Commercial uses and Campus Office use. 14,000 square feet of office is allotted to the parcel owned by Seminole Community College.
- 2 Trip generation potential for 860 students is equivalent to that which would be generated by approximately an 80,000 square foot education facility.
- 3 Includes lift station easement on Tract B.

Table III-2

**COLONIAL CENTER HEATHROW  
LAND USE DATA**

**Lake Mary PUD Development Program**

<u>Land Use Classification</u>	<u>Acres</u>	<u>Square Feet</u>	<u>Units</u>	<u>Rooms</u>
Office <sup>1</sup>	81.3	<b><u>2,187,551</u></b>		
		<b><u>2,112,551</u></b>		
Retail/Commercial	38.2	90,000		
Hotel				429
Multifamily	26.2		<b>340</b>	
			<b><u>472</u></b>	
Parks				
Urban Park	9.1			
Linear Park	5.1			
Open Space/Retention/Lakes	59.4 <sup>2</sup>			
Right-of-Way	20.19			
TOTAL	239.49	<b><u>2,277,551</u></b>	<b>340</b>	429
		<b><u>2,202,551</u></b>	<b><u>472</u></b>	

- 1 Office use includes Support Retail/Commercial uses and Campus Office use. 14,000 square feet of office is allotted to the parcel owned by Seminole Community College.
- 2 Includes lift station easement on Tract B.

2. **Section IV. BUILDING AND LOT INFORMATION** is hereby amended as follows:

**IV. BUILDING AND LOT INFORMATION**

**Office, Support Retail/Commercial, Retail/Commercial, Hotel and Recreational:** Building restrictions and criteria for development of office, support retail/commercial, retail/commercial, hotel, and recreational development within the Colonial Center Heathrow (CCH) Property, are set forth in this subsection. All other building restrictions and criteria for office, support retail/commercial, retail/commercial, hotel, and recreational development within the CCH Property shall be in accordance with the requirements of the City of Lake Mary Code, in effect as of the date of this Agreement, except in the event of a conflict between the City of Lake Mary Code ("City Code") and the terms of this Agreement in which event this Agreement shall control. All facilities constructed on the CCH Property shall either be platted or receive

complete site plan review, as appropriate, in accordance with the provisions of the City Code and this Agreement.

Minimum building Setbacks<sup>1</sup>

<u>Tract</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
D	25'	10'	(See Note 2)
E	25'	10'	10'
F	25'	10'	10'
G	25'	10'	10'
H	25'	10'	10'
I	25'	10'	10'
K <sup>3</sup>	25'	10'	10'
L <sup>4</sup>	25'	10'	10'

- 1 Canopies or porte-cocheres shall be no closer than 5' from the paving setback line or 30' from CR 46-A right-of-way line, as applicable.
- 2 The minimum rear yard building setback required on Tract D is 200 feet from the western boundary of the DRI; elsewhere on Tract D, minimum rear yard setbacks are 10 feet.
- 3 50 feet from I-4 right-of-way.
- 4 55 feet from CR 46A.

Paving Setbacks

<u>From</u>	<u>Distance</u>
CR 46-A R-O-W	25'
I-4 R-O-W	15'
International Parkway	
West R-O-W	15'
East R-O-W	45' <sup>1</sup>
Business Center Drive R-O-W	15'
Heathrow Park Lane R-O-W	15'
Side Lot Line	10'
Tracts G and I adjacent to Tract H	5'
Retention Ponds	10' <sup>2</sup>

- 1 5' from Recreational Trail right-of way.
- 2 Buildings adjacent to retention lakes may incorporate "0" setback for up to 10% of the total parcel linear lake frontage for amenity features.

Maximum Building Height

<u>Tract</u>	<u>Maximum Height<sup>1</sup></u>
D	<sub>2</sub>

E	70 feet
F	70 feet
G	35 feet
H	35 feet
I	35 feet
K	70 feet
L	35 feet for retail/commercial use 70 feet for office buildings 100 feet for hotel use

- 1 The building height shall be defined as the measurement from the average grade of the first floor to the roofline. This measurement shall not include elevator shafts, roof mounted equipment, parapets used in screening roof mounted equipment, nor atrium features, provided such atrium shall not exceed 15% of the roof area.
- 2 35 feet within 200 feet of the Buffer Tract (or 400 feet from the CCH property line), then 45 feet for the remainder of the Tract.

If more than one parcel within a tract depicted on the CCH Master Plan are to be developed as a unified development plan, whether under single ownership or multiple ownership, said unified development plan shall not be required to adhere to the following minimum requirements from common interior property lines:

- Building setbacks
- Paving setbacks
- Landscape buffer yards
- Lighting setbacks

Where the unified development plan, taken as a whole, meets open space and parking requirements, each individual parcel within that unified development plan shall not have to separately meet the minimum open space and parking requirements.

A unified development plan shall include, but not be limited to the following master planned elements:

- Site design
- Stormwater system
- Landscaping
- Irrigation
- Parking
- Traffic circulation
- Pedestrian circulation
- Open space requirements
- Impervious surface area requirements
- Utilities
- Signage plan

- Site lighting
- Solid waste coordination
- Health and life safety concerns

**Engineering Requirements:** Development in accordance with the following Engineering criteria:

- A. Site Plans. Prior to the approval of any site development, the applicable tract shall be submitted as part of the site plan in accordance with the City's Site Plan Regulations. Site development and building construction will be allowed prior to platting and prior to the construction of necessary infrastructure; provided an agreement between the City and the Developer is executed which addresses the time frame for building construction and conditions issuance of the certificate of occupancy on completion of the necessary infrastructure, including but not limited to paved access, water, wastewater and stormwater facilities.
- B. Protection of Existing Riparian Rights and Lake Levels. The Developer acknowledges that it intends to take all reasonable steps in order to protect existing riparian rights and lake levels established by the St. Johns River Water Management District ("SJRWMD") in the design, construction, and operation of its stormwater facilities in accordance with the Project permitting. Upon the date of filing of any applications or requests for any governmental permit or approval related to the stormwater system, the Developer agrees to send written notice to the City of Lake Mary and hereby waives any objection to the City as an interested party and any such proceeding in which the City elects to participate or object. The Developer also agrees to comply with all applicable federal, state and local laws, rules regulations and requirements applicable to the design, construction, and operation of its stormwater facilities.

**Multifamily:** Building restrictions and criteria for multifamily developments in CCH ("Multifamily Developments") are set forth below.<sup>1</sup> All other building restrictions and criteria for the Multifamily Developments shall be in accordance with the requirements of the Land Development Code of the City of Lake Mary, in effect as of the date of this Agreement, except in the event of a conflict between the Land Development Code and the terms of this Agreement, in which event this Agreement shall control. The City and the Developer agree that all facilities constructed in the Multifamily Developments shall either be platted or receive complete site plan review, as appropriate, in accordance with the provisions of the Land Development Code and this Agreement.

#### **Minimum Building Setbacks**

10' building separation

---

<sup>1</sup> "Multifamily Developments" collectively includes the Colonial Grand at Lake Mary Phase II and Phase III multifamily rental developments on a portion of Tract D ("Tract D Multifamily Developments") and the multifamily rental development located on Tract E, Tract O and a portion of Tract P (the "Colonial Multifamily Development").

10' building setback from multifamily property line

2' Pavement Setback

**Open Space**

25 % minimum open space is permitted, including sidewalks

80 % maximum impervious permitted

**Hotel On Tract L:** Building restrictions and criteria for development for the hotel to be developed on Tract L are set forth below. All other building restrictions and criteria for the hotel to be developed on Tract L shall be in accordance with the requirements of the Land Development Code of the City of Lake Mary, in effect as of the date of this Agreement, except in the event of a conflict between the Land Development Code and the terms of this Agreement, in which event this Agreement shall control.

**Water Conservation Measures**

**Guest Rooms:**

- A linen reuse program consisting of info cards to guest notifying policy to wash linens less often (every 3 days) unless requested and instructing to place dirty towels on the floor.

- Low flow water closets ( 1.6 gallons ).
- Low flow shower heads ( 2.5 gal. per minute)
- Aerators on vanity sinks to restrict water flow.

**Kitchen:**

- Low flow dish washer.
- Water efficient ice machines.

**Swimming Pool:**

- Water saving pool filters.
- Recycle water feature water.
- Cistern / roof water collection system for water feature and pool (if acceptable to the Health Department) make up water.

**Landscaping Areas:**

- Xeriscape ( drought tolerant plants) landscaping .
- Focused irrigation to limit spray to parking lots and walks.
- Use automatic rain shut off device on irrigation system.
- Use drip type irrigation heads where applicable.
- Use reuse water for irrigation in all areas except at the pool and front door.

**Public Areas:**

- low volume urinals ( 1 gal per flush)

3. **Section VI. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM** is hereby amended as follows:

**VI. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM**

**Sidewalks:** The CCH development shall provide a system of sidewalks along all roadways to interconnect the uses within the Project to accommodate and encourage pedestrian movement. Sidewalks along the International Parkway and Recreational Trail right-of-way shall be provided in accordance with the Development Agreement Regarding International Parkway and Recreational Trail dated September 19, 1996, and recorded at OR Book 3137, Page 0769 of the Public Records of Seminole County, Florida (the "International Parkway Agreement"). Except as otherwise provided in the International Parkway Agreement, sidewalks shall be constructed in conjunction with the development of each site along all public and private roadways under a design which will provide a continuous interconnecting system; sidewalks shall be constructed adjacent to common tracts in conjunction with road development.

**Office Parking Requirements:** Parking within the office tracts at CCH will be provided at a rate to meet market demand but shall be a minimum of 1 space per 300 square feet of gross floor area. Support retail/commercial uses, i.e., snack shops, sundries, restaurants, etc., contained within office tracts are intended for the primary use of the CCH tenants and therefore shall be calculated for parking demand at a minimum rate of 1 space per 300 square feet of gross floor area. Construction of some of the required spaces may be deferred in accordance with the Deferred Parking provisions of the City Code.

**Retail/Commercial and Support Retail/Commercial Parking Requirements:** Parking within the retail/commercial and support retail/commercial tracts at CCH will be provided at a rate to meet market demand but shall be a minimum of one space per 250 square feet of gross floor area. Hotel/motel parking shall be provided at a rate to meet market demand but shall be a minimum rate of 1 space per room. Parking for support retail/commercial shall be provided at a rate to meet market demand and may take into consideration pedestrian activity within the Project to reduce the amount of on-site parking and to encourage pedestrian use. Construction of

some of the required spaces may be deferred in accordance with the Deferred Parking provisions of the City Code.

**Multifamily Parking Requirements:** The Multifamily Developments will provide at least two parking spaces per rental unit, in that providing more paved parking will reduce opportunities to preserve existing trees and reduce landscaped open space. No tandem garages shall be permitted in the Multifamily Developments.

**Other Uses:** Parking requirements for other uses shall be in accordance with the City Code and determined during site plan review.

**Parking Location:** Structured parking, as well as surface lots, will be allowed within CCH. It is also anticipated that there will be circumstances where conventional location of parking within immediate proximity to a building will not be desirable to the function or appearance of the development or special event. Where this circumstance occurs, remote parking (i.e., not located on the same lot or tract) shall be allowed in CCH for special events (tennis tournaments, golf tournaments, art shows, outdoor concerts, festivals, etc.) or buildings, subject to City of Lake Mary approval and provided that a pedestrian system connects the remote parking to the event or building, or that bus or other transit service is provided to and from the remote parking.

**Shared Parking:** The CCH development is intended to provide a mix of complimentary land uses. As a result, conditions may exist where parking demands may occur at non-conflicting periods of the day or night. The Developer may consider use of shared parking subject to City approval.

**Off-Street Loading and Unloading:** There will be circumstances where conventional loading and unloading areas will not be desirable to the function or appearance of a development within CCH. Where this circumstance occurs, flexibility will be allowed in the location of loading or unloading space provided that no motor truck, tractor or trailer shall block access of emergency services to a building. Off-street loading and unloading areas will be provided in accordance with City Code.

**On-Street Parking:** On street parking will be permitted on the roadways immediately adjacent to the Multifamily Developments, excluding International Parkway.

**Off-Street Parking Design:** It is the intent of CCH that parking areas are to be consistent with the overall quality of development. To accomplish this goal, the following design standards allow CCH to reduce pavement area while increasing landscape and pedestrian opportunities.

- A. The minimum width of two-way aisle pavement shall be twenty (20) feet, not including curbs and gutter. The minimum width of one-way aisle pavement shall be consistent with City Code.
- B. Stalls for parking ninety degrees (90°) to centerline of aisle shall be a minimum of eighteen (18) feet deep by nine (9) feet wide. The 18 foot dimension may be reduced by up to 1.5 feet for overhang on peripheral spaces or spaces facing an island or median. Parallel parking stalls shall be a minimum of eight (8) feet by twenty-two (22) feet. Parking stalls for handicapped, where required, shall be designed to meet adopted City,

state and federal handicapped parking requirements. Parking stall dimensions and aisle width for parking other than perpendicular shall be determined at site plan review.

- C. Where required, sidewalks shall be located no closer than one and one-half (1.5) feet from the face of curb or wheelstop, or as required for roadway clear zone. Curbed sidewalks that are a minimum of six and one-half (6.5) feet in width to satisfy handicapped accessibility standards may be used as a wheelstop, and not meet the above one and one-half (1.5) foot setback requirement, **except in the Multifamily Developments curbed sidewalks that are a minimum of six (6) feet in width to satisfy handicapped accessibility standards by leaving a minimum forty-four inch (44") wide pedestrian travel way may be used as a wheelstop, and not meet the above one and one-half (1.5) foot setback requirement.**
- D. All plantings six (6) inches or higher shall be restricted to areas a minimum of two (2) feet back from the face of curb where adjacent parking stalls are less than twenty (20) feet deep.
- E. Compact spaces shall be 8' wide by 18' deep. Not more than 30% of the total parking spaces in office and campus office tracts shall be compact spaces. Not more than 10% of the total parking spaces in multifamily tracts shall be compact spaces. Compact spaces shall be appropriately signed and striped to identify them as compact spaces.
- F. The minimum materials thickness and types shall be the same as included in the **Street Design** section of this Agreement.

**Street Design:** It is the intent of CCH to provide a system of streets and boulevards to accommodate vehicular and pedestrian movement within and through the development. The street and boulevard system shall be designed in accordance with FDOT and City of Lake Mary Design Standards and shall be subject to the approval of the City of Lake Mary. The following design standards shall not apply to International Parkway and the Recreational Trail, which shall be governed instead by the International Parkway Agreement, as recorded in the public records of Seminole County.

- G. Pavement section for roadways to be dedicated as public streets shall meet the City's geometric and structural requirements.
- H. Pavement sections for private roads shall be 12-inch stabilized subbase to 75 psi. Florida Bearing Value (FBV), 8-inch limerock or soil cement base course and 1 1/2-inch (1/4-inch  $\pm$  tolerance) type S-1 or S-3 asphaltic concrete surface course. Decorative pavement surfaces of equivalent section strength and durability parameters shall be permitted.
- I. The minimum cross slope shall be 1/4-inch vertical per 1-foot horizontal (2%).
- J. Curb and gutter shall be Portland Cement concrete, standard curb and gutter, median curb, or spill type. Where appropriate, and within development sites only, the function of the curb may be performed by edge of sidewalk adjacent to pavement. There will be a 5' minimum radius on curbing.

- K. The maximum side slope to grade shall be no steeper than 1-foot vertical to 3 feet horizontal (3:1) with 1-foot vertical to 4 feet horizontal (4:1) being desirable in most circumstances. Decorative retaining walls not higher than seven (7) feet measured from the top of curb shall be allowed if located no closer to back of curb than 4 feet measured horizontally, or as required by roadway clear zone requirements or sight distance (safety) requirements. Retaining walls shall be constructed of materials consistent with the City Code, and FDOT Green Book standards.
- L. Consistent with Green Book standards, a minimum width of 3 feet back of curb shall be maintained clear of all trees or shrubs 2 feet or higher. Trees beyond the 3 feet limit shall be selectively cleared, where necessary, for utilities, sidewalk and driveway purposes. Ground covers and shrubs not higher than 2 feet shall be allowed in areas less than 3 feet from curb. Roadway and intersection sight distance requirements may dictate need for additional clearing and/or appropriate location of planted landscaping.
- M. Sidewalks may meander within roadway tracts and into adjacent lots on which a sidewalk easement (to be dedicated at time of site plan) exists. Sidewalks are to be a minimum of 4 feet wide and 4 inches thick. Sidewalks to be concrete or equivalent durable decorative pavement.
- N. The pavement width shall be a minimum of 10 feet, exclusive of curbs and gutters, for each traveled lane on all roadways.
- O. Landscaping less than 2 feet high above the curb shall be allowed in the recovery clear zone. Site amenities over 2 feet high shall be permitted in the divider median, if located over 3 feet back of curb, and where they do not interfere with sight distances or clear zone as required by the City of Lake Mary, and FDOT Green Book standards.

**Minimum Roadway Tract and Pavement Widths Exclusive of Required Turn Lanes:**

	ROAD TRACT WIDTH	PAVEMENT WIDTH
	<u>Curb &amp; Gutter</u>	<u>Curb &amp; Gutter</u> <u>Back-to-Curb</u>
Minor Collector	60	28
Local	50	20
Minor	50	24
Cul-de-sac (C.D.S.)	50*	42*

Pavement width on C.D.S. = 20' b-b.

\* Radius

**Roadway Tracts: 25'**

**Alleys: 20'** flush clear zone (two way traffic) including two (2) feet non-paved stabilized

**Alley Tracts: 18'**

Florida State Department of Transportation (FDOT) "Green Book" (Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways) standards shall not apply to any of CCH PUD's internal private roads (including Business Center Drive and Heathrow Park Lane), inasmuch as they are minor, local, and minor collector private roads, and the standards are applicable to major public streets and highways.

Design speed for the CCH interior private minor and local streets shall be 30 mph maximum. For private collector roads within CCH, the design speed shall be 40 mph. Posted speed limits and design limits within specific tracts at CCH may be lower than the 30 mph cited above. Design speed on roadways to be dedicated to the City of Lake Mary as public roadways shall conform to requirements in the City Code.

Roadway classification by usage within CCH shall be as follows:

Minor Collector - International Parkway and Orange Boulevard extended.  
Local or minor streets - all others.

4. **Entire Agreement.** Except as specifically amended hereby, the Fourth Amended and Restated Commitments, Classification and District Description, as amended, shall continue in full force and effect in accordance with its terms.
5. This Second Amendment to the Fourth Amended and Restated Commitments, Classification and District Description shall be effective immediately upon the date of its execution by the last of the parties hereto to execute the same.

ATTEST:

**CITY OF LAKE MARY, FLORIDA**

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

By: \_\_\_\_\_  
David Mealar, Mayor  
Date: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_

Print Name

\_\_\_\_\_

Print Name

\_\_\_\_\_

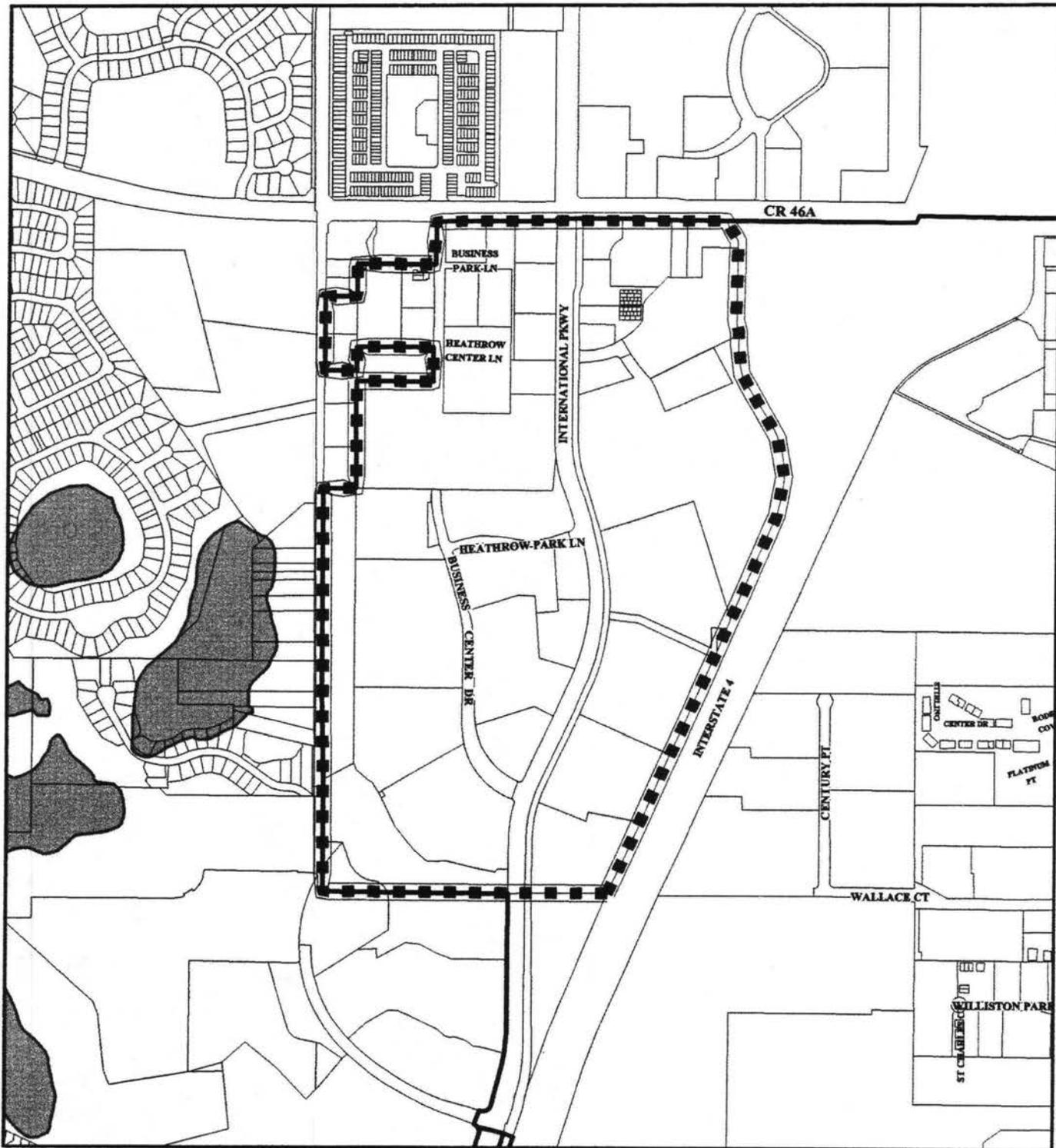
COLONIAL REALTY LIMITED PARTNERSHIP,  
a Delaware limited partnership

By Its General Partner: Colonial Properties Trust  
an Alabama declaration of trust

By: \_\_\_\_\_  
Ed Wright  
Executive Vice President

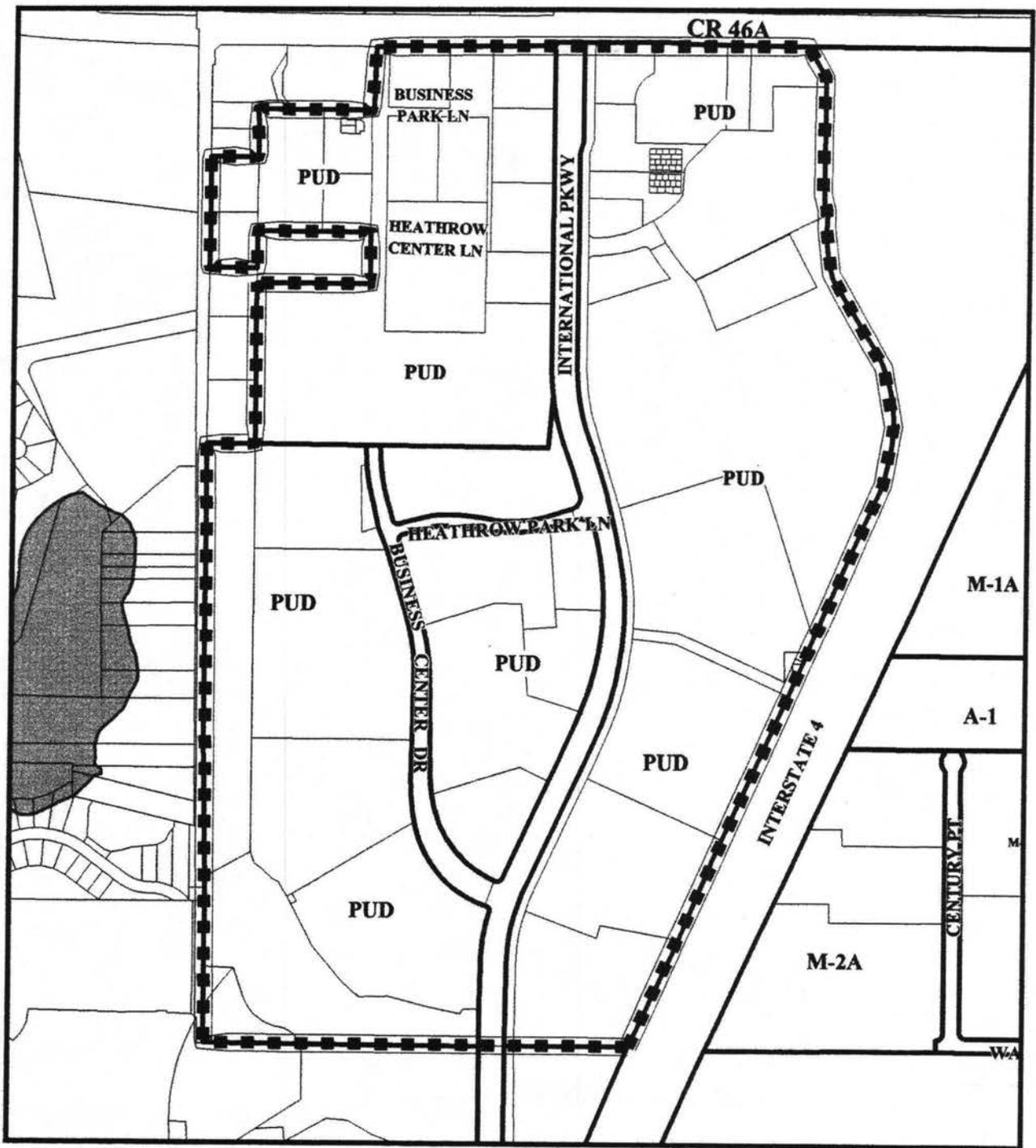
**Exhibit "A"**

**Legal Description  
Colonial Grand at Lake Mary Phase III Property**



## Location Map Colonial PUD



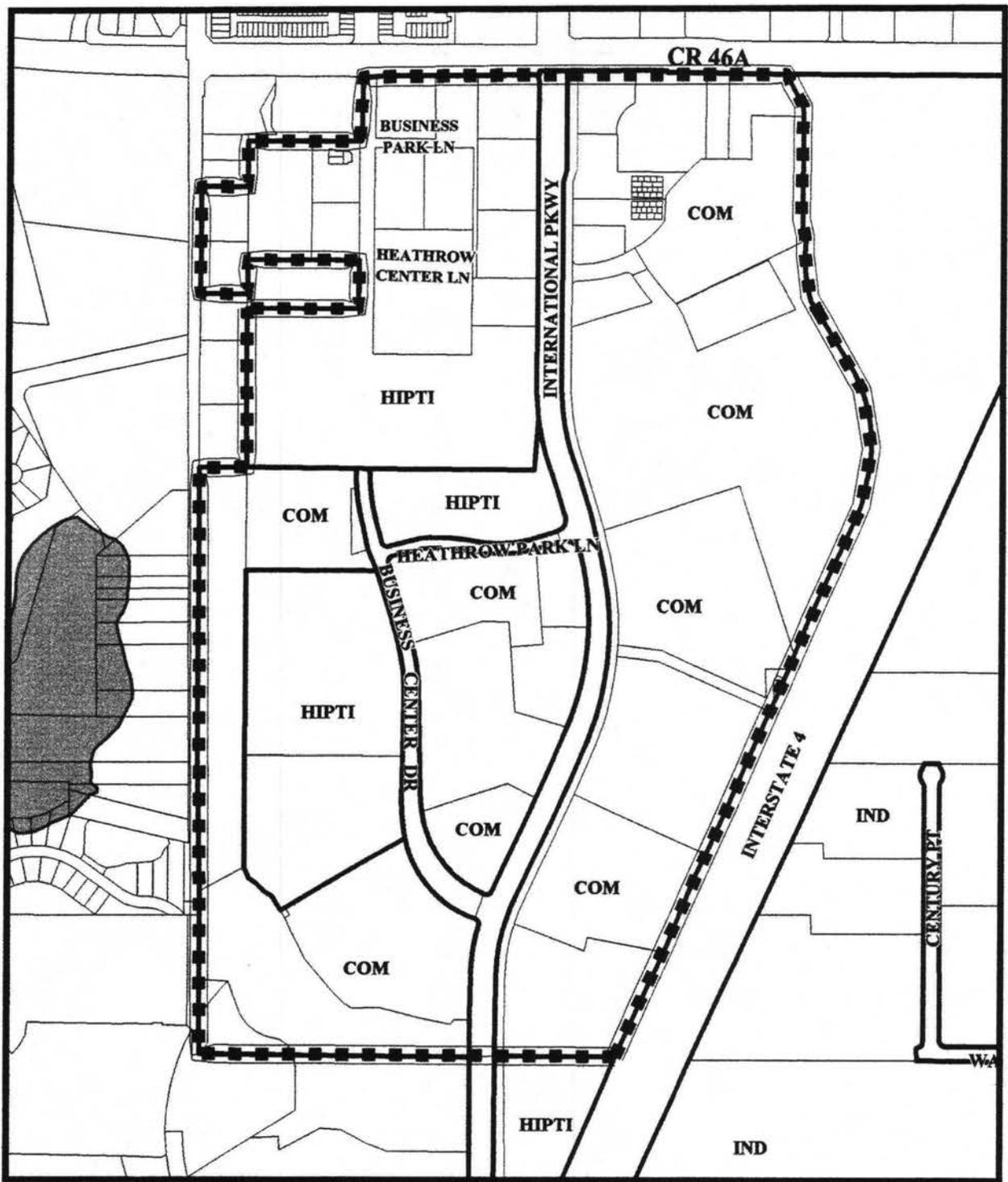


## Zoning Map

### LEGEND

<b>A-1</b> Agriculture	<b>R-1AAA</b> Single Family	<b>PUD</b> Planned Unit Development	<b>M-1A</b> Light Industrial
<b>RCE</b> Rural Country Estate	<b>R-M</b> Residential	<b>PO</b> Professional Office	<b>M-2A</b> Industrial Downtown Center
<b>R-1A</b> Single Family	<b>R-2</b> One & Two Family	<b>C-1</b> General Commercial	<b>DC</b> Downtown Center
<b>R-1AA</b> Single Family	<b>R-3</b> Multiple Family	<b>C-2</b> Commercial	<b>GU</b> Government Use
			<b>SC PUD</b> Sem. Cnty PUD





## Future Land Use Map

<b>RR</b> Rural Residential	<b>OFF</b> Office	<b>PUB</b> Public / Semi-Public Lands
<b>LDR</b> Low Density Residential (Max 2.5 DU / Acre)	<b>RCOM</b> Restricted Commercial	<b>DDD</b> Downtown Development District
<b>LMDR</b> Low / Medium Density Residential (Max 4 DU / Acre)	<b>COM</b> Commercial	<b>REC</b> Recreation
<b>MDR</b> Medium Density Residential (Max 6 DU / Acre)	<b>IND</b> Industrial	<b>SC PD</b> Seminole County PD
<b>HDR</b> High Density Residential (Max 9 DU / Acre)	<b>HIPTI</b> High Intensity Planned Development	



1 VII. New Business

2  
3 A. 2012-NOPC-01: Recommendation to the City Commission for the Sixth  
4 Amendment to the Third Amended and Restated Development Order (DO),  
5 Colonial Center Heathrow (Lake Mary); Applicant: Colonial Properties  
6 Trust/Shutts & Bowen, LLP-James Johnston  
7

8 B. 2012-RZ-12: Recommendation to the City Commission for the Second  
9 Amendment to Fourth Amended and Restated Commitments, Classification and  
10 District Description, Colonial Center Heathrow (formerly Heathrow International  
11 Business Center) Planned Unit Development; Applicant: Mr. James Johnston  
12 (Shutts & Bowen, LLP) for Colonial Realty Limited Partnership  
13

14 Stephen Noto, Planner, presented Items A. and B. simultaneously since they are  
15 related. A colored aerial was on the overhead projector. He said, we have been  
16 here before for almost the exact same thing. This is the third round, and most likely  
17 the last round, of these amendments that will be coming before you for this type of  
18 product. Quick history: Back in 2006 when the City annexed forty-six acres of  
19 property in this area of town, there was a Pre-annexation Agreement that was  
20 entered into that contemplated this property here shown on the overhead  
21 (indicating to overhead projector). Basically, the northeast corner of Heathrow Park  
22 Lane and Business Center Drive was to be developed as a townhome community.  
23 Community A, Community B, which was a segment of the other yellow box, the  
24 southwest corner of Heathrow Park Lane and Business Center Drive, was to be  
25 Community B, another townhome community. Over the last couple of years, the  
26 Applicants have come before you to amend the PUD and the DRI to allow for rental  
27 communities doing simultaneous increase/decrease as permitted through the  
28 Florida Statutes of office space and residential.  
29

30 Mr. Noto stated, the items before you this evening are to add an additional 132  
31 rental units in the PUD and DRI legal portions. Basically, the 132-unit development  
32 (puts conceptual plan on the overhead projector) would be a fill-out of Phase II,  
33 which was previously approved by the Board. That is on the right-hand side of the  
34 paper. Phase III would conceptually be developed as such. That will come before  
35 you as a site plan in the future. As you can see, there would be a straight  
36 connection with Phase II, and it would really end up being developed just like  
37 Phase I right across the street, its own independent clubhouse and other amenities  
38 and such.  
39

40 Mr. Noto said, there is one additional step that the Applicant is having to go through  
41 this time around and that is an amendment to the Comprehensive Plan. Right  
42 around the same time we did the annexation, there was language added to the  
43 Comp. Plan that would have capped the number of residential units in the HIP-TI

1 land use to 340. They maxed that cap out with their approval of Phase II. That  
2 request for amendment went to the LPA last Wednesday and they did recommend  
3 approval to the City Commission.  
4

5 Mr. Noto stated, so, the timing of these four items, the two that are before you this  
6 evening, the Comp. Plan Amendment and the Pre-Annexation Agreement  
7 Amendment will eventually all combine into one at a City Commission meeting later  
8 this year.  
9

10 Mr. Noto concluded his presentation by saying, we have reviewed the NOPC  
11 request and the PUD Amendment request similarly as we did in the past against  
12 the former PUD Amendment and Comprehensive Plan. We do recommend  
13 approval of both Items A. and B. If you will notice, item 2012-NOPC-01 does have  
14 four conditions tied to it -- one of them is a condition and the other three are more  
15 like findings of fact in that the simultaneous increase/decrease falls within the  
16 purview of not being a substantial deviation. The item was reviewed by the Central  
17 Florida Regional Planning Council and other relevant agencies as is required for  
18 NOPCs. You will see the fourth finding of fact regarding Water Star. I can tell you  
19 that Phase I was very well done. Staff had a chance to do the walk-thru the day it  
20 opened and we were pretty pleased with what we saw. And as regards item 2012-  
21 RZ-12, there are no conditions with that. Staff does recommend approval.  
22

23 Juan (John) A. Omana, Jr., Community Development Director, announced these  
24 items are quasi-judicial in nature; that a Quasi-Judicial Sign-In Sheet (see attached)  
25 was located at the back of the chambers for any interested party to sign in order to  
26 be kept abreast of these matters.  
27

28 Chairman Hawkins requested the Applicant come forward and address the Board.  
29

30 James Johnston, Attorney-at-Law/Applicant Representative, with Shutts & Bowen,  
31 LLP, 300 S. Orange Avenue, Suite 1000, Orlando, Florida 32801, appeared on  
32 behalf of the Applicant and addressed the Board in favor of both items. He said  
33 that they were present in agreement with staff and the recommendation/the  
34 conditions concerning the NOPC as well as the recommendation regarding the  
35 rezoning application; that they were present to answer any questions or address  
36 any concerns.  
37

38 Chairman Hawkins opened the hearing to public comment on Item A. Hearing  
39 none, he closed that portion and entertained board discussion and/or a motion.  
40

41 **MOTION:**  
42

1 Member Cartmill moved to recommend approval to the City Commission  
2 the request by Colonial Properties Trust/Shutts & Bowen, LLP-James  
3 Johnston for the Sixth Amendment to the Third Amended and Restated  
4 Development Order (DO), Colonial Center Heathrow (Lake Mary), Lake Mary,  
5 Florida, consistent with staff's Findings of Fact listed in the Staff Report as  
6 follows. Member Schofield seconded the motion, which carried unanimously  
7 5-0.

8  
9 **FINDINGS OF FACT:**

10 Staff finds the revisions to the CCH D.O. are in compliance with the Florida  
11 Administrative Code, Florida Statutes, City of Lake Mary Comprehensive  
12 Plan and the Code of Ordinances with the following findings:  
13  
14

- 15 1. All revisions, inclusive of those from the conversion matrix within the  
16 D.O., fall below the entitlements of original D.O. and are not considered  
17 a substantial deviation.
- 18 2. City Staff has reviewed the proposal and determined the amended and  
19 restated D.O. is not a substantial deviation from the approved D.O.
- 20 3. The total 472 residential units are in compliance with the maximum  
21 number of residential units allowed in the CCH DRI per the City's  
22 Comprehensive Plan.
- 23 4. The dwelling units shall be constructed with water conservation  
24 provisions such as Water Star.

25  
26 Chairman Hawkins opened the hearing to public comment on Item B. Hearing  
27 none, he closed that portion and entertained board discussion and/or a motion.  
28

29 **MOTION:**

30  
31 Member Cartmill moved to recommend approval to the City Commission  
32 the request by Mr. James Johnston (Shutts & Bowen, LLP) for Colonial  
33 Realty Limited Partnership for the Second Amendment to Fourth Amended  
34 and Restated Commitments, Classification and District Description, Colonial  
35 Center Heathrow (formerly Heathrow International Business Center) Planned  
36 Unit Development, Lake Mary, Florida, consistent with staff's Findings of Fact  
37 listed in the Staff Report. Member Schofield seconded the motion, which  
38 carried unanimously 5-0.  
39

40 VIII. Community Development Director's Report

41 Juan (John) A. Omana, Jr., Community Development Director, reported on actions  
42 taken by the City Commission at their September 20, 2012, meeting.



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler

SUBJECT: Ordinance No. 1475 - Amendments to Section 154.09 (Definitions), 154.65 M-1A (Office and Light Industrial Zoning District), Section 154.66, M-2A (Industrial District) and creation of Section 154.20, Pill Mills - First Reading (Public Hearing) (Gary Schindler, City Planner)

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**REFERENCE:** City Comprehensive Plan and Code of Ordinances

**REQUEST:** Staff requests that the City Commission revise Chapter 154 (Zoning Code) of the City of Lake Mary Code of Ordinances to establish regulations regarding pain management clinics.

**DISCUSSION/HISTORY:** Based upon concerns that some pain management clinics were operating for the purpose of illegally distributing narcotics and other dangerous drugs, the City Commission directed staff to enact a moratorium on new pain management clinics until such time as the City could establish location standards for pain management clinics, which are compatible with Florida Statutes and other local regulations. In light of this, the City Commission took the following actions:

On May 5, 2011, the Lake Mary City Commission adopted Ordinance No. 1421 which established a temporary moratorium on the opening of any new pain management clinics in Lake Mary, and also placed operating hour restriction (from 7 a.m. to 9 p.m.) and payment option restrictions (no "cash only") on existing clinics. On November 17, 2011, the City Commission passed Resolution No. 887, which extended the moratorium for another ninety (90) days. On April 19, 2012, the City Commission adopted Ordinance No. 1461, which extended the moratorium until October 1, 2012.

On September 20, 2012, the City Commission adopted Ordinance No. 1471, extending the moratorium until December 31, 2012.

**CODE REVISIONS:** The existing definition of Clinic is revised and a new definition of pain management clinic is added. For the M-1A and the M-2A zoning districts, new language is proposed adding pain management clinics to the list of conditional uses. A new section is added to Chapter 154, addressing pill mills. The proposed revisions are as follows:

#### Section 154.09 – Definitions

**“Clinic”.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health-building services to individuals, whether those persons are medical doctors, chiropractors, osteopaths, chiropractors, naturopaths, optometrists, dentists or any such profession the practice of which is lawful in the state, excluding pain management clinics, as defined herein.

**“Pain Management Clinics.”** A pain management clinic shall mean as described in Section 458.3265 or 459.0137, Florida Statutes.

#### **Section 154.65, M-1A, Office and Light Industrial District, Section B (2)(I), Pain management clinic.**

(1) Such uses shall comply with the following criteria:

- a. No co-location (on the same property) with a pharmacy;
- b. Minimum separation of a 1,000 feet from another pain management clinic, or any pre-existing pharmacy, school (VPK through 12), place of worship, daycare center, congregate living facilities, nursing homes or residential dwelling unit(s) unless a variance is granted pursuant to Section 154.31 of the City’s Code of Ordinances;
- c. Maximum hours of operation shall not exceed 7 a.m. to 9 p.m. of the same day;
- d. Shall not restrict payment options to “cash only”;
- e. No outdoor customer seating areas, queues or waiting areas;
- f. All activities shall be conducted within a building, and adequate indoor waiting areas shall be provided;
- g. No on-site consumption of alcoholic beverages, including parking areas.

(2) A Business Tax Receipt issued by the City of Lake Mary is required for a pain management clinic to operate. In part, the issuance of a Business Tax Receipt is contingent upon the following:

- a. Documentation that owner(s) of the pain management clinic is a physician(s) licensed to practice in the State of Florida;
- b. Documentation that the owner(s), physician(s) and/or clinic employees have not been charged with a disciplinary action and/or convicted of a felony within the last five (5) years.
- c. Documentation of State registration under section 458.3265 or section 459.0137, or documents evidencing that the clinic does not need to register with the State.

(3) Noncompliance with the provisions of (2) (a) through (c) above is grounds for the City to deny a request for the issuance of a Business Tax Receipt and the revocation of a previously issued Business Tax Receipt.

(4) This section shall not be construed as authorizing a “pill mill” which is prohibited by section 154.120 of the City’s Code of Ordinances.

### **Section 154.66, M-2A, Industrial District, Section B (2)**

(l), Pain management clinic.

(1) Such uses shall comply with the following criteria:

a. No co-location (on the same property) with a pharmacy;

b. Minimum separation of a 1,000 feet from another pain management clinic, or any pre-existing pharmacy, school (VPK through 12), place of worship, daycare center, congregate living facility, nursing home or residential dwelling unit(s) unless a variance is granted pursuant to Section 154.31 of the City’s Code of Ordinances;

c. Maximum hours of operation shall not exceed 7 a.m. to 9 p.m. of the same day;

d. Shall not restrict payment options to “cash only”;

e. No outdoor customer seating areas, queues or waiting areas;

f. All activities shall be conducted within a building, and adequate indoor waiting areas shall be provided;

g. No on-site consumption of alcoholic beverages, including parking areas.

(2) A Business Tax Receipt issued by the City of Lake Mary is required for a pain management clinic to operate. In part, the issuance of a Business Tax Receipt is contingent upon the following:

a. Documentation that owner(s) of the pain management clinic is a physician(s) licensed to practice in the State of Florida;

b. Documentation that the owner(s), physician(s) and/or clinic employees have not been charged with a disciplinary action and/or convicted of a felony within the last five (5) years.

c. Documentation of State registration under section 458.3265 or section 459.0137, or documents evidencing that the clinic does not need to register with the State.

(3) Noncompliance with the provisions of (2) (a) through (c) above is grounds for the City to deny a request for the issuance of a Business Tax Receipt and the revocation of a previously issued Business Tax Receipt.

(4) This section shall not be construed as authorizing a “pill mill” which is prohibited by section 154.120 of the City’s Code of Ordinances.

### **Section 154.120, Pill Mills.**

Pill mills are strictly prohibited. For purposes of this section, a pill mill is any doctor’s office, clinic or health care facility that routinely colludes in prescribing and dispensing controlled substances in violation of federal law or Florida Statutes and regulations; or any pain management clinic, as defined herein, whatever its title, including but not limited to “wellness center,” “urgent care facility,” or “detox center”, that fails to register with the State of Florida as required by section 458.3265 or section 459.0137, Florida Statutes.

**FINDINGS OF FACT:** Staff finds the proposed revisions to Section 154.09, Definitions, Section 154.65, the M-1A zoning district, Section 154.66, the M-2A zoning district and new Section 154.120, Pill Mills, to be consistent with the City's Comprehensive Plan and the Code of Ordinances.

Planning and Zoning Board Conditions # 1 & #3 have been incorporated into the proposed regulations. Condition #2 involves the denial or revocation of the Business Tax Receipt for pain management clinics. As proposed by staff, background checks would be done annually at the time the pain management clinic applied for or renewed their business tax receipts. The Planning and Zoning Board recommended more frequent background checks. This becomes a policy decision. If the City Commission feels that more frequent background checks are warranted, the relevant section of the proposed Code needs to be revised.

**PLANNING AND ZONING BOARD:** At their regular November 13, 2012 meeting, the P&Z voted unanimously to recommend approval of the proposed revisions to the City's Code of Ordinances with the following conditions:

For both the M-1A and M-2A zoning districts, Assisted Living Facilities and nursing homes be added to the list of uses that have a minimum 1,000' separation from pain management clinics.

Staff shall review with the City Attorney the possibility of adding language to the M-1A and M-2A zoning districts that provide for periodic checks for felony conviction for owners, physicians and employees at pain management clinics.

In proposed Section 154.120, change the word "onto" to "not".

**ATTACHMENTS:**

Ordinance  
Minutes

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**ORDINANCE NO. 1475**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA; PROVIDING A DEFINITION OF PAIN MANAGEMENT CLINICS; PROVIDING ZONING, LOCATIONAL AND REGULATORY REQUIREMENTS FOR PAIN MANAGEMENT CLINICS AS DEFINED BY CITY CODE; AMENDING SECTIONS 154.09, DEFINITIONS, 154.65, M-1A, OFFICE AND LIGHT INDUSTRIAL DISTRICT; AND 154.66, M-2A, INDUSTRIAL DISTRICT, TO INCLUDE PAIN MANAGEMENT CLINICS; ADDING NEW SECTION 154.120, PILL MILLS, AS DEFINED HEREIN; PROVIDING FOR THE REPEAL OF MORATORIUM; PROVIDING FOR SEVERABILITY; CODIFICATION, CONFLICTS; PROVIDING FOR EFFECTIVE DATE**

**WHEREAS**, the City is granted authority under Subsection 2(b), Article VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission has previously been made aware of the problem of "pill mills" by the Lake Mary Police Department, Seminole County Government, and various newspaper articles describing the proliferation of pain management clinics in Florida and the "pipeline" trafficking of drugs from Florida pain clinics to users from other states such as Georgia, North Carolina, Tennessee, Kentucky, and Ohio; and

**WHEREAS**, the threat of illegal narcotic activity and increased crime associated with pain management clinics is significant and could undermine the economic health of the City of Lake Mary and impede future development and redevelopment efforts planned by the City in furtherance of the goals and objectives set forth in the City's Comprehensive Plan; and

1           **WHEREAS**, the threat of illegal narcotic activity and increased crime associated  
2 with pain management clinics will negatively affect the safety and well-being of the  
3 citizens, residents, and businesses of the City of Lake Mary; and

4           **WHEREAS**, in Chapter 2009-198, Laws of Florida, the Legislature recognized that  
5 pharmaceutical drug diversion hurts the State of Florida significantly in terms of lives,  
6 increased crime, in human misery from addiction, ballooning health care costs and  
7 Medicare fraud; and

8           **WHEREAS**, the United States Department of Health and Human Services has  
9 released data showing prescription drug deaths are now the 4<sup>th</sup> leading cause of death in  
10 the United States; and

11           **WHEREAS**, as a result of the serious problems associated the illegal,  
12 inappropriate, and abusive use of prescription drugs, the Florida Legislature had enacted  
13 the Prescription Drug Monitoring Program Act set forth in Section 893.055, Florida  
14 Statutes, which requires pharmacies, dispensing health care practitioners and other  
15 persons dispensing controlled substances through pain management clinics to register  
16 with the State of Florida Department of Health in order to conduct such business; and

17           **WHEREAS**, in 2010 in order to combat the proliferation of pain management  
18 clinics illegally and inappropriately dealing in prescription drugs, the Florida Legislature  
19 required pain management clinics (as defined by Florida Statutes) to duly register with the  
20 State of Florida Department of Health and comply with certain defined registration and  
21 operational requirements; and

1           **WHEREAS**, the Florida Legislature in 2011 also amended the local nuisance  
2 abatement board statute, Section 893. 138, Florida Statutes, to expressly authorize local  
3 governments to declare certain pain management clinics (as defined by Florida Statutes)  
4 as public nuisances, which have been used on more than (2) occasions within a six-  
5 month period as a site of a statutory violation relating to assault and battery, burglary,  
6 theft, robbery by sudden snatching, and the unlawful distribution of controlled substances;  
7 and

8           **WHEREAS**, pursuant to Chapter 2011-141, Laws of Florida, Section 28, the  
9 Florida Legislature declared a public health emergency regarding certain identified  
10 dispensing practitioners with large inventories of controlled substances listed in Schedule  
11 II or Schedule III as provided in Section 893.03, Florida Statutes, and found (in part) as a  
12 basis of said emergency that: (1) prescription drug overdose has been declared a public  
13 health epidemic by the United States Centers for Disease Control and Prevention; (2)  
14 prescription drug abuse results in an average of seven deaths in Florida each day; (3)  
15 physicians in Florida purchase more than 85% of the oxycodone purchased by all  
16 practitioners in the United State in 2006; (4) physicians in Florida purchased more than  
17 93% of the methadone purchased by all practitioners in the United States in 2006; (5)  
18 some physicians in Florida dispense medically unjustifiable amounts of controlled  
19 substances to addicts and people who intend to illegally sell the drugs; (6) it is likely that  
20 the same physicians that purchase and dispense medically unjustifiable amounts of drugs  
21 will not legally dispose of the remaining inventory in accordance with required state

1 procedures; and (7) the actions of some dispensing practitioners may result in substantial  
2 injury to the public health; and

3 **WHEREAS**, while new regulations were being studied and adopted to combat the  
4 adverse secondary effects and impacts created by pain management clinics, such as  
5 illegal prescription drug trafficking and sales of illegal drugs around the clinics, loitering by  
6 pain clinic customers while waiting in long lines to receive drugs, and loitering in the area  
7 surrounding the clinics, many counties and municipalities in the State of Florida, including  
8 the City of Lake Mary through the adoption of Ordinance No. 1421, Resolution No. 887  
9 and Ordinance No. 1471, have established moratoriums prohibiting the opening of new  
10 pain management clinics; and

11 **WHEREAS**, such adverse secondary effects and impacts associated with certain  
12 pain management clinics creates a compelling and substantial governmental interest  
13 necessitating the City to adopt regulations for such clinics from the standpoint of  
14 regulating the operation of such clinics, as well as regulating the future location of such  
15 clinics within the City of Lake Mary; and

16 **WHEREAS**, the City Commission has reviewed and considered the findings and  
17 recommendation of the Prescription Drug Task Force, created by Orange County, Florida,  
18 through Mayor Theresa Jacobs, and hereby finds that the City of Lake Mary's adoption (in  
19 principle) of the Task Force's land use and zoning recommendations will provide a  
20 comprehensive local land use approach to addressing the adverse secondary effects  
21 related to illegal, inappropriate, and non-medical use of prescription drugs and the  
22 proliferation of pain management clinics; and

1           **WHEREAS**, with the adoption of this ordinance, the City Commission intends to lift  
2 the moratorium imposed by Ordinance No. 1421, Resolution No. 887 and Ordinance No.  
3 1471, and impose these zoning regulations and related substantive regulations on pain  
4 management clinics and pharmacies in the City of Lake Mary; and

5           **WHEREAS**, the City Commission of the City of Lake Mary, Florida, hereby finds  
6 this Ordinance to be in the best interest of the public health, safety, and welfare of the  
7 citizens of Lake Mary.

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

9           *Section 1. Recitals.*       The foregoing recitals are hereby fully incorporated  
10 herein by reference as legislative finding of the City Commission of Lake Mary.

11           *Section 2. Repeal of Moratorium Ordinance.* The moratorium ordinance  
12 against pain management clinics implemented by Ordinance No. 1421, Resolution No.  
13 887 and Ordinance No. 1471 shall be repealed upon this Ordinance becoming  
14 effective.

15           *Section 3. Code Amendment Definitions, Section 154.09, and the Industrial*  
16 *Zoning Districts, sections 154.65 and 154.66, and adding a new code section.* The  
17 list of proposed revisions to the City of Lake Mary Code of Ordinances related to pain  
18 management clinics is hereby contained in Attachment " A" .

19           *Section 4. Severability.*       If any portion of this Ordinance is for any reason  
20 held or declared to be unconstitutional, inoperative or void, such holding shall not affect  
21 the remaining portions of the Ordinance. If this Ordinance or any provisions thereof shall  
22 be held to be inapplicable to any person, property, or circumstances, such holding shall  
23 not affect it applicability to any other person, property or circumstances.

1 Section 5. Conflicts. All ordinances or resolutions or parts of ordinances or  
2 resolutions in conflict herein are hereby repealed to the extent of any conflict.

3 Section 6. Codification. It is the intention of the City Commission that the  
4 provisions of this Ordinance shall become and be made part of the Code of Ordinances  
5 of the City of Lake Mary, Florida and the word "ordinance" may be changed to "section",  
6 "article", or other appropriate word or phrase and the sections of this Ordinance may be  
7 renumbered or re-lettered to accomplish such intention.

8 Section 7. Effective date. This Ordinance shall take effect immediately upon  
9 passage and adoption.

10 PASSED AND ADOPTED this, 20<sup>th</sup> day of December 2012.

11 FIRST READING: December 6, 2012

12 SECOND READING: December 20, 2012

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15 CITY OF LAKE MARY, FLORIDA  
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MAYOR, DAVID J. MEALOR

21 ATTEST:

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CITY CLERK, CAROL A. FOSTER

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26 For the use and reliance of the City  
27 Of Lake Mary only. Approved as to  
28 Form and legal sufficiency.

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CATHERINE REISCHMANN, CITY ATTORNEY  
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**ATTACHMENT "A"**  
**PROPOSED REVISIONS**  
**TO THE CITY'S CODE OF ORDINANCES**

Proposed additions = underlined  
Proposed deletions = ~~strikethrough~~  
Omitted text = \*\*\*

**Section 154.09 – Definitions**

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**Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health-building services to individuals, whether those persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession the practice of which is lawful in the state, excluding pain management clinics, as defined herein.

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**"Pain Management Clinics."** A pain management clinic shall mean as described in Section 458.3265 or 459.0137, Florida Statutes.

\*\*\*

**Section 154.65, M-1A, Office and Light Industrial District, Section B (2)**  
**(l), Pain management clinic.**

**(1) Such uses shall comply with the following criteria:**

- a. No co-location (on the same property) with a pharmacy;**
- b. Minimum separation of a 1,000 feet from another pain management clinic, or any pre-existing pharmacy, school (VPK through 12), place of worship, daycare center, assisted living facility, nursing home or residential dwelling unit(s) unless a variance is granted pursuant to Section 154.31 of the City's Code of Ordinances;**
- c. Maximum hours of operation shall not exceed 7 a.m. to 9 p.m. of the same day;**
- d. Shall not restrict payment options to "cash only";**
- e. No outdoor customer seating areas, queues or waiting areas;**
- f. All activities shall be conducted within a building, and adequate indoor waiting areas shall be provided;**
- g. No on-site consumption of alcoholic beverages, including parking areas.**

1 (2) A Business Tax Receipt issued by the City of Lake Mary is required for a pain  
2 management clinic to operate. In part, the issuance of a Business Tax Receipt is  
3 contingent upon the following:

4 a. Documentation that owner(s) of the pain management clinic is a  
5 physician(s) licensed to practice in the State of Florida;

6 b. Documentation that the owner(s), physician(s) and/or clinic employees  
7 have not been charged with a disciplinary action and/or convicted of a  
8 felony within the last five (5) years.

9 c. Documentation of State registration under section 458.3265 or section  
10 459.0137, or documents evidencing that the clinic does not need to register  
11 with the State.

12 (3) Noncompliance with the provisions of (2) (a) through (c) above is grounds for  
13 the City to deny a request for the issuance of a Business Tax Receipt and the  
14 revocation of a previously issued Business Tax Receipt.

15 (4) This subsection shall not be construed as authorizing a "pill mill" which is  
16 prohibited by section 154.120 of the City's Code of Ordinances.

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20 **Section 154.66, M-2A, Industrial District, Section B (2)**

21 **(l). Pain management clinic.**

22 (1) Such uses shall comply with the following criteria:

23 a. No co-location (on the same property) with a pharmacy;

24 b. Minimum separation of a 1,000 feet from another pain management  
25 clinic, or any pre-existing pharmacy, school (VPK through 12), place of  
26 worship, daycare center, assisted living facility, nursing home or residential  
27 dwelling unit(s) unless a variance is granted pursuant to Section 154.31 of  
28 the City's Code of Ordinances;

29 c. Maximum hours of operation shall not exceed 7 a.m. to 9 p.m. of the  
30 same day;

31 d. Shall not restrict payment options to "cash only";

32 e. No outdoor customer seating areas, queues or waiting areas;

33 f. All activities shall be conducted within a building, and adequate indoor  
34 waiting areas shall be provided;

35 g. No on-site consumption of alcoholic beverages, including parking areas.

36 (2) A Business Tax Receipt issued by the City of Lake Mary is required for a pain  
37 management clinic to operate. In part, the issuance of a Business Tax Receipt is  
38 contingent upon the following:

39 a. Documentation that owner(s) of the pain management clinic is a  
40 physician(s) licensed to practice in the State of Florida;

41 b. Documentation that the owner(s), physician(s) and/or clinic employees  
42 have not been charged with a disciplinary action and/or convicted of a  
43 felony within the last five (5) years.

1 c. Documentation of State registration under section 458.3265 or section  
2 459.0137, or documents evidencing that the clinic does not need to register  
3 with the State.

4 (3) Noncompliance with the provisions of (2) (a) through (c) above is grounds for  
5 the City to deny a request for the issuance of a Business Tax Receipt and the  
6 revocation of a previously issued Business Tax Receipt.

7 (4) This subsection shall not be construed as authorizing a "pill mill" which is  
8 prohibited by section 154.120 of the City's Code of Ordinances.

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12 **Section 154.120, Pill Mills.** Pill mills are strictly prohibited. For purposes of this  
13 section, a pill mill is any doctor's office, clinic, or health care facility that routinely  
14 colludes in prescribing and dispensing controlled substances in violation of federal  
15 law or Florida Statutes and regulations; or any pain management clinic, as defined  
16 herein, whatever its title, including but not limited to a "wellness center," "urgent  
17 care facility," or "detox center", that fails to register with the State of Florida as  
18 required by section 458.3265 or section 459.0137, Florida Statutes.  
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1 C. 2012-ZTA-03: Recommendation to the City Commission regarding proposed  
2 revisions to Section 154.09 (Definitions), 154.65, M-1A (Office and Light  
3 Industrial Zoning District), Section 154.66, M-2A (Industrial District), and  
4 creation of Section 154.20, Pill Mills; Applicant: City of Lake Mary/Community  
5 Development Department  
6

7 Gary Schindler, City Planner, presented Item C. and the related Staff Report. He  
8 stated, within the last 12-24 months at the State level and at the local level, there  
9 has been a great deal of law enforcement activities regarding Pill Mills, and in  
10 response, local governments have enacted moratoriums to stem the creation of  
11 new pain management clinics until some regulations could be adopted at the  
12 State level, which they have done. It's just that it came at a point where the City  
13 did not have adequate time to act before its moratorium ended. So, on  
14 September 20, 2012, the City adopted Ordinance No. 1271 extending the  
15 moratorium to December 31, 2012. So, we are currently in the process of  
16 adopting local regulations that address pain management clinics as differentiated  
17 from pill mills. These are a little bit like adult uses. You can't simply say you  
18 can't come here. You have to allow pain management clinics somewhere in the  
19 City.  
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21 Mr. Schindler said, what the State has said is that there are legitimate pain  
22 management clinics and there are those that are not, and at the state level, they  
23 have come up with a process to differentiate. As you can see under 154.09, the  
24 definition of a pain management clinic shall mean as described in Section so and  
25 so of the Florida Statutes. So, we are falling back on that. If the State has a  
26 process to certify pain management clinics, if you qualify, then we are going to  
27 allow you to operate in the City within two zoning districts; M-1A and M-2A.  
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29 Mr. Schindler concluded his presentation emphasizing that the City is prohibiting  
30 pill mills, but legitimate pain management clinics have a place. He stated that  
31 this language was given to staff by the City Attorney; that it is the way the City is  
32 proposing to regulate it and is very comparable to what most cities in Seminole  
33 County are doing. He said that Seminole County is taking a little different stance,  
34 however, in that they are regulating them through the Business Tax Receipt and  
35 the City is not sure that that is the best way the City should go, so the City is  
36 opting to regulate the location of them.  
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38 Chairman Hawkins stated that the City is kind of regulating them once the City  
39 allowed them with the Business Tax Receipt.  
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41 Mr. Schindler said that will be differentiated in the future, but is not currently  
42 required. He stated currently you just go and you pay your money and you get  
43 your license as long as zoning signs off.

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Member Miller pointed out a typo on page 3 of 3 of the Staff Report under Section 154.120, Pill Mills, in the fourth sentence to change the word, onto, to the word, not.

Member Cartmill questioned, if any of the criteria under Section 154.65, (1), are violated, what happens then?

Mr. Schindler answered, staff would take code enforcement action against them. The majority of land use can only be regulated through code enforcement.

Member Cartmill asked if Section 154.65, (2), are regulated by the Community Development Department?

Mr. Schindler responded, yes, that would be a part of the Business Tax Receipt review. These would be implemented and they would have to document, when they come in for a Business Tax Receipt, that they complied. And, we would not issue a Business Tax Receipt if they could not comply.

Vice Chairman Taylor suggested that language be added to each paragraph requiring a minimum 1000' separation from nursing homes and Assisted Living Facilities. These are groups that you don't want being taken advantage of. She further suggested to also review language of sections related to documentation of all employees at the time of employment and at regular intervals to ensure that they do not have or have obtained felony convictions.

Mr. Schindler said that he will run these two changes by the City Attorney and to incorporate the same language into the two zoning districts (M-1A and M-2A).

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

**MOTION:**

**Vice Chairman Taylor moved to recommend approval to the City Commission the request by City of Lake Mary/Community Development Department regarding proposed revisions to Section 154.09 (Definitions), 154.65, M-1A (Office and Light Industrial Zoning District), Section 154.66, M-2A (Industrial District), and creation of Section 154.20, Pill Mills, consistent with staff's Findings of Fact listed in the Staff Report and subject to the following three conditions. Member Cartmill seconded the motion, which carried unanimously 5-0.**

**CONDITIONS:**

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1. **Planning and Zoning Board recommends that for both the M-1A and M-2A Zoning Districts, Assisted Living Facilities and nursing homes be added to the list of uses that have a minimum 1,000' separation from pain management clinics.**
2. **Planning and Zoning Board recommends that for both the M-1A and M-2A Zoning Districts to also review language of sections related to documentation of all employees at the time of employment and at regular intervals to ensure that they do not have or have obtained felony convictions.**
3. **Planning and Zoning Board recommends on page 3 of 3 of the Staff Report under Section 154.120, Pill Mills, in the fourth sentence to change the word, onto, to the word, not.**

**QUASI-JUDICIAL SIGN-IN SHEET**

11/13, 2012  
P+2 MEETING  
(please print)

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler

SUBJECT: Ordinance No. 1476 - Amendment to Section 155, Appendix I, related to temporary signs and ground signs within the Downtown portion of the Gateway Corridor (Lake Mary Boulevard) - First Reading (Public Hearing) (Gary Schindler, City Planner)

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**REFERENCE:** City Comprehensive Plan and Code of Ordinances

**REQUEST:** Staff requests that the City Commission revise the above referenced portion of Chapter 155, relating to signs.

**DISCUSSION/HISTORY:** The proposed revisions to the City's sign regulations are as follows:

- (1) Formatting changes for consistency;
- (2) Changes to allow a wider range of materials to be used for the base of ground signs for properties located within the Downtown portion of the Gateway Corridor; and
- (3) Changes to allow banners as a form of temporary signs for new businesses.
- (4) Subsequent to the Planning and Zoning Board, the City Attorney added the proposed language in §11 Severability, which makes the City's sign regulations more defensible against legal challenges.

Based upon feedback from a City Commission workshop in July 2012, staff was directed to propose revisions to the City's existing sign regulations that would allow new businesses to have a banner for a specified period. At your September 20, 2012 meeting, the City Commission provided feedback regarding the materials for the base of ground signs within the Downtown portion of the Gateway Corridor. The proposed revisions are

intended to bring the City's sign regulations into compliance with the City Commission's direction.

**CODE REVISIONS:** The proposed revisions to Chapter 155, Appendix I are as follows:

Strikethrough = deleted material

Underlined = proposed material

\*\*\* = omitted material

**§ 3, Definitions**

\*\*\*

***"FRONT FOOT BUILDING"*** Each foot or major portion thereof, measured along the main entry side of a building. ~~Where~~ When buildings form an "L" or "U", all main entry sides are measured. (See illustration A)

***"FRONT FOOT, BUSINESS"*** The lineal distance of the building space occupied by the particular business, measured in a straight line parallel to the street. ~~Where~~ When a business does not parallel a street, the front foot shall be measured along the exterior side of the building space occupied by the sign applicant which contains the primary entrance to the building. (See illustration A)

\*\*\*

***"NON-CONFORMING SIGN"*** A sign lawfully existing in the City before the adoption of this sign code, or any amendment to this code, that does not comply with ~~the~~ these requirements of this sign code or any amendments to this sign code.

***"TEMPORARY SIGN"*** A sign displayed before, during or after an event or occurrence scheduled at a specific time and place, inclusive for example, for rent signs, for sale signs, construction signs, real estate signs, management signs including but not limited to for rent, for sale, construction, real estate, management and banner signs.

\*\*\*

**§4 SIGN PERMITS AND CONSTRUCTION AND MAINTENANCE STANDARDS**

(A) Sign permits required. It shall be unlawful for any person to erect, construct, alter, replace or relocate within the City any sign without having first obtained a sign permit therefore,

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(3) Review/time limits.

Upon receipt of a sign permit application and upon payment of the appropriate ~~sign~~ permit fee by the applicant, the city shall conduct its a review of the application, the proposed sign and the premises. The city shall grant or deny the sign permit application within 45 days from the date the application and with application the associated fee was were filed with the City.

\*\*\*

(5) Issuance or denial of permit –

\*\*\*

(b) If, after review as required herein, the city determines that one or more reasons exist for denial exists, the permit shall be denied and the city shall report the denial and the reasons therefore thereof.

\*\*\*

(6) Permit label required.

With each permit issued, the City shall provide a label for each permitted sign bearing the permit number. The City applicant

\*\*\*

(7) Expiration of permit.

Sign permit shall expire 180 10 days after date of issuance, unless the permitted sign is inspected and certified as complete by the City before the expiration of the 180 10 days.

(8) Appeals.

Any person denied a permit for a sign may file a written appeal to the Sign Code Board of Adjustment within 10 calendar days after receipt of a report of the denial. The Planning and Zoning Board is hereby designated as the Sign Code Board of Adjustment, and authorized to hear and decide appeals de novo where it is alleged there is an error in the denial of a sign permit. The Sign Code Board of Adjustment shall hear such appeals within sixty 60 days of the filing of the appeal and promptly render a final decision. Any person aggrieved by a final decision of the Sign Code Board of Adjustment may appeal within thirty 30 days of rendition of the final decision, which appeal shall be immediately reviewed as a matter of right by the courts upon the filing of an appropriate pleading by an aggrieved party. A prompt final decision shall be rendered by the Court.

\*\*\*

## **(B) Construction and maintenance standards**

\*\*\*

(5) Safety. Electrical systems and fasteners and the sign structure as a whole shall be maintained at all times in a safe condition.

## **§5 EXEMPT AND PROHIBITED SIGNS**

(A) Exempt signs.

\*\*\* Signs in all zoning districts six square feet or less, except no more than one per premises. Such signs shall also meet the following regulations:

(1) 5 feet from any right-of-way line; and

(2) 10 feet from side/rear property lines; and

(3) If Temporary ground signs the maximum height shall be five feet six square feet or less shall be a maximum height of five feet; and

\*\*\*

(B) Prohibited signs.

\*\*\*

(5) Signs attached to trees, streetlight poles, parking lot light poles or utility poles.

\*\*\*

(9) Pole banners, Banners, streamers, ribbons, propellers, searchlights, balloons or pennants.

## §6 ON PREMISE SIGN REGULATIONS

(A) General sign regulations.

\*\*\*

(2) Sign restrictions.

(a) No sign on property zoned PO, C-1, C-2, M-1A, M-2A or PUD Office, Commercial or Industrial uses shall be located within ~~five~~50 feet of any residentially zoned property.

(b) The total ground sign area shall not exceed ~~one hundred~~100 square feet per premise abutting or within five hundred 500 feet of Lake Emma right-of-way, Emma Oaks Trail or Rinehart Road right-of-way. If any portion or part of any premise abuts or lies within five hundred 500 feet of Lake Emma Road, Emma Oaks Trail or Rinehart Road, the entire premise shall be subject to this restriction.

(3) Illumination of signs.

(a) No illuminated sign shall exceed one hundred 100 square feet if it is located within five hundred 500 feet of property with a residential future land use designation or zoning district and is visible from the property with the residential future land use designation or zoning district.

(b) Illuminated signs located within ~~five hundred~~500 feet of property with residential future land use designation or zoning district, and which are visible from the property with the residential future land use designation or zoning district, shall be turned off on later than 10:00 p.m. and remain off until 6:00 a.m. each night.

\*\*\*

(4) Changeable copy signs.

(a) Places of worship, schools and governmental buildings shall be allowed to have changeable copy signs provided that the total sign area for the changeable copy signs does not exceed ~~thirty two~~32 square feet per premise.

\*\*\*

(B) Additional signage allowances. Additional signage may be allowed under specific conditions as follows:

(1) Anchor occupant in multi-occupant building. Anchor occupants in a multi-occupant building, where the anchor exceeds one hundred 100 building front feet shall be allowed and additional one square feet of sign area for each building front foot over and above one hundred 100 building front feet, but not to exceed two hundred 200 square feet of sign area per occupant. This can be wall signage, window signage or a combination thereof.

\*\*\*

(D) Ground sign design standards.

\*\*\*

(2) Type 2: Lake Mary Boulevard Ground Sign Design Standards (See illustration C)

\*\*\*

(a) Construction materials. ~~The base and the planter shall be of brick.~~

- (1) For those properties within the Gateway Corridor, which have Downtown Development District (DDD) land use, the base and planter shall be constructed of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, or brick. Sign bases finished with stucco, raw concrete, exposed concrete block or wood are strictly prohibited.
- (2) For all other properties within the Gateway Corridor, the base and planter shall be constructed of brick.

\*\*\*

(E) Temporary signs.

- (1) Undeveloped property. Temporary ground signs shall be allowed for undeveloped property in addition to the maximum sign area per site in accordance with Table 1. Temporary ground signs shall be permitted for a period not to exceed one 1 year, from the date of issuance of the permit.

\*\*\*

- (3) Banner signs. A business receiving a new local business tax receipt may erect a temporary banner sign for the first 30 days of business for new businesses only, with approval of the Community Development Director and after obtaining the required banner sign permit. Banner signs are required to be removed within 48 hours of the expiration of the permit.

\*\*\*

- ~~(3)~~(4) Consolidation into ground sign. In lieu of temporary signage, ground sign area for developed properties may be increased by up to 25% of the maximum sign area for temporary signs. In such cases freestanding temporary signs shall be prohibited.

~~(4)~~(5) Development standard.

(a) ~~All temporary signs.~~ All temporary signs shall comply with the following.

1. Temporary ground signs shall not be illuminated.

\*\*\*

3. Minimum setbacks from a right-of-way shall be five 5 feet and ~~twenty-five~~ 25 feet from a side yard line.

\*\*\*

(b) ~~Temporary signs for undeveloped property.~~ In addition to the development standards above, temporary signs for undeveloped property shall meet the following

development standards: New businesses are allowed to install 1 temporary banner sign, in addition to any other permitted temporary signs for the subject property. All temporary banner signs shall comply with the following:

1. Sign supports, which shall be metal, concrete or pressure treated lumber shall be enclosed by a planter. Banners are additional square footage to both temporary and permanent signs.
2. Sign supports shall not be visible from any adjacent property and/or right-of-way. Banner signs shall not exceed a maximum area of 32 square feet per premise.
3. ~~The planter shall be a minimum of 24 inches high and shall be constructed of a finished masonry material, landscape timbers or other materials approved by the city on a case-by-case basis. Unfinished concrete, concrete block, stucco or E.I.F.S. are not permitted.~~ The banner signage shall not be displayed in excess of 12 feet in height above the ground.
4. All parts of the sign shall be maintained in such a manner that it is free of rot and/or decay. Banner signs must be attached to the building of the advertised location of the new business.
5. Painted surfaces shall not be faded.

\*\*\*

~~(5)~~(6) Annual Inspection. Not less than 30 days prior to the expiration of a temporary ground sign for undeveloped property, the applicant shall may apply for a one-year extension for a temporary sign on undeveloped property. Not more than ten days from the date of the extension request, staff shall inspect the temporary sign to determine if it complies with the development standards contained in division (E)(4)(b) of this section. If the sign complies with the development standards in division (E)(4)(b), the City may issue a one-year extension to the original permit. If the sign does not comply with the development standards, staff shall notify the applicant in writing of the deficiencies and the City's intent to not extend that permit. The applicant may address the issued cited by the City and request a re-inspection. Once the sign has been brought into compliance, the City may issue the one-year extension.

~~(6)~~(7) Appeal of staff decision. Based upon Community Development's determination that a sign does not comply with development standards in division (E)(4)(b), an applicant may appeal staff's decision to the City Commission. The appeal shall be in writing and shall be received by the city not more that 30 days from the date of staff's letter informing the applicant that the permit will not be extended. Upon receiving the appeal and determining that the appeal was received with the 30-day timeframe, staff shall schedule this item for a City Commission meeting. The City Commission shall review only the material previously submitted and shall make a determination regarding the extension of the permit.

~~(7)~~(8) Removal of signs. All temporary signs shall be removed within seven days of the date of the expiration of the permit conclusion of the advertised event or seven days after the date that the City Commission takes action rejecting an appeal, in the case of a temporary sign for undeveloped property.

\*\*\*

## §8 REGULATIONS OF NON-CONFORMING SIGNS

**(A)Amortization.** Any lawfully existing sign which was made non-conforming by the adoption of this sign code (Ordinance No. 1029) or any subsequent amendments of this sign code shall be brought into compliance with ~~the~~these provisions of this sign code or any subsequent amendments of this sign code within 7 years from the date upon which the sign became non-conforming. Any existing temporary sign which existing on 10/4/01 shall be brought into compliance with the provisions of this sign code or any subsequent amendments of this sign code within two (2) years from that date.

\*\*\*

## **§ 11 SEVERABILITY**

**(A) In general,**

If any part, section, subsection, paragraph, sentence phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction , the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.

**(B) Severability where less speech results,**

Without diminishing or limiting in any way the declaration of severability set forth above in Section A, or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

**(C)Severability of provisions pertaining to prohibited signs.**

Without diminishing or limiting in any way the declaration of severability set forth above in Section A, or elsewhere in this article, this code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 5 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5 is declared unconstitutional, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5.

**(D) Severability of prohibition on billboards.**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this article and code.

**FINDINGS OF FACT:** Staff finds the proposed revisions to Section 155, Appendix I to be consistent with the City's Comprehensive Plan and the Code of Ordinances.

**PLANNING AND ZONING BOARD:** At their regular November 13, 2012 meeting, the P&Z Board voted 3 to 2 to recommend approval of the proposed revisions to Chapter 155, Appendix I, Sign Code, with minor revisions. The revisions were for the purpose of clarification and have been incorporate into the proposed revisions appended to the attached ordinance.

**ATTACHMENT**

Ordinance

Minutes

## **ORDINANCE NO. 1476**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING SECTION 155, APPENDIX I, SUBSECTION 3, DEFINITIONS, SUBSECTION 4, SIGN PERMITS AND CONSTRUCTION AND MAINTENANCE STANDARDS, SUBSECTION 5, EXEMPT AND PROHIBITED SIGNS, SUBSECTION 6, ON PREMISE SIGN REGULATIONS, SUBSECTION 8, REGULATION OF NONCONFORMING SIGNS, SUBSECTION 11, SEVERABILITY; PROVIDING CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, at their meeting on July 19, 2012, the City Commission provided feedback to staff regarding the use of banners as temporary signs for new businesses; and

**WHEREAS**, at their September 20, 2012 workshop, the City Commission provided feedback to staff regarding allowable construction materials for the base of ground signs along Lake Mary Boulevard within the Downtown; and

**WHEREAS**, it is the direction of the City Commission that staff shall revise Section 155, Appendix I to incorporate revisions regarding banners and the construction materials of sign bases within the Downtown into Chapter 155, Appendix I, the City's Sign Code, and Staff has also added a Severability Section to better protect the City; and.

**WHEREAS**, the City Commission desires to amend Chapter, Appendix I.

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

SECTION 1. Chapter 155, Appendix I is amended per Exhibit "A".

SECTION 2. Codification. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Lake Mary, Florida and the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 4. 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 5. Effective date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 20<sup>th</sup> day of December, 2012.

FIRST READING: December 6, 2012

SECOND READING: December 20, 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 legal sufficiency.

\_\_\_\_\_  
CATHERINE REISCHMANN, CITY ATTORNEY

## EXHIBIT "A"

### PROPOSED REVISIONS TO CHAPTER 155, APPENDIX I, SIGN CODE

Strikethrough = deleted material

Underlined = proposed material

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#### § 3, Definitions

\*\*\*

**"FRONT FOOT BUILDING"** Each foot or major portion thereof, measured along the main entry side of a building. ~~Where~~ When buildings form an "L" or "U", all main entry sides are measured. (See illustration A)

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(4) Issuance or denial of permit - \*\*\*

(b) If, after review as required herein, the city determines that one or more reasons exist for denial, the permit shall be denied and the city shall report the denial and the reasons therefore thereof. \*\*\*

(6) Permit label required.

With each permit issued, the City shall provide a label for each permitted sign bearing the permit number. The City applicant \*\*\*

(7) Expiration of permit.

Sign permit shall expire 180 10 days after date of issuance, unless the permitted sign is inspected and certified as complete by the City before the expiration of the 180 10 days.

(8) Appeals.

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(A) Exempt signs.

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(1) 5 feet from any right-of-way line; and

(2) 10 feet from side/rear property lines; and

(3) If Temporary ground signs the maximum height shall be five feet six square feet or less shall be a maximum height of five feet; and \*\*\*

(B) Prohibited signs.

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(A) General sign regulations.

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(a) No sign on property zoned PO, C-1, C-2, M-1A, M-2A or PUD Office, Commercial or Industrial uses shall be located within ~~thirty~~50 feet of any residentially zoned property.

(b) The total ground sign area shall not exceed one hundred 100 square feet per premise abutting or within five hundred 500 feet of Lake Emma right-of-way, Emma Oaks Trail or Rinehart Road right-of-way. If any portion or part of any premise abuts or lies within five hundred 500 feet of Lake Emma Road, Emma Oaks Trail or Rinehart Road, the entire premise shall be subject to this restriction.

(3) Illumination of signs.

(a) No illuminated sign shall exceed one hundred 100 square feet if it is located within five hundred 500 feet of property with a residential future land use designation or zoning district and is visible from the property with the residential future land use designation or zoning district.

(b) Illuminated signs located within five hundred 500 feet of property with residential future land use designation or zoning district, and which are visible from the property with the residential future land use designation or zoning district, shall be turned off on later than 10:00 p.m. and remain off until 6:00 a.m. each night.

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(B) Additional signage allowances. Additional signage may be allowed under specific conditions as follows:

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\*\*\*

(D) Ground sign design standards.

\*\*\*

(2) Type 2: Lake Mary Boulevard Ground Sign Design Standards (See illustration C)

\*\*\*

(a) Construction materials. The base and the planter shall be of brick.

(1) For those properties within the Gateway Corridor, which have Downtown Development District (DDD) land use, the base and planter shall be constructed of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, or brick. Sign bases finished with stucco, raw concrete,

exposed concrete block or wood are strictly prohibited.

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(E) Temporary signs.

(1) Undeveloped property. Temporary ground signs shall be allowed for undeveloped property in addition to the maximum sign area per site in accordance with Table 1. Temporary ground signs shall be permitted for a period not to exceed one—1 year, from the date of issuance of the permit.

\*\*\*

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erect a temporary banner sign for the first 30 days of business for new

businesses only, with approval of the Community Development Director and

after obtaining the required banner sign permit. Banner signs are required

to be removed within 48 hours of the expiration of the permit.

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~~(3)~~(4) Consolidation into ground sign. In lieu of temporary signage, ground sign area for developed properties may be increased by up to 25% of the maximum sign area for temporary signs. In such cases freestanding temporary signs shall be prohibited.

~~(4)~~(5) Development standard.

(a) All temporary signs. All temporary signs shall comply with the following.

1. Temporary ground signs shall not be illuminated. \*\*\*

\*\*\*

3. Minimum setbacks from a right-of-way shall be five 5 feet and ~~twenty-five~~ 25 feet from a side yard line.

\*\*\*

(b) ~~Temporary signs for undeveloped property.~~ In addition to the development standards above, temporary signs for undeveloped property shall meet the following development standards: New businesses are allowed to install 1 temporary banner sign, in addition to any other permitted temporary signs for the subject property. All temporary banner signs shall comply with the following:

1. Sign supports, which shall be metal, concrete or pressure treated lumber shall be enclosed by a planter. Banners are additional square footage to both temporary and permanent signs.

2. Sign supports shall not be visible from any adjacent property and/or right-of-way. Banner signs shall not exceed a maximum area of 32 square feet per premise.

3. The planter shall be a minimum of 24 inches high and shall be constructed of a finished masonry material, landscape timbers or other materials approved by ~~the city on a case-by-case basis.~~ Unfinished concrete, concrete block, stucco or E.I.F.S. are not permitted. The banner signage shall not be displayed in excess of 12 feet in height above the ground.

4. All parts of the sign shall be maintained in such a manner that it is free of rot and/or decay. Banner signs must be attached to the building of the advertised location of the new business.

~~5. Painted surfaces shall not be faded.~~

\*\*\*

~~(5)(6)~~ Annual Inspection. Not less than 30 days prior to the expiration of a temporary ground sign for undeveloped property, the applicant shall may apply for a one-year extension for a temporary sign on undeveloped property. Not more than ten days from the date of the extension request, staff shall inspect the temporary sign to determine if it complies with the development standards contained in division (E)(4)(b) of this section. If the sign complies with the development standards ~~in division (E)(4)(b),~~ the City may issue a one-year extension to the original permit. If the sign does not comply with the development standards, staff shall notify the applicant in writing of the deficiencies and the City's intent to not extend that permit. The applicant may address the issued cited by the City and request a re-inspection. Once the sign has been brought into compliance, the City may issue the one-year extension.

~~(6)(7)~~ Appeal of staff decision. Based upon Community Development's determination that a sign does not comply with development standards ~~in~~ division (E)(4)(b), an applicant may appeal staff's decision to the City Commission. The appeal shall be in writing and shall be received by the city not more that 30 days from the date of staff's letter informing the applicant that the permit will not be extended. Upon receiving the appeal and determining that the appeal was received with the 30-day timeframe, staff shall schedule this item for a City Commission meeting. The City Commission shall review only the material previously submitted and shall make a determination regarding the extension of the permit.

~~(7)(8)~~ Removal of signs. All temporary signs shall be removed within seven days of the date of the expiration of the permit or conclusion of the advertised event or seven days after the date that the City Commission takes action rejecting an appeal, in the case of a temporary sign for undeveloped property.

\*\*\*

## **§8 REGULATIONS OF NON-CONFORMING SIGNS**

**(A)Amortization.** Any lawfully existing sign which was made non-conforming by

the adoption of this sign code (Ordinance No. 1029) or any subsequent

amendments of this sign code shall be brought into compliance with the these

provisions of this sign code or any subsequent amendments ~~of this sign code—~~

within 7 years from the date upon which the sign became non-conforming. Any

existing temporary sign which existing on 10/4/01 shall be brought into compliance with the provisions of this sign code or any subsequent amendments of this sign code within two (2) years from that date.

\*\*\*

## § 11 SEVERABILITY

### (A) In general,

If any part, section, subsection, paragraph, sentence phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction , the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.

### (B) Severability where less speech results,

Without diminishing or limiting in any way the declaration of severability set forth above in Section A, or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

### (C) Severability of provisions pertaining to prohibited signs.

Without diminishing or limiting in any way the declaration of severability set forth above in Section A, or elsewhere in this article, this code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 5 of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5 is declared unconstitutional, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5.

### (D) Severability of prohibition on billboards.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this article and code.



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B. 2012-ZTA-04: Recommendation to the City Commission regarding proposed revisions to Section 155, Appendix I, related to temporary signs and ground signs within the Downtown portion of the Gateway Corridor (Lake Mary Boulevard); Applicant: City of Lake Mary/Community Development Department

Gary Schindler, City Planner, presented Item B. and the related Staff Report. He said that this item was prepared by him and Mr. Bruce Fleming, Sr. Code Enforcement Officer. He discussed the three primary changes listed under Discussion History on page 1 of the Staff Report. He stated that there is one more change that is incorporated but did not get enumerated. He said that staff was directed by the City Commission some 18 months ago, or more, to stop requiring the planter bases for temporary signs, which staff did, and now staff is changing the Code to codify that change.

Mr. Schindler stated that the majority of the changes are the ones for internal consistency. He said that there are two other changes that were directed by the City Commission; the first one on page 5 of 7 of the Staff Report where the City Commission has decided to allow more than just brick as a base on a ground sign in the Downtown portion of the Gateway Corridor. Proposed language in the Staff Report reads as follows:

- (1) For those properties within the Gateway Corridor, which have Downtown Development District (DDD) land use, the base and planter shall be constructed of a low maintenance finish which is compatible with the architectural style of the principal building limited to split face block, stone, finished metal, or brick. Sign bases finished with stucco, raw concrete, exposed concrete block or wood are strictly prohibited.
- (2) For all other properties within the Gateway Corridor, the base and planter shall be constructed of brick.

Mr. Schindler stated, between Sanford, Seminole County and Lake Mary, staff has tried to be consistent along Lake Mary Boulevard and staff has notified all these jurisdictions of the City's intent; that the language in (1) is exactly the same language that is allowed for all other ground signs outside of the Gateway Corridor. He emphasized that this doesn't prohibit the use of brick, it simply allows a greater number of choices.

Mr. Schindler said that the other major revision has to do with banners. He stated that the City Commission, at a previous workshop, said that in order to promote/support new business and economic development, the City needs to allow banners under a limited, very specific circumstance. He said that currently the only place within the City that can have a banner is on the west side of I-4 at Colonial Center Heathrow f/k/a Heathrow International Business Center. He stated

1 that what the City Commission has said is that for the first 30 days after a new  
2 business (new Business Tax Receipt) starts, they are allowed to have a banner.  
3 Proposed language in the Staff Report reads as follows:  
4

- 5 (2) Banner signs. A business receiving a new local business tax receipt may put up  
6 a temporary banner sign for the first 30 days of business, for new businesses  
7 only, with approval of the Community Development Director and after obtaining  
8 the required banner sign permit. Banner signs are required to be removed  
9 within 48 hours of the expiration of the permit.  
10

11 Mr. Schindler's presentation was concluded at this point.  
12

13 Chairman Hawkins expressed his concern of banners for second-story businesses.  
14

15 Mr. Schindler explained that the banners need to be 12' above the ground; that it  
16 does not preclude a second-story business in that it says any new business,  
17 meaning new Business Tax Receipt, but the banner can only have a maximum  
18 height of 12'.  
19

20 Chairman Hawkins asked, a 12' high banner?  
21

22 Mr. Schindler answered, it can only be 32 square feet.  
23

24 Chairman Hawkins questioned, in front of the business or somebody else's  
25 business?  
26

27 Mr. Schindler responded, in front of its business.  
28

29 Chairman Hawkins asked, so, it can be on the second story of a business?  
30

31 Mr. Schindler replied, as long as the top of the banner is not over 12' above the  
32 ground.  
33

34 Chairman Hawkins questioned, so, you can have an off-site sign?  
35

36 Mr. Schindler answered, it's not offsite. As long as it's on the subject property, that  
37 sign is an accessory sign. Banners must be attached to the building of the  
38 advertised event.  
39

40 Chairman Hawkins asked, but, if I have a second-story office/second-story  
41 business, where am I going to put my banner if it can't be 12' up?  
42

1 Mr. Schindler responded, well, then, that's a problem, but that's not – I mean, you  
2 have to have some rules and regulations. If you wish to make some revisions to it,  
3 please do.  
4

5 Chairman Hawkins questioned, and all of these changes in these regulations are  
6 just within the Downtown District?  
7

8 Mr. Schindler replied, not the banner signs. The banners are City-wide.  
9

10 Chairman Hawkins asked, what about special events?  
11

12 Mr. Schindler answered, no, no.  
13

14 Member Miller pointed out that there is a place in §4 where it says that banner  
15 signs must be attached to the building of the advertised event. He said that implies  
16 it is something besides a new business.  
17

18 Mr. Schindler stated, well, event, in this instance, is being used in a very broad  
19 sense of the word. The event is the grand opening, or the opening of the new  
20 business. That portion was developed by Mr. Fleming. We had input into it, but if  
21 you believe that event is not specific enough, please make a recommendation.  
22 Staff is certainly receptive to any revisions and proposals.  
23

24 Vice Chairman Taylor suggested on page 6 of 7 of the Staff Report to change the  
25 second sentence from the top to read, The banner signage shall be affixed to the  
26 structure or ground and not be displayed in excess of 12 feet in height from the  
27 ground level of the building.  
28

29 Vice Chairman Taylor suggested on page 6 of 7 of the Staff Report to change the  
30 fourth sentence from the top to read, Banner signs must be attached to the building,  
31 strike the words, of the advertised event, and add the words, and to the building  
32 (business) obtaining the new Business Tax Receipt.  
33

34 Member Cartmill pointed out, under the last sentence of §8 REGULATIONS OF  
35 NON-CONFORMING SIGNS on page 6 of 7, that 11 years is a long time to call a  
36 sign temporary and wondered if temporary signs could just end up being  
37 permanent signs.  
38

39 Mr. Schindler said that the City has had some temporary signs that have been  
40 around awhile. He went on to explain the difference between temporary and  
41 permanent signage.  
42

43 Member Miller questioned Chairman Hawkins if he was good with these changes.

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Chairman Hawkins responded, no, not a one of them. And, my reason -- if Mr. Fleming was here -- even though Mr. Fleming is probably the best code enforcement officer that we have had in the past 25 years, or 20 years, or however long I have been on this board, the ones before him were inept. And, so, this is just a can of worms as far as I'm concerned. I can see some of the changes as far as the temporary signs and stuff like that but I'm not in favor of the banners. And, the one thing that is missing that we discussed was how, for local businesses in the downtown area, to develop some kind of temporary sidewalk signs and that wasn't addressed. He asked, did you-all talk about that?

Mr. Schindler replied, we have talked about it internally, and the only problem with those is that the temporary signs that are not fastened down, in high winds, can become missiles and damage property and cause injuries.

Chairman Hawkins stated, these sandwich board signs in Downtown Lake Mary, for the most part, are tastefully done, but there is no regulation and no code enforcement on them.

Mr. Schindler said that when he was with the City of DeLand, the City of Deland purposely did not regulate sandwich board signs because they did not want the liability that came with authorizing them or not authorizing them; that they were not permitted, they were not prohibited. They simply were not addressed.

Chairman Hawkins stated, I just think that you, as a Community Development Department and Code Enforcement, have better things to do than to police signs, and because that is my personal opinion and that that's the mindset of the Community Development Department and the Police Department about code enforcing signs, I just see this as a can of worms. I'm not in favor of it and I would just like for that to be a part of the record.

Member Miller questioned, what is the penalty for a banner remaining up beyond the 32 days?

Mr. Schindler answered, code enforcement action.

Member Miller asked, what does that mean?

Mr. Schindler responded, the first time I believe it could be \$50 a day if it was found to be in violation. Repeat offenders, I believe, can be up to \$200 a day.

Member Miller questioned, since the banner is new, what -- you are just using the regulation for what; to determine the \$50 a day?

DRAFT

1 Mr. Schindler replied, I believe that is set by the State.  
2

3 Member Schofield suggested that temporary signs be allowed up for 180 days total  
4 in one calendar year and then no more.  
5

6 Mr. Schindler explained how it is for the entire property and not one tenant.  
7

8 Vice Chairman Taylor asked, is there a square-footage limitation on temporary  
9 signs?  
10

11 Mr. Schindler answered, yes, as small as four square feet per side and as large as  
12 64 square feet per side, depending upon the intensity of the zoning district.  
13

14 Chairman Hawkins questioned, how many temporary signs can a parcel have?  
15

16 Mr. Schindler responded, one.  
17

18 Chairman Hawkins asked, and a banner sign is a temporary sign?  
19

20 Mr. Schindler replied, a new business may have a banner and that would be in  
21 addition to the temporary sign. The banners are intended to be in addition to the  
22 normal, regulated temporary signage.  
23

24 Chairman Hawkins suggested on page 5 of 7 of the Staff Report under (5)  
25 Development standard., 3. 1., add, and temporary signs, after permanent, to read,  
26 Banners are additional square footage of permanent and temporary signs.  
27

28 Alternate Fitzgerald said he would have liked to have heard from Mr. Fleming and  
29 suggested tabling this item until he could be present and speak to this matter.  
30

31 Vice Chairman Taylor said she just thought the Board was talking clarity of  
32 language.  
33

34 Member Schofield stated he wouldn't disagree with the idea of tabling it.  
35

36 Chairman Hawkins said that the City Commission is the one who is driving this, not  
37 Mr. Fleming. The City Commission is the one who wanted to make these changes;  
38 that they have just directed Mr. Fleming and Mr. Schindler to make those revisions.  
39

40 Chairman Hawkins opened the hearing to public comment. Hearing none, he  
41 closed that portion and entertained board discussion and/or a motion.  
42

43 **MOTION:**

**NOVEMBER 13, 2012-7  
PLANNING AND ZONING BOARD**

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**Member Cartmill moved to recommend approval to the City Commission the request by City of Lake Mary/Community Development Department regarding proposed revisions to Section 155, Appendix I, related to temporary signs and ground signs within the Downtown portion of the Gateway Corridor (Lake Mary Boulevard), consistent with staff's Findings of Fact listed in the Staff Report and subject to the following three conditions. Member Miller seconded the motion. Chairman Hawkins and Member Schofield were opposed to the motion. The motion carried 3-2.**

**CONDITIONS:**

- 1. Planning and Zoning Board recommends on page 5 of 7 of the Staff Report under (5) Development standard., 3. 1., add, and temporary signs, after permanent, to read, Banners are additional square footage of permanent and temporary signs.**
- 2. Vice Chairman Taylor suggested on page 6 of 7 of the Staff Report to change the second sentence from the top to read, The banner signage shall be affixed to the structure or ground and not be displayed in excess of 12 feet in height from the ground level of the building.**
- 3. Planning and Zoning Board recommends on page 6 of 7 of the Staff Report to change the fourth sentence from the top to read, Banner signs must be attached to the building, strike the words, of the advertised event, and add the words, and to the building (business) obtaining the new Business Tax Receipt.**

It is noted that this item will move forward to the City Commission meeting of December 6, 2012.

QUASI-JUDICIAL SIGN-IN SHEET

11/13, 2012  
P+2 MEETING  
(please print)

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

Address \_\_\_\_\_

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

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

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



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager  
Steve Bracknell, Police Chief  
Colin Morgan, Deputy Chief

FROM: Bruce Fleming, Sr. Code Enforcement Officer

SUBJECT: Ordinance No. 1478 - Amendment to Section 30.41 regarding notices for Code Enforcement violations - First Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer)

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The Florida legislature amended Chapter 162 of the Florida Statutes to reflect new guidelines for providing notice for violations of Municipal Codes. Under the new guidelines, notice is no longer required to be sent with a return receipt to the violator. The new law allows for electronic confirmation that notice has been delivered.

### **RECOMMENDATION:**

The above Chapter of the Code of Ordinances be amended to reflect the changes in state law.

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ORDINANCE NO. 1478

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING SECTION 30.41 OF CHAPTER 30 OF THE CODE OF ORDINANCES ENTITLED "NOTICES"; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

**WHEREAS**, Chapter 162 of the Florida Statutes was amended by the legislature to reflect new guidelines for providing notice of violation of municipal codes,

**WHEREAS**, the Commission desires to amend the Lake Mary Code of Ordinances to reflect State law,

**WHEREAS**, the Commission desires to provide for the guidelines to provide notice for violation of the Code of Ordinances.

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

**Section I** Chapter 30.41 Notices, is hereby amended as follows:

**§ 30.41 NOTICES**

~~—(A)— All notices required by this section shall be provided to the alleged violator by certified mail, return receipt requested, provided if the notice is sent under this method to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by the owner and is returned as unclaimed or refused, notice may be provided by posting as described in division (B)(4) and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing; or by hand delivery by the sheriff or other law enforcement officer, Code Inspector, or other person designated by the local governing body, or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or in the case of commercial premises, leaving the notice with the manager or other person in charge.~~

~~—(B)— In addition to providing notice as set forth in division (A), at the option of the Code Enforcement Board, notice may also be served by publication or posting, as follows:~~

1       ~~— (1) — Such notice shall be published once during each week for four consecutive~~  
2 ~~weeks (four publications being sufficient) in a newspaper of general circulation in~~  
3 ~~Seminole County. The newspaper shall meet such requirements as are prescribed under~~  
4 ~~F.S. Chapter 50 for legal and official advertisements.~~

5       ~~— (2) — Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.~~

6       ~~— (3) — Notice by publication or posting may run concurrently with, or may follow,~~  
7 ~~an attempt or attempts to provide notice by hand delivery or by mail as required under~~  
8 ~~division (A).~~

9       ~~— (4) — In lieu of publication as described above, the notice may be posted for at~~  
10 ~~least ten days prior to the hearing or prior to the expiration of any deadline contained in~~  
11 ~~the notice in at least two locations, one of which shall be the property upon which the~~  
12 ~~violation is alleged to exist and the other of which shall be at the city hall. Proof of~~  
13 ~~posting shall be by affidavit of the person posting the notice, which affidavit shall include~~  
14 ~~a copy of the notice posted and the date and places of its posting.~~

15       ~~— (C) — Evidence that an attempt has been made to hand deliver or mail notice as~~  
16 ~~provided in division (A), together with proof of publication as provided in division (B)(1)~~  
17 ~~or posting as provided in division (B)(4), shall be sufficient to show that notice~~  
18 ~~requirements have been met, without regard to whether or not the alleged violator~~  
19 ~~actually received the notice.~~

20       ~~(Ord. 508, passed 6-7-90; Am. Ord. 966, passed 3-2-00)~~

21       **Notices required by Sections 30.30 through 30.39 shall be provided in**  
22 **accordance with Section 162.12 Florida Statutes, as it may be amended**  
23 **from time to time.**

24       **SECTION II Codification** – It is the intention of the City Commission that  
25 the provisions of this Ordinance shall become and be made part of the Code of  
26 Ordinances of the City of Lake Mary, Florida and the word “ordinance” may be  
27 changed to “section”, “article”, or other appropriate word or phrase and the  
28 sections of this Ordinance may be renumbered or re-lettered to accomplish such  
29 intention.

30  
31       **SECTION III Conflicts** - All ordinances or resolutions or parts of  
32 ordinances or resolutions in conflict herewith are hereby repealed to the extent of  
33 any conflict.

34  
35       **SECTION IV Severability** – If any section, sentence, phrase, word or  
36 portion of this Ordinance is determined to be invalid, unlawful or unconstitutional,  
37 said determination shall not be held to invalidate or impair the validity, force or  
38 effect of any other section, sentence, phrase, word or portion of this Ordinance  
39 not otherwise determined to be invalid, unlawful, or unconstitutional.

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**SECTION V** Effective Date - This Ordinance shall become effective immediately upon passage and adoption.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

CITY OF LAKE MARY, FLORIDA

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

ATTEST:

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

FOR THE USE AND RELIANCE OF THE CITY OF LAKE MARY ONLY; APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Randy Petitt, Human Resources Manager

SUBJECT: Resolution No. 912 - Pay and Classification Plan

---

The attached salary survey information and recommended pay plan adjustments are presented for your consideration. Our FY '13 budget allocated \$100,000 for these updates.

This information and recommendations were compiled by Human Resources and are as accurate as possible with the understanding that duties by title may be somewhat different from city to city. Some averages continue to jump due, in part, to scheduled increases in labor contracts of various agencies. In summary, the recommendations include an adjustment of all pay ranges by 1% to the minimum and maximum of the current pay range. It also provides for the following:

1. Employees would receive increases if necessary to bring them to the new pay range minimum.
2. If an employee's position is to be reclassified, they will receive a 1% increase or as the result of significant changes to duties during reclassification. Those moving into pay grades 42 and 44 will not receive these increases.
3. All exempt positions will have their pay grade start with the letter "E".
4. Sworn Fire pay grade will start with 1 and Police pay grade will start with 2.
5. Title changes were made to the following positions:
  - a. Administrative Secretary to Administrative Assistant
  - b. Senior Administrative Secretary to Senior Administrative Assistant
  - c. Parks Maintenance Specialist to Parks Maintenance Specialist I
  - d. Public Works Maintenance Specialist to Public Works Maintenance Specialist I

- e. Facilities Maintenance Technician to Facilities Maintenance Technician II
  - f. Sr. Programs/Special Events Coordinator to Senior Programs Manager
6. Reclassifications were made to the following positions:
- a. Pay Grade 10 had to have minimum range moved to \$7.79 to comply with Florida's Minimum Wage law.
  - b. Recreation Assistant (P/T), PG 18 to PG 19
  - c. One Staff Assistant, PG 21 to Parks and Events Center Coordinator, PG 26
  - d. Professional Standards Coordinator, PG 25 to Accreditation Coordinator, PG 26.
  - e. Trades Helper, PG 21 to Facilities Maintenance Technician I, PG 22
  - f. Recreation Facilities Crew Leader, PG 26 to Recreation Chief, PG E28
  - g. One Water Treatment Plant Operator, PG 27 to Lead WTP Operator, PG 30
  - h. Senior Programs Manager, PG 28 to PG E31
  - i. Planner, PG 29 to PG E31
  - j. Communications Supervisor, PG 32 to Support Services Supervisor, PG E33
  - k. City Planner, PG 35 to PG E37
  - l. Police Lieutenant, PG 37 to PG E235
  - m. City Clerk, PG 37 to PG E39
  - n. City Engineer, PG 40 to PG E41
  - o. Division Chief, PG 40 to Deputy Fire Chief, PG E42
  - p. Deputy Police Chief, PG 41 to PG E42
  - q. Human Resources Manager, PG 41 to PG E42
  - r. Parks and Recreation Director, PG 42 to PG E44
  - s. Community Development Director, PG 43 to PG E44
  - t. Fire Chief, PG 43 to PG E44
7. The following new positions were created:
- a. Addition of one new Grounds Maintenance Crew Leader, PG 26 (bring to a total of 2)
  - b. Helpdesk Technician, PG 27
8. The following positions were eliminated:
- a. Two Parks Maintenance Specialists (will be promoted to Grounds Maintenance Crew Leader)
9. The following positions were downgraded:
- a. Facilities Maintenance Manager, PG 33 to Parks and Facilities Supervisor, PG 30
  - b. Information Systems Coordinator, PG E35 to PG E33

The cost to implement these pay plan changes total \$24,848.58.

This pay plan update enables us to implement an across the board 1% salary adjustment for entitled employees, employees with one year of service as of 1-1-13, which is funded in the FY 13 Budget. Total cost for this adjustment will be \$73,980.07 for FY 13.

	<u>Increase</u>	<u>Pension</u>	<u>So. Sec.</u>
89 General Employees	\$33,632.21	\$4,204.03	\$2,572.86
34 Police (Sworn)	\$13,386.52	\$1,673.31	\$1,024.07
38 Fire (Sworn)	\$14,554.36	\$1,819.30	\$1,113.41
	<u>\$61,573.09</u>	<u>\$7,696.64</u>	<u>\$4,710.34</u>

In addition, employees are still eligible for up to a 2% merit increase based upon their annual performance evaluation so long as they stay within their respective pay range. Employees who are at the top of their pay range and not eligible for a recurring merit increase will instead be considered for a nonrecurring performance bonus in the equivalent amount which is the same as we have always done.

Total cost for all of these changes would be \$98,828.65.

**RECOMMENDATION:**

That the City Commission accept these recommendations and adopt Resolution #912 effective January 5, 2013.

RESOLUTION NO. 912

A RESOLUTION OF THE CITY OF LAKE MARY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION PLAN FOR EMPLOYEES OF THE CITY OF LAKE MARY, FLORIDA; PROVIDING FOR AMENDMENT AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary, Florida, desires to revise its Pay and Classification plan for employees of the City of Lake Mary, Florida; and

WHEREAS, the City of Lake Mary, Florida considers the revision to the Pay and Classification Plan for the employees to be necessary in order to attract qualified persons for employment positions within the City of Lake Mary and to retain employees presently filling positions within the City of Lake Mary.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Lake Mary, Florida:

1. The attached Pay and Classification Plan is hereby adopted.
2. The Pay and Classification Plan may be amended from time to time by Resolution.
3. This Resolution shall take effect January 5, 2013.

PASSED AND ADOPTED this 20th day of December 2012.

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

\_\_\_\_\_  
ATTEST:

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

# City of Lake Mary

FY13 Pay Plan

Effective 01/01/13

CLASSIFICATION:	PAY GRADE	HOURLY RANGE		ANNUAL RANGE	
		Min	Max	Min	Max
NON-EXEMPT EMPLOYEES		40 HOUR WEEK		2080 ANNUAL HOURS	
Maintenance Assistant (P/T)	10	\$7.79	\$11.41	\$16,203.20	\$23,732.80
Senior Center Assistant	10				
Farmers Market Manager (P/T)	19	\$10.06	\$15.71	\$20,924.80	\$32,676.80
Recreation Assistant (P/T)	19				
Events Center Specialist	21	\$11.59	\$18.11	\$24,107.20	\$37,668.80
Parks Maintenance Specialist I	21				
Public Works Maintenance Specialist I	21				
Meter Reader/Service Technician	21				
Staff Assistant	21				
Customer Service Rep	22	\$12.18	\$19.02	\$25,334.40	\$39,561.60
Facilities Maintenance Technician I	22				
Permit/Building Specialist	22				
Records Specialist	22				
Senior Staff Assistant	22				
Accounts Payable Clerk	23	\$12.80	\$19.98	\$26,624.00	\$41,558.40
Administrative Assistant	23				
Community Service Officer	23				
Senior Records Specialist	23				
Emergency Communications Operator I	24	\$13.44	\$21.00	\$27,955.20	\$43,680.00
Emergency Communications Operator II	25	\$14.12	\$22.05	\$29,369.60	\$45,864.00
Mechanic	25				
Property/Evidence Control Specialist	25				
Utility Billing Specialist	25				
Accreditation Coordinator	26	\$14.83	\$23.16	\$30,846.40	\$48,172.80
Events Center Crew Leader	26				

Facilities Maintenance Technician II	26				
Grounds Maintenance Crew Leader	26				
Irrigation Crew Leader	26				
Senior Administrative Assistant	26				
Permit/Zoning Coordinator	26				
Water Plant Operator "C"	26				
Parks and Events Center Coordinator	26				
Helpdesk Technician	27	\$15.57	\$24.32	\$32,385.60	\$50,585.60
Electrician	28	\$16.36	\$25.54	\$34,028.80	\$53,123.20
Public Works Crew Leader	28				
Senior Code Enforcement Officer	28				
Water Plant Operator "B"	28				
Computer Support Technician	29	\$17.18	\$26.83	\$35,734.40	\$55,806.40
Engineering Inspector	29				
Human Resources Specialist	29				
Purchasing Coordinator	29				
Administrative Assistant to CM	30	\$18.05	\$28.19	\$37,544.00	\$58,635.20
Code Compliance Inspector	30				
Deputy City Clerk	30				
Fire Inspector	30				
Fleet Crew Leader	30				
Lead WTP Operator	30				
Parks and Facilities Supervisor	30				
GIS Specialist	31	\$18.96	\$29.60	\$39,436.80	\$61,568.00
Plans Examiner	33	\$20.91	\$32.64	\$43,492.80	\$67,891.20
Senior Fire Inspector	33				
Fire Training Officer	35	\$23.06	\$26.01	\$47,964.80	\$54,100.80
<b>EXEMPT EMPLOYEES</b>					
Events Center Assistant Manager	E28	\$16.36	\$25.54	\$34,028.80	\$53,123.20
Recreation Chief	E28				
Planner	E31	\$18.96	\$29.60	\$39,436.80	\$61,568.00
Senior Programs Manager	E31				

Recreation/Events Center Manager	E33	\$20.91	\$32.64	\$43,492.80	\$67,891.20
Support Services Supervisor	E33				
Information Systems Coordinator	E33				
Accounting Supervisor	E34	\$21.74	\$34.28	\$45,219.20	\$71,302.40
Fire Marshal	E35	\$23.06	\$26.01	\$47,964.80	\$54,100.80
Assistant Parks & Recreation Director	E37	\$25.43	\$39.70	\$52,894.40	\$82,576.00
Assistant Public Works Director	E37				
City Planner	E37				
Stormwater/Professional Engineer	E38	\$26.70	\$41.69	\$55,536.00	\$86,715.20
Building Official	E39	\$28.05	\$43.78	\$58,344.00	\$91,062.40
City Clerk	E39				
Finance Manager	E39				
City Engineer	E41	\$30.93	\$48.27	\$64,334.40	\$100,401.60
Deputy Fire Chief	E42	\$32.48	\$50.70	\$67,558.40	\$105,456.00
Deputy Police Chief	E42				
Human Resources Manager	E42				
Community Development Director	E44	\$35.82	\$55.90	\$74,505.60	\$116,272.00
Finance Director	E44				
Fire Chief	E44				
Parks & Recreation Director	E44				
Police Chief	E44				
Public Works Director	E44				

<b>FIRE - 2912</b>		<b>56 HOUR WEEK</b>		<b>2912 ANNUAL HOURS</b>	
<b>NON-EXEMPT EMPLOYEES</b>					

Firefighter/EMT/Paramedic	127	\$12.48	\$19.11	\$36,341.76	\$55,648.32
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\*Paramedic Incentive \$8,000 (\$307.70 Bi-Weekly)

Fire Lieutenant EMT/Paramedic	132	\$15.79	\$24.41	\$45,980.48	\$71,081.92
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\*Paramedic Incentive \$8,000 (\$307.70 Bi-Weekly)

Battalion Chief	E136	\$17.83	\$27.29	\$51,920.96	\$79,468.48
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\*Paramedic Incentive \$8,000 (\$307.70 Bi-Weekly)

POLICE - 2184		42 HOUR WEEK		2184 ANNUAL HOURS	
NON-EXEMPT EMPLOYEES					
Police Officer I	227	\$16.63	\$25.46	\$36,319.92	\$55,604.64
Police Officer II	228	\$17.47	\$26.73	\$38,154.48	\$58,378.32
Police Officer First Class	230	\$19.27	\$29.49	\$42,085.68	\$64,406.16
Sergeant	233	\$22.33	\$34.19	\$48,768.72	\$74,670.96
Police Lieutenant	E235	\$26.70	\$41.69	\$58,312.80	\$91,050.96



## **MEMORANDUM**

DATE: December 20, 2012

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Steve Bracknell, Chief of Police

SUBJECT: Resolution No. 913 - Amending FY 2013 Budget to purchase K-9 from Law Enforcement Trust Fund

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The purpose of this memorandum is to request that the City Commission approve the purchase of a narcotics and full service canine utilizing funds from the Law Enforcement Trust Fund.

The Police Department's K-9 Unit provides a number of invaluable support services to the agency's mission. They are regularly called upon to search for fleeing suspects, perform building searches and help locate missing property and persons.

The greatest demand on our dogs by our officers is searching for narcotics and dangerous drugs. In addition, they are regularly called upon to support several federal, state and local law enforcement agencies. They are without a doubt, one of our finest crime fighting assets.

Our current K9 team of PFC Snider and Canine Axel have fulfilled their service life for this agency. The purchase of a replacement dog would continue to enhance our ability to respond to the increased demands for this service.

The total expenditure from the Law Enforcement Trust Fund account is \$8,500.00.

It should be noted that the dog is guaranteed by the seller to have an OFA passing rating on hips and elbows. If said dog is found to have genetic defaults which would bar it from receiving a passing rating on the hips or elbows, then the selling party will refund the purchase price of \$8,500.00 to the City of Lake Mary.

**BUDGET IMPACT:**

The total expenditure from the Law Enforcement Trust Fund account will not exceed \$8,500.00 and will be appropriated from fund balance.

**RECOMMENDATION:**

Request Commission approve the purchase of the fully trained drug detection canine from the Law Enforcement Trust Fund in an amount not to exceed \$8,500.00 and to approve Resolution No. 913 amending the Fiscal Year 2013 Budget.

RESOLUTION NO. 913

A RESOLUTION OF THE CITY OF LAKE MARY, FLORIDA,  
AMENDING THE FISCAL YEAR 2012-2013 BUDGET;  
PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of Lake Mary, Florida, finds it desirable, in order to properly reflect new information and changes made during the year, to amend the Budget for the City of Lake Mary for the Fiscal Year 2013, beginning October 1, 2012 as provided herein; and

WHEREAS, Ordinance No. 1470 adopting the City's budget for Fiscal Year 2013, provides for amendment by Resolution.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Lake Mary, Florida:

1. The following funds are revised as specified herein:

**Law Enforcement Trust Fund**

**REVENUES:**

001-0000-399-01-00	Cash Balance Forward	\$ 8,500
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**EXPENDITURES:**

102-0321-421-65-10	Capital Outlay	\$ 8,500
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2. That all ordinances or resolutions or parts of ordinances or resolutions in conflict herewith shall be and the same are hereby repealed.

3. This Resolution shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 20th day of December, 2012.

CITY OF LAKE MARY, FLORIDA

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

ATTEST:

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

**City of Lake Mary, Florida  
Fiscal Year 2013 Budget Amendment  
Law Enforcement Trust Fund**

Description	2013 Current Budget	Current Amendment	2013 Amended Budget
<b>Revenue:</b>			
Forfeitures	\$ 1,660	\$ -	\$ 1,660
Interest Income	800	-	800
<b>Total Revenues:</b>	<u>2,460</u>	<u>-</u>	<u>2,460</u>
<b>Expenditures and Other Uses:</b>			
DARE Program	\$ 7,500	\$ -	\$ 7,500
Operating Expenditures	3,910	-	3,910
Capital	30,883	8,500	39,383
Donations	-	-	-
<b>Total Expenditures</b>	<u>42,293</u>	<u>8,500</u>	<u>50,793</u>
<b>Increase (Decrease) in Fund Balance</b>	<u>\$ (39,833)</u>	<u>\$ (8,500)</u>	<u>\$ (48,333)</u>
Use of Carryforward Fund Balance		8,500	
Fund Balance Beginning of Year	<u>197,050</u>		<u>197,050</u>
Fund Balance End of Year	<u>\$ 157,217</u>		<u>\$ 148,717</u>

**Purpose of Amendment:**

Purchase of a narcotics and full service canine.

## INVOICE 207

Kurt DuMond  
22111 O'Brien Road.  
Howey In The Hills FL 34737  
(352)406-1814

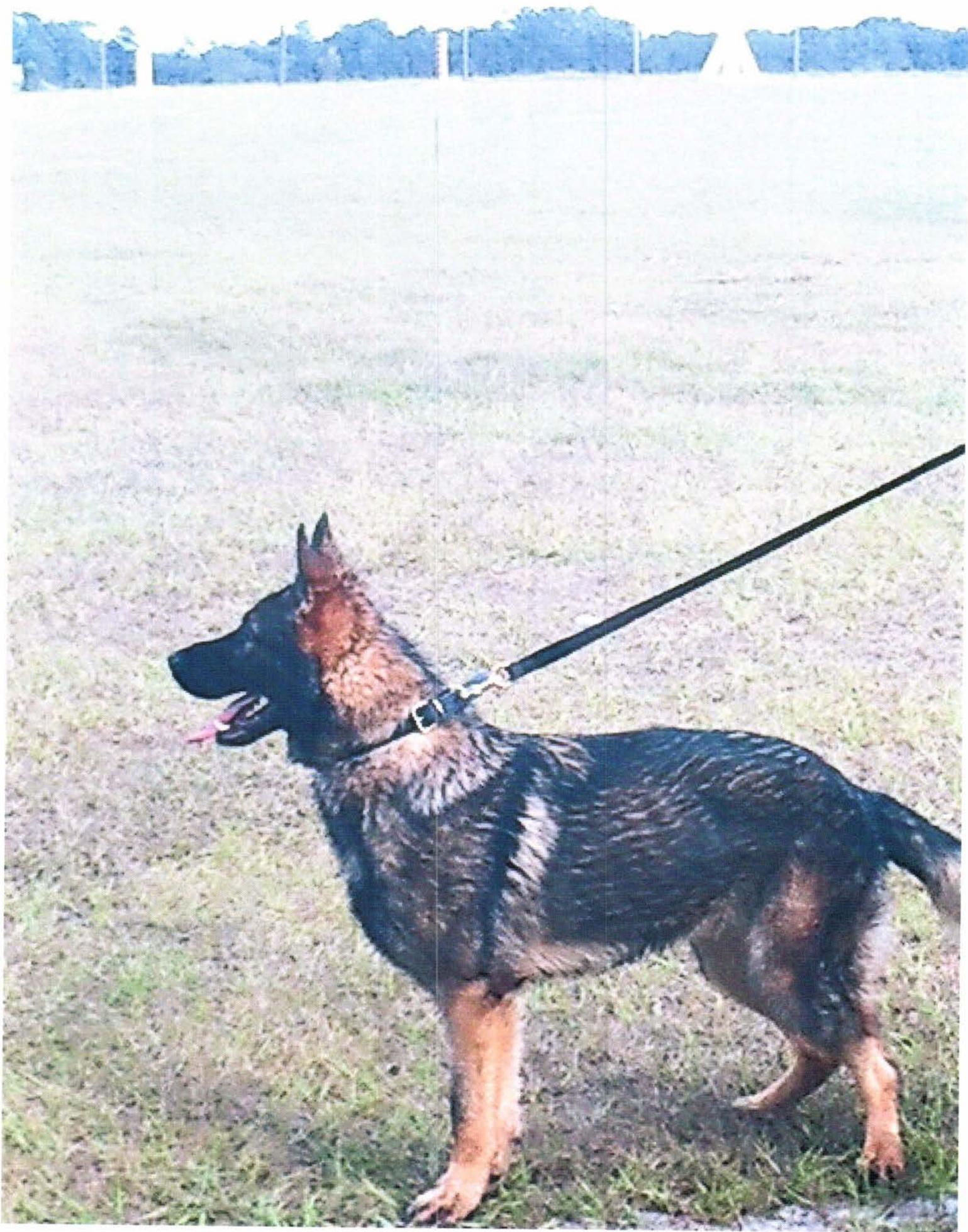
Kurt DuMond sells one German Shepherd Dog, Male, Neso , Sable, DOB Oct.. 28, 2011 to Lake Mary Police Department for the sum of \$8,500.00 (Eight Thousand Five Hundred dollars). Kurt DuMond guarantees said dog will pass your veterinarian check. Kurt DuMond guarantees said dog will pass State Certification, if said dog attends a state certified school, put on by a state certified instructor recognized by F.D.L.E.

Lake Mary Police Department has been advised that said dog may bite or cause other damage to persons or property and that Kurt DuMond is not to be held responsible for said dog or any damage said dog may cause while in the possession of the Lake Mary Police Department. Lake Mary Police Department accepts full responsibility for any damage said dog may cause. Lake Mary Police Department waives and releases Kurt DuMond from any and all liability of any nature from said dog. Lake Mary Police Department has 7 days to Vet check said dog.

Date: December 18, 2012

Make Check Payable To: Kurt DuMond







## CITY MANAGER'S REPORT

DATE: December 20, 2012  
TO: City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: City Manager's Report

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### ITEMS FOR COMMISSION ACTION:

1. Janitorial services one-year contract extension. **(ATTACHMENT #1)**
2. Mutual Aid Agreement with Orange County Sheriff's Office. **(ATTACHMENT #2)**

### ITEMS FOR COMMISSION INFORMATION:

1. Parks & Recreation Update.
2. Monthly Department Reports. **(ATTACHMENT #3)**



## CITY MANAGER'S REPORT

DATE: December 20, 2012  
TO: City Commission  
FROM: Lisa Starr, Senior Administrative Secretary  
SUBJECT: Janitorial services one-year contract extension

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The City of Lake Mary and JT Bay, LLC d/b/a Performance Cleaning Group, entered into a contract on September 21, 2010, for Janitorial Services at multiple locations throughout the city. Terms of the contract were for 1 (one) 12 month period beginning October 1, 2010, with the option to re-new for 2 (two) additional 12 month periods.

The first contract option was exercised last year on September 30, 2011, with amendments made and agreed upon by both parties, for the increased cost of supplies.

The contract is up for the second contract option to renew for an additional 12 months. An amendment is being added to remove all paper products from the contract. Staff has found that paper products can be delivered directly from a local paper vendor at a lower cost to the City. This amendment will also alleviate problems with obtaining quality paper products in a timely manner.

**Staff Recommendation:**

Staff recommends to option for the last additional 12 month period. Included in this option, staff recommends an amendment to remove paper products from the contract.



CITY OF LAKE MARY, FLORIDA

AGREEMENT  
JANITORIAL SERVICES

CITY OF LAKE MARY

In accordance with Article 3 of the Agreement for Janitorial Services, dated September 21, 2010, between the City of Lake Mary and JT Bay, LLC d/b/a Performance Cleaning Group, both parties hereby mutually agree to extend the contract for the second additional twelve (12) month option. Attached documents, which reflect separate daily, quarterly and semi-annual scope of work for each location/facility and applicable charges for said work, are also considered part of the extension of this contract.

The term end date will be September 30, 2013.

CITY OF LAKE MARY, FLORIDA

\_\_\_\_\_  
JACKIE SOVA, CITY MANAGER

DATED: \_\_\_\_\_

JT BAY, LLC d/b/a PERFORMANCE  
CLEANING GROUP

  
\_\_\_\_\_  
DANIEL GORRITZ, PARTNER

DATED: 11/28/12

**II. FUNCTIONAL SPECIFICATIONS**

**A. Supplies**

1. The Contractor will provide cleaning solutions, to perform the services as outlined below.
2. Contractor will provide Betco Clario Foaming Hand Wash for dispensers in all facilities where applicable.

**B. Cleaning Schedule per Facility**

FACILITY	FREQ.	DAYTIME HOURS	EVENING HOURS	MON	TUES	WED	THUR	FRI
CITY HALL*	2		After 5 pm		Night			Night
EVENTS CENTER	3	8:00-11:30 am		Day		Day		Day
FRANK EVANS CENTER	1		After 5 pm					Night
MUNICIPAL COMPLEX	2		After 5 pm		Night			Night
PARKS BUILDING	1	1:00-2:00 pm						Day
POLICE DEPARTMENT	2		After 5 pm		Night			Night
PUBLIC WORKS	1		After 5 pm		Night			
TENNIS CENTER	1	2:00-3:00 pm						Day

\* City Hall has recurring evening meetings that may affect when the contractor may enter the building.

The following is a schedule of meeting use at City Hall:

Commission - 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month beginning at 7 pm.

Planning & Zoning - 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month beginning at 6 pm.

Board of Adjustment: - 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month beginning at 6 pm.

Parks & Recreation - 1<sup>st</sup> Monday of each month beginning at 6 pm.

Code Enforcement - 3<sup>rd</sup> Tuesday of every other month beginning at 7 pm.

**C. Scope of Work**

**1. Daily Service For All Facilities**

#	ENTRANCES, LOBBIES, CONFERENCE ROOMS, CORRIDORS, GENERAL OFFICE AREAS	EMPLOYEE KITCHEN, BREAK AREAS	RESTROOMS
1	Inspect all front and side entrances, including glass doors and windows, inside and outside. Debug and spot clean to a height of 12' (feet), as needed.	Clean and sanitize counter tops and sinks.	Clean and disinfect all basins, urinals and toilet bowls using germicidal cleaner to remove stains and clean underside rim on urinals and bowls.
2	Gather all trash and recycling and remove it to the appropriate dumpster/recycle bin located outside of each building.	Gather all trash and recycling and remove it to the appropriate dumpster/recycle bin located outside of each building.	Gather all trash and remove it to the appropriate dumpster located outside of each building.
3	Clean and deodorize trash containers as needed and replace liners.	Clean chairs and table tops.	Wash and sanitize toilet seats and sanitary napkin receptacles.
4	Clean any stains located on walls above trash cans.	Damp wipe exterior of trash cans.	Dust and clean partitions and wall surfaces.
5	Dust and clean all surfaces including countertops, file cabinets, conference room tables, additional furniture, any visible desktop areas, with special attention to cubicle divider tops.	Clean microwave inside and out.	Clean all mirrors, vanities, countertops, dispensers and trim.
6	Inspect all open carpeted areas, with special attention to high traffic areas, vacuum as needed.*	Clean coffee pots.	Sweep and damp mop floors with germicidal solution.
7	Sweep all hard surface floors (non-tile) with chemically treated dust mops.**	Sweep and damp mop floors with germicidal solution.	Restock toilet tissue, towels, soap and sanitary napkin dispensers with designated materials.
8	Sweep and damp mop all hard surface floors (tile & terrazzo) using germicidal solution.	Spot clean walls and baseboards, as needed.	Clean and disinfect shower areas as needed.
9	Clean cigarette canisters/ashtrays and replace sand.	Wipe off top and outside of refrigerator as needed.	
10	Clean and sanitize water fountains.	Clean exterior of appliances as needed.	
11	Remove fingerprints from woodwork and doorframes, as needed.		
12	Spot clean all carpet spots up to 6" in diameter, as needed. Larger spots requiring a machine will be an extra charge.		
13	Spot clean walls and partitions for smudges, as needed.		
14	Clean door kick plates as needed.		
15	Vacuum entrance mats.		

## 2. Quarterly Service For All Facilities

#	ENTRANCES, LOBBIES, CONFERENCE ROOMS, CORRIDORS, GENERAL OFFICE AREAS	EMPLOYEE KITCHEN, BREAK AREAS	RESTROOMS	COMMISSION CHAMBERS (CITY HALL)
1	Dust all picture frames, charts, graphs, windowsills, ledges and similar wall hangings.	Machine scrub and wax tile floors, where applicable.	Machine scrub and wax tile floors, where applicable.	
2	Brush cobwebs from ceiling areas and lighting fixtures to a height of 12".			
3	Remove mineral deposit build up on drinking fountains.			
4	Dust all mini-blinds.			
5	Vacuum cloth chairs.			
6	Vacuum all partitions.			
7	Top scrub and re-coat terrazzo floors.			
8	Machine scrub and wax tile floors.			
9				Clean all exterior and interior windows.

## 3. Semi-Annual Service For All Facilities

#	ENTRANCES, LOBBIES, CONFERENCE ROOMS, CORRIDORS, GENERAL OFFICE AREAS	EMPLOYEE KITCHEN, BREAK AREAS	RESTROOMS
1	Clean all exterior and interior windows.		
2	Clean carpets using hot water extraction.		

\* Events Center - vacuum all corridors and administrative areas only (not to include ballrooms).

\*\* Events Center - includes dance floor and stage area.

### D. Special Requirements

1. Do not dump cleaning solutions on the parking lot.
2. Office equipment, painted areas, doors, and jambs that are damaged or soiled by the Contractor shall be repaired/cleaned at the Contractor's expense.
3. Lost or damaged key fobs will cost the Contractor \$20.00 each to replace. Lost keys will be reported to the Facilities Maintenance Representative immediately and cost of re-keying the building(s) related to the key loss will be borne by the Contractor.



**CITY OF LAKE MARY  
REQUEST FOR PROPOSAL**

**JANITORIAL SERVICES**

**PROPOSAL FORM**

Option without supplies

10 months

12/1/12-09/30/12

Location/Facility	Daily Amount	Quarterly Amount	Semi-Annual Amount	Total Amount
City Hall 100 North Country Club Road (Twice per week)	42.00	178.00	310.00	\$4,944.00 <del>5,700.00</del>
Events Center 260 North Country Club Road (Three times per week)	49.00	315.00	445.00	\$8,471.00 <del>9,794.00</del>
Frank Evans Center 158 North Country Club Road (Once per week)	24.00	49.00	70.00	\$1,368.00 <del>1,584.00</del>
Municipal Complex 911 Wallace Court (Twice per week)	80.00	428.00	611.00	\$9,814.00 <del>15,414.00</del>
Parks Building 500 Roland Garros Lane (Once per week)	37.00	110.00	156.00	\$2,343.00 <del>2,676.00</del>
Police Department 165 East Crystal Lake Avenue (Twice per week)	95.00	507.00	724.00	\$11,646.00 <del>13,356.00</del>
Public Works/Fleet 235 Rinehart Road (Once per week)	20.00	27.00	38.00	\$1,044.00 <del>1,224.00</del>
Tennis Center 515 Rantoul Lane (Once per week)	20.00	33.00	48.00	\$1,088.00 <del>1,268.00</del>
Employee Health Clinic 170 Seminole Ave (Once per week)	70.00	0.00	0.00	\$3,150.00 <del>3,640.00</del>

**Total Annual Cost**

**\$ 54,656.00**

Plus 2 months with supplies at \$43,868.00  
previous cost. \$7,966.14

**Contract Total \$51,834.14**



## **CITY MANAGER'S REPORT**

DATE: December 20, 2012  
TO: City Commission  
FROM: Steve Bracknell, Chief of Police  
SUBJECT: Mutual Aid Agreement with Orange County Sheriff's Office.

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Orange County Sheriff Jerry L. Demings has submitted a request to the City of Lake Mary to renew the Mutual Aid Agreement between the Orange County Sheriff's Office and our agency for traffic enforcement assistance.

This agreement provides for rendering of assistance in law enforcement emergency situations and permits voluntary cooperation and assistance of routine law enforcement across jurisdictional lines.

Our agencies have occasion to conduct joint traffic operations, such as dignitary traffic escorts, which traverse jurisdictional lines and may need additional personnel and equipment from our agency to ensure the safety of the participants and our citizens.

### **RECOMMENDATION:**

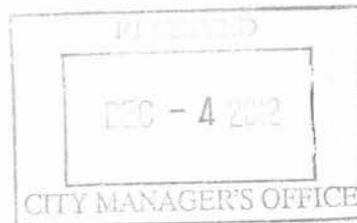
The City Commission renew our Mutual Aid Agreement with the Orange County Sheriff's Office and authorize the Mayor to execute same.



*Sheriff Jerry L. Demings*  
**ORANGE COUNTY SHERIFF'S OFFICE**

TELEPHONE: 407.254.7000 ❖ P.O. BOX 1440, ORLANDO, FLORIDA 32802-1440 ❖ WWW.OCSO.COM

November 21, 2012



Chief Steven Bracknell  
Lake Mary Police Department  
165 East Crystal Lake Avenue  
Lake Mary, Florida 32746-3244

Dear Chief Bracknell:

As you know, the mutual aid agreement between the City of Lake Mary and Orange County Sheriff's Office for emergency joint traffic operations expires at the end of this year.

Enclosed please find a new agreement. If the new agreement is acceptable to you, please execute the two enclosed originals and then return them to me. After Sheriff Demings signs them, I will forward a completely executed original to you for your files.

If you have any questions or concerns, please do not hesitate to contact me at 407-254-7170 or [bernie.rice@ocfl.net](mailto:bernie.rice@ocfl.net). Thank you for your assistance.

Sincerely,

JERRY L. DEMINGS  
Sheriff of Orange County, Florida

*Bernie Rice*

Bernadine Rice  
General Counsel

Enclosures

C: Sheriff Jerry Demings  
Undersheriff Rey Rivero



*The First Agency in Orange County to Receive Both  
International and State Accreditation.*



**COMBINED  
VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE  
MUTUAL AID AGREEMENT**

WHEREAS, the subscribing law enforcement agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Intensive situations including but not limited to emergencies as defined under §252.34, F.S.; and
- (2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people.

WHEREAS, the Sheriff of Orange County, Florida, hereinafter referred to as "OCSO," and the City of Lake Mary, Florida, hereinafter referred to as "City," have the authority under §23.12, F.S., et seq., the "Florida Mutual Aid Act," to enter into a mutual aid agreement for law enforcement service which:

- (1) Provides for rendering of assistance in a law enforcement emergency, as defined in §252.34, F.S.; and
- (2) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines.

WHEREAS, the subscribing law enforcement agencies have occasion to conduct joint traffic operations, including but not limited to dignitary traffic escorts; and

WHEREAS, these joint traffic operations may need to traverse jurisdictional lines or may need additional personnel and equipment from subscribing agencies to ensure the safety of participants and the general public.

NOW, THEREFORE, the parties agree as follows:

**Section I: Operational Assistance**

The subscribing agencies hereby approve and enter into this Agreement whereby each agency may request and render law enforcement assistance to the other for emergency joint traffic operations (e.g., impromptu visit by government dignitary) and related law enforcement situations (e.g., person stopped for traffic offense resists and is subject to arrest).

## **Section II: Voluntary Cooperation**

The subscribing agencies hereby approve and enter into this Agreement whereby each agency may request and render voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines for joint traffic operations and related law enforcement situations (e.g., person stopped for traffic offense resists and is subject to arrest).

## **Section III: Procedures for Requesting or Providing Aid**

A party to this Agreement ("requesting agency") may request assistance as set forth above in Section I or Section II from the other party ("responding agency"). The chief law enforcement executive (Sheriff or Chief of Police) or designee of the requesting agency shall direct the request to the chief law enforcement executive or designee of the responding agency. The request shall specify the needed assistance, e.g., number of personnel, type of equipment, location where equipment or personnel will be assigned. The chief law enforcement executive or designee shall evaluate the situation and his or her agency's available resources and respond in a manner that he or she deems appropriate.

The parties are not required to unreasonably deplete their own equipment, resources, facilities, and services to furnish mutual aid (e.g., personnel, marked units, unmarked units, K-9 units, national, state, and county computer networks). The requesting agency shall release equipment and personnel provided by the responding agency when they are no longer needed or when the responding party determines they are needed within its jurisdiction.

Requests for assistance may be verbal or written. Written requests may be delivered by hand, U.S. Mail, teletype, or e-mail. Written requests directed to the OCSO via U.S. Mail shall be addressed to P.O. Box 1440, Orlando, Florida 32802-1440. Written requests directed to the City via U.S. Mail shall be addressed to 165 East Crystal Lake Avenue, Lake Mary, Florida 32746-3244. Each party is responsible for tracking mutual aid requests made or received in accordance with this Agreement.

City officers are not empowered under this Agreement to take law enforcement action in Orange County without the prior approval of the Sheriff of Orange County or designee. OCSO deputies are not empowered under this Agreement to take action in Lake Mary without the prior approval of the City Chief of Police or designee.

If the City is rendering assistance pursuant to this Agreement in Orange County, the Sheriff of Orange County or designee may determine who is authorized to lend assistance, the nature of the assistance, how long assistance is authorized, and for what purpose the authority is granted. If the OCSO is rendering assistance pursuant to this Agreement within the City limits, the City's Police Chief or designee

may determine who is authorized to lend assistance, the nature of the assistance, how long assistance is authorized, and for what purpose the authority is granted.

If an officer from one party takes law enforcement action in the jurisdiction of the other party pursuant to this Agreement, he or she shall notify the agency having jurisdiction and thereafter take all necessary steps to lawfully complete the enforcement action, including but not limited to, arresting the suspect, transporting the suspect to the appropriate booking location, booking, and providing appropriate reports documenting the event and the actions taken.

Personnel provided by the responding agency shall assist in transporting and processing prisoners during situations involving mass arrests, upon request by the other party. They shall also assist with operating temporary detention facilities, upon request by the other party.

The requesting agency shall be responsible for recording radio communications, including but not limited to, time en route, number of units responding, time of arrival, time of completion, and any other pertinent radio communication.

Upon request by the other party, the requesting or responding agency shall complete a detailed report and forward a copy to the other agency.

Actions by City police officers that occur in Orange County shall be in accordance with and governed by this Agreement; or shall result from actions that legally extend the officers' jurisdiction, including but not limited to fresh pursuits that begin within the City limits; or shall be in accordance with and governed by a mutual aid agreement between the City and the municipality in which the actions occurred.

This Agreement does not grant law enforcement powers to deputies or City officers for purposes of off-duty law enforcement employment.

#### **Section IV: Command and Supervisory Responsibilities**

The resources or facilities assigned by the responding agency shall be under the immediate command of a supervising officer designated by the responding agency. Said supervising officer shall be under the direct supervision and command of a person designated by the chief executive officer, or his or her designee, of the requesting agency.

**Conflicts:** Whenever an agency member is rendering aid pursuant to this Agreement, he or she shall abide by, and be subject to, the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her respective agency. If any such rule, regulation, personnel policy, general order, or standard operating procedure is contradicted, contravened, or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule,

regulation, policy, general order, or standard operating procedure shall control and supersede the direct order.

**Handling Complaints:** If there is cause to believe that a complaint has arisen from a cooperative effort under this Agreement, the requesting agency shall be responsible for documenting the complaint, to try to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining party can be contacted.
3. The specific allegation.
4. The identity of the accused agency members without regard to agency affiliation.

The requesting agency shall provide the responding agency with this information, along with a copy of all applicable documentation. The requesting agency shall expeditiously direct the information and documentation to the professional standards unit of the responding agency. The agency employing the subject of the complaint shall be responsible for conducting an appropriate review.

#### **Section V: Liability**

Each party shall be responsible for the acts, omissions, and conduct of its agents, employees, and appointees that occur while said persons are engaged in providing services pursuant to this Agreement, subject to the provisions of Florida Statute 768.28 where applicable.

#### **Section VI: Powers, Privileges, Immunities, and Costs**

Pursuant to the provisions of Section 23.127(1), F.S., an employee of a subscribing agency, who renders aid outside the agency's jurisdiction in accordance with this Agreement, shall have the same powers, duties, rights privileges, and immunities as if performing duties inside the jurisdiction of his or her agency.

The privileges and immunities from liability; exemption from laws, ordinances, and rules; and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits that apply to the activities of a subscribing agency's employees when performing their respective functions within their agencies' jurisdictional limits shall apply to them to the same degree, manner, and extent while engaged in the performance of their duties extraterritorially under the provisions of this Agreement. This provision shall apply with equal effect to paid, volunteer, and reserve employees.

The parties are responsible for providing compensation and benefits to their respective officers and employees providing services hereunder, including but not limited to salary, overtime, health insurance, disability insurance, life insurance,

liability insurance, worker's compensation, pension/retirement, vacation time, sick time, and any amounts due for personal injury or death.

Each party furnishing equipment pursuant to this Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

Nothing herein shall prevent the requesting agency from seeking supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the responding agency for any actual costs or expenses incurred by the responding agency performing hereunder.

### **Section VII: Term**

This Agreement shall take effect January 1, 2013 and shall continue in full force and effect through December 31, 2016. The term of this Agreement may be extended for a period of up to 120 days by written agreement executed prior to December 31, 2016 by the Sheriff of Orange County, Florida, and the City Police Chief. This Agreement may not be renewed or amended except in writing.

### **Section VIII: Cancellation**

Either party may terminate this Agreement for convenience upon delivery of written notice to the other party. The liability provisions of this Agreement shall survive any such termination.

### **Section IX: Miscellaneous Provisions**

#### **A. Agency Policy**

Each party shall adopt and enforce written policy that is consistent with the terms of this Agreement. Each party shall explicitly explain the various circumstances under which its officers may take law enforcement action in the other party's jurisdiction.

#### **B. Forfeiture Litigation**

The proposed seizure of any vessel, motor vehicle, aircraft, or other property pursuant to the Florida Contraband Forfeiture Act (Florida Statute 932.701-707) during the performance of this Agreement shall be referred to the OCSO Legal Services Section. The referring officer shall specifically identify it from the start as a case stemming from this Agreement. An attorney with the OCSO Legal Services Section shall determine if a forfeiture action is appropriate. The OCSO Legal Services Section shall handle all such forfeiture actions in accordance with applicable law and OCSO policy. The OCSO Legal Services Section shall have the exclusive right to control, and responsibility to maintain, the proceedings in

accordance with the Florida Contraband Forfeiture Act, including but not limited to complete discretion to bring a lawsuit, dismiss the case, or settle the case.

After the OCSO deducts the costs associated with handling the forfeiture cases (e.g., filing fees, attorney time, auction costs), all proceeds from forfeited property seized as a result of or in accordance with this Agreement shall be divided to reflect the resources committed by each party. The parties shall confer to arrive at an appropriate formula. Similarly, if judgment and/or fees are entered against law enforcement, the parties shall confer to arrive at an appropriate formula.

If the OCSO declines to pursue the forfeiture of any property which could lawfully be seized in accordance with the Florida Contraband Forfeiture Act, the City may pursue a forfeiture action on its own. The City shall be solely responsible for all costs and liabilities associated with it and shall receive all proceeds from any such seizure. The OCSO, its employees and agents, shall not be held accountable for any costs or liabilities associated with said action, including but not limited to storage fees, filing fees, court reporter fees, attorney's fees, or judgments.

**C. Powers**

Nothing in this Agreement shall be construed as any transfer or contracting away of the powers or functions of one party hereto to the other.

**D. Damages**

This Agreement shall in no event confer upon any person, corporation, partnership, or other entity, including the parties hereto, the right to damages or any other form of relief against any party to this Agreement for operations or omissions hereunder.

**E. Conflicts with Florida Mutual Aid Act**

In the event of a conflict between the provisions of this Agreement and §23.12, F.S., et seq., the "Florida Mutual Aid Act," the provisions of the Florida Mutual Aid Act shall control.

**F. Amendments**

This Agreement contains the entire understanding between the parties and shall not be modified except in writing.

In witness whereof, the parties have caused this Agreement to be executed by the undersigned persons as duly authorized.

SHERIFF'S OFFICE OF  
ORANGE COUNTY, FLORIDA

LAKE MARY  
POLICE DEPARTMENT

\_\_\_\_\_  
Jerry L. Demings  
as Sheriff of Orange County, FL

Steve A Bracknell  
Steven A Bracknell  
as Chief of Police

Date: \_\_\_\_\_

Date: 12/3/12

APPROVED:  
CITY OF LAKE MARY, FL

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
David Mealor  
Mayor

APPROVED BY THE CITY  
COMMISSION OF THE CITY OF  
LAKE MARY, FLORIDA, AT A  
MEETING HELD ON  
\_\_\_\_\_ UNDER AGENDA  
NO. \_\_\_\_\_.

FOR USE AND RELIANCE ONLY  
BY THE SHERIFF OF  
ORANGE COUNTY, FLORIDA.  
APPROVED AS TO FORM  
AND LEGALITY THIS \_\_\_\_ DAY OF  
\_\_\_\_\_ 2012.

FOR USE AND RELIANCE ONLY  
BY THE CITY OF LAKE MARY,  
FLORIDA. APPROVED AS TO  
FORM AND LEGALITY THIS  
\_\_\_\_\_ DAY OF 2012.

By: \_\_\_\_\_  
General Counsel

By: \_\_\_\_\_  
Assistant City Attorney



**City of Lake Mary**  
Fire Department  
911 Wallace Court-Lake Mary, Florida 32746



## **Monthly Report November 2012**

### **Administration and Emergency Operations**

Began using the new Firefighter evaluation form.

We responded to 324 emergency alarms, had 144 transports, and logged over 900 hours of training.

Emergency Operations personnel had an additional 51 public contacts for sharps boxes, blood pressures, P/R's, etc.

Continued wrap-up of team activities.

We will be assigning new teams to begin in January.

### **Fire Prevention**

Conducted 362 inspections, 27 plan reviews and scanned 252 pages.

Conducted fire alarm tests with UL Representative.

Research and completion of article for Florida Fire Service Today on the history of the LMFD.

#### Public Education Events –

Lake Mary Elementary – Turkey Trot – assisted engine at event – 150 people

Juvenile Firesetters – 2 kids, 3 adults

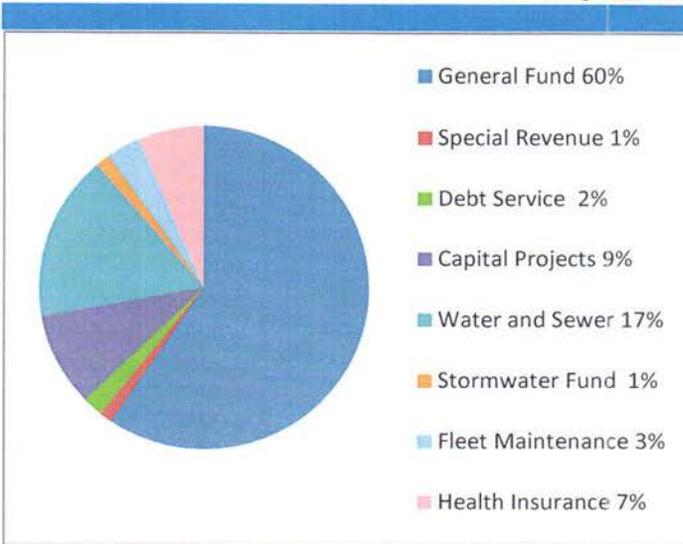
Lake Mary Prep Fall Festival – table and engine display – 251 people

The Forest Fall Festival – table and blood pressure checks – 75 people

Installed 2 smoke detectors in the Forest

## City of Lake Mary Budget Snapshot as of November 30, 2012

(16.67% of fiscal year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
Ad Valorem Taxes	\$ 5,943,112	\$ 2,339,006	39.4%
Franchise & Utility Taxes	6,081,614	494,399	8.1%
Business Tax Receipts	119,000	107,453	90.3%
Permits	855,415	122,276	14.3%
Fines & Forfeitures	47,686	20,168	42.3%
Intergovernmental	1,371,427	137,434	10.0%
Charges for Services	1,206,250	221,756	18.4%
Investment Income/Other	264,000	38,004	14.4%
Operating Transfers In	900,000	150,000	16.7%
<b>Total Revenues</b>	<b>\$ 16,788,504</b>	<b>\$ 3,630,496</b>	<b>21.6%</b>

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
City Commission	\$ 94,797	\$ 14,715	15.5%
City Manager	484,962	62,795	12.9%
City Attorney	95,000	9,411	9.9%
City Clerk	213,963	30,504	14.3%
General Government	570,403	69,074	12.1%
Risk Management	15,550	423	2.7%
Finance	579,599	78,016	13.5%
Community Development	649,910	101,812	15.7%
Building	471,913	66,163	14.0%
Facilities Maintenance	347,013	45,942	13.2%
Police Operations	4,724,846	750,822	15.9%
Fire Combat	4,399,708	634,414	14.4%
Fire Prevention	333,661	47,340	14.2%
Support Services	918,590	133,513	14.5%
PW Admin & Engineering	218,008	33,215	15.2%
Streets/Sidewalks	442,428	54,238	12.3%
Parks & Recreation	1,614,774	232,177	14.4%
Events Center	378,981	62,033	16.4%
Senior Center	112,383	16,733	14.9%
Tennis Center	86,246	9,917	11.5%
Transfers Out	882,330	147,055	16.7%
<b>Total Expenditures</b>	<b>\$ 17,635,065</b>	<b>\$ 2,600,312</b>	<b>14.7%</b>
<i>Fund Balance Forward</i>	14,418,585	14,418,585	100.0%
<b>Current Fund Balance</b>	<b>\$ 13,572,024</b>	<b>\$ 15,448,769</b>	<b>113.8%</b>

Debt Service Funds			
Revenues	Budget	Year-to-Date	%
Transfers In	\$ 574,515	\$ 95,753	16.7%
<b>Expenditures</b>			
PIRRB Series 2007	\$ 292,672	\$ 276,421	94.4%
PIRRN Series 2012	\$ 179,257	\$ 129,117	72.0%

Special Revenue Funds			
Revenues	Budget	Year-to-Date	%
Impact Fees	\$ 330,962	11,216	3.4%
Cemetery Sales	4,000	1,000	25.0%
Fines & Forfeitures	8,660	1,896	21.9%
Investment Income/Other	5,130	912	17.8%
<b>Total</b>	<b>\$ 348,752</b>	<b>\$ 15,024</b>	<b>4.3%</b>

Expenditures			
	Budget	Year-to-Date	%
Training	\$ 18,000	\$ 3,070	17.1%
Operating & DARE	11,410	2,638	23.1%
Contributions	750	2,561	341.5%
Capital	69,886	-	0.0%
Heritage Park	25,000	-	0.0%
Cemetery Operations	9,175	582	6.3%
<b>Total</b>	<b>\$ 134,221</b>	<b>\$ 8,851</b>	<b>6.6%</b>
<i>Fund Balance Forward</i>	1,025,912	1,025,912	100.0%
<b>Current Fund Balance</b>	<b>\$ 1,240,443</b>	<b>\$ 1,032,085</b>	<b>83.2%</b>

Capital Projects Fund			
Revenues	Budget	Year-to-Date	%
Investment Income	\$ 11,000	\$ 2,104	19.1%
Grants	-	-	0.0%
Intergovernmental/Other	2,607,500	4,397	0.2%
<b>Total</b>	<b>\$ 2,618,500</b>	<b>\$ 6,501</b>	<b>0.2%</b>

Expenditures			
	Budget	Year-to-Date	%
Capital Projects	3,539,731	60,800	1.7%
<b>Total</b>	<b>\$ 3,539,731</b>	<b>\$ 60,800</b>	<b>1.7%</b>
<i>Fund Balance Forward</i>	1,023,405	1,023,405	100.0%
<b>Current Fund Balance</b>	<b>\$ 102,174</b>	<b>\$ 969,106</b>	<b>948.5%</b>

Water and Sewer Fund			
Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,275,000	\$ 338,825	14.9%
Sewer Revenue	1,725,000	326,606	18.9%
Reclaimed Water	190,000	31,558	16.6%
Water Impact Fees	255,000	(13,274)	-5.2%
Sewer Impact Fees	110,000	(6,177)	-5.6%
Investment Income/Other	154,500	28,818	18.7%
<b>Total</b>	<b>\$ 4,709,500</b>	<b>\$ 706,356</b>	<b>15.0%</b>

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	1,631,697	224,535	13.8%
Capital Projects	485,000	5,855	1.2%
Wholesale swr/reclaimed	1,298,300	104,257	8.0%
Transfers Out	949,935	158,322	16.7%
<b>Total</b>	<b>\$ 4,364,932</b>	<b>\$ 492,969</b>	<b>11.3%</b>
<i>Beg Unrestrict Net Assets</i>	12,782,410	12,782,410	100.0%
<b>Available Net Assets</b>	<b>\$ 13,126,978</b>	<b>\$ 12,995,797</b>	<b>99.0%</b>

Stormwater Utility Fund			
Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 378,320	\$ 63,056	16.7%
Interest/Other	5,000	690	13.8%
<b>Total</b>	<b>\$ 383,320</b>	<b>\$ 63,746</b>	<b>16.6%</b>

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	255,524	23,677	9.3%
Capital Projects	60,000	100,000	166.7%
<b>Total</b>	<b>\$ 315,524</b>	<b>\$ 123,677</b>	<b>39.2%</b>
<i>Unrestricted Net Assets</i>	524,891	524,891	100.0%
<b>Available Net Assets</b>	<b>\$ 592,687</b>	<b>\$ 464,960</b>	<b>78.4%</b>

Fleet Maintenance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 950,211	\$ 116,161	12.2%

Expenditures			
	Budget	Year-to-Date	%
Operating Costs	\$ 278,539	\$ 37,084	13.3%
Vehicle Purchases	\$ 575,500	-	0.0%

Health Insurance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Charges for Service/Other	1,833,775	279,814	15.3%
<b>Expenditures</b>			
Health Insurance Expense	1,432,775	183,831	12.8%
Health Clinic Expense	\$ 357,750	\$ 16,841	4.7%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of November 30, 2012**

Account Code	Description	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D	% FYTD
	Millage Rate	3.6355	3.6355	3.6355	3.6355	3.6355	
311-10	Ad valorem tax	\$ 7,325,514	6,470,685	6,094,767	5,943,112	2,339,006	38%
	Franchise & Utility:						
313-10	Progress Energy - Franchise	1,390,771	1,283,358	1,224,950	1,219,190	110,755	0%
313-11	FP&L - Franchise	618,712	586,291	492,433	576,381	-	0%
313-40	Propane - Franchise	6,871	7,090	10,010	7,700	-	0%
313-70	Solid Waste - Franchise	398,317	402,902	415,209	420,000	69,344	17%
	Total Franchise	2,414,671	2,279,641	2,142,602	2,223,271	180,099	8%
314-10	Progress Energy - Utility	1,427,828	1,348,464	1,249,356	1,281,040	112,475	0%
314-11	FP&L - Utility	608,592	607,667	601,224	561,393	57,744	0%
314-20	Telecommunications	2,239,495	2,025,484	2,011,704	1,970,830	139,046	0%
314-80	Propane Gas - Utility	45,090	45,535	44,449	45,080	5,035	11%
	Total Utility	4,321,005	4,027,150	3,906,733	3,858,343	314,300	8%
	Total Franchise & Utility	6,735,676	6,306,791	6,049,335	6,081,614	494,399	8%
	Licenses and Permits:						
321-60	Business Tax Receipts	118,244	119,026	115,373	119,000	107,453	93%
322-10	Building Permits	446,621	501,449	851,192	755,000	112,596	13%
322-20	Electrical Permits	23,460	31,702	63,819	50,040	5,041	8%
322-30	Plumbing Permits	14,431	12,861	43,686	31,625	2,426	6%
322-40	Mechanical Permits	22,539	23,054	25,243	18,750	2,213	9%
	Total Licenses & Permits	625,295	688,092	1,099,313	974,415	229,729	21%
	Fines & Forfeitures:						
351-10	Court Fines	61,303	66,172	55,190	38,670	5,517	10%
351-30	False Alarm Fees	4,300	1,850	3,225	2,016	1,650	51%
351-50	Violation of Local Ordin.	6,174	12,901	7,483	7,000	13,001	0%
	Total Fines & Forfeitures	71,777	80,923	65,898	47,686	20,168	31%
	Intergovernmental:						
312-41	Local Option Gas Tax	216,519	204,746	210,450	244,939	28,828	14%
334-00	Grants	5,142	18,575	3,241	-	-	0%
335-12	State Rev. Share/Gas Tax	257,351	268,887	275,591	282,494	44,388	16%
335-14	Mobile Home License	59	35	97	50	-	0%
335-15	Alcoholic Beverage Lic.	11,101	20,566	119	9,500	-	0%
335-18	1/2 Cent Sales Tax	801,704	795,364	800,438	824,124	64,218	0%
	Firefighter Supplement	11,730	10,580	8,290	10,320	-	0%
	Total Intergovernmental	1,303,606	1,318,753	1,298,226	1,371,427	137,434	11%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of November 30, 2012**

Account Code	Description	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D	% FYTD
<b>Charges for Services:</b>							
341-80	County Business License	12,368	12,665	10,715	11,000	6,440	60%
341-21	Zoning Fees	13,507	25,615	21,798	15,000	8,500	39%
341-22	Site Plan Fees	1,600	6,400	3,200	3,200	-	0%
341-22	Developer Bonus	17,000	-	-	-	-	0%
342-10	Police Services	96,202	71,190	58,816	45,000	7,105	12%
342-60	Rescue Transport Fees	459,725	657,144	472,531	465,000	92,501	20%
347-10	Community/Events Center Rent	465,931	499,973	513,448	495,000	90,764	18%
347-30	Farmers Market	27,879	36,838	31,379	35,000	4,320	14%
347-40	Skate Park Fees	14,794	16,296	8,819	13,500	913	10%
347-45	Splash Park Fees	25,157	23,504	24,274	25,000	-	0%
347-50	Park Rentals	990	675	630	800	200	32%
347-60	Sports Complex Rentals	22,620	24,658	27,330	25,000	1,949	7%
347-70	Softball Leagues	17,250	16,875	13,930	17,000	-	0%
347-80	Concession Revenues	11,619	5,444	679	1,750	233	0%
347-90	Tennis Center Revenues	56,801	52,204	50,231	54,000	8,831	18%
	<b>Total Charges for Services</b>	<b>1,243,443</b>	<b>1,449,481</b>	<b>1,237,780</b>	<b>1,206,250</b>	<b>221,756</b>	<b>18%</b>
<b>Other:</b>							
361-10	Interest	325,340	229,730	192,546	132,000	13,292	7%
363-10	Streetlighting	46,643	32,802	32,780	32,000	5,517	17%
364-00	Sale of Capital Assets	408	15,815	51,941	-	-	0%
369-00	Other Miscellaneous Rev.	158,056	113,923	156,230	100,000	19,195	12%
	<b>Total Other Revenue</b>	<b>530,447</b>	<b>392,270</b>	<b>433,497</b>	<b>264,000</b>	<b>38,004</b>	<b>9%</b>
<b>Transfers In:</b>							
381-00	Transfers from W&S	850,000	850,000	850,000	900,000	150,000	18%
	<b>Total Transfers In</b>	<b>850,000</b>	<b>850,000</b>	<b>850,000</b>	<b>900,000</b>	<b>150,000</b>	<b>18%</b>
	<b>Total General Fund Revenue</b>	<b>18,685,758</b>	<b>17,556,995</b>	<b>17,128,816</b>	<b>16,788,504</b>	<b>3,630,496</b>	<b>21%</b>
	<b>Carry-forward Fund Balance</b>	<b>13,375,292</b>	<b>15,145,583</b>	<b>15,066,183</b>	<b>14,418,585</b>	<b>14,418,585</b>	<b>100%</b>
	<b>Total Available</b>	<b>\$ 32,061,050</b>	<b>32,702,578</b>	<b>32,194,999</b>	<b>31,207,089</b>	<b>18,049,081</b>	<b>56%</b>

**FINANCE DEPARTMENT**  
**MONTHLY REPORT**  
November 2012

<b>Purchasing/AP Activity</b>	<b>Nov-12</b>	<b>FYTD</b>	<b>Nov-11</b>	<b>FYTD</b>
Purchase Orders Encumbered	28	148	17	127
Bids/RFPs Processed	0	1	0	0
Express Purchase Orders Processed	8	20	5	24
Express P.O. - Average \$ Value	\$158		\$251	
Checks Issued to Vendors	232	486	118	313
P-Card Transactions	206	477	208	395
P-Card Average \$ Value	\$109		\$97	

<b>Accounting/Payroll Activity</b>				
Journal entries Prepared and Posted	45	73	29	58
Items Deposited	2,914	6,117	3,150	6,257
Deposited Items Returned	6	10	3	14
Credit/Debit Card transactions	300	668	282	607
Credit/Debit Card Sales	\$34,130	\$75,315	\$30,424	\$66,014
Employees Paid	560	933	375	750

<b>Utilities Activity</b>				
Utility Refund Checks	24	48	16	39
Utility Turn-offs for Non-payment	19	39	20	47
Door Hangers for Non-pay prepared	107	257	127	244
Delinquent Letters Mailed Out	381	807	487	968
Utility Service Complaints Handled	27	48	39	67
Garbage Service Complaints Handled	15	27	9	14
Existing Utility Accounts Closed	61	131	57	116
New Utility Accounts Opened	59	129	64	129
Utility Bank Draft Customers	1,005		945	
Electronic Utility Payments	1,047		985	
Paperless Billing Customers	569		547	
Current Residential Water Customers	4,685		4,648	
Current Residential Sewer Customers	2,544		2,515	
Current Residential Garbage Customers	4,805		4,772	
Current Commercial Water Customers	447		435	
Current Commercial Sewer Customers	382		376	
Current Commercial Garbage Customers	243		237	

**Items of Interest During Reporting Period**


# Human Resources

## November 2012 Report

<b>Employment</b>	<b>11/12</b>	<b>YTD</b>	<b>11/11</b>	<b>YTD</b>
<b>Applications received/acknowledged</b>	53	186	85	179
Friend/Relative	8	33	7	24
Internal	5	5	2	11
Job Posting Book	4	5	1	4
Not Provided	0	1	0	1
Other	8	21	9	15
Website	28	121	66	124
<b>New Hire Orientations</b>	4	8	3	8
<b>Resignations/Terminations</b>	4	7	2	3
<b>Current Vacancies (FT/PT Employment Opportunities)</b>	3	6	3	8
CCIB - Police	1			
Emergency Comm Operation I PT - Support Services	1			
Helpdesk Technician - Finance	1			
<b>Positions filled in house</b>	0	2	7	7
<b>Positions filled outside</b>	4	8	3	8
<b>Surveys Conducted/Completed</b>	0	4	8	17
<b>Employee Evaluations</b>	23	37	20	32
<b>Employee Verifications</b>	4	8	7	13
<b>Personnel Actions Initiated</b>	18	66	16	230
<b>Grievances Filed</b>	0	0	0	0
<b>Employee Insurance Assistance</b>	3	10	12	26
<b>Current Full Time Employees</b>	171		171	
<b>Current Part Time Employees</b>	19		20	
<b>Special Projects</b>				
<b>Dental Enrollment Forms (Open Enrollment)</b>	2	4	2	3
<b>New AFLAC enrollments</b>	0	0	0	0
<b>Benefit Election Forms</b>	2	5	2	3
<b>Voluntary Life Election Forms</b>	0	0	0	0
<b>Time sheets scanned</b>	562	1,113	216	823

# Human Resources

## November 2012 Report

<b>Insurance</b>		<b>11/11</b>	<b>YTD</b>	<b>11/10</b>	<b>YTD</b>
<b>On the Job Injuries - Medical Attention Required *</b>		0	0	1	5
<b>On the Job Injuries - No Medical Attention Required **</b>		0	1	1	1
	General Government		0		0
	Building/Fac Maint		0		0
	Police/Support Services		0	2	5
	Fire/Fire Prevention		1		0
	Public Works/Fleet		0		1
	Parks & Recreation		0		0
<b>City Vehicle Accidents Reported - Under \$500. *</b>		1	2	0	2
<b>City Vehicle Accidents Reported - Over \$500. **</b>		0	0	0	1
	General Government		0		0
	Building/Fac Maint		0		0
	Police/Support Services		1		2
ODAF (Other Driver at Fault)	Fire/Fire Prevention	1	1		1
	Public Works/Fleet		0		0
	Parks & Recreation		0		0
ODAF (Other Driver at Fault)					
<b>Loss/Damage Reports - Under \$500 *</b>		3	3	0	3
<b>Loss/Damage Reports - Over \$500 **</b>		0	0	0	0
	General Government		0		0
	Building/Fac Maint		0		0
Damage to saddle bag on motorcycle	Police/Support Services	1	1		1
Lost SCBA mask	Fire/Fire Prevention	1	1		1
	Public Works/Fleet		0		0
Damage to light pole	Parks & Recreation	1	1		1
<b>Damage to City Property by Others - Under \$500 *</b>		0	0	0	0
<b>Damage to City Property by Others - Over \$500 **</b>		1	1	0	0
	General Government		0		0
	Building/Fac Maint		0		0
Damage to traffic barrier	Police/Support Services	1	1		0
	Fire/Fire Prevention		0		0
	Public Works/Fleet		0		0
	Parks & Recreation		0		0
<b>Liability/Claimant Incident Reports - Under \$500</b>		0	0	2	2
<b>Liability/Claimant Incident Reports - Over \$500</b>		0	0	0	0
<b>Special Hearings/Mediations</b>		0	0	0	0



## MEMORANDUM

DATE: December 20, 2012  
TO: Mayor & City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
THRU: Jackie Sova, City Manager  
SUBJECT: November 2012 Parks and Recreation Report Summary

---

### Youth Recreation:

- Lake Mary Little League season begins in late February with newly expanded boundaries. Registration has begun.
- Soccer Shots youth soccer will begin in January
- Little Linksters youth golf will begin in January

### Adult Recreation:

- Adult Softball - Polar Bear season will begin the week of January 7th, 2013. Registration has begun.

### Events Center

- November 2012 Revenue \$44,270.42. This is \$4,300.00 higher than November 2011.
- In the first 2 months of FY13, the Events Center is \$14,150.00 over last year's revenue for the same time period.

### Tennis Center

- 119 members at the end of November. This is up from 107 in November 2011.
- December 14th - Holiday mixer
- December 21<sup>st</sup> - Special ladies team event hosted by Head Pro from Tuscawilla Country Club Tim Lynch. The event includes a 2 hour clinic

### Community Events

- Holiday in the park 12/7/12 6pm-8pm  
Lighting of the Christmas tree at 6:30. Santa rolls in at 6:45.  
2 Food Trucks involved for the first time.  
Musical entertainment provided.

## Maintenance

- Employee Clinic  
Timeframe for renovation - 7 weeks from demolition through full renovation. Thank you to Facilities Maintenance and Parks staff who did an excellent job and continued to keep up with routine maintenance and handle trouble and breakdown at other City facilities.

### **Clinic Renovation Costs**

Contracted Costs =

\$4,698.00

Materials Costs =

\$7,863.00

Architect fees =

\$9,080.00

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Total Renovation Cost =

**\$21,641.00**

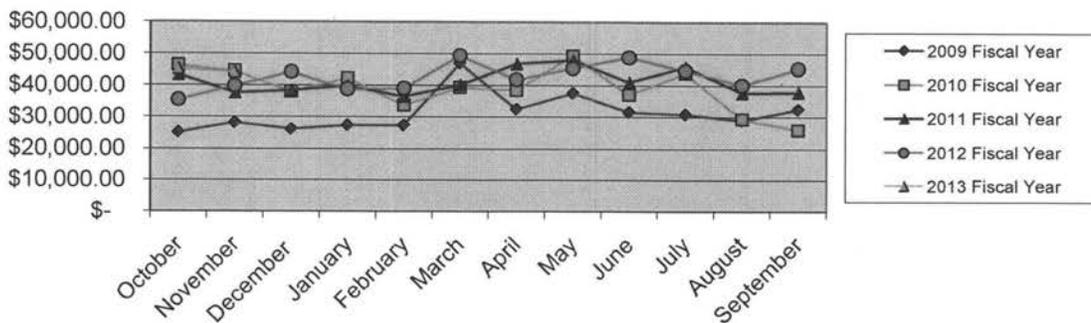
- Trailhead Park
  - Quotes were received for lighting at Trailhead Park, low bid was \$ 12,375.00 from local Lake Mary E/I Electric.
- Sports Complex
  - Winter rye seeding completed in all turf areas.
  - The renovation of field #2 to expand base lines for new Little League program to be completed in December.
  - All 6 dugouts to be repaired beginning in December.
  - Skate park pavilion roof repair to begin in December

# MEMO

TO: Bryan Nipe, Director of Parks & Recreation  
 FROM: Dee Gracey, Administrative Secretary  
 DATE: December 5, 2012  
 RE: ACTIVITIES: November 2012

ACTIVITY	CURRENT MONTH	THIS MONTH LAST YEAR	CURRENT YTD	PREVIOUS YTD
<b>EVENTS CENTER</b>				
non-revenue uses	10	7	23	18
rentals	25	23	54	45
rental income	\$39,914.75	\$36,099.84	\$80,053.12	\$67,437.72
<b>FARMERS MARKET</b>				
vendor fee income	\$1,690.00	\$3,022.75	\$3,654.00	\$6,922.95
<b>SENIOR CENTER</b>				
non-revenue uses/hours	1/2.75	3/8.75	5/13.75	5/13.25
rentals	0	1	3	4
rental income	\$75.00	\$0.00	\$234.00	\$401.25
classes	104	104	233	230
individual participants	1470	1285	3374	2904
class donations	\$1,006.85	\$525.01	\$1,835.80	\$1,040.67
shred-a-thon donations	\$0.00	\$550.00	\$0.00	\$2,050.00
<b>SPORTS COMPLEX</b>				
ball field games	56	65	161	159
softball league income	\$0.00	\$325.00	\$0.00	\$325.00
baseball/softball rentals	62	30	138	75
baseball field income	\$299.70	\$539.30	\$698.00	\$555.35
soccer activities	41	57	119	131
soccer field income	\$403.30	\$227.38	\$932.60	\$605.06
splash park income	\$0.00	\$0.00	\$0.00	\$0.00
skate park income	\$379.75	\$1,540.90	\$934.75	\$3,076.90
gazebo rental income	\$79.50	\$0.00	\$288.50	\$187.25
tennis memberships	\$1,815.00	\$2,335.00	\$6,415.00	\$5,135.00
tennis daily fees	\$1,094.37	\$852.34	\$1,879.41	\$1,517.76
City Programs	\$162.60	\$0.00	\$162.60	\$0.00
SC Concession Fee	\$232.52	\$0.00	\$232.52	\$0.00
special event fee	\$122.50	\$0.00	\$227.50	\$0.00
<b>TOTAL INCOME</b>	<b>\$47,275.84</b>	<b>\$46,017.52</b>	<b>\$97,547.80</b>	<b>\$89,254.91</b>

**Events Center - Fiscal Year Revenue Comparisons  
(Includes revenue from caterers)**



Month	2009 Fiscal Year	2010 Fiscal Year	2011 Fiscal Year	2012 Fiscal Year	2013 Fiscal Year
October	\$ 25,157.76	\$ 46,451.06	\$ 43,456.26	\$ 35,526.88	\$ 45,311.39
November	\$ 28,217.93	\$ 44,657.39	\$ 37,669.30	\$ 39,903.24	\$ 44,270.42
December	\$ 26,158.79	\$ 38,156.75	\$ 38,456.54	\$ 44,311.12	
January	\$ 27,396.45	\$ 42,425.89	\$ 39,999.93	\$ 38,933.39	
February	\$ 27,470.28	\$ 33,901.36	\$ 36,578.62	\$ 39,164.12	
March	\$ 47,076.02	\$ 39,477.67	\$ 40,265.19	\$ 49,521.02	
April	\$ 32,589.11	\$ 38,658.45	\$ 46,969.12	\$ 41,988.10	
May	\$ 37,685.74	\$ 49,553.99	\$ 48,095.92	\$ 45,573.95	
June	\$ 31,669.67	\$ 37,216.10	\$ 41,153.90	\$ 49,036.66	
July	\$ 30,980.56	\$ 44,067.05	\$ 46,013.16	\$ 44,842.61	
August	\$ 28,976.30	\$ 29,501.98	\$ 37,795.61	\$ 40,246.08	
September	\$ 32,566.97	\$ 25,967.89	\$ 37,958.40	\$ 45,449.83	
<b>Total Revenue</b>	<b>\$ 375,945.58</b>	<b>\$ 470,035.58</b>	<b>\$ 494,411.95</b>	<b>\$ 514,497.00</b>	<b>\$ 89,581.81</b>
<b>Operating Costs</b>	<b>\$ 349,517.00</b>	<b>\$ 344,393.00</b>	<b>\$ 321,200.54</b>	<b>\$ 342,188.62</b>	<b>(\$ 62,152.89)</b>
<b>Maintenance Staff Costs*</b>	<b>\$ 32,430.60</b>	<b>\$ 32,430.60</b>	<b>\$ 32,430.60</b>	<b>\$ 32,430.60</b>	<b>(\$ 5,405.10)</b>
<b>Revenue after Costs**</b>	<b>\$ (6,002.02)</b>	<b>\$ 93,211.98</b>	<b>\$ 140,780.81</b>	<b>\$ 139,200.98</b>	<b>\$ 22,023.82</b>

waiting on 3 catering pymts

(\$14,151.69 over last year)

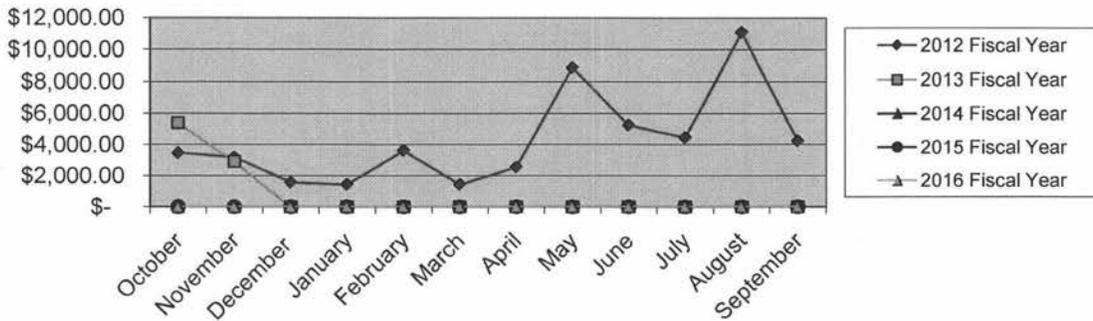
as of 11/30/12

\$2,702.55 per month

\* Estimated maintenance costs for Events Center grounds.

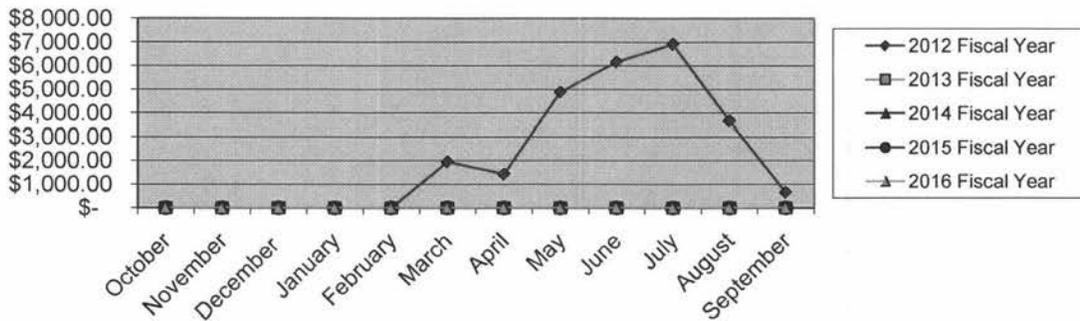
\*\* Costs not including payment of bond.

### Tennis Center - Fiscal Year Revenue Comparisons



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 3,465.42	\$ 5,385.04	\$ -	\$ -	\$ -
November	\$ 3,187.34	\$ 2,909.37	\$ -	\$ -	\$ -
December	\$ 1,566.13	\$ -	\$ -	\$ -	\$ -
January	\$ 1,432.73	\$ -	\$ -	\$ -	\$ -
February	\$ 3,617.64	\$ -	\$ -	\$ -	\$ -
March	\$ 1,425.55	\$ -	\$ -	\$ -	\$ -
April	\$ 2,541.04	\$ -	\$ -	\$ -	\$ -
May	\$ 8,895.92	\$ -	\$ -	\$ -	\$ -
June	\$ 5,250.55	\$ -	\$ -	\$ -	\$ -
July	\$ 4,450.84	\$ -	\$ -	\$ -	\$ -
August	\$ 11,104.59	\$ -	\$ -	\$ -	\$ -
September	\$ 4,238.12	\$ -	\$ -	\$ -	\$ -
<b>Total Revenue</b>	<b>\$ 51,175.87</b>	<b>\$ 8,294.41</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Operating Costs</b>	<b>\$ (79,584.88)</b>	<b>\$ (11,286.49)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Revenue after Costs</b>	<b>\$ (28,409.01)</b>	<b>\$ (2,992.08)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

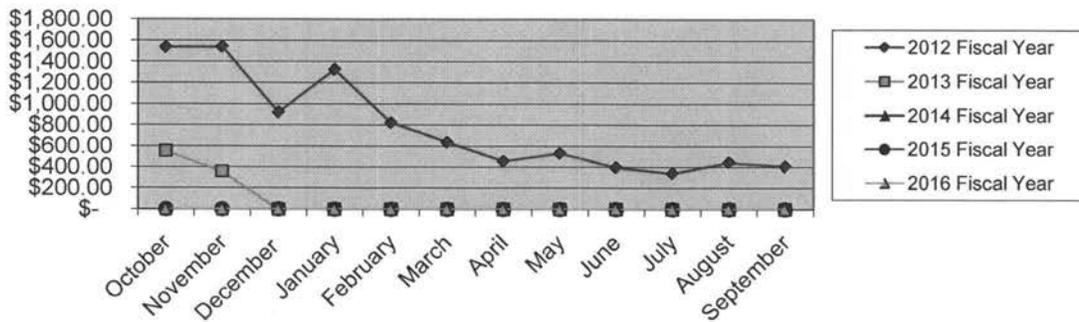
### Splash Park - Fiscal Year Revenue Comparisons



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ -	\$ -	\$ -	\$ -	\$ -
November	\$ -	\$ -	\$ -	\$ -	\$ -
December	\$ -	\$ -	\$ -	\$ -	\$ -
January	\$ -	\$ -	\$ -	\$ -	\$ -
February	\$ -	\$ -	\$ -	\$ -	\$ -
March	\$ 1,958.06	\$ -	\$ -	\$ -	\$ -
April	\$ 1,433.00	\$ -	\$ -	\$ -	\$ -
May	\$ 4,890.50	\$ -	\$ -	\$ -	\$ -
June	\$ 6,173.75	\$ -	\$ -	\$ -	\$ -
July	\$ 6,928.00	\$ -	\$ -	\$ -	\$ -
August	\$ 3,678.50	\$ -	\$ -	\$ -	\$ -
September	\$ 654.00	\$ -	\$ -	\$ -	\$ -
<b>Total Revenue</b>	<b>\$ 25,715.81</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Operating Costs	\$ (35,447.24)	\$ (2,784.48)	\$ -	\$ -	\$ -
Revenue after Costs	\$ (9,731.43)	\$ (2,784.48)	\$ -	\$ -	\$ -

utilities through 10.31.12

### Skate Park - Fiscal Year Revenue Comparisons



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 1,536.00	\$ 555.00	\$ -	\$ -	\$ -
November	\$ 1,540.90	\$ 359.75	\$ -	\$ -	\$ -
December	\$ 923.00	\$ -	\$ -	\$ -	\$ -
January	\$ 1,327.45	\$ -	\$ -	\$ -	\$ -
February	\$ 824.77	\$ -	\$ -	\$ -	\$ -
March	\$ 639.00	\$ -	\$ -	\$ -	\$ -
April	\$ 456.75	\$ -	\$ -	\$ -	\$ -
May	\$ 533.39	\$ -	\$ -	\$ -	\$ -
June	\$ 398.00	\$ -	\$ -	\$ -	\$ -
July	\$ 342.00	\$ -	\$ -	\$ -	\$ -
August	\$ 445.75	\$ -	\$ -	\$ -	\$ -
September	\$ 408.00	\$ -	\$ -	\$ -	\$ -
<b>Total Revenue</b>	<b>\$ 9,375.01</b>	<b>\$ 914.75</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Operating Costs</b>	<b>\$ (27,825.71)</b>	<b>\$ (4,256.00)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Revenue after Costs</b>	<b>\$ (18,450.70)</b>	<b>\$ (3,341.25)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

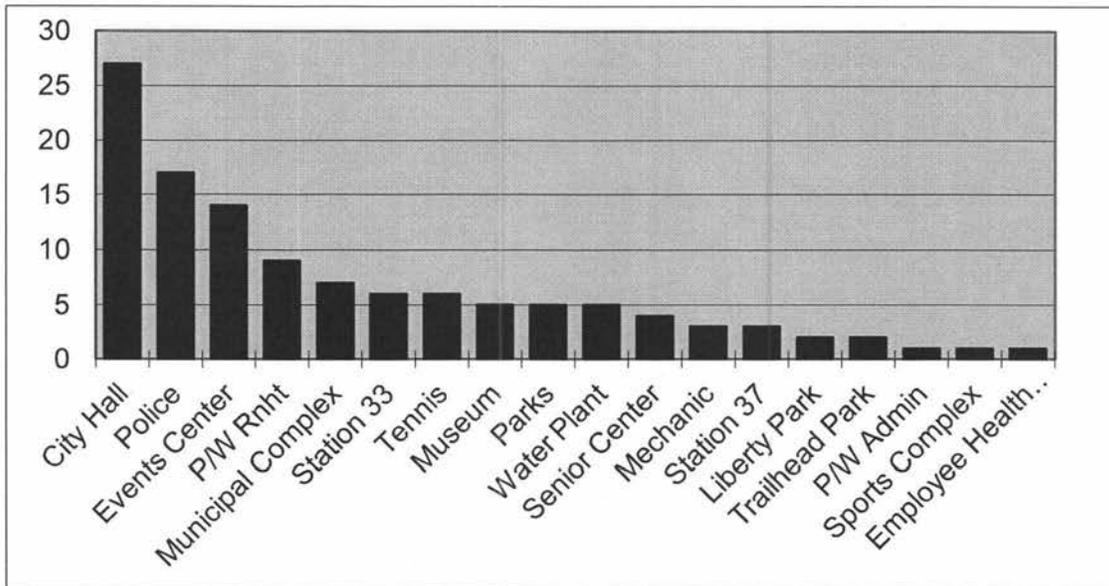
utilities through 10.31.12



City of Lake Mary  
 Facilities Maintenance - Monthly Report  
**Year-to-Date Number of Work Orders by Building**

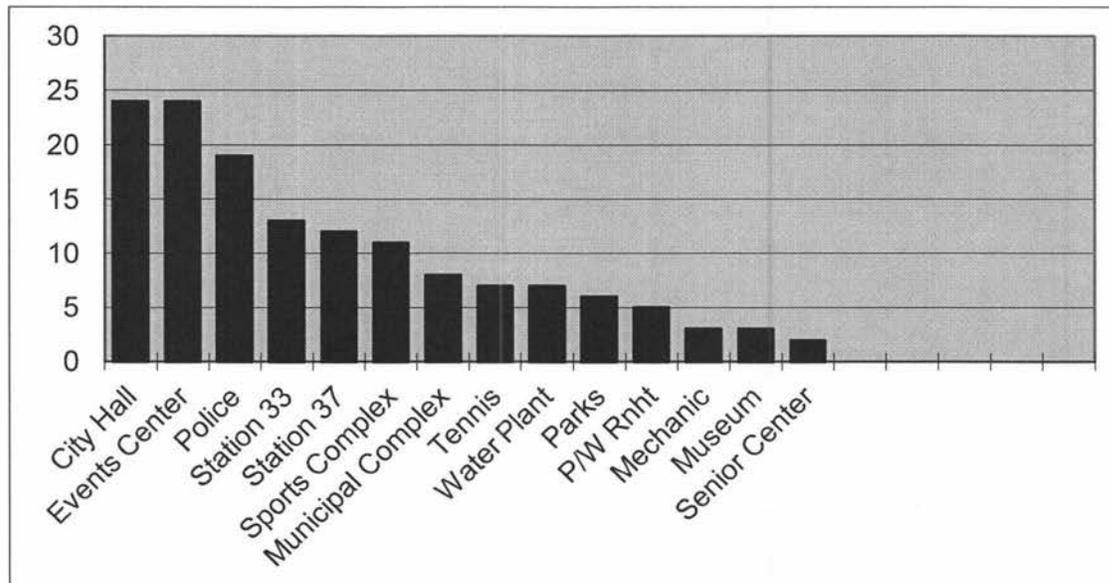
October 1, 2012 Through **November 30, 2012**

**Total: 118**



October 1, 2011 Through **November 30, 2011**

**Total: 144**



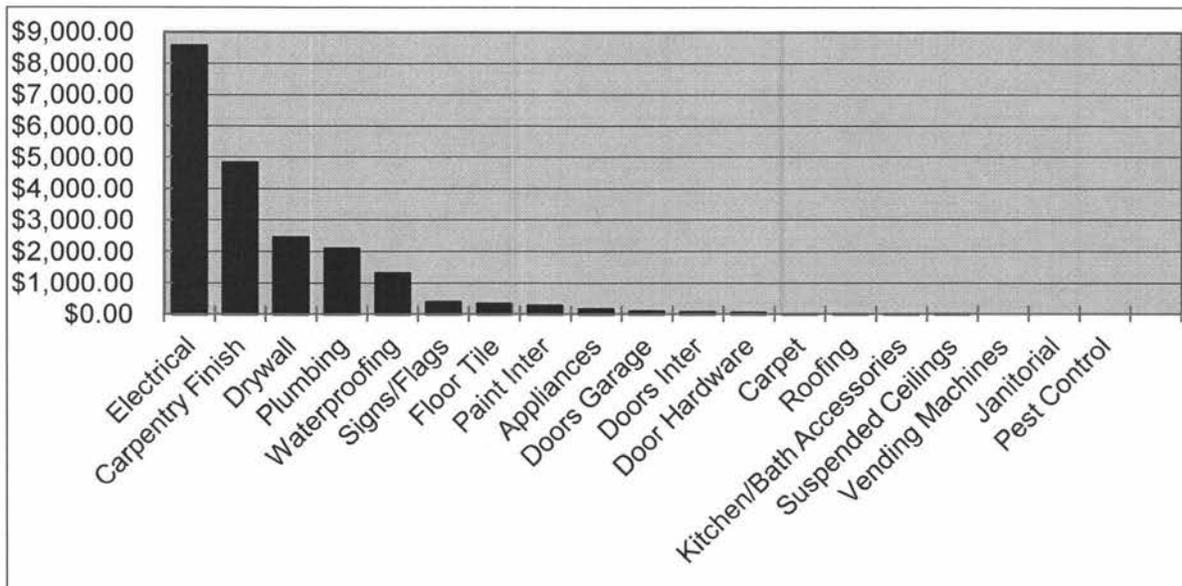


City of Lake Mary  
Facilities Maintenance - Monthly Report

**Year-to-Date Expenses By Category**

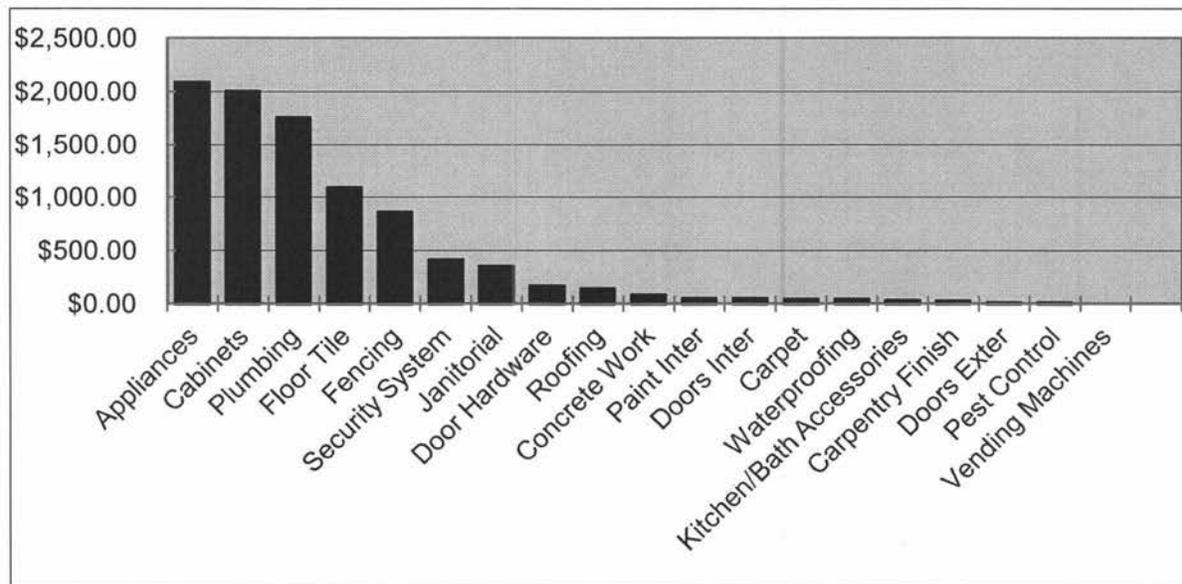
October 1, 2012 Through November 30, 2012

**Total: \$ 48,094.60**



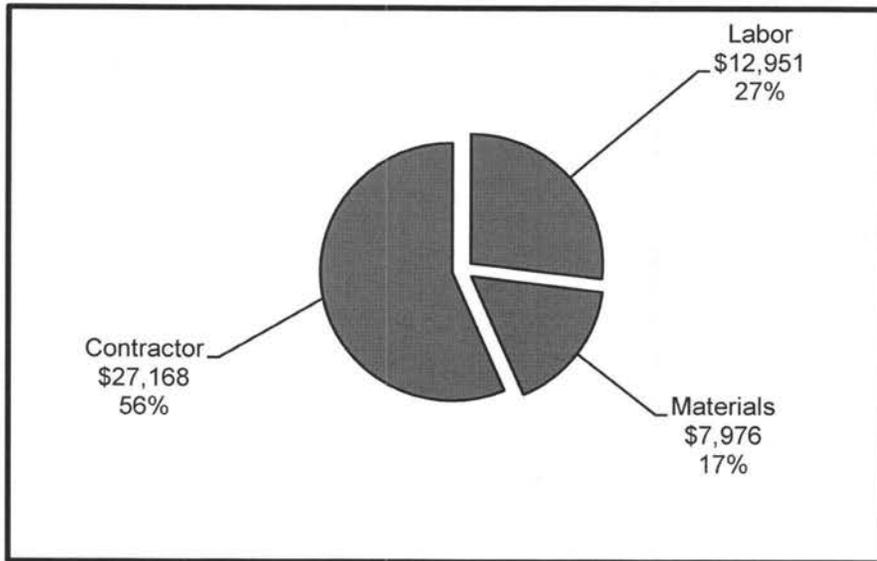
October 1, 2011 Through November 30, 2011

**Total: \$ 22,609.73**

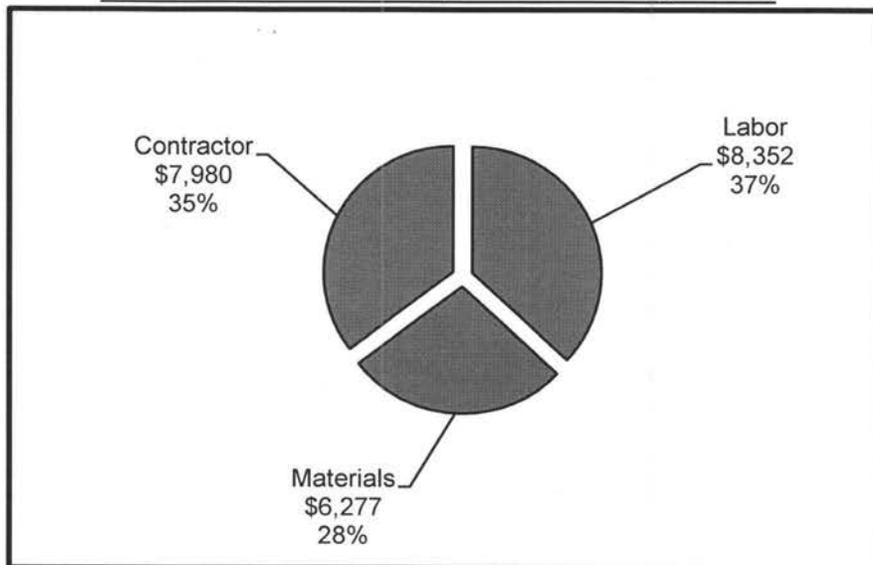




City of Lake Mary  
Facilities Maintenance - Monthly Report  
**Year-to-Date Expenses by Labor, Materials, Contractor**  
October 1, 2012 Through- November 30, 2012



October 1, 2011 Through- November 30, 2011



PUBLIC WORKS DEPARTMENT  
MONTHLY REPORT  
November 2012

	Nov-12	FYTD	Nov-11	FYTD
Work Orders Completed	19	56	27	69
Sidewalks Repaired (Feet)	340	385	120	120
Street Signs Installed	11	22	11	24
Streets Paved (Miles)	0	0	0	0
Millions Gallons Treated	96	189	96	194
New Water Meters Installed	0	1	1	2
Waterlines Installed (Feet)	0	0	0	0
Meters Exchanged	45	83	4	12
Turn-On/Turn-Off (Customer Request)	120	260	121	245
Turn-Offs/Non-Payment	19	39	20	47
Water System Dist. Valves Exercised	0	10	35	80
Vehicle Preventative Maint. Inspections	46	92	43	85
Vehicles/Equipment Serviced	80	194	80	160

# **PUBLIC WORKS UPDATE**

## **December 2012**

### Streets/Sidewalks – 432

1. 4<sup>th</sup> Street and Seminole Ave Improvements– Notice to Proceed issued to The Briar Team 7/9/12. Substantial Completion 11/21/12, Final Completion due 12/14/12. Includes 108 new parking spaces.

### Water Treatment – 434

1. Well #2 rehabilitation: new well pump and new valves on discharge piping. Well expected to be placed back in service on 12/26/12.
2. 12-month average daily water demand 3.17 million gallons (2.6% less than previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 5.25, plant capacity 9.99 MGD.

### Water Distribution/Wastewater Collection – 435

1. Meter Change-out Program – Goal for 2012 is to change out 488 meters, this is to keep track with a 12-year change out program. 510 meters have been changed out through 12/5/12.
2. Continuing decommission of galvanized water mains downtown.
3. Lift station pump maintenance program proceeding, all stations have been evaluated, 12 pumps replaced/repared in FY 2012.

**CITY CLERK'S OFFICE MONTHLY REPORT  
NOVEMBER 2012**

	FY 2013		FY 2012	
	NOV. 12	YTD	NOV. 11	YTD
MINUTES PREPARED (SETS)	2	4	2	4
ORDINANCES CREATED	0	0	1	1
ORDINANCES PREPARED	1	2	0	2
RESOLUTIONS CREATED	0	0	0	0
RESOLUTIONS PREPARED	0	0	2	4
PROCLAMATIONS PREPARED	0	1	2	3
PUBLIC HEARING NOTICES PUBLISHED	0	1	4	7
OCCUPATIONAL LICENSES				
NEW	21	87	21	61
RENEWALS	78	323	28	204
TRANSFERS	4	11	2	4
REVENUE GENERATED	\$7,439.25	\$25,121.25	\$2,813.75	\$14,507.25
INSPECTIONS OF BUSINESSES	0	0	0	0
BUSINESSES W/O LICENSE	0	0	0	0
REVENUE PAID BY UNLICENSED BUSINESSES	0	0	0	0
FOOD TRUCKS LICENSED (MONTHLY FOOD TRUCK CRAVE)	5	12	0	0
REVENUE GENERATED	\$250.00	\$600.00	0	0
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	3	5	6	9
RECORDS SCANNED (pages)	1,225	2,889	1,300	2,814
RECORDS DESTROYED (CUBIC FEET)	0	0	0	0

# Monthly Report – NOV 2012

## Community Development Department



TO: City Commission

FROM: Gary Schindler, City Planner *MS*

VIA: Jackie Sova, City Manager *JS*

DATE: December 21, 2012

RE: Planning and Development Activity

### FY2010-2011 WORKLOAD DATA

	2011		2012	
	NOV	Total YTD	NOV	Total YTD
Land Use Amendments	0	0	1	1
Rezoning	0	0	0	0
Conditional Use	0	0	1	1
Subdivisions/Plat	0	0	1	2
Site Plans	0	1	0	2
Variances	0	0	0	1
Vacates	0	0	0	0
Annexations	0	0	1	0
DRI Development Agreement & Amendments	0	0	1	1
PUD Development Agreement & Amendments	0	0	1	1
Development Agreements, New	0	0	1	1
DRC Reviews	1	1	2	3
Home Occupation Review	1	5	2	7
Business License Review	20	57	24	68
Arbor Permits (non-development related)	7	24	4	20
Zoning Verification Letters	0	4	3	5
Site Permits Issued	1	2	0	0
Building Permits Review	39	86	35	82
Number of Pages Scanned	0	0	0	0

#### Significant Meetings and Issues

- November 1 – Downtown Mtg. with John Williams and Steven Debole regarding the timing of sewer infrastructure construction in the area east of the SunRail station
- November 5 – Meeting with City Manager and Commissioner Plank regarding transportation issues related to moving people from SunRail station to destinations
- November 7 – Colonial Grande Phase 3 Development Review Committee Meeting & Development Team Meeting

- November 8 – Attended the MetroPlan Train Horn Quiet Zone Meeting to discuss MetroPlan financing the development of conceptual plans for rail crossing improvements.**
- November 14 – Private Business Association of Seminole (PBAS) Breakfast Meeting, Waterside PUD Development Review Committee Meeting & Seed Meeting**
- November 20 – Chatlos first Step Meeting regarding the development of property on the north side of Lakeview Avenue across from City Hall**
- November 28 – MetroPlan Bikeshare Meeting**
- November 29 – SunRail Working Group Meeting**

# Building Division Monthly Report – November 2012

## Community Development Department

TO: City Commission

FROM: Joe Lancaster, Building Official  
Bobbie Jo Keel, Permit/Zoning Coordinator

VIA: Jackie Sova, City Manager

DATE: December 7, 2012



### FY2012-2013 WORKLOAD DATA

BUILDING PERMITS ISSUED					BUILDING PERMIT VALUATIONS			
ACTIVITY - PERMIT TYPE	Nov-12	YTD	Nov-11	YTD	Nov-12	YTD	Nov-11	YTD
COMMERCIAL - NEW	0	0	0	0	\$ -	\$ -	\$ -	\$ -
COMMERCIAL - ALTERATION	3	18	17	28	\$254,570	\$ 1,062,946	\$ 772,515	\$ 1,417,935
RESIDENTIAL - NEW	3	19	0	9	\$512,082	\$ 3,770,582	\$ -	\$ 1,866,200
RESIDENTIAL - ALTERATION	11	21	10	26	\$36,959	\$ 112,448	\$ 27,123	\$ 211,249
ELECTRICAL - NEW/ALTERATION	25	38	15	45	\$ 751,726	\$ 3,841,429	\$ 49,626	\$ 198,412
ELECTRICAL - TEMP/PREPOWER	3	5	2	5	\$ 300	\$ 500	\$ 140	\$ 370
MECHANICAL - NEW/ALTERATION	10	33	15	39	\$ 122,520	\$ 299,659	\$ 99,818	\$ 365,586
PLUMBING - NEW/ALTERATION	12	24	10	29	\$ 37,395	\$ 63,318	\$ 13,800	\$ 96,563
ROOFING - TILE, METAL & FLAT	0	7	0	1	\$ -	\$ 41,090	\$ -	\$ 17,600
RE-ROOFING	10	18	6	18	\$ 369,943	\$ 448,332	\$ 49,662	\$ 171,389
SWIMMING POOL	1	2	0	4	\$ -	\$ 33,500	\$ -	\$ 92,078
SCREEN ENCLOSURE	0	0	0	2	\$ -	\$ -	\$ -	\$ 13,000
FENCE	6	12	4	6	\$ 10,807	\$ 23,310	\$ 13,864	\$ 28,364
SIGN	6	12	6	14	\$ 27,762	\$ 40,093	\$ 19,526	\$ 36,177
FOUNDATION ONLY	1	1	0	0	\$ 186,180	\$ 186,180	\$ -	\$ -
DEMOLITION	3	3	0	0	\$ 75,000	\$ 75,000	\$ -	\$ -
<b>TOTALS</b>	<b>94</b>	<b>213</b>	<b>85</b>	<b>226</b>	<b>\$ 2,385,244</b>	<b>\$ 9,998,387</b>	<b>\$1,046,074</b>	<b>\$ 4,514,923</b>

BUILDING INSPECTIONS PERFORMED				
TYPE	Nov-12	YTD	Nov-11	YTD
BUILDING	142	395	203	375
ELECTRICAL	82	167	79	183
MECHANICAL	29	77	58	102
PLUMBING	37	86	39	114
<b>TOTALS</b>	<b>290</b>	<b>725</b>	<b>379</b>	<b>774</b>

#### FIRST STEP MEETINGS

1. Demo/Rebuild-126 W. Lakeview Ave.
2. Anderson Lane Property

#### MAJOR PROJECTS

1. Colonial Grand Phase 1 & 2
2. Fountain Parke
3. Enclave @ Tuscany

DOCUMENTS SCANNED				
TYPE	Nov-12	YTD	Nov-11	YTD
PERMIT PACKAGE	954	1,192	10,464	20,267
BLUEPRINTS	0	0	667	6,369
<b>TOTALS</b>	<b>954</b>	<b>1,192</b>	<b>11,131</b>	<b>26,636</b>



# Lake Mary Police Department

## MONTHLY REPORT - NOVEMBER 2012

	FY 2013 NOV	FY 2013 YTD	FY 2012 NOV	FY 2012 YTD
<b>Monthly Call Volume</b>	4,528	8,807	4,280	8,960
<b>Response Times (in minutes)</b>				
Priority 1	3.25		2.57	
Priority 2	3.37		4.08	
Priority 3	6.47		7.13	

### UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	2	2	1	2
Robbery	0	0	0	0
Assault/Battery	8	17	13	19
Burglary	3	9	4	7
Theft, all other	16	38	17	43
Motor Vehicle Theft	0	1	1	1
Theft of Motor Vehicle Parts	1	4	2	3
Arson	0	0	0	0
D.U.I.	2	5	1	3

### Total Arrests

Adults	38	75	30	51
Juveniles	4	10	5	6

### Traffic Calls

Crashes	49	107	76	157
Criminal Citations	19	36	8	18
Citations- non criminal	427	734	363	735
Parking citations	8	12	22	32
K9 Deployments	7	11	2	7
Agency Assist; outside Jurisdiction	31	70	73	145

### Alarms

Total	92	196	52	108
Business	65	136		
Residential	27	60		

### Total Responses to City Ordinance Violations

82	124		35
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# Lake Mary Police Department

## IMPORTANT EVENTS

### **Patrol Division**

The S.W.A.T. team was called out on November 3rd for a potentially suicidal male who was in possession of firearms. The incident was resolved without violence, and the subject was taken into custody.

Patrol Officers participated in the Lake Mary/Heathrow Festival of the Arts by providing traffic control and law enforcement presence.

### **Special Operations Division**

The motor unit is currently participating in the Florida Law Enforcement 2012 Motor Challenge. This challenge focuses on driver safety and enforcement. The motor unit participated in an escort for a presidential candidate.

This month the Lake Mary Canine unit completed their annual Florida Department of Law Enforcement recertification with great success.

Both Canine teams assisted Winter Springs PD in a narcotics sweep of Winter Springs High School resulting in a couple of arrests and seized narcotics.

Both Motor and Canine units participated in this month's DARE graduations providing demos for both Crystal Lake Elementary and Lake Mary Elementary.

### **Criminal Investigations / Community Relations Divisions**

PFC Kim Fuehrer conducted the DARE graduation ceremonies for Crystal Lake Elementary on 11-16 and for Lake Mary Elementary on 11-19.

Ofc. Zach Hudson led the "Turkeys for Seniors" event on 11-21. 154 dinners were distributed to needy elderly people throughout Seminole County.

CRD staffed a booth at the Lake Mary/Heathrow Arts Festival.

CID cases of significance - Sexual Battery on a Juvenile, arrest made.

**MEMORANDUM TO:** *Mayor/City Commission  
Jackie Sova, City Manager*

**FROM:** *Catherine D. Reischmann, City Attorney*

**RE:** *Purchase and Sale Contract with Harriet C. Mixon  
160 W. Lakeview Drive, Lake Mary, Florida*

**DATE:** *December 12, 2012*

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The Commission is asked to consider the attached Addendum to the Purchase and Sale Contract of the Mixon property, to allow the Sellers to work out some additional title complications. The Closing Date is now set for April 30, 2013. The reason it is so far off is because there are court proceedings required in order to clear title. The rest of the Contract terms remain the same. We will make every effort to close before April 30, if at all possible.

**SIXTH ADDENDUM TO "AS IS" RESIDENTIAL CONTRACT  
FOR SALE AND PURCHASE**

This Sixth Addendum is made to the "As Is" Residential Contract for Sale and Purchase dated April 20, 2012 (including all Addenda), between **HARRIET C. MIXON, WANDA M. STUMBO, WILLIAM C. MIXON and JUDY DEVERNE MIXON HARRIS**, ("Sellers") and **CITY OF LAKE MARY**, a Florida municipal corporation, ("Buyer"), concerning the property described on Exhibit "A" attached hereto, (the "Contract").

WHEREAS, the Buyer and Sellers agree to amend the Contract to extend the Closing Date and to remove two of the Sellers as parties to the Contract.

NOW THEREFORE, in consideration of the of the mutual promises herein contained and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties agree as follows:

1. The Closing Date is hereby amended and the parties agree to close the transaction on or before **April 30, 2013**.
2. That Harriet C. Mixon and Wanda M. Stumbo hereby represent that they are the only remaining property owners since Judy Deverne Mixon Harris and William C. Mixon have conveyed their interest to them. Harriet C. Mixon and Wanda M. Stumbo represent that they have full authority to convey the Property.
3. Except as expressly amended herein, the Seller and Buyer do hereby confirm and ratify the Contract.
4. Counterpart Execution. This Addendum may be executed in two or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one instrument. Facsimile signatures may be deemed binding for this Addendum.

**IN WITNESS WHEREOF**, the Sellers and the Buyer have executed this Addendum as of the date and year noted below, the last of which shall be the effective date of this Addendum.

12/12/12  
Date

**SELLERS:**

Harriet C. Mixon  
Harriet C. Mixon

Wanda M. Stumbo  
Wanda M. Stumbo

**BUYER:**

CITY OF LAKE MARY, a Florida municipal corporation

By: \_\_\_\_\_  
Jacqueline B. Sova, City Manager

Date: \_\_\_\_\_

EXHIBIT "A"

The East 32 feet of Lot F, Lot G, and the West 17 feet of Lot H, Block 36, AMENDED PLAT OF CRYSTAL LAKE SHORES, according to the plat thereof as recorded in Plat Book 6, Page 18, Public Records of Seminole County, Florida. Together with the West 17 feet of the vacated South 1/2 of the alley lying north of said of Lot H.