



## **LAKE MARY CITY COMMISSION**

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

**Regular Meeting  
AGENDA  
THURSDAY, JULY 18, 2013 7:00 PM**

- 1. Call to Order**
- 2. Moment Of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: June 6, 2013**
- 6. Special Presentations**
  - A. Proclamation - Parks and Recreation Month**
- 7. Unfinished Business**
  - A. Ordinance No. 1488 - Amending Section 154.21 of the Code of Ordinances related to mobile food vendors - Second Reading (Public Hearing (Gary Schindler, City Planner))**

**8. New Business**

- A. Request for conditional use approval regarding a private and retail recreational facility (personal training facility) for CrossFit Lake Mary within the Office and Light Industrial (M-1A) Zoning District, 111 Commerce Street, Greg Sheppard, CrossFit Lake Mary, applicant (Public Hearing) (Steve Noto, Planner)**
- B. Ordinance No. 1489 - Amending Section 157.23, Arbor Pruning - First Reading (Public Hearing) (Gary Schindler, City Planner)**
- C. Ordinance No. 1490 - Amending Section 163.03 of the Code of Ordinances, establishing a fee for arbor appears - First Reading (Public Hearing) (Gary Schindler, City Planner)**
- D. Fiscal Year 2014 Budget Message - Setting of Proposed Operating Millage Rate, Current Year Rolled Back Rate, and Date, time and place of Tentative Budget Hearing**

**9. Other Items for Commission Action**

**10. Citizen Participation**

**11. City Manager's Report**

**A. Items for Approval**

- a. Lake Mary Community Center Design-Build RFQ #13-06**
- b. Professional Debris Removal Service contract**
- c. Request for authorization to proceed with utility relocation along the west side of Palmetto Street**
- d. Acceptance of Florida Department of Environmental Protection Grant**
- e. 2013-2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**
- f. Historical Society Event**
- g. Surplus (7) Zoll automatic external defibrillators and (4) MSA multi-gas detectors**
- h. Appointment to Board of Adjustment**

**B. Items for Information**

**a. Monthly Department Reports (May & June)**

**12. Mayor and Commissioners Report**

**13. City Attorney's Report**

**14. Adjournment**

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

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

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

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

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

**UPCOMING MEETINGS: August 8, 2013**



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

**WHEREAS**, parks and recreation programs enhance our quality of life by contributing to a healthy lifestyle, increasing communication skills, building self-esteem, teaching life skills, and providing places for entertainment and enjoyment; and

**WHEREAS**, parks and recreation programs boost our economy, enhance property values, attract new business, increase tourism, and reduce crime; and

**WHEREAS**, recreation builds family unity, strengthens neighborhood involvement, offers opportunities for social interaction, enhances education, develops creativity, and promotes cultural diversity; and

**WHEREAS**, therapeutic recreation is essential for the rehabilitation of individuals who have been ill or disabled; and

**WHEREAS**, our parks and trails ensure ecological beauty, provide space to enjoy nature, help maintain clean air and water, and preserve plant and animal wildlife; and

**WHEREAS**, patrons and wildlife deserve clean air and surroundings free from tobacco-related pollution and hazards; and

**WHEREAS**, the State of Florida, the National Recreation and Park Association, and the Florida Recreation and Park Association are celebrating July as Parks and Recreation Month; and

**WHEREAS**, the City of Lake Mary recognizes the benefits gained from quality public and private recreation and park resources.

**NOW, THEREFORE, I, DAVID J. MEALOR**, by virtue of the authority vested in me as Mayor of the City of Lake Mary, Florida, and on behalf of the State of Florida, the National Recreation and Park Association, and the Florida Recreation and Park Association, do hereby proclaim July 2013, as:

**“PARKS AND RECREATION MONTH”**

in the City of Lake Mary and encourage all citizens to honor and recognize this important event.



IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE CITY OF LAKE MARY, FLORIDA, TO BE AFFIXED THIS 18<sup>th</sup> DAY OF JULY 2013.

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DAVID J. MEALOR, MAYOR



## MEMORANDUM

DATE: July 18, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler

SUBJECT: Ordinance No. 1488 - Amending Section 154.21 of the Code of Ordinances related to mobile food vendors - Second 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 mobile food vendors on private property.

**DISCUSSION/HISTORY:** Currently, there are three situations in which mobile food vendors are permitted to operate within the City:

- Mobile vendors that serve a number of locations each day – These include trucks that serve residences and construction sites. These vendors stop at multiple locations and stay only as long as there is a demand for their goods. These include ice cream trucks, home delivery of foods, etc.
- Mobile food vendors located on public property – These include such events as the City's WineART Wednesday at Central Park. This type of event usually involves a number of vendors who are at a specific location for a specified timeframe. The event is advertised and customers come to the vendor.
- Mobile food vendors associated with special events – These vendors are associated with festivals and special events, which may be located either on public or private property. The vendors operate only during the length of the event, which is typically a weekend. Such events include art shows, festivals and celebrations at churches, schools, etc.

Periodically, the City receives inquiries from mobile food vendors wanting to locate on private property on a semi-permanent basis. Historically, the City has permitted mobile food vendors only when they operated on the public rights-of-way or when they were allowed as part of events that complied with the existing provisions of Section 154.21, Open Air and Temporary Sales; therefore, we've told the food vendors no.

At this time, staff proposes to revise the City's regulations to allow mobile food vendors to locate on private property on a semi-permanent basis, such as hot dog vendors that locate at Home Depot, Lowe's or similar stores. Although such vendors may not be there every day, they tend to be at the same location for more than one or two days.

The primary reasons for the proposed change in the regulations relate to convenience for customers and employees and to reduce the amount of traffic on City streets. The City has a number of office complexes that do not have access to internal food courts or restaurants. By allowing mobile food vendors to locate on private property, you take food choices to the customer, rather than requiring the customer to travel offsite. This reduces the number of trips on City streets and has the potential of promoting the use of SunRail.

Outside of regularly scheduled events, such as the monthly WineART Wednesday, the proposed regulations will not result in allowing mobile food vendors to operate within City rights-of-way or parks. The proposed regulations are intended to allow mobile food vendors to operate only as an accessory use within the City's commercial and industrial zoned areas.

In order to not reinvent the wheel, staff reviewed how other governments in Seminole County handle mobile food vendors. The following is a summary of staff's finding:

- City of Altamonte Springs – Allowed on private properties of 10 or more acres.
- City of Casselberry – Allowed only when associated with special events.
- City of Longwood – Allowed as part of a special event on City property.
- City of Oviedo – With staff approval, allowed on private property for up to 3 months. In excess of 3 months, must be approved by the City Commission.
- City of Sanford – Allowed within the Downtown and along Sanford Avenue.
- City of Winter Springs – Allowed with a solicitor's license and business tax receipt.
- Seminole County – Allowed only when associated with special events.

At the April 18, 2013 meeting, the City Commission voted to deny Ordinance # 1485, which proposed to permit food trucks on nonresidential properties. The City Commission stated that they wanted time restrictions on the food trucks and did not want to allow them on retail properties. In light of this, staff has revised the proposed regulations as follows:

1. Food trucks are no longer proposed to be allowed in the PO, C-1, C-2 and/or DC zoning districts.
2. Food trucks shall not be permitted within 750' of an existing restaurant.
3. Except with permission of the City, food trucks may operate only between the hours of 10 am to 2 pm.

## PROPOSED CODE REVISIONS:

### Section 154.09, DEFINITIONS

\*\*\*

**MOBILE FOOD VENDOR. A person who is in the business of selling prepared food from a vehicle which has a current registration and license from the State of Florida and complies with the provisions of Section 154.21 (C) of the City's Code of Ordinances.**

\*\*\*

### **154.21 OPEN AIR AND TEMPORARY SALES TEMPORARY/SEASONAL USES AND MOBILE FOOD VENDORS**

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**(C) Mobile Food Vendors. Mobile food vendors shall be allowed to operate on private property, as long as they comply with the following conditions:**

**(1) Zoning Requirements. The property on which the mobile food vendor proposes to locate must have a zoning designation of M-1A, M-2A or PUD. If the property is zoned PUD, the mobile food vendor shall be located only in the nonresidential portion of the PUD. Mobile food vendors are not allowed in residential areas or the residential portion of mixed use PUD's.**

**(2) Primary Use. Mobile food vendors are accessory uses and shall only be allowed on properties that are developed with permitted or conditional uses appropriate for the zoning district in which they are located.**

**(3) Signage. The amount of signage on the mobile food vendor vehicle is not regulated but signs must be mounted flat against the vehicle and cannot project from the vehicles. The mobile food vendor shall be permitted to place one sign, not to exceed 6 square feet on the subject property where the mobile food vendor's vehicle is conducting business. Such signage shall be in addition to temporary and permanent signs permitted for the subject property, per Section 155, Appendix I.**

**(4) ADA Standards. The mobile food vendor vehicle and the property on which it is located shall meet all applicable ADA requirements.**

**(5) Vehicles. All vehicles associated with mobile food vending must be operable, per Sub-section 91.65 of the City's Code of Ordinances, and have a Florida registration and license for the current year.**

**(6) Requirements.**

(a) The property on which the mobile food truck proposes to locate shall contain a minimum size of five (5) acres, not including the area of any adjacent out-parcels.

(b) There shall be a minimum separation of 750' between any existing restaurant and a mobile food vendor.

(c) A mobile food vendor shall not locate on any property on which there is an existing restaurant, either on the same parcel or on an out-parcel.

(d) A mobile food vendor vehicle must not locate in any parking space which is required to meet the minimum number of required parking spaces for the subject property; or in driveways; loading zones; or designated Public Safety lanes (i.e. fire lanes).

(e) The mobile food vendor must not be located within any required landscape buffer on the subject property.

(f) The subject property occupant and the mobile vendor must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians, or constitute a traffic hazard.

(g) Except with permission of the City, mobile food vendors may operate only between the hours of 10 am and 2 pm.

(h) Overnight parking of mobile food vendor vehicles is prohibited.

(7) Licensing. Annually, the mobile food vendor must secure a City of Lake Mary Business Tax Receipt (BTR) and pay all relevant fees, and the applicant must provide the following:

(a) A notarized statement from the owner of the subject property authorizing the mobile food vendor to operate on the subject property.

(b) A copy of the appropriate license(s) from the Florida Division of Hotels and Restaurants.

(c) A sketch plan showing the subject property and the proposed location of the mobile food vendor vehicle. The sketch plan shall also document that the mobile food vendor and the subject property meet or exceed all relevant requirements.

(d) Other documentation as required by the City.

(8) Failure to comply with the provisions of this section shall be grounds for denial of a BTR, revocation of an existing BTR or bringing code

**enforcement or civil action against the mobile food vendor or the owner of the subject property, or both.**

\*\*\*

**PLANNING AND ZONING BOARD:** At their regular May 14, 2013 meeting, the P&Z voted 3 to 0, with one member abstaining, to recommend approval of the proposed revisions to Section 154.21, with the following conditions:

1. Food trucks are no longer proposed to be allowed in the PO, C-1, C-2 and/or DC zoning districts.
2. Food trucks shall not be permitted within 750' of an existing restaurant.
3. Except with permission of the City, food trucks may operate only between the hours of 10 am to 2 pm.

The conditions recommended by the Planning and Zoning Board have been incorporated into staff's recommendation.

**FINDINGS OF FACT:** It is recommended that the proposed revisions to Section 154.21 of the City's Code of Ordinances be approved.

**ATTACHMENTS:**

- Ordinance No. 1488
- 4/18/13 City Commission Minutes
- 5/14/13 Planning and Zoning Board Minutes

**ORDINANCE NO. 1488**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING SECTION 154.09, DEFINITIONS, ADDING A DEFINITION OF MOBILE FOOD VENDOR, AMENDING SECTION 154.21, OPEN AIR AND TEMPORARY SALES, BY ADDING NEW SECTION (C), MOBILE FOOD VENDORS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the City Commission directed staff to revise Chapter 154 of the City's Code of Ordinances to establish regulations related to mobile food vendors; and

**WHEREAS**, the City Commission directed staff to revise Section 154.09, Definitions, and Section 154.21, Open Air and Temporary Sales to allow mobile food vendors; and

**WHEREAS**, the proposed revisions to Sections 154.09 and 154.21 have been reviewed by the Planning and Zoning Board, which recommended approval; and

**WHEREAS**, the proposed revisions are consistent with the City's Comprehensive Plan; and

**WHEREAS**, on April 18, 2013, the City Commission voted to deny Ordinance No 1485 and directed staff to make certain revisions to the proposed regulations; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text asterisks (\*\*\*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

Section 1. Sections 154.09, Definitions and 154.21, Open Air and Temporary Sales are revised as shown in 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 the 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 18th day of July, 2013.

FIRST READING: June 6, 2013

SECOND READING: July 18, 2013

CITY OF LAKE MARY, FLORIDA

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MAYOR, DAVID J. MEALOR

ATTEST:

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CITY CLERK, CAROL A. FOSTER

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

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CATHERINE REISCHMANN, CITY ATTORNEY

**EXHIBIT "A"**  
**PROPOSED REVISIONS TO CHAPTER 154**  
**SECTION 154.09 – DEFINITIONS**  
**SECTION 154.21 – OPEN AIR AND TEMPORARY SALES**

PROPOSED CODE REVISIONS:

Section 154.09, DEFINITIONS

\*\*\*

MOBILE FOOD VENDOR. A person who is in the business of selling prepared food from a vehicle which has a current registration and license from the State of Florida and complies with the provisions of Section 154.21 (C) of the City's Code of Ordinances.

\*\*\*

~~154.21 OPEN AIR AND TEMPORARY SALES~~ TEMPORARY/SEASONAL USES AND MOBILE FOOD VENDORS

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(C) Mobile Food Vendors. Mobile food vendors shall be allowed to operate on private property, as long as they comply with the following conditions:

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(2) Primary Use. Mobile food vendors are accessory uses and shall only be allowed on properties that are developed with permitted or conditional uses appropriate for the zoning district in which they are located.

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(5) Vehicles. All vehicles associated with mobile food vending must be operable, per Sub-section 91.65 of the City's Code of Ordinances, and have a Florida registration and license for the current year.

(6) Requirements.

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(e) The mobile food vendor must not be located within any required landscape buffer on the subject property.

(f) The subject property occupant and the mobile vendor must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians, or constitute a traffic hazard.

(g) Except with permission of the City, mobile food vendors may operate only between the hours of 10 am and 2 pm.

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(c) A sketch plan showing the subject property and the proposed location of the mobile food vendor vehicle. The sketch plan shall also document that the mobile food vendor and the subject property meet or exceed all relevant requirements.

(d) Other documentation as required by the City.

(8) Failure to comply with the provisions of this section shall be grounds for denial of a BTR, revocation of an existing BTR or bringing code enforcement or civil action against the mobile food vendor or the owner of the subject property, or both.

file

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

3  
4 Mayor Mealor said we have an incredibly good project and is something that is needed  
5 in this community. He thanked Mr. Goldberg for his investment.

6  
7 VIII. New Business

8  
9 A. Approval of Jobs Growth Incentive (JGI) Program Interlocal Funding  
10 Agreement for Digital Risk, LLC (Jackie Sova, City Manager)

11  
12 Ms. Sova thanked Tracy Turk with the Metro Orlando Economic Development  
13 Commission for working this and bringing it forward. She is here tonight as well as  
14 Mark Hinshaw, CFO of Digital Risk.

15  
16 Ms. Sova said this item is for 300 new jobs to come before December 31, 2013. These  
17 jobs would be at 660 Century Point. The company is investing in the building including  
18 \$6,300,000 along with the jobs. The average wage of the jobs is \$44,778 which is  
19 115% of the average annual wage. These jobs are eligible for \$1,000 each. We would  
20 be sharing with the County so our share would be \$500 each. The 300 jobs would be  
21 by the end of this year and up to 300 more by the end of 2017. This is an interlocal  
22 agreement where we are going to share with the County directly.

23  
24 Commissioner Duryea asked if the County had passed it yet.

25  
26 Ms. Sova answered affirmatively on March 26<sup>th</sup>.

27  
28 **Motion was made by Commissioner Duryea to approve the Jobs Growth Incentive**  
29 **(JGI) Program Interlocal Funding Agreement for Digital Risk, LLC and authorize**  
30 **Mayor to execute, seconded by Deputy Mayor Lucarelli and motion carried by**  
31 **roll-call vote: Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes;**  
32 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

33  
34 B. Ordinance No. 1485 – Revisions to Section 154.21 of the Code of Ordinances  
35 related to mobile food vendors – First Reading (Public Hearing) (Gary  
36 Schindler, City Planner)

37  
38 The City Attorney read Ordinance No. 1485 by title only on first reading.

39  
40 Mr. Schindler said the items related to revisions to the code are the result of direction  
41 that the Commission has provided staff.

42  
43 Mr. Schindler said historically the City has taken a narrow perspective on mobile food  
44 vendors. We have three situations in which we allow them. One is the traditional ice  
45 cream truck where they go down the street with their bell ringing, kids come out, they  
46 stop and serve the kids and then they continue. Secondly we have those on City

1 property that are organized events such as the Food Truck Crave and now WineArt  
2 Wednesdays. The third situation is special festivals and events that were either City or  
3 privately sponsored. There would be food vendors associated with that event and when  
4 the event ended they went away.

5  
6 Mr. Schindler said two to four times a year we get calls from a food vendor wanting to  
7 set up a hot dog stand at the Home Depot. We would say we don't allow it. We have  
8 begun to reassess that situation. The reasons for it are that we have a number of  
9 employment centers and retail centers where there are no food opportunities or  
10 restaurants close by. If the food doesn't come to them they either have to take their  
11 lunch or go to the food. Every time someone leaves an employment center, they  
12 generally have to go out on the roads and it creates more congestion. It possibly makes  
13 sense to bring food to them, especially if people are going to be using SunRail. If they  
14 use SunRail, they don't have access to a vehicle and if there is not a food facility close  
15 by then they have to bring a sandwich. If we were to allow mobile food vendors then  
16 this might encourage use of SunRail.

17  
18 Mr. Schindler said staff has proposed regulations to the Code of Ordinances. No  
19 property less than five acres could have a food vendor. We felt we wanted to target the  
20 larger retail establishments and/or employers. We have patterned this after other  
21 jurisdictions and their regulations. Within the County there are a number of places that  
22 have varying degrees of they allow it, they don't allow it, they allow it under certain  
23 circumstances, etc. This is a policy decision. It is intended to reduce traffic on the  
24 streets and be more of a convenience for employees and shoppers.

25  
26 Commissioner Plank said as far as the office parks are concerned this is an outstanding  
27 idea where there are no facilities. He used Home Depot or Gander Mountain as  
28 examples. He asked how those two establishments would be affected by this change.

29  
30 Mr. Schindler said Home Depot and Gander Mountain are the only two establishments  
31 within the City that are large enough to have it. A food vendor would be able to  
32 negotiate with the landowners and if it were agreed upon then they could establish there  
33 as long as they didn't take up a parking space that was required to meet the minimum  
34 parking for the underlying use. Because there are outparcels, the outparcels do not  
35 figure into this. We would not allow a food truck for a property that had a restaurant  
36 such as a shopping center that had a restaurant.

37  
38 Commissioner Plank said to assume five food trucks are located at Home Depot and  
39 they met the requirements of not reducing the number of parking spaces. The  
40 outparcels do not count. The outparcels affected, Chick-Fil-A, Dunkin Donuts/Baskin  
41 Robbins, Arby's, etc. depend very heavily on the lunch traffic for their business. He  
42 asked if we were creating a detrimental effect for those parcels that don't count.

43  
44 Mr. Schindler said each one of these three items for code revisions were reviewed by  
45 the Planning & Zoning Board at their March 12, 2013, meeting. The food truck  
46 proposal was recommended for approval 3 – 1. On the Planning & Zoning Board is the

1 manager of the Tilted Kilt and he was quite insightful. He said he talked to his  
2 counterparts and has come to the conclusion that it really would not impact business at  
3 all. If anything it would provide more of a draw, and he supported it. He was not the  
4 one who voted no.

5  
6 Commissioner Plank asked if staff made any inquiry of those directly affected.

7  
8 Mr. Schindler answered negatively.

9  
10 Commissioner Plank said based on the recommendation of the manager of the Tilted  
11 Kilt which is a sit-down restaurant is what we are going on.

12  
13 Mr. Schindler said it is not what we are going on. That was just the icing on the cake.

14  
15 Commissioner Plank said he wasn't trying to make an issue of it, but we have  
16 businesses established in Lake Mary that are part of the City.

17  
18 Mr. Schindler said if it is the Commission's decision to not allow them on outparcels, it is  
19 a minor revision to the language of what's being proposed. Historically the most  
20 requested location has been the Home Depot for basically hot dog vendors.

21  
22 Commissioner Plank said those would be under their canopy so we're not talking about  
23 the same thing.

24  
25 Mr. Schindler said it is still a mobile food vendor whether it be a food truck or a hot dog  
26 cart. They would still be under the same regulations.

27  
28 Commissioner Plank asked if there were any time limits. He asked if they could park  
29 there from 7 in the morning until 6 at night.

30  
31 Mr. Schindler said they could. We wanted to set the regulatory table and let the market  
32 dictate as to how long they would be there, except that we prohibit overnight parking so  
33 each day the vehicle would have to leave and come back the next day.

34  
35 Commissioner Duryea said we are trying to put something through the eye of the needle  
36 because the only two commercial properties were Home Depot and Gander which are  
37 literally surrounded by fast food places. He said he would rather them not be there. If  
38 someone is hungry enough they can walk across the parking lot. The other situation is  
39 an office building where there are no facilities within 500 feet or something like that. He  
40 asked if it was possible to allow it in that situation under the circumstances we are  
41 talking about and not in the commercial properties.

42  
43 Mr. Schindler answered affirmatively. We could eliminate C-1 and C-2 and it could  
44 simply be DC, M-1A, M-2A or PUD. We could eliminate it in PO, C-1 and C-2.

45  
46 Commissioner Duryea said it was stated PUD. Suppose someone set up in Manderley.

1  
2 Mr. Schindler said the regulations say that in a mixed use PUD, it would be restricted to  
3 the non-residential section of the PUD.

4  
5 Commissioner Brender asked if the PUD had to have five acres.

6  
7 Mr. Schindler said the property on which they locate has to have five acres. He noted  
8 that Mr. Noto just reminded him that Gander Mountain is rezoning to PUD. Right now it  
9 is C-2.

10  
11 Commissioner Brender said he was sure we get phone calls, especially about the office  
12 parks. Several of the buildings have vending machines which get old after one day  
13 rather than two. He sensed we are going from being pretty restrictive to wide open in  
14 one fell swoop and was not feeling comfortable with that. We need to discuss this and  
15 get some other feelings.

16  
17 Mr. Schindler said that is why we are here tonight. This is a policy and it's legislative.  
18 We have brought something forward and we want the Commission to tell us how they  
19 want it tailored.

20  
21 Mayor Mealor said the only commitment he has heard is from Commissioner Duryea  
22 who would just as soon they not be there.

23  
24 Mayor Mealor said we are talking policy decision. In the past Altamonte was incredibly  
25 adamant, no way no how, but are now permitted. There has been a change in policy in  
26 various communities. He thought this was a policy decision based upon what this  
27 Commission feels is in the community's best interest. This item is a public hearing so if  
28 there are concerns we may hear them. He said he was open to any thoughts the  
29 Commission may have.

30  
31 Commissioner Plank said he would be in favor of the office park with time limitations so  
32 we don't have those trucks sitting there all day because it does have a visual impact to  
33 the area. He was not in favor of the commercial establishments such as Home Depot or  
34 Gander Mountain for the reasons he stated.

35  
36 Commissioner Duryea said Commissioner Plank has preempted his opinion.

37  
38 Commissioner Brender said he thought that gets them to a mid-point so they are not  
39 going from zero to 100%.

40  
41 Mr. Schindler said at this point both Home Depot and Gander Mountain are zoned C-2.  
42 We know that Gander Mountain is coming in to rezone to PUD. He said to the best of  
43 his knowledge there is no C-1 property in the City that is five acres or larger. The only  
44 property he knew of in the City that is five acres or larger and is zoned PO is the  
45 property on the south side of 46A which was proposed for an office development. It is

1 the one that the Hills of Lake Mary wraps around. He said he couldn't think of any other  
2 five-acre property with PO zoning.

3  
4 Deputy Mayor Lucarelli said she agreed with Allan (Plank). She said she didn't mind  
5 the small hot dog carts at Home Depot or Gander but was not keen on the big trucks.  
6 She expressed concern of how that would affect the restaurants there. If there is no  
7 way to tweak that then she would be agreeable to just doing it in the office parks and  
8 PUDs because that would be helpful to them.

9  
10 Commissioner Duryea asked how many we would allow. They could string from one  
11 end of Home Depot to the other.

12  
13 Mayor Meador said he thought Commissioner Plank brought up a good point. We heard  
14 from one member of the P&Z that's representative of the industry.

15  
16 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1485. No  
17 one came forward and the public hearing was closed.

18  
19 Mayor Meador asked Mr. Schindler to listen to the tape of the meeting and then come  
20 back with something that hopefully will be a consensus of what we are saying. He  
21 asked him to address the concerns about long-term mobile parking, trucks and those  
22 types of things.

23  
24 **Motion was made by Commissioner Duryea to deny Ordinance No. 1485 on first**  
25 **reading, seconded by Commissioner Plank and motion carried unanimously.**

26  
27 C. Ordinance No. 1486 – Revision to Section 154.67 (G)(2) of the Code of  
28 Ordinances, parking standards for the West Village of the Downtown Centre  
29 Zoning District – First Reading (Public Hearing) (Gary Schindler, City Planner)

30  
31 The City Attorney read Ordinance No. 1486 by title only on first reading.

32  
33 Mr. Schindler said this item was reviewed on March 12, 2013, by P&Z and they voted  
34 unanimously to recommend approval.

35  
36 Mr. Schindler said the main wording of this that the Commission needs to consider is  
37 "adjacent to the SunRail platform".

38  
39 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1486. No  
40 one came forward and the public hearing was closed.

41  
42 Commissioner Brender asked about the lot on the east side of Palmetto.

43  
44 Mr. Schindler said it is not adjacent to the platform. It is adjacent to the property but not  
45 the platform.

1 C. 2012-ZTA-05: Recommendation to the City Commission regarding a Zoning  
2 Text Amendment for proposed revisions to Section 154.21 related to mobile  
3 food vendors; Applicant: City of Lake Mary/Community Development  
4 Department  
5

6 Gary Schindler, City Planner, presented Item C. and the related Staff Report. He  
7 said, Madam Chairman, I am not going to take up your time with rehashing this in  
8 great length tonight. I want to bring your attention to the bottom of page 2. At  
9 their April 18, 2013, meeting, the City Commission voted to deny the original  
10 ordinance allowing food trucks. They decided rather than have staff modify it and  
11 bring it back under that ordinance, they wanted it to come back and go through  
12 the process again.  
13

14 Mr. Schindler stated, the objections were two-fold. One was they wanted to  
15 make sure that food trucks would not be injurious to existing restaurants. And,  
16 two, they wanted a limitation on hours. Staff said, fine. That is the kind of  
17 direction we wanted. Very specific.  
18

19 Mr. Schindler said, in response to that, as I have indicated on the bottom of page  
20 2, staff is no longer proposing to allow food trucks to go into PO, C-1, C-2 and/or  
21 DC Zoning Districts. That is the primary retail and some office. Under PO  
22 though, we do not have large tracts of office. There are small tracts. I don't  
23 know that we have any PO-zoned property that is five acres. So, that is no big  
24 deal there. But, C-1 and C-2 prohibits them from going in at the Home Depot  
25 and right now at Gander Mountain. So, what we have done is we have said  
26 okay. You can't go into the primary retail zoning areas and also they are not  
27 permitted within 500' of an existing restaurant. And, three is, except with  
28 permission of the City, food trucks may operate only between the hours of 10:00  
29 a.m. to 2:00 p.m.  
30

31 Mr. Schindler concluded his presentation by saying, we believe that these  
32 address the issues that the City Commission had and we are back before you  
33 tonight.  
34

35 Member Miller asked if the 500-foot rule came from the City Commission, or was  
36 that just a number staff picked.  
37

38 Mr. Schindler answered, it was arbitrarily chosen. They did not say they wanted  
39 a distance separation. Staff decided that with a distance separation between  
40 them that it made it easier to go and say, okay, look, we have a restaurant here,  
41 you can't go here. It has to be 500'. But, since they are not going to be in  
42 commercial-zoned properties, the 500' is kind of like icing on the cake because  
43 they are going to be going on five-acre properties and we simply don't want to

1 have them concentrate too much in one area; spread out a little bit in the  
2 employment areas.

3  
4 Member Miller questioned, would it bother you if that number was 2,000'?

5  
6 Mr. Schindler responded, you can make any recommendation you want.

7  
8 Member Miller reiterated his position from the last time this was before the Board  
9 that he didn't like this proposal at all. He thought doing this is bringing something  
10 in that he would just not want to offer. He stated, 2,000' sounds much better than  
11 500' to me. That is almost a mile or half a mile.

12  
13 Mr. Schindler said that whatever you recommend for approval will go forward to  
14 the City Commission.

15  
16 Alternate Fitzgerald stated, I don't understand the difference, in this instance,  
17 between a food truck and another restaurant. It is okay for a restaurant – my  
18 restaurant in particular – I'm just using the Tilted Kilt as an example. Were  
19 another restaurant to be built where Friday's used to be, that would be okay, but  
20 a food truck would not be.

21  
22 Mr. Schindler said, I'm not sure we do either, but that is what the City  
23 Commission wished; that was their direction.

24  
25 Member Miller stated, well, a food truck doesn't pay real estate taxes; right?

26  
27 Mr. Schindler replied, that's correct. But, they also can't go onto a vacant piece  
28 of property. So, the underlying use of that property is paying taxes. If another  
29 restaurant wanted to go onto the Friday's property, there would be no problem.  
30 At this point, a food truck could not go there.

31  
32 Member Miller said, they don't even pay for the people who would give them a  
33 ticket if they violate what we do.

34  
35 Stephen Noto, Planner, stated, it's a form of mobile vending -- is really the big  
36 legal difference.

37  
38 Member Miller stated, and we said at the last meeting that while we can put all  
39 these restrictions out here, the likelihood that anybody will enforce any of them  
40 when we start this is pretty low. So, whatever we do is not likely to...

41  
42 Mr. Schindler interjected, saying, if there is a complaint, we will follow up on it.  
43 The City's Code Enforcement Officer is very diligent.

DRAFT

1 Acting Chairman Taylor asked how the 500' is measured.  
2

3 Mr. Schindler answered, straight line.  
4

5 Acting Chairman Taylor questioned, is it to the front door of the restaurant? To  
6 the property line of the restaurant?  
7

8 Mr. Schindler responded, it just says to the restaurant.  
9

10 Acting Chairman Taylor said that she thought there needed to be some  
11 clarification.  
12

13 Mr. Schindler encouraged that be a part of the Board's motion.  
14

15 Member Schofield suggested it be to the closest tip of the building itself rather  
16 than the front door.  
17

18 Mr. Schindler suggested that the front door is very easy to identify.  
19

20 Acting Chairman Taylor stated, if Code Enforcement is called, I want him to have  
21 some idea of what it is they are looking for. I think something needs to be  
22 added/clarified there.  
23

24 Alternate Fitzgerald said that he would agree with zero feet, the front door, or go  
25 along with whatever the Board agrees on as far as the distance.  
26

27 Member Miller asked Alternate Fitzgerald if he was interested in getting in the  
28 food truck business.  
29

30 Alternate Fitzgerald replied, no, absolutely not.  
31

32 Member Miller questioned, they're going to compete with you though; right?  
33

34 Alternate Fitzgerald answered, so is the new restaurant that is going to open next  
35 door to me, too.  
36

37 Member Miller stated, but a restaurant would. There would be taxes involved  
38 and I would view that as a classy competitor of yours versus I view food trucks as  
39 something that makes no sense to me and in opposition to the people who are  
40 paying taxes to the City.  
41

42 Alternate Fitzgerald said, right. But, as a business owner, I don't care about that  
43 piece of it. I don't care how much they are paying in real estate taxes. I care

1 about whether they are competing with me for dollars. So, from that perspective,  
2 it doesn't matter to me whether it's a food truck or an existing restaurant. There  
3 are five new restaurants going up next to the mall. That is going to hurt me.  
4

5 Member Miller stated, and, by the way, I am not vested in any restaurant  
6 anywhere. I don't even have any stock that I am aware of in a restaurant. I just  
7 think that this is bringing grief on us for no good reason, but, obviously,  
8 somebody here likes it.  
9

10 Member Schofield asked Mr. Schindler if the 10:00 a.m. to 2:00 p.m. is to capture  
11 the lunch crowd?  
12

13 Mr. Schindler answered affirmatively.  
14

15 Acting Chairman Taylor questioned what zoning categories food trucks would be  
16 allowed in.  
17

18 Mr. Schindler responded, they would be allowed in the M-1A, M-2A, and PUD  
19 zoning. Right now, PUD covers the major employment centers; Colonial Center  
20 Heathrow, Primera, and then M-1A covers Northpoint. Those are the bulk of the  
21 City's employment areas.  
22

23 Acting Chairman Taylor asked, what is the spirit of what you are trying to  
24 accomplish with the 500'?  
25

26 Mr. Schindler replied, just another level of protection so that a food truck doesn't  
27 – maybe on a different piece of property, but right next to an adjacent restaurant,  
28 on a separate piece of property.  
29

30 There being no further questions from the Board to Mr. Schindler, Acting  
31 Chairman Taylor opened the hearing to public comment. Hearing none, she  
32 closed that portion and entertained board discussion and/or a motion.  
33

34 Member Miller commented, the City Commission is going to have to pass this. I  
35 find no good reason for doing this. Food trucks would be better suited for a  
36 construction area like where they are building the Veteran's Administration (VA),  
37 but to make it okay for people to sell food off trucks in existing, zoned areas  
38 already built out with restaurants and other things just seems like counter-  
39 productive for what we do for the kind of City we want to have and doesn't make  
40 sense. I understand you want everybody in the world to be happy and mobile  
41 food vendors to like us just like the restaurants like us, but it doesn't make any  
42 sense to me to do this.  
43

1 Acting Chairman Taylor commented, I've had some more time to think about it,  
2 and especially with the new changes made, it seems like -- this wasn't a request  
3 from anybody so it is something that City staff is doing on their own, proactively  
4 looking at it, but now the City Commission kind of wants to part and parcel it into  
5 so many tiny little parts it's almost making it too difficult for someone to do it. So,  
6 I think I'm leaning more towards the side of why bother until it becomes an issue,  
7 maybe someone with a true business plan or a need. This is only doing it part  
8 way. It doesn't seem like we are really doing it. We are just kind of doing it part  
9 way, just kind of dipping a toe in the water. It is so narrow now.

10  
11 Mr. Schindler said, well, understand, there are still lots of areas in Northpoint,  
12 Primera and Colonial Center Heathrow that have five acres and would meet the  
13 500-foot separation. So, it is aimed mostly at the office employment areas as a  
14 convenience to those people who work in those areas.

15  
16 Member Miller commented, if you made it 2,500', you wouldn't be able to do it in  
17 the Colonial either because of the proximity to Dexter's and all of those places.

18  
19 Mr. Schindler concurred.

20  
21 Member Miller commented, and I kind of like jacking that footage up. It kind of  
22 gets me where I want to be. I might even vote for it if you will say 3,000'.

23  
24 Mr. Schindler stated, you may recommend anything you wish.

25  
26 Alternate Fitzgerald questioned, as it is stated now, is it legal for a food truck to  
27 operate over there where they are building the SunRail Station?

28  
29 Mr. Schindler answered, yes, because that is not under the jurisdiction of the  
30 City, that is FDOT. It's just like they didn't come in for an arbor permit to remove  
31 the trees. That is because it's the State and the State supersedes the City.

32  
33 Alternate Fitzgerald disclosed that he was going to abstain from voting on this  
34 item and was handed Form 8B.

35  
36 Acting Chairman Taylor asked, is there a way to do this on a test basis to see  
37 how it works? Like a preliminary three-month test as opposed to just putting it  
38 out there?

39  
40 Mr. Schindler responded, well, if it doesn't work, then staff will come back. He  
41 questioned, but, then, the question is what is it that doesn't work -- I mean, what  
42 are the thresholds of it not working?

43

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1 Acting Chairman Taylor replied, restaurant owners complaining, citizens  
2 complaining.

3  
4 Mr. Schindler said, well, if there are complaints, then we will go to the City  
5 Commission and say, hey, we have gotten all these complaints.

6  
7 Member Miller asked, you would do that after we pass this and after they start  
8 doing it?

9  
10 Mr. Schindler replied, of course, because that is the only way we know that it  
11 wouldn't work.

12  
13 Member Miller commented, once we do this, coming out of it is not the same as  
14 going into it in the first place. I mean, people make investments, people do what  
15 they are going to do based on the ordinances that you pass. So, if you are going  
16 to pull it back, you need to pull it back now, not after you do it and people  
17 complain.

18  
19 Mr. Schindler stated, then make whatever recommendation you wish.

20  
21 Member Schofield questioned, would these food truck vendors have to pay any  
22 kind of fee to the City to be able to sell?

23  
24 Mr. Schindler answered, yes, they must have a Business Tax Receipt.

25  
26 Member Schofield asked, what is the cost of one of those?

27  
28 Mr. Schindler responded, it varies.

29  
30 Mr. Noto added, they range between \$25-\$100.

31  
32 Mr. Schindler said, it is certainly not anywhere comparable to what a land-based  
33 restaurant would pay in taxes.

34  
35 Member Miller added, ensuring that it is collected is a little bit more difficult too.

36  
37 Member Schofield questioned, and what are the fines if somebody doesn't have  
38 the proper receipt?

39  
40 Mr. Schindler replied, if it was taken to the Code Enforcement Board as a repeat  
41 offender, it could be up to \$250 a day.

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Member Schofield asked if somebody would be able to pull a truck into the same parking lot where Burger Fi is or where the Target is.

Mr. Schindler answered, no.

Mr. Noto added, that is in the County.

Mr. Schindler stated, your point is well taken though. They would not be allowed to go into commercial areas. They couldn't have the hot dog stand at Home Depot because that is zoned C-2 and it is prohibited there.

Mr. Noto said, the spirit of what Gary put together, and based on the direction we got from administration, was to prepare for SunRail. This all came from Strategic Planning in that the real reason it is catering towards PUD, M-1A and M-2A is to prepare for those people who could take SunRail and don't have a car to go anywhere for lunch, don't bring their lunch and are far away from restaurants. That being more so in Northpoint than Primera and maybe Colonial. When the food trucks first came to the City last year or the year before -- I don't remember how long it was -- the food trucks were ahead of all governments as far as the trend in this new thing, the way they do business now, and so they had to petition almost all the local governments in the area to have these little food truck craves that happen once a week in different areas of the region. And so, they have been so popular here, Orlando and Casselberry in that this is a way to just say, all right, we are going to open up your market in that area in preparation for Sunrail, and if the market is not there, then, well, okay, but here it is.

Member Schofield commented, let the free market -- right. He questioned, so, they wouldn't be able to, say, pull into City Hall parking lot at lunchtime?

Mr. Schindler responded, no, because that is private property.

Mr. Noto replied, no.

Member Miller stated, but, I thought we just said SunRail is FDOT so it doesn't matter what we do. It doesn't affect...

Mr. Noto interposed saying, well, I mean -- right. I mean, like, people that ride SunRail, they would take Lynx or a taxicab to go to work in the morning and then they are stuck in their office all day because they don't have a car to get around. So, this would bring the food to them, hypothetically, or at least open the market to do such a thing.

1 Member Schofield asked, so, essentially, it is just the high-density office space;  
2 AAA?

3  
4 Mr. Noto answered, right. Verizon, Convergis, all that over there.

5  
6 Member Schofield commented, I don't see a problem with this as long as they  
7 can't pull into the parking lot where Publix, Target or Burger Fi, or any of those  
8 are located, or even at City Hall during the day unless it's a sponsored event.

9  
10 Mr. Noto said, the only thing about the Burger Fi and that, that's Seminole  
11 County. So, they may have some different regulations than us, but like the Home  
12 Depot type of thing...

13  
14 Member Schofield interjected saying, well, I'm using them as an example. Yeah,  
15 the Home Depot, the Publix on Rinehart, they wouldn't be able to pull into there,  
16 or the CVS across the street. That is what I'm concerned about. But, this is  
17 targeting specifically the high-density office space. If we are trying to cater to the  
18 people who are potentially going to be the Sun-Rail users – they are giving up  
19 their cars riding SunRail. I would hope that we would have some sort of bus  
20 system. I would hate to have to pay a taxi every day. If I am going to do that, I  
21 might as well just drive my own car. So, I would hope that there is some sort of  
22 Lynx bus, some sort of route system running every ten minutes or something, a  
23 couple of them. But, if I am one of those riders that does all of that, I would find  
24 that to be very convenient. And, if it is only in the high-density office areas where  
25 walking to a restaurant, for the most part, is not possible, I would find this to be  
26 rather convenient and probably would utilize it a lot. With that said, I don't work  
27 in that area, but I can see where it could be convenient, and if we, as a City, want  
28 to be proactive to the employees that work in our area – they wouldn't be  
29 spending dollars in Lake Mary, but they would still be spending dollars -- I don't  
30 see anything horrible about it. But, I would be interested to see if we started  
31 getting complaints and revising it at a later point, like you had mentioned earlier,  
32 Colleen, is there a way we can do a trial run. I think that if we were to vote this  
33 in, if complaints came in, you would have to just modify it to handle the specific  
34 complaints that came in. But, I would be hesitant just to say no and not even  
35 give it a chance.

36  
37 Acting Chairman Taylor questioned how this item was noticed to the public.

38  
39 Mr. Schindler responded, we just advertised it, legal advertisement.

40  
41 Mr. Noto added, it's a code amendment so we just advertise it, but there are no  
42 mailers or anything like that because it is not property specific.

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Acting Chairman Taylor commented, because now we have made it so narrow that the only restaurants that would really be affected are restaurants that are internal to specific businesses. Some businesses have one small restaurant inside that caters to them so it would probably be a pretty narrow margin, but they don't get the foot traffic that other restaurants would get so they are kind of dependant on that and that is who we are really potentially.....

Member Miller asked, if you do the 500' and Nature's Table is on the fifth floor, how does that work?

Mr. Schindler replied, it is from the building in which it's located if it's internal. It is not down the elevator and out the front door.

Member Miller commented, because there are Nature Table restaurants I know in some of the buildings.

Member Schofield stated, the Fiser building.

Member Miller commented, but I'm not familiar with what is in the other buildings. I have no idea.

Acting Chairman Taylor commented, well, I think it should at least have 500' and we need to pick a point, whether it is the front door or something else. I still would like to maybe see it be a six-month run or something; this be in effect for six months and it just terminate unless someone comes back and says they want to make it permanent. That would be my recommendation. Let them come in. Let the City staff see how it works. Let everyone see how it works. If it doesn't work, then you have an easy out because it was just done, and if it does work, it has proven the concept and it goes on.

Mr. Noto questioned Mr. Schindler, in the areas where we allow them already, do we have records of complaints?

Mr. Schindler answered, no. The only complaints we get are the ones we usually get after-the-fact, someone saying, well, there was a hot dog vendor at Home Depot over the weekend, and if they are no longer there and we get the complaint on Monday, then there is not much we can do.

Acting Chairman Taylor commented, that kind of proves Sid's point; that since they are mobile and if they are not there, then they're not going to be there when.....

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Mr. Schindler said, but, understand, they do not have to register now. They will have to register. There are a number of hoops that they have to go through under the regulations. At Home Depot, it's an infrequent thing. It may be once or twice a year that they have come in. But, whatever recommendation you wish; whether it be approval, denial, different conditions.

Member Miller commented, there are a lot of suppositions going into that trial thing too because if I were going into that business based on some code that we passed, I wouldn't go into it and invest anything based on the fact that you could change it in six months. I mean, I would have a business plan to do that.

Acting Chairman Taylor commented, but I think there are a lot of active trucks in the area.

Member Schofield asked if it would be better to postpone voting on this until a full board was present, or would that be unnecessary.

Member Miller responded, don't do that.

Acting Chairman Taylor stated, I don't think it's necessary. I think it needs to just get done.

Member Miller commented, I would probably vote for it if you increased that 500' to some slightly larger number. I don't think 500' is very far, in my opinion.

Acting Chairman Taylor questioned, 750'?

Member Miller replied, go to 750' or 1,000'.

Alternate Fitzgerald agreed.

Member Schofield commented that he thought there aren't that many restaurants in these areas to begin with. So, if you make it 750' or 1,000', it doesn't really change anything, for the most part, unless a restaurant decides to build in these areas.

Member Miller commented, there are three buildings in that row there. Nature's Table may only be in one of those three buildings. So, if you make it 2,000', then they can't go to any of those three buildings, but if you make it 500', they can go to the two that don't have a Nature's Table there. There is so much supposition in this. My block was really – the people who pay taxes, who our are tax base, are the restaurant owners and we are throwing in something that doesn't match what I think of the quality of the name, Lake Mary, and we are just doing it

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ourselves to bring in trucks to park in parking lots and sell hot dogs in the parking lots. For me, that is not the City I live in that would ask to have that done. I don't mean to sound egotistical.

Member Schofield commented, that almost sounds like a sales tax issue, like, with Amazon and E-Bay.

Member Miller said, exactly.

Acting Chairman Taylor commented, but, we do have a lot of workers and they want options.

Member Miller commented, this is the first time I have heard that, about it being a strategy associated with SunRail.

Member Schofield commented, and I think it's an important piece too, about it being a strategy for SunRail. The bottom line, too, is if they don't offer good food, they are going to stop going to them, the market will dry up, and they probably won't go to them every day. They might go to a different restaurant or carpool with some people. So, I don't think it's a bad thing. I'm okay with 750', if you want to raise it to that.

**MOTION:**

**Member Schofield moved to recommend approval to the City Commission the request by City of Lake Mary/Community Development Department regarding a Zoning Text Amendment for proposed revisions to Section 154.21 related to mobile food vendors, consistent with staff's Findings of Fact listed in the Staff Report and subject to the following condition. Member Miller seconded the motion, which carried unanimously 3-0. Alternate Fitzgerald abstained from voting on the motion (see Form 8B attached).**

**CONDITION:**

- 1. Planning and Zoning Board recommends amending 2. on page 2 of the Staff Report to read "Food trucks shall not be permitted within 750' of an existing restaurant's front door".**

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Fitzgerald Sean Michael	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning Zoning Lake Mary
MAILING ADDRESS 444 Country Wood Circle	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Lake Mary      COUNTY Seminole	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/4/13	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Sean Fitzgerald, hereby disclose that on 5/14, 20 12:

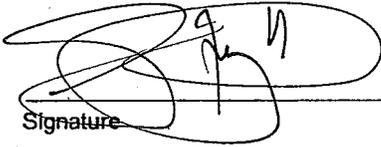
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

2012 ZTA-OS  
 My conflict is that I operate  
 A restaurant that would  
 be affected adversely by  
 food trucks.

Date Filed \_\_\_\_\_

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

QUASI-JUDICIAL SIGN-IN SHEET

5/14, 2013  
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: July 18, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Steve Noto

SUBJECT: Request for conditional use approval regarding a private and retail recreational facility (personal training facility) for CrossFit Lake Mary within the Office and Light Industrial (M-1A) Zoning District, 111 Commerce Street, Greg Sheppard, CrossFit Lake Mary, applicant (Public Hearing) (Steve Noto, Planner)

---

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

**REQUESTS:** The applicant is requesting conditional use approval for the expansion of an existing private and retail recreational facility (personal training facility - CrossFit Lake Mary) at 111 Commerce St., which is zoned Office and Light Industrial (M-1A). Per Section 154.65, private and retail recreational facilities are a conditional use within the M-1A zoning district.

**DISCUSSION:**

**Location:** The Lake Mary Commerce Center consists of 8 lots and functions as an office and industrial park. Lot 4 consists of +/- 2.28 acres and is located on the south side Commerce St., and west of Lake Emma Rd. CrossFit Lake Mary currently exists at 111 Commerce St. and was granted conditional use approval in 2010. Due to the success of the business, the applicant is requesting to expand, which requires new conditional use approval.

**Background:** The Lake Mary Commerce Center subdivision, including Lot 4, was platted in 1985. There is currently a mix of uses in the Center, ranging from the Social Security office, warehouses, and other office type uses.

**Description:** The table below outlines the differences between the original conditional use approval and what is being proposed as part of the current request:

	<b>2010 Request</b>	<b>2013 Request</b>
<b>Square Footage</b>	3,057 sq. ft.	5,090 sq. ft. warehouse/2,500 sq. ft. office
<b>No. of Customers</b>	20-25 per class	40-50 per class
<b>Avg. # of parking spaces used</b>	12-15	30
<b>Class Times</b>	M-F, 9am - 11am & 4pm - 8pm Sat, 9am to 11am	M-Th, 6am-9am & 5pm- 7pm F, 6am-9am, 5pm-6pm Sat, 7:30am-9:20am

As seen in the table, the current request essentially doubles the impact of the existing business. The nature of the business, high-intensity exercising, will not change. The applicant will now be the only business in the building.

**Zoning:**

NW M1A	N M1A	NE M1A
W M1A	<b>SITE M1A</b>	E M1A
SW M1A	S M1A	SE M1A

**Future Land Use:**

NW IND	N IND	NE IND
W PUB/SEMI PUB	<b>SITE IND</b>	E IND
SW PUB/SEMI PUB	S PUB/SEMI PUB	SE IND

**FINDINGS OF FACT:** § 154.72 of the Code states that before any conditional use permit shall be approved, the Planning and Zoning Board shall make a written finding that the granting of the permit will not adversely affect the public interest, and that satisfactory provisions have been made concerning the following matters, where applicable:

<b>PROVISION No. 1:</b>	
<b>Compliance with all applicable elements of the comprehensive plan.</b>	
<b>FINDINGS OF FACT No. 1:</b>	
<b>Provision met?</b>	The operation of a personal training facility at this location complies with all applicable elements of the City's Comprehensive Plan.
<b>1. YES</b>	

<b>PROVISION No. 2:</b>	
<b>Acceptable ingress and egress, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.</b>	
<b>FINDINGS OF FACT No. 2:</b>	
<b>Provision met?</b>	The proposed personal training facility has acceptable ingress and egress, adequate pedestrian access, convenient traffic flow and is accessible in case of fire and catastrophe. The site currently has 54 parking spaces. Based upon multiple inspections of the site, parking is currently not an issue. Additionally, the applicant has stated that they anticipate 30 parking spaces being used during their hours of operation. However, with the expansion of customers, it is possible that parking will be maxed out during class times. In the event there are complaints, and staff finds there to be inadequate parking, additional parking spaces will be required at the southwest corner of the property that is currently fenced. This is a condition of approval.
<b>1. YES</b>	

<b>PROVISION No. 3:</b>	
<b>Acceptable economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.</b>	
<b>FINDINGS OF FACT No. 3:</b>	
<b>Provision met?</b>	The use of the space as a personal training facility will not present any economic, noise, glare or odor effects to adjoining properties or other properties. The proposed hours of operation are consistent with the standard workday; and the class sizes are small enough to not cause traffic problems. Some training occurs outdoors, however staff has no record of complaints since the business opened in 2010.
<b>1. YES</b>	

<b>PROVISION No. 4:</b>	
<b>Acceptable location, availability, and compatibility of utilities.</b>	
<b>FINDINGS OF FACT No. 4:</b>	
<b>Provision met?</b>	The location is acceptable and is compatible to utilities. The site currently functions as an industrial office building; any utilities that would be needed are already in place.
<b>1. YES</b>	

<b>PROVISION No. 5:</b>	
<b>Acceptable screening and buffering.</b>	
<b>FINDINGS OF FACT No. 5:</b>	
<b>Provision met?</b>	The personal training facility will be located in a pre-existing building which has acceptable screening and buffering per an approved site plan.
<b>1. YES</b>	

<b>PROVISION No. 6:</b>	
<b>General compatibility with adjacent properties and other properties in the district.</b>	
<b>FINDINGS OF FACT No. 6:</b>	
<b>Provision met?</b>	The proposed personal training facility would be functioning in an existing industrial office building, which is part of the Lake Mary Commerce Center. The site and surrounding properties are part of the M-1A zoning and IND future land use designations. Therefore, there is compatibility with adjacent and other properties in the district.
<b>1. YES</b>	

**FINDINGS OF FACT No. 7:**

Staff finds that the request to expand an existing personal training facility at 111 Commerce St. in the M-1A zoning district does not adversely affect the public interest, and recommends approval with the following condition:

1. In the event parking becomes inadequate, based upon complaints and staff inspections, additional parking spaces shall be provided in the southwest corner of the property.

## **SIMILAR CONDITIONAL USE REQUESTS:**

2012-CU-05: On July 19, 2012, the City Commission unanimously approved, 5-0, a private and retail recreational facility (D1 Sports Training) in the M-1A, Office and Light Industrial, zoning district, located at 940 Williston Park Point.

2011-CU-05: On October 20, 2011, the City Commission unanimously approved, 4-0, a private and retail recreational facility (South Pac Training Facility) within Office and Light Industrial (M-1A) Zoning District at 103 Commerce Street, Suites 130 & 140.

2010-CU-04: On November 18, 2010, the City Commission unanimously approved, 5-0, a personal training facility (CrossFit Lake Mary) within the M-1A zoning district 111 Commerce St., Suite B.

**PLANNING AND ZONING BOARD:** At their regular June 25, 2013 meeting the P&Z voted unanimously, 5-0, to recommend approval of the requested conditional use with the condition listed above.

## **ADDITIONAL INFORMATION:**

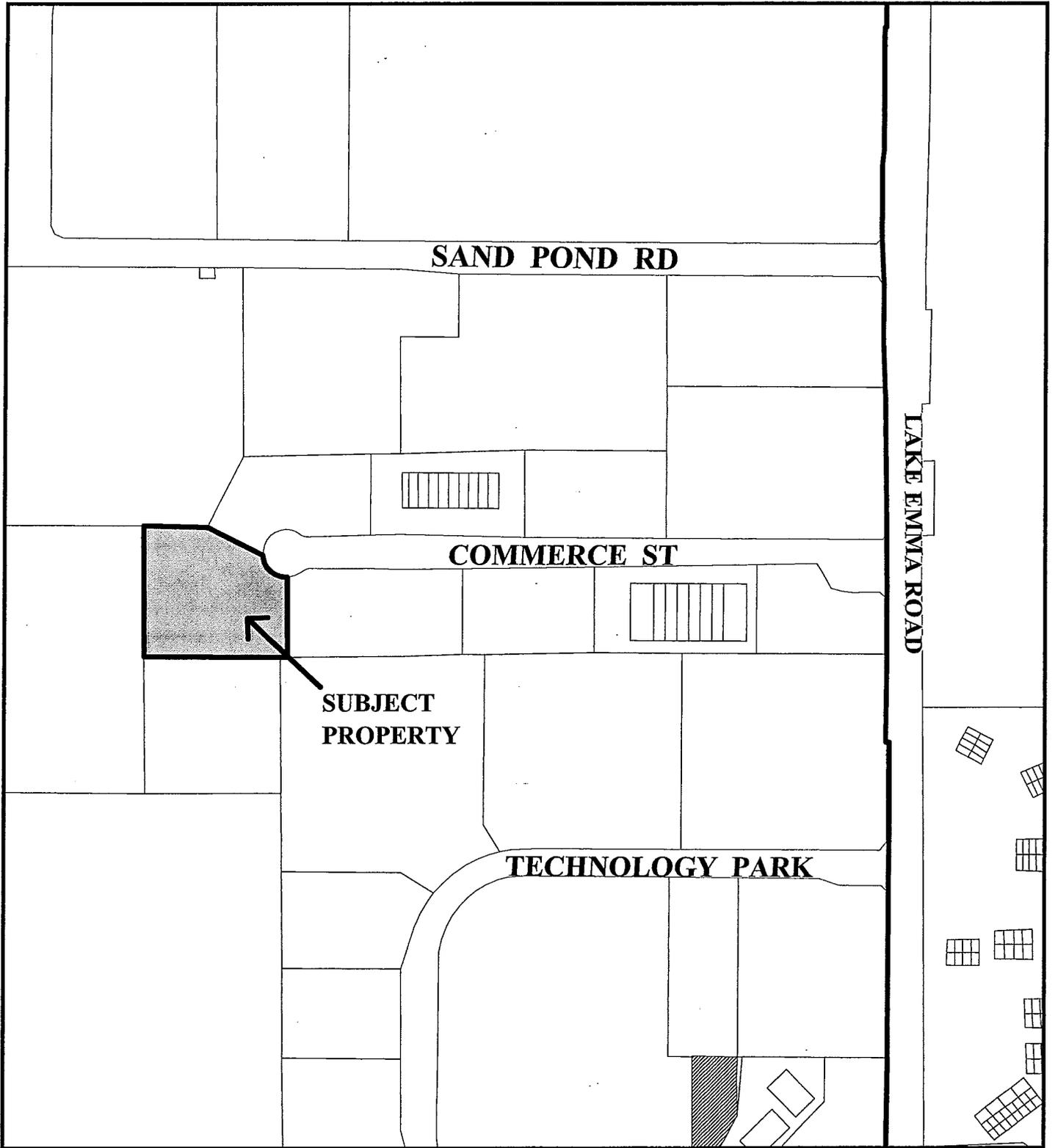
§ 154.72(B) In approving any conditional use, the Planning and Zoning Board may also require appropriate conditions and safeguards as part of the terms under which the conditional use permit is granted. Violations of those conditions and safeguards shall be deemed a violation of this section.

§ 154.73(A) Any conditional use approved as required by this subchapter shall expire one year after the conditional use permit was granted unless a building permit based upon and incorporating the conditional use is obtained within the aforesaid 12-month period.

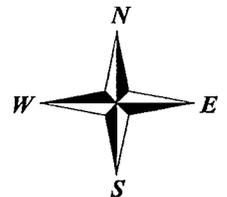
§ 154.73(B) An extension of one additional year may be granted on request of the applicant where conditions have not changed during the first year. The request for the conditional use approval extension must be filed with the city at least 30 days prior to the expiration of the aforesaid 12-month period.

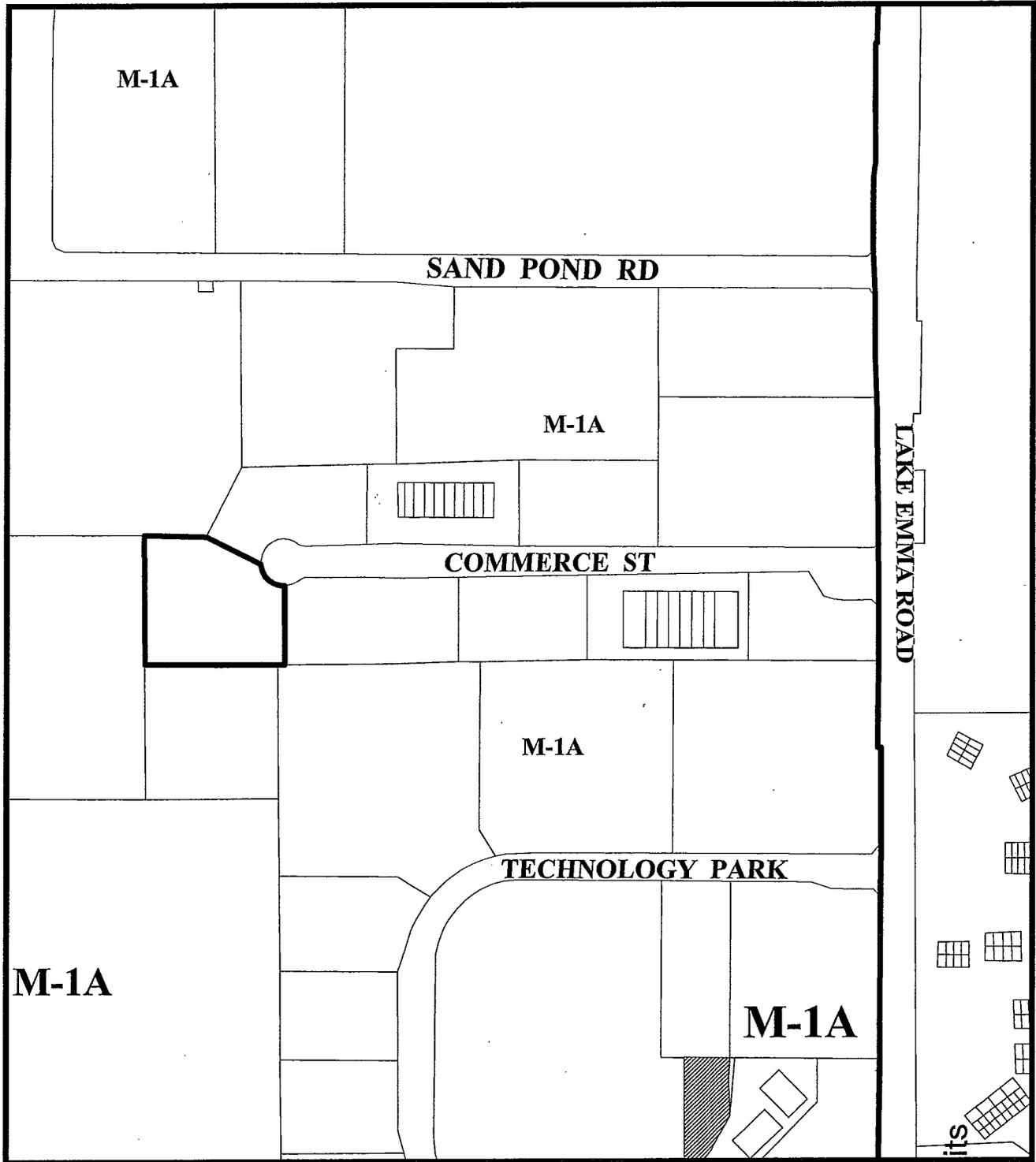
## **ATTACHMENTS**

- Location map
- Zoning Map
- FLU Map
- Aerial of property
- Applicant request
- June 25, 2013 Planning & Zoning Board minutes



**Location Map  
111 Commerce St.**

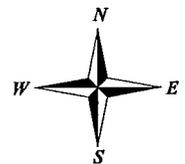


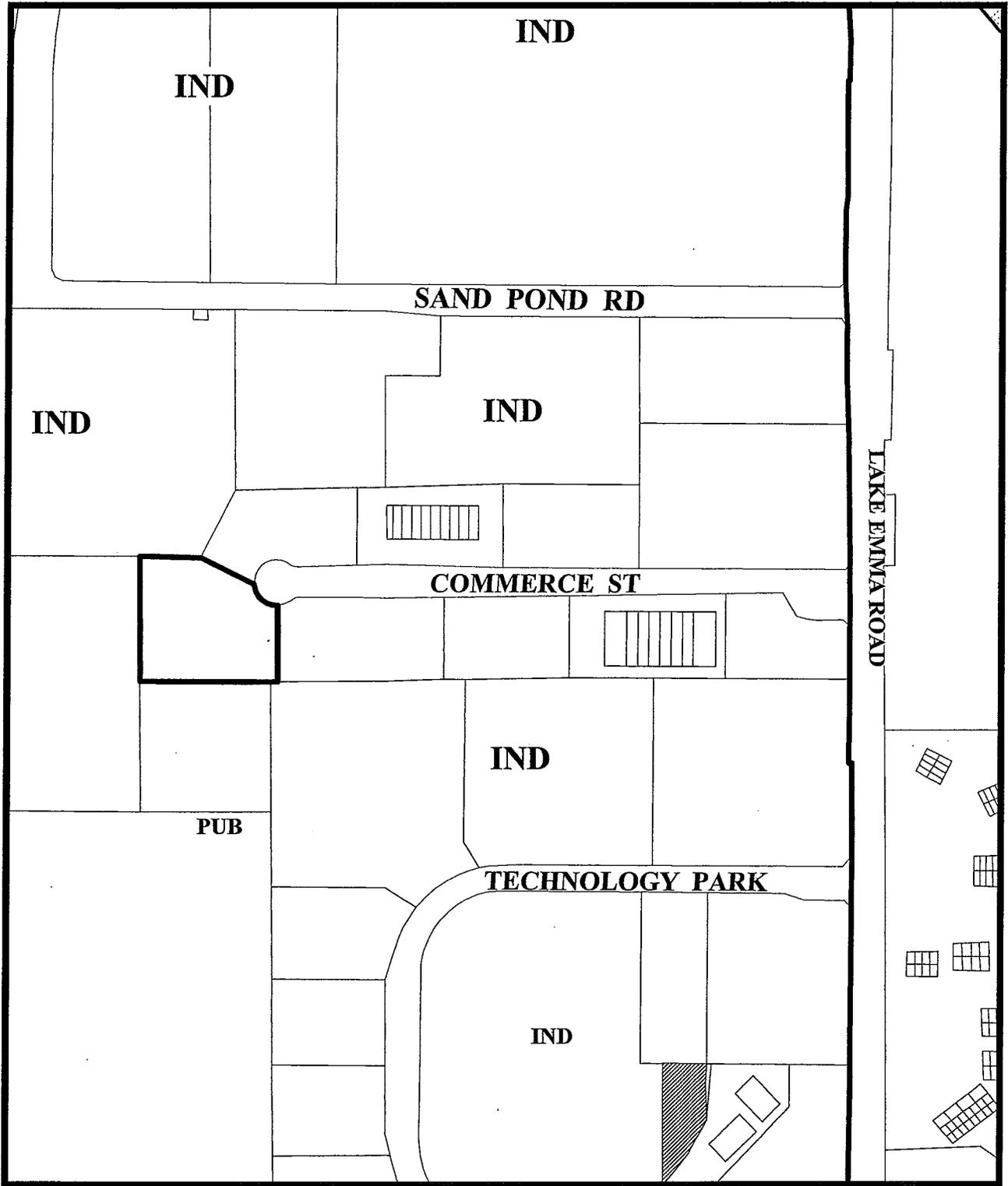


## Zoning Map



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

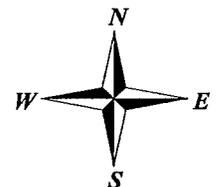




## Future Land Use Map



<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	





115

111

109

Commerce St.



**CrossFit Lake Mary**

111 Commerce St.  
Lake Mary, FL 32746  
(407) 806-8818



Business up to this point Exercise Studio

Sq. footage 3057

Total # of customers per previous approval 20-25 per class

Average # of parking spaces used during class times 12-15

Expansion proposal information (increase info - sq. footage, customers, etc.)

Sq. footage 5090 warehouse, 2500 office

Projected total # of customers 40-50 per class

Projected average # of parking spaces used during class times 30

Hours of Operation M-Th 6am-9am, 5pm-7pm, Friday's 6am-9am, 5pm-6pm,  
Saturday's 7:30am-9:20am, Sunday's Closed

Information on other tenants in the building (if any) None

Thank you,

Greg Sheppard  
President

DRAFT

1 VII. New Business  
2

- 3 A. 2013-CU-01: Recommendation to the City Commission regarding conditional  
4 use approval regarding a private and retail recreational facility (personal training  
5 facility) for Cross Fit Lake Mary within the Office and Light Industrial (M-1A)  
6 Zoning District, 111 Commerce Street, Lake Mary, Florida; Applicant: Greg  
7 Sheppard, CrossFit Lake Mary  
8

9 Stephen Noto, Planner, presented Item A. and the related Staff Report. A  
10 colored aerial attached to the Staff Report was on the overhead projector. He  
11 said, you may remember this item came before you a couple of years ago for its  
12 original approval to operate in the 111 building at the end of the Commerce  
13 Street cul-de-sac. The military-style workout facility is very popular nowadays.  
14 Business is going so well that they are looking to expand, which is why they  
15 needed a new conditional use approval.  
16

17 Mr. Noto put page 2 of the Staff Report on the overhead projector. He stated,  
18 everything you need to know about what was approved and what is requested is  
19 on the overhead. This is the table that is on the second page of your Staff  
20 Report. I put it up this way so everyone could see it at once. Essentially, they  
21 are going to be taking up the remaining space in the building. They will be the  
22 only user in the building. So, they are doubling the number of customers and  
23 potentially doubling the average number of spaces used, and small modifications  
24 to the class times. Basically, the peak morning/peak p.m. – well, actually, full  
25 peak in the morning, and then as folks are leaving, they will be bringing clients in  
26 Monday through Thursday, a little bit shorter evening time on Friday, and then  
27 from 7:30 a.m. to 9:20 a.m. on Saturday.  
28

29 Mr. Noto said, up to this point, we have had no complaints about them from  
30 neighboring businesses from noise, parking. We made multiple site visits during  
31 our review time to post the property, and things of that nature, and the parking lot  
32 maybe had six or seven cars in it. There are 54 paved spaces out there.  
33

34 Mr. Noto stated, we reviewed this the same way we would review any other  
35 conditional use (puts colored aerial attached to the Staff Report again on the  
36 overhead projector). The one thing we wanted to make sure of though is there is  
37 a fenced-off area at the southwest corner of the property that could potentially be  
38 striped for additional parking, if needed. We don't really think parking is going to  
39 become a problem, but we do have that one condition in there that if it gets to the  
40 point where there is overflow and people are parking out in the cul-de-sac or on  
41 other properties, that based upon our inspections and what is required, additional  
42 spaces will need to be provided in the southwest corner. But, again, we haven't

1 had a problem up to this point. We don't really foresee a problem coming. That  
2 is just a just in case type of item.

3  
4 Mr. Noto concluded his presentation by saying, so, as I have said, we have had  
5 no complaints and we have no reason to believe this expansion will cause any  
6 issue in the area, so staff is finding that the request to expand an existing  
7 personal training facility at 111 Commerce Street in the M-1A Zoning District  
8 does not adversely affect the public interest and recommends approval with the  
9 condition I just mentioned. The Applicant is here this evening if you have any  
10 questions.

11  
12 Member Miller asked, what is the existing expansion space used for now?

13  
14 Mr. Noto answered, there is some workout equipment abutting the 111 Building  
15 and just some odds and ends next to the 115 Building. Other than that, it's gated  
16 and it's not used.

17  
18 Member Cartmill questioned, at the end of Commerce, is there a stoplight? I live  
19 off Lake Emma, but I can't remember which ones have the stoplights.

20  
21 Mr. Noto responded, no.

22  
23 Member Cartmill asked, would that be an issue with more traffic at those hours?

24  
25 Mr. Noto replied, no, because these are all vested uses at this point. We  
26 wouldn't anticipate -- since folks are coming in while people are leaving, usually  
27 the right-in is less impactful than the right or left out.

28  
29 Juan (John) A. Omana, Jr., Community Development Director, announced this  
30 item is quasi-judicial in nature; that a Quasi-Judicial Sign-In Sheet (see attached)  
31 was located at the back of the chambers for any interested party to sign in order  
32 to be kept abreast of this matter.

33  
34 Chairman Hawkins requested the Applicant come forward and address the  
35 Board.

36  
37 Greg Sheppard, Applicant/Owner of CrossFit Lake Mary, residing at 111  
38 Windsong Court, Lake Mary, Florida 32746, came forward in favor of the  
39 proposed conditional use.

40  
41 Chairman Hawkins questioned Mr. Sheppard if he had anything to add to Mr.  
42 Noto's presentation.

DRAFT

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Mr. Sheppard answered, no, sir. I think he did fine.

Chairman Hawkins asked Mr. Sheppard, it's great to have a business that's expanding and growing; isn't it?

Mr. Sheppard responded, I hope so; yes, sir.

Chairman Hawkins said, that's what we like.

Mr. Sheppard stated, yeah. Me too.

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

Chairman Hawkins commented, I don't have any problem with this. As I stated, it's nice to have businesses and businesses that are growing.

**MOTION:**

**Member Cartmill moved to recommend approval to the City Commission the request by Greg Sheppard, CrossFit Lake Mary regarding a conditional use for a private and retail recreational facility (personal training facility) for Cross Fit Lake Mary within the Office and Light Industrial (M-1A) Zoning District, 111 Commerce Street, Lake Mary, Florida, consistent with staff's seven Findings of Fact listed in the Staff Report and subject to the following condition. Member Schofield seconded the motion, which carried unanimously 5-0.**

**CONDITION:**

- 1. In the event parking becomes inadequate, based upon complaints and staff inspections, additional parking spaces shall be provided in the southwest corner of the property.**

Mr. Omana announced that this item will move forward to the City Commission's July cycle.

QUASI-JUDICIAL SIGN-IN SHEET

6/25, 2013  
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: July 18, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler, City Planner

SUBJECT: Ordinance No. 1489 - Amending Section 157.23, Arbor Pruning - First Reading (Public Hearing) (Gary Schindler, City Planner)

---

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

**REQUEST:** Section 157.23 addresses the issue of tree trimming and pruning. Paragraph (A) establishes the need for a pruning permit; however, it specifically exempts the owners of 1 & 2 family dwellings from having to obtain a permit to trim trees. Paragraphs (B) – (G) address issues of what constitutes unlawful pruning, establishes a permitting and review process, establishes fines for unlawful pruning and identifies an appeal process.

Additionally, staff proposes to amend Section 163.03 of the City's Code of Ordinances, to establish a fee for arbor appeals. The proposed fee is comparable to the fees charged by other governments in Seminole County.

### **DISCUSSION:**

**Section 157.23** - Historically, staff has interpreted the exemption for 1 & 2 family dwelling units in (A) to specifically relate only to the need for acquiring a pruning permit. When pruning occurs that is injurious to the tree, staff has proceeded as though the tree had been illegally removed and sent the owner of the subject property a Notice of Violation. The Notice of Violation informs the property owner of the amount of the initial fine and also that they have the right to appeal staff's determination to the City's Arbor Board.

On two occasions, staff has taken such cases to the Arbor Board. In the first instance, the Arbor Board made a determination that no violation had occurred. Regarding the second

instance, the Arbor Board continued the item for a minimum of 6 months. At the end of six months, staff was directed to conduct an on-site inspection to ascertain the health of the trees. If the tree was dead or dying, staff was to reschedule this item for the Arbor Board's review and action.

In light of this situation, staff proposes to clarify the intent of Section 157.23. Specifically, staff proposes to retain the language that exempts owners of 1 & 2 family dwelling units from having to obtain pruning permits; however, add language that makes such owners responsible for pruning and clarify that persons engaging in irresponsible pruning can be cited with a Notice of Violation and can be fined. In light of this, staff proposes the following revision:

#### Section 157.23 Pruning ~~Permit~~.

(A)The owner of a property, tenant, or agent shall not trim, prune, remove living branches or cause the diminution of the crown of any canopy tree or understory tree without having first obtained a pruning permit. All Owners, tenants and/or agents of one and two family dwelling units shall be exempt from the requirement of having to obtain a pruning permit this section.; however, such owners, tenants and/or agents shall comply with all other provisions of Section 157.23. ...

(C) Unlawful pruning. Unlawful pruning includes the practices referred to as shearing, hat racking, topping or poodle trimming of trees (lollipop), lions-tailing, pollarding of trees. Trees intended for shade Canopy and understory trees shall be allowed to reach their mature canopy spread. It shall be unlawful to engage in excessive pruning techniques on canopy and understory trees intended for shade purposes. Excessive shearing, pruning, or shaping shall only be allowed with a permit in times of emergency, the City may only designate a period during which permitting for pruning shall not be required and excessive shearing, pruning, or shaping shall be allowed. The following are deemed unlawful excessive pruning techniques, which are prohibited on shade canopy or understory trees:

...

(G) Unauthorized Injurious Pruning. Irrespective of whether or not a pruning permit has been issued, if a tree is pruned in a manner that is injurious to the tree, including but not limited to the techniques described in Section 157.23 (C) above If a tree not authorized for pruning is altered, pruned, trimmed, or diminished in canopy such that its susceptibility to disease or other detrimental environmental factors is significantly increased which may result in premature death or so that the purposes of this chapter are not serviced, the general contractor and/or property owner shall pay to the city an initial fine of \$100 per tree pruned plus a fine related to the size of the tree pruned as follows: ...

**Section 163.03(E), Other Community Development Land Development Fees: Section 163.03** addresses a number of fees, including arbor fees for both residential and nonresidential properties; however, currently the City does not have an application fee for an arbor appeal. Staff proposes to amend this Section to add an Arbor Appeal Fee.

Staff contacted Seminole County and the other cities in the County to determine if they had an arbor appeal fee and, if so, the amount of the fee. The following is a summary of the results of this research:

<b>Government</b>	<b>Arbor Appeal Fee</b>	<b>Amount</b>
Seminole County -	Yes	\$100
Sanford -	Yes	\$500
Longwood -	Yes	\$400
Altamonte Springs -	Yes	\$250
Casselberry -	No	
Winter Springs -	No	

In light of the arbor appeal fees charged by the other governments in the County, staff proposes an Arbor Appeal Fee of \$300.

Currently, the City's minimum fines equal \$250 for non-historic trees & \$500 for historic trees. Per Commissioner Plank's request, staff has contacted the other governments in Seminole County regarding the minimum fine for removing a tree without a permit. The results of the inquiry are contained in Table #1. The arbor fines charged by other governments vary greatly. At least one government only charges a double permit fee. The cost of an arbor permit is \$30; therefore, the fine is \$60. Others governments charge a minimum of \$50 per caliper inch of each tree, up to a maximum of \$5,000.

In the City of Lake Mary, the following are exempt from permitting: 1 & 2 family dwellings = trees less than 12" caliper & commercial = trees less than 6" caliper. In light of the results of Table #1, the City's initial arbor fines are less than some jurisdictions within the County and more than others. Please refer to Table #1, Comparison of Arbor Fines in the attachments.

**ARBOR BOARD ACTION:** At their special June 10, 2013 meeting, the Arbor Board took the following action:

- Voted unanimously to recommend approval of the proposed revisions to Section 157.23 of the City's Code of Ordinances, making 1 & 2 family dwellings responsible for proper pruning of trees.
- Voted 4 to 2 to recommend approval of the proposed revision of Section 163.03(E), establishing an Arbor Appeal Fee in the amount of \$300.

**PLANNING AND ZONING BOARD ACTION:** At their regular June 25, 2013 meeting the Planning and Zoning Board voted 3 to 2 to recommend denial of the proposed changes to the City's Code of Ordinances.

**FINDINGS OF FACT:** Staff finds the following:

The proposed revisions to Section 157.23, Pruning Permit to be consistent with the Comprehensive Plan and the City Code of Ordinances.

The proposed revision to Section 163.03(E) to be consistent with the Comprehensive Plan and the City Code of Ordinances.

**ATTACHMENTS:**

- Ordinance No. 1489
- Ordinance No. 1490
- Table #1, Comparison of Arbor Fines
- Arbor Board Minutes
- Planning and Zoning Board Minutes

**ORDINANCE NO. 1489**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING EXISTING SECTION 157.23(A), (C) & (G), PRUNING PERMIT; PROVIDING CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, on September 22, 1982, the City Commission adopted Ordinance No. 153 which established the City's arbor regulations; and

WHEREAS, the arbor regulations were amended in 1994 and in 1995; and

WHEREAS, the City's Tree Board and City staff spent approximately 18 months reviewing arbor regulations from other jurisdictions and developing and refining proposed regulations, which were adopted in 2005 as Ordinance No. 1165; and

WHEREAS, on March 3, 2011, the City adopted Ordinance No. 1417, which established Chapter 163, relating to Building Department, Community Development, Fire Prevention and Miscellaneous fees; and

WHEREAS, the City Commission desires to amend Chapter 157, Landscaping and Arbor Regulations, to make them more understandable and easier to use; and

WHEREAS, the Arbor Board reviewed the proposed regulations and recommends that the City Commission approve the proposed revisions to Section 157.23 and finds all proposed regulations consistent with the comprehensive plan.

WHEREAS, words with underlined type shall constitute additions to the original text, strike through shall constitute deletions to the original text, and asterisks (\*\*\*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

SECTION 1. Section 157.23 is revised per the language contained in Exhibit "A" attached hereto.

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 the 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 8<sup>th</sup> day of August, 2013.

FIRST READING: July 18, 2013

SECOND READING: August 8, 2013

CITY OF LAKE MARY, FLORIDA

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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"

### Section 157.23 Pruning Permit.

(A) The owner of a property, the tenant, or their agent shall not trim, prune, remove living branches or cause the diminution of the crown of any canopy tree or understory tree without having first obtained a pruning permit. All Owners, tenants and/or agents of one and two family dwelling units shall be exempt from the requirement of having to obtain a pruning permit this section; however, such owners, tenants and/or agents shall comply with all other provisions of Section 157.23. ...

(C) Unlawful pruning. Unlawful pruning includes the practices referred to as shearing, hat racking, topping or poodle trimming of trees (lollipop), lions-tailing, pollarding of trees. Trees intended for shade Canopy and understory trees shall be allowed to reach their mature canopy spread. It shall be unlawful to engage in excessive pruning techniques on canopy and understory trees intended for shade purposes. Excessive shearing, pruning, or shaping shall only be allowed with a permit in times of emergency, the City may only designate a period during which permitting for pruning shall not be required and extensive shearing, pruning, or shaping shall be allowed. The following are deemed unlawful excessive pruning techniques, which are prohibited on shade canopy or understory trees:  
...

(G) Unauthorized Injurious Pruning. Irrespective of whether or not a pruning permit has been issued, if a tree is pruned in a manner that is injurious to the tree, including but not limited to the techniques described in Section 157.23 (C) above If a tree not authorized for pruning is altered, pruned, trimmed, or diminished in canopy such that its susceptibility to disease or other detrimental environmental factors is significantly increased which may result in premature death or so that the purposes of this chapter are not serviced, the general contractor and/or property owner shall pay to the city an initial fine of \$100 per tree pruned plus a fine related to the size of the tree pruned as follows: ...

**TABLE #1  
COMPARISON OF ARBOR FINE**

<u>Government</u>	<u>Amount of Initial Fine</u>	<u>Amount of Initial Fine- Historic Tree</u>
Lake Mary	\$250	\$500
Seminole County -	\$100, \$300 or \$500 (1) (4)	
Sanford -	\$60 (2)	
Longwood -	\$50 per caliper inch (3) (4)	
Altamonte Springs -	Residential = \$300 (4) Commercial = \$450 (4)	
Oviedo – Inch  tree	\$50 per caliper inch up to  \$5,000 per tree	\$100 per caliper  up to \$5,000 per
Casselberry -	\$88 per caliper inch up to \$5,000 (4)	
Winter Springs -	\$250	\$500

1 = Based upon size of tree removed, but not to exceed \$5,000.

2 = Fines equal double permit fee. Fines do not differ between historic and other trees.

3 = Applicable to commercial. Fines vary by size of tree removed; however, \$50 per caliper inch is the minimum.

4 = Fines do not differ for historic and other trees.

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, SPECIAL CITY TREE BOARD**  
2 **MEETING HELD JUNE 10, 2013, 6:00 P.M., CITY HALL, 100 N. COUNTRY CLUB**  
3 **ROAD**

4  
5 **TAPE 1, SIDE A**

DRAFT

6 I. Call to Order

7 The meeting was called to order at 6:00 p.m.

8 II. Roll Call/Determination of a Quorum

9 The following members were present:

10 Chairman Danny Williamson  
11 Vice Chairman Lynette Swinski  
12 Member James Buck  
13 Member Robert Sebald  
14 Member Jeanne Miller  
15 Member John Lackey

16  
17 Member Robert Boardman was absent.

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

22  
23 III. Approval of Minutes - May 6, 2013

24  
25 **MOTION:**

26  
27 **Member Buck moved to approve the Minutes of the May 6, 2013, City Tree**  
28 **Board meeting, as presented. Member Sebald seconded the motion, which**  
29 **carried unanimously 6-0.**

30  
31 IV. 2013-ZTA-03: Recommendation to the City Commission regarding proposed  
32 revisions to Section 157.23, Arbor Pruning, and revisions to Section 163.03,  
33 establishing an Arbor Appeal Fee; Applicant: City of Lake Mary/Community  
34 Development Department/Planning and Zoning Division.

35  
36 Gary Schindler, City Planner, presented staff's request and the related Staff  
37 Report. He said, what is before you tonight are two proposed revisions to  
38 Chapter 157, City Code of Ordinances. He then explained the process to the

**JUNE 10, 2013-1**  
**CITY TREE BOARD**

1 Board. He stated, you are going to be reviewing them tonight from the  
2 perspective of how they relate to the City's policies and regulations regarding  
3 trees. After tonight, the same Staff Report will go to the Planning and Zoning  
4 (P&Z) Board on June 25<sup>th</sup>. The P&Z Board looks at it not from the perspective of  
5 arbor -- they do not supersede your authority -- they look at it from the  
6 perspective of the overall Code of Ordinances because all proposed revisions to  
7 the Code of Ordinances go through the P&Z Board. Then, on July 18<sup>th</sup>, the Staff  
8 Report will go to the City Commission with the recommendations/actions of both  
9 boards listed and the Minutes from both boards. So, I just want you to  
10 understand how the process works.

11  
12 Mr. Schindler said, the first revision has to do with one and two-family  
13 homes/residences and trimming. Right now, a permit is not required for one or  
14 two-family residences to trim. Staff has had an interpretation of the regulations  
15 as saying, okay, you don't have to have a permit to trim; however, if you trim and  
16 it's injurious to the tree, you can be cited. Well, the Arbor Board, in a couple of  
17 instances, has differed from staff and said, we respect your opinion; that it was  
18 based on staff's interpretation of the Code. In light of this, we want to  
19 change/revise the Code to be very specific to say that you may not need a  
20 permit, but you still have responsibility in trimming; that you can't go out and  
21 butcher a tree. You can't do that anymore than an office building, manufacturing  
22 plant, or retail establishment. If you go out and you trim a tree to the point where  
23 it is injurious to it, you may be cited.

24  
25 Mr. Schindler stated, the language that is proposed is in Chapter 157.23. Where  
26 it says owners, tenants and/or agents of one and two-family dwelling units shall  
27 be exempt from the requirement of having to obtain a pruning permit hasn't  
28 changed. However, we want to make the language specific to read owners,  
29 tenants and/or agents shall comply with all other provisions of Section 157.23,  
30 which then says you've got the privilege of not having to get a permit, staff can't  
31 review what you are proposing to do, but there is a responsibility that goes with  
32 that. And the responsibility is rational, proper pruning that is not injurious. That's  
33 it. It clarifies it. And I can't be any more specific than that. You still don't have to  
34 get a permit, but you've got to be responsible. And there are a couple of other  
35 minor changes that clarifies that. Instead of shade tree, it's canopy and  
36 understory tree. It's just some language that we have cleaned up. But, the  
37 responsibility of not doing injurious trimming and pruning is clearly the more  
38 central factor.

39  
40 Mr. Schindler said, then we have Chapter 163.03. What we are wanting to do is  
41 establish an application fee for appealing an arbor decision. We want to  
42 establish \$300 as the fee. You can see on the bottom of page 2 and the top of  
43 page 3 that there are other cities that have established application fees. Now, it

1 is not always apples to apples, oranges to oranges, but in my discussions with  
2 other jurisdictions, these are what they charge for an arbor appeal of one sort or  
3 another. It goes from \$100 for Seminole County; Sanford, \$500; Longwood,  
4 \$400; Altamonte Springs, \$250. So, we are proposing \$300. We feel that is kind  
5 of right in the middle, which is where we like to be with our fee structure.  
6

7 Mr. Schindler concluded his presentation by saying, that's it. I'm more than  
8 happy to answer any questions you may have.  
9

10 Chairman Williamson asked if the City has any fee at all currently in place for an  
11 arbor appeal, or is it free.  
12

13 Mr. Schindler answered, no, none whatsoever.  
14

15 Chairman Williamson questioned if the Appellant(s) will get the \$300 back if the  
16 appeal is won.  
17

18 Mr. Schindler responded, no. Because when we go to that kind of formality –  
19 there is a lot of time and effort that goes into it and it would simply reimburse staff  
20 for the time that is spent, just like the \$30 that we have for an arbor permit makes  
21 a very small contribution to the City's General Fund. It mean, we may make a  
22 couple of hundred dollars a year. It is not intended to be a real revenue stream.  
23

24 Vice Chairman Swinski asked, are these fees new in other cities, or have they  
25 been there for awhile?  
26

27 Mr. Schindler replied, my understanding is they have been in place for awhile.  
28

29 Vice Chairman Swinski questioned, so, did we just learn about them?  
30

31 Mr. Schindler answered, no. We had just made a conscious decision previously  
32 that we would not have an application fee for an appeal.  
33

34 Chairman Williamson, stated, in reference to trimming, that he recalled at a  
35 previous meeting the Board did have staff go back and look at some trees within  
36 six months or a year and the Board never heard back. He wondered if those  
37 trees were still alive.  
38

39 Mr. Schindler said that the trees were still alive.  
40

41 Member Miller asked the relevance of that.  
42

43 Chairman Williamson responded, he hat-racked the trees.

DRAFT

1 Mr. Schindler stated, oh, awful. They ended up with trunks and sticks that look  
2 like my hand.

3  
4 Chairman Williamson said, that's under the pruning section.

5  
6 Vice Chairman Swinski suggested to discuss Section 157.23, Pruning, first since  
7 there are two different issues.

8  
9 Chairman Williamson stated, we could do that. We could go in order.

10  
11 Member Sebald questioned what would be the judgment of over pruning.

12  
13 Mr. Schindler replied, noncompliance with the American Arbor Association, and  
14 also in Chapter 157.23, there is a list of prohibited pruning techniques; hat-  
15 racking, poodle-ing, lolli-popping, and it gives a description of what those  
16 practices entail. We have to treat people the same all the way across the board  
17 whether it's injurious or it's not. And it is no more injurious for nonresidential as it  
18 is for residential.

19  
20 Member Sebald asked Mr. Schindler if he was going to be the Board's only  
21 guidance.

22  
23 Mr. Schindler answered, we also have Bryan Nipe, who is a Certified Arborist.  
24 We call on him whenever we need expertise. The other thing is if someone were  
25 to present a note to me from a Certified Arborist stating that the pruning that had  
26 been done was in compliance with the American Arborist Association, unless it  
27 was really obvious that it was not, we would defer to that person. When a person  
28 applies for a permit to remove a tree, there are some instances where it's enough  
29 of a shade of gray that I can't make a determination and say, listen, get a  
30 statement from an arborist, and if the Arborist says that this tree needs to come  
31 out, we accept it without question. We believe in the professionalism of  
32 Arborists.

33  
34 Chairman Williamson questioned, what kind of trimming is that that the power  
35 companies do when they just take the whole middle out and make like a V?

36  
37 Mr. Schindler responded, unfortunately, they are exempt from local regulations.

38  
39 Chairman Williamson said, right I know they are, but I would say that's the ugliest  
40 trimming I have ever seen in my life.

41  
42 Mr. Schindler stated, yeah, it is. And we wish we had control over it, but we  
43 don't. They have a franchise agreement and they are entitled to do that.

**JUNE 10, 2013-4  
CITY TREE BOARD**

1 Chairman Williamson said, right. Well, I guess that's their right of way too if their  
2 power lines are on it.

3  
4 Member Sebald asked, so, the homeowner has the primary responsibility for this  
5 trimming and we are not going to approach anybody who did the trimming?  
6

7 Mr. Schindler replied, oh, we'll go after that person too, but oftentimes they don't  
8 tell us who did the trimming. If a determination is made that the trimming was  
9 injurious to a tree, we have the ability to issue a citation to the company that did  
10 the work and they will be fined \$300, which is not in Chapter 157. It is through  
11 the Code Enforcement Board. It is separate from 157.  
12

13 Member Sebald stated, so, you are fining the person who trimmed the tree. He  
14 questioned, do you also fine the homeowner? Is that in the Code?  
15

16 Mr. Schindler answered, yes. Just like with someone who takes out a tree  
17 illegally. We can do that now.  
18

19 Member Sebald asked, so, that's in some other section? Not in this?  
20

21 Mr. Schindler responded, uh-huh.  
22

23 Chairman Williamson questioned, so, the type of destructive pruning that you are  
24 referring to probably can't be done by Mr. Joe Homeowner with a pole saw? You  
25 are talking about someone getting up in a tree with a chainsaw and just hat-  
26 racking it?  
27

28 Mr. Schindler replied, yes; uh-huh.  
29

30 Chairman Williamson said, I would agree with that.  
31

32 Vice Chairman Swinski asked, and anyone who would get a Notice of Violation,  
33 initial fine would be \$100 and they could also apply for the appeal process but  
34 would pay the appeal as anybody else with a tree issue?  
35

36 Mr. Schindler answered, that's correct. Yes. There is always an avenue of  
37 appeal.  
38

39 Vice Chairman Swinski questioned, but if I pay my \$100 -- if I trim my tree  
40 because the City says I hat-racked a tree, I get \$100 fine or I pay \$300 to go to  
41 the appeal board? It's cheaper for me to just pay my \$100 fine than appeal it?  
42

43 Mr. Schindler responded, it is; yes.

1 Vice Chairman Swinski asked, the initial fine is \$100 right now, or that is what we  
2 are proposing in the new one?

3  
4 Mr. Schindler replied, it's \$100.

5  
6 Vice Chairman Swinski stated, because you just don't see that very often.

7  
8 Mr. Schindler said, no, you don't because we have stopped bringing any  
9 violations for pruning because of the actions you have taken. We felt that it was  
10 not a good use of the Board's time or staff's time to bring violations for one and  
11 two-family residences because you have made it clear, when Mr. Jarvis was  
12 here, that the Code does not specifically support that it is a violation. This is why  
13 we are now coming back to you to say, yes, we heard you and we want to clarify  
14 that.

15  
16 Member Sebald questioned, just to clarify that further, the fine for a homeowner  
17 would be \$100 and then \$300 for the contractor?

18  
19 Mr. Schindler answered, yes. Now, there is also based on the size of the tree.  
20 It's \$100 initially and then it would be based on the size of the tree.

21  
22 Vice Chairman Swinski asked, is that also comparable to other cities?

23  
24 Mr. Schindler responded, we have not looked at the fines.

25  
26 Chairman Williamson questioned, the \$100 fine actually goes up if the tree dies  
27 and has to be removed; correct?

28  
29 Mr. Schindler replied, it would depend upon whether or not they applied for a  
30 permit. I mean, we are not going to be doing double jeopardy. If we fine  
31 someone for pruning that is injurious and the tree dies, then I think we might be  
32 hard pressed to then turn around and fine them for killing the tree because all  
33 they would have to do then is apply for a permit to take out the tree.

34  
35 Chairman Williamson asked, don't you think that would be a loophole that people  
36 would use?

37  
38 Mr. Schindler answered, but you are already saying that it is – you know, you  
39 pruned it and it is injurious. So, there is only a 50-percent chance that the tree is  
40 going to live. Either the tree is going to live or it's not. Now, if someone comes  
41 and applies to take out a tree, then we look at what is the minimum number of  
42 trees they are required to have on their property, and if they do not meet that,  
43 they will have to then do replacement.

1 Chairman Williamson questioned, the young man that we – a year ago,  
2 whenever it was, that we granted him a year to look at his trees, that wasn't a  
3 pruning fine, that was a tree destruction fine; correct?  
4

5 Mr. Schindler responded, I believe it was a pruning issue because...  
6

7 Chairman Williamson interposed saying, oh, I thought we were fining him for  
8 taking the whole tree down. It was a historic tree that he trimmed, and it was  
9 deemed by Bryan – Bryan was in that meeting that night -- that it killed the tree.  
10 And we said, well, it is really not dead yet. Let's wait and see what really  
11 happens.  
12

13 Mr. Schindler stated, in six months we were to go back and take a look at it and it  
14 had come out.  
15

16 Vice Chairman Swinski asked, it had come out and survived?  
17

18 Mr. Schindler replied, it had survived, but it is going to be years before it ever  
19 gets back to what it was.  
20

21 Vice Chairman Swinski questioned, and the one where there was no violation  
22 had occurred, do you remember any of the details around that one?  
23

24 Mr. Schindler answered, no, I don't specifically remember that one, but I believe  
25 that it was subsequent to the first one where there was six months. You said,  
26 well, per our understanding of the Code, it is not applicable to one and two-family  
27 residences and, therefore, no violation has occurred. And staff said, okay, we  
28 get the message. We are not bringing anymore violations to you until such time  
29 as we revise the Code.  
30

31 Member Lackey asked if what was being discussed is about residents getting a  
32 permit before they do any pruning on any of their trees.  
33

34 Mr. Schindler responded, no, they don't have to get a permit. That hasn't  
35 changed. Not having to get a permit is a privilege that nonresidential properties  
36 do not have. We know with privilege comes responsibility, and the responsibility  
37 is that you do appropriate pruning and trimming. I don't want to be out having to  
38 look at that if you are going to take off one limb. We trust you to do what is right,  
39 but if you don't, there is a responsibility that you then must pay the price, and that  
40 price is being cited. All they have to do is call. I'm more than happy to send  
41 them a copy of the relevant section of the Code that says this is what is required  
42 for trimming. Also, if you hire a tree contractor, simply tell them that they are to

1 trim in accordance with the American Arborists Association. We recognize that  
2 as legitimate, appropriate pruning.

3  
4 Member Miller requested to switch gears for a minute to the part about the  
5 emergency portion; that the City may designate a period during which permitting  
6 or pruning shall not be required.

7  
8 Mr. Schindler said, sure.

9  
10 Member Miller questioned, do we have anything like that now?

11  
12 Mr. Schindler replied, no, not now. But, in 2004, when we had the hurricanes, we  
13 suspended permitting for tree removal or trimming for several months. I think for  
14 two months. Decree went out that said you don't need to get a permit to remove  
15 a tree. You don't need to get a permit to trim. We trust that you are going to act  
16 responsibly. And I believe that most people did because I don't remember any  
17 problems coming out of that period. So, that's an example of when we had a  
18 designated period.

19  
20 Member Miller asked how that was communicated.

21  
22 Mr. Schindler answered, I believe that it went out in the utility bills.

23  
24 Member Sebald questioned, assuming this passes, will you do the same thing to  
25 notify the homeowners; put a note in the utility bill?

26  
27 Mr. Schindler responded, yes. And it will take a full month to – because the utility  
28 bills are staggered, but we can request that this information go out as part of a  
29 mailer in the utility bill, and if people read their utility bills and the junk mail that  
30 comes in them, they will know.

31  
32 Vice Chairman Swinski asked, how many pruning violations do you have in a  
33 month?

34  
35 Mr. Schindler replied, none, because we aren't – most people know that a permit  
36 is not required, and I will get calls two or three times a year that someone is  
37 pruning or cutting – what I usually get is they are taking out a tree. And I will  
38 drive out to the property and they'll say, no, no, we're just trimming. And I'll say,  
39 okay, that's fine. Thank you.

40  
41 Vice Chairman Swinski questioned, like the couple of examples that we had of  
42 hat-racking that came to the Board, those ones that appealed, how many do you  
43 catch that didn't appeal? Rare?

1 Mr. Schindler answered, very seldom. Rare. I think in the last year or so, there  
2 have been a couple of instances where trees have been severely trimmed, but  
3 we did not proceed to issue them a citation or a Notice of Violation because of  
4 the action that the Arbor Board had taken. But, it's not significant.

5  
6 Vice Chairman Swinski asked, so, going forward, anyone who gets a violation as  
7 determined by you and your department would get the fine notice for \$100 and  
8 they could opt to pay or come to the Arbor Board with an appeal fee?

9  
10 Mr. Schindler responded, that's right.

11  
12 Member Miller stated, I'm viewing these two things separately.

13  
14 Mr. Schindler said, they are separate but related. But, yes, they have the option  
15 to come to the Arbor Board.

16  
17 Member Miller questioned Chairman Williamson if the Board wanted to talk about  
18 the second part.

19  
20 Chairman Williamson replied, let's make a decision on the first part, then we'll go  
21 onto the second part.

22  
23 Member Lackey asked, how is this going to be monitored? When we come into  
24 hurricane season, a lot of people are going to be trimming their oaks back,  
25 thinning them out, because of the winds.

26  
27 Mr. Schindler answered, I think the American Arborists Association says that  
28 improper trimming is taking out more than 25 percent of a tree. That's a lot. So,  
29 if someone calls us and says somebody is taking out a tree, and I go out and  
30 they say I'm only trimming. Then I will ask them how much they are going to  
31 trim. If necessary, I'll call Bryan Nipe and ask him to come out and take a look.  
32 We are not out to bust people's chops. We simply want to make sure that proper  
33 practices are being followed.

34  
35 Vice Chairman Swinski stated, it sounds like you field a lot of calls from people  
36 that would have a question.

37  
38 Mr. Schindler said, oh, believe me. All it takes is someone to be working in a  
39 tree, they hear the chainsaws, they hear the chippers, and we get calls.

40  
41 Chairman Williamson stated, that's probably why you hear so many of them on  
42 Saturday and Sunday.

43

1 Mr. Schindler said, yes. Unless I know that a permit has been issued for that  
2 address, I have to go out and take a look just to make sure that work is not being  
3 done that is illegal.  
4

5 Vice Chairman Swinski questioned, how many residents call you in an average  
6 week and say, hey, I want...  
7

8 Mr. Schindler responded, very few, very few.  
9

10 Vice Chairman Swinski asked, but they could and you could accept their call for  
11 guidance?  
12

13 Mr. Schindler replied, they could. Where we get the most calls in a year is from  
14 The Forest than any other neighborhood.  
15

16 Member Miller questioned, is understory tree defined somewhere in here?  
17

18 Mr. Schindler answered, yes. An understory tree is a tree that, at maturity, has  
19 an average height of between 15 and 25'. We have a list of understory trees, not  
20 complete, but we say these are recognized understory trees. There could be  
21 other understory trees because all the time they are coming up with new species,  
22 but we can't begin to change the Code all the time. But, what we say is, rule of  
23 thumb, at full height, average 15-25'. A canopy tree is a tree that, at full growth,  
24 is in excess of 25'.  
25

26 Member Miller asked, what is the value of dropping the language, trees intended  
27 for shade?  
28

29 Mr. Schindler responded, because it makes it more clear whether it's understory  
30 or canopy. What about a Ligustrum; is that a tree. Well, some varieties of  
31 Ligustrum are understory trees. Whereas, I wouldn't say that a Ligustrum is a  
32 shade tree. It's just better descriptive and more compatible with the rest of the  
33 Code.  
34

35 Chairman Williamson opened the hearing to public comment. Hearing none, he  
36 closed that portion and entertained board discussion and/or a motion.  
37

38 **MOTION:**  
39

40 **Member Miller moved to recommend approval to the City Commission**  
41 **regarding proposed revisions to Section 157.23, Arbor Pruning, consistent**  
42 **with staff's Findings of Fact listed in the Staff Report. Member Sebald**  
43 **seconded the motion.**

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

3  
4 **Member Lackey - Yes**  
5 **Vice Chairman Swinski - Yes**  
6 **Member Buck - Yes**  
7 **Member Sebald - Yes**  
8 **Member Miller - Yes**  
9 **Chairman Williamson - Yes**

10  
11 **The motion carried unanimously 6-0.**

12  
13 Chairman Williamson said, now we'll go to part two, the proposed revisions to  
14 Section 163.03, establishing a \$300 Arbor Appeal application fee.

15  
16 Mr. Schindler stated, we try to be in the middle. That is one of the reasons we  
17 look at what other jurisdictions in the County have as comparable fees and then  
18 we try to choose something that is not the highest nor the lowest but in the  
19 middle, and we feel that \$300 is in the middle.

20  
21 Member Miller questioned, what is the purpose of the fee? So far, I've heard you  
22 say that it would potentially cover, partially, staff's time.

23  
24 Mr. Schindler replied, it does that. It would tend to reimburse the City for the  
25 portion of the time that staff spends on arbor appeals.

26  
27 Member Miller asked, but wouldn't you have essentially all the documentation to  
28 support a decision when you make the initial decision as opposed to the appeal?  
29

30 Mr. Schindler answered, yes, but I still have to write up a Staff Report. I have to  
31 make sure that all my facts are coherent, I have to come here to present it to you  
32 and there is time involved.

33  
34 Member Miller said, I guess I would have the expectation that all of the facts and  
35 clarity of the decision was had when the original assessment was done or  
36 reviewed, but -- so, the only additional work I would see would be coming here  
37 and just double-checking your decision.

38  
39 Mr. Schindler stated, well, if we were to go with that thinking, then there would be  
40 no fees at all for any of our items; no fees for a zoning request or a land use  
41 request, subdivision request, because staff would have done all the work  
42 previously. It is up to you to make a recommendation. This is simply in line with  
43 what we see other jurisdictions doing.

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Vice Chairman Swinski questioned, what is the fine currently? Like, we talked about on pruning, a resident would have \$100 fine minimum. What is the minimum fine on a tree take down?

While Mr. Schindler deferred to his code book to answer that question, Juan (John) A. Omana, Jr., Community Development Director, said, while he's getting that, obviously, it varies with the size of the tree and things of that nature. And, understand, that is not before you this evening.

Vice Chairman Swinski stated, I'm just curious, just for a matter of perspective.

Chairman Williamson said, actually, this proposal would be good for us because if someone takes a tree down without a permit and gets fined a \$250 fine, that is usually when everyone comes in here to appeal. If they see they have to pay \$300 more to appeal it, they probably are just not going to appeal it at all.

Mr. Omana stated, that's their decision.

Member Sebald asked, so, does that \$300 cover trees taken down without a permit?

Mr. Omana responded, it goes back to the issue of does it cover everything. The answer is no. I mean, \$300 is not going to cover Mr. Schindler, or me, or.....

Member Sebald questioned, do they also have to pay \$300 to appeal a tree?

Mr. Omana replied, to appeal a tree; yes.

Member Sebald asked, that's currently in position?

Mr. Schindler answered, they will have to pay \$300 to appeal any kind of arbor violation if this is in place.

Member Sebald said, okay, so, this does cover everything.

Mr. Schindler further responded, right now, failure to obtain a permit for a non-historic tree, the initial fine is \$250. For a historic tree, it's \$500. Then, for a non-historic tree, it is also \$50 per caliper inch. For a historic tree, it's \$100 per caliper inch on top of that.

Chairman Williamson questioned, does this fee also apply to people who are denied a permit to take a tree down?

1 Mr. Schindler replied, yes, yes.

2  
3 Chairman Williamson stated, because that's usually what we see here mostly.

4  
5 Mr. Schindler said, yes, yes.

6  
7 Chairman Williamson stated, so, it kind of makes it a gamble for them then. If  
8 they are going to pay \$300 or wait and see – either they'll grant me to take the  
9 trees down or not.

10  
11 Mr. Schindler said, if that is your intent that it should, please make that in your  
12 motion that the application fee of \$300 would be for any arbor appeal.

13  
14 Member Sebald stated, that makes it pretty clear.

15  
16 Member Miller said, so, back to what you were saying. If you potentially just pay  
17 the penalty because it's cheaper than trying to address the – my concern with  
18 that approach is that if we get into a situation where there is interpretation of the  
19 law that is not clear, this appeal process is the way for those unclear situations to  
20 come up and we would really be deterring people from bringing forward anything  
21 where it was unclear, or perhaps you guys retire and we have an overzealous  
22 staff and they start making assessments that are unreasonable, we wouldn't  
23 really have visibility to that if we deterred people from coming forward with  
24 concerns in the community.

25  
26 Chairman Williamson stated, well, they are written rules and regulations they go  
27 by, and the \$250 fine, keep in mind, is the initial fine. If it is a historic tree of any  
28 size, the fine is going to be a lot steeper than that.

29  
30 Mr. Schindler said, you also have the ability to make a distinction between  
31 appeals for trees being removed and appeals for trimming or pruning. You could  
32 make a lesser fine for pruning or trimming. You could say, well, maybe it's \$200  
33 rather than the \$300 for illegal pruning or trimming. But, by the same token,  
34 understand, we are not going to cite somebody for illegal trimming or pruning  
35 unless we believe that that tree is injured and that there is only a 50/50 chance  
36 that it is going to live.

37  
38 Member Miller stated, but that's not what it says in 157.23. I appreciate you  
39 saying that, but that's not how it reads.

40  
41 Mr. Schindler said, those are the regulations regarding the types of illegal pruning  
42 and trimming and have been on the books for a long time. If someone follows  
43 the American Arborists Association rules and regulations regarding trimming,

1 they won't end up with poodle-ing. They won't end up with lolli-popping. There is  
2 a good reason to say that those are illegal because they are injurious to trees,  
3 and those types of activities are well accepted as being injurious and are not  
4 allowed – or they are identified by the American Arborists Association as being  
5 not the best management practices.

6  
7 Member Miller asked, if we accept the proposal for the first half and it turns out  
8 that there was something ambiguous or unclear in the first half, how would we  
9 ever get feedback that the lot had to be corrected again without having people  
10 come before us?

11  
12 Mr. Omana answered, it would go to the City Commission, it would go to the City  
13 Manager, they would go to us.

14  
15 Mr. Schindler concurred.

16  
17 Chairman Williamson stated, regardless of what we say, they can go to the City  
18 Commission with our decision.

19  
20 Mr. Schindler said, right because anyone can appeal your decision to the City  
21 Commission. Whenever we send out the after-action letter or after-board letter,  
22 we inform them of that right and then say you have 30 days in which to appeal,  
23 30 days from the date of the letter in which to appeal to the City Commission.  
24 And we have had a few that have gone to the City Commission.

25  
26 Member Sebald asked Mr. Schindler if there was a fee to appeal to the City  
27 Commission.

28  
29 Mr. Schindler responded, there hasn't been.

30  
31 Member Miller questioned, do any of these cities have it where if when they are  
32 appealed, the fee is waived?

33  
34 Mr. Schindler replied, I don't know. That was not our intent because it is an  
35 administrative – I won't say nightmare, but it is a significant issue to refund  
36 application fees. It is done when necessary, but, to the best of my knowledge, no  
37 other action item in the City do you get your application fee refunded if you lose.

38  
39 Member Miller stated, I mean, I keep trying to think about if I get a speeding  
40 ticket, I have to pay a court fee. She asked, is this similar to a court fee if I get a  
41 speeding ticket?

42  
43 Unidentified voice answered, it could; yes.

1 Member Miller said, on the other hand, although you view it as very objectively  
2 written, as a homeowner, I might be more subjective in reading it and interpreting  
3 it. And that is my concern, is that everybody has their story, whether they are  
4 new in town or it was after a storm and they needed to clean it up. I'm just  
5 concerned that we wouldn't potentially be allowing people to come to this place.  
6

7 Mr. Schindler stated, understand, if we have a storm – in fact, after the storm  
8 event we had last week, a fellow came in to me and said I have a tree that's  
9 dangerous. I said, take it down. You don't have to apply for a permit because  
10 there is language in 157 that says if a tree is threatening life or property, you are  
11 to take it down, and then within 24 hours of the act, notify the City. And we allow  
12 that. We said yes. That is what the Code says. And in such instances, we take  
13 people's word for it. We try to be as objective as possible, but there are times  
14 when people blatantly, either through ignorance or willful action, do things that  
15 are injurious to trees, whether they take them out or whether they simply hack  
16 them to the point where it is questionable if they will live.  
17

18 Member Miller said, and that is why I'm in support of the fine. But having to pay  
19 money to come before the Board...  
20

21 Mr. Schindler interjected, well, then, you may recommend against it.  
22

23 Mr. Omana stated, but again, as Mr. Schindler pointed out, beside what we do  
24 with you as a board, we have rezonings, we have DRIs, we have conditional  
25 uses, we have site plans. We have to charge for those items to help offset the  
26 cost of processing. So, we would be applying the same principle here. If these  
27 people wish to appeal a decision or a permit that has been processed, then they  
28 have that ability. It is just going to cost you, just like it would cost you to file for a  
29 rezoning, DRI, site plan, conditional use.  
30

31 Member Sebald questioned, how does this fee compare to those fees?  
32

33 Mr. Omana responded, rezonings are \$250. Conditional use can vary up to  
34 \$600. DRIs go up to \$2,500 depending on the nature. If it's a major DRI...  
35

36 Mr. Schindler interposed saying, variances are \$350. An initial subdivision – a  
37 preliminary subdivision is \$1,000.  
38

39 Member Miller said, but when you calculate the cost of the fee relative to the  
40 benefit of a rezoning compared to pruning of a tree, I think it is a pretty significant  
41 variance between the two.  
42

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Mr. Schindler stated, well, then, you, as a board, need to decide if you do not like the amount, you may take action to recommend an amount you do believe is justifiable.

Vice Chairman Swinski said, it sounds like certainly there is – I’m sure there is a ton of administration work that goes into it. You have described some of it. And other cities in the County are charging the fees, so there appears to be a standard operating procedure. We just maybe haven’t been charging it in Lake Mary because it’s happening in Altamonte, Longwood, Sanford.

Mr. Omana stated, we haven’t been charging it.

Member Lackey asked, but the \$300 is not based on anything actual? It’s just we want to be in the middle?

Mr. Schindler replied, yes, that’s right.

Chairman Williamson said, Sanford charges \$500

Mr. Schindler stated, and that’s the direction the City Commission has told staff. When it comes to fees, we do not want to be the highest nor the lowest. We want to be somewhere in the middle, and this is what we base this on.

Member Buck suggested on the date of application submittal that all applicants turn in a photo of what tree(s) they are contemplating pruning or taking out.

Mr. Schindler said, but we are not asking for a permit for one and two-family.

Member Buck stated, I mean, other people.

Mr. Schindler said, yes, we do. Say, for a shopping center, we have had instances where we have actually gone out and met with them and they have shown us – they have walked around and said we are going to take off this limb, we’re going to take off this limb. We go out in the field and – because, generally...

Member Buck interjected, take a picture is what I am saying in case it came up again.

Mr. Schindler stated, we can; yes.

1 Member Buck said, I just thought it might not be a bad thing to be on the  
2 application; something like that. It just makes it clear when two people have a  
3 different opinion when you come back to City Commission.  
4

5 Mr. Schindler concurred.  
6

7 Chairman Williamson stated, well, look at the incident you had with the School  
8 Board this week over there at Lake Mary where they were trimming trees for  
9 portables.  
10

11 Mr. Schindler said, yes. That's right. Uh-huh.  
12

13 Member Buck stated, I just meant it as a suggestion. Probably a back-up photo  
14 is pretty good when you're talking about taking over 25 percent of the tree down.  
15 If you have a picture, it should solve the problem.  
16

17 Mr. Schindler said, sure. That's a good suggestion because the more objective  
18 information – they say a picture is worth a thousand words.  
19

20 Chairman Williamson opened the hearing to public comment. Hearing none, he  
21 closed that portion and entertained board discussion and/or a motion.  
22

23 **MOTION:**  
24

25 **Vice Chairman Swinski moved to recommend approval to the City**  
26 **Commission regarding revisions to Section 163.03, establishing an Arbor**  
27 **Appeal Fee “for any arbor appeal”, consistent with staff’s Findings of Fact**  
28 **listed in the Staff Report. Member Buck seconded the motion.**  
29

30 **Chairman Williamson requested a roll-call vote on the motion, which was**  
31 **taken as follows:**  
32

33 **Member Miller - No**  
34 **Member Sebald - Yes**  
35 **Member Buck - Yes**  
36 **Vice Chairman Swinski - Yes**  
37 **Member Lackey - No**  
38 **Chairman Williamson - Yes**  
39

40 **The motion carried 4-2.**  
41

42 V. Adjournment  
43

DRAFT

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The meeting was adjourned at 6:45 p.m.

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Danny Williamson, Chairman

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Diana T. Adams, Administrative  
Secretary

**JUNE 10, 2013-18  
CITY TREE BOARD**

~~QUASI-JUDICIAL~~ SIGN-IN SHEET

6/10, 2013  
City Tree Bd. MEETING  
(please print)

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

Address \_\_\_\_\_

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

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

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

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

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

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

1 B. 2013-ZTA-03: Recommendation to the City Commission regarding proposed  
2 revisions to Section 157.23, Arbor Pruning, and to Section 163.03 establishing  
3 an application fee for arbor appeals; Applicant: City of Lake Mary/Community  
4 Development Department/Planning and Zoning Division  
5

6 Gary Schindler, City Planner, presented Item B. and the related Staff Report. He  
7 said, the proposed revisions do three things. First of all, just some housekeeping  
8 issues. For instance, there was language that was somewhat archaic referring to  
9 shade trees. I have stricken that and put in both canopy trees and understory  
10 trees. The two more significant issues are, one, currently, one and two-family  
11 dwellings are not required to get a permit to trim. That is not going to change.  
12 What is changing is we want to make it very clear that if improper trimming  
13 practices happen, one and two-family homeowners are as responsible as  
14 nonresidential property owners.  
15

16 Staff had always treated such actions as violations; however, the arbor board  
17 (City Tree Board) had a different idea. They did not read the Code of Ordinances  
18 as holding the owners of one and two-family properties responsible for improper  
19 trimming. We took a couple of them to the arbor board. In one case, they found  
20 that there was no violation. In the second case, said continued the item for 6  
21 months. During that time, if the tree died, staff was to bring the item back to the  
22 arbor board. In light of this, staff ceased to take such trimming violations to the  
23 arbor board.  
24

25 The waiver of the requirement of obtaining a permit to trim trees is a privilege, not  
26 afforded to non-residential properties; however, that does not exempt such  
27 properties from the responsibility of engaging in proper trimming practices, in  
28 compliance with the American Arborists Association.  
29

30 Mr. Schindler stated that the second proposed Code change is to establish a fee  
31 to appeal a fine and/or decision to the arbor board and/or City Commission. To  
32 the best of staff's knowledge, this is the only item for which there is not an  
33 application fee. As such, staff proposes a \$300 application fee for an arbor  
34 appeal. This fee would be for all appeals to the arbor board.  
35

36 Those are the three issues that are before you tonight.  
37

38 Mr. Schindler said, at their special June 10, 2013, meeting, the arbor board took  
39 the following actions:  
40

- 41 1. Voted 6-0 to recommend approval of applying illegal practices making improper  
42 pruning for one and two-family residences a situation in which a fine could be  
43 levied.

DRAFT

1  
2 2. Voted 4-2 to recommend approval of an arbor appeal fee.

3 Mr. Schindler concluded his presentation by saying, that's it. I will take any  
4 questions you may have.

5  
6 Member Miller questioned, what constitutes improper pruning?  
7

8 Mr. Schindler replied, there are a whole list of improper pruning that is contained in  
9 157. A couple of examples are lollipop trees. That is where you have a straight  
10 trunk and all the lower limbs are out, and then you reach the top and you've got a  
11 nice little – one small ball. There is something called poodle trimming. As you can  
12 imagine, a French Poodle; you've got a puff here, a puff here, a puff here, a puff  
13 here, and the rest of it is bare. Those are certain examples. There is also lions-  
14 tailing. The American Arborists Association says that proper pruning should not  
15 engage in trimming more than about 25 percent of the tree at any one time. That is  
16 a rule of thumb.  
17

18 Juan (John) A. Omana, Jr., Community Development Director, added, hat-racking  
19 is another one where they basically turn the tree into, literally, a hat rack. You could  
20 hang your hat on it.  
21

22 Mr. Schindler stated, yes. That's right. You take all the branches off that have  
23 leaves and you are left with these bare limbs that look like a hat rack.  
24

25 Member Miller said, I have a neighbor that has a tree similar to what you are talking  
26 about. He wins yard- of-the-month almost all the time. It's one of those trees that's  
27 kind of a round tree that he trims regularly. I think it's an oak tree. It's beautiful.  
28 Sounds like he would get fined for what he is doing with that tree.  
29

30 Mr. Schindler stated, not if it is already done. Remember, if it is there and he just  
31 continues to keep it in that shape, he is really not taking off more than 25 percent.  
32 This is not going to be looking at retroactive. It's going to be looking at taking a  
33 tree's natural growth and then applying it to that.  
34

35 Chairman Hawkins said, but most of these things are more commercial uses where  
36 people do these things to trees so that they get more visibility to their sign or their  
37 business.  
38

39 Mr. Schindler stated, yes, that's right. But, believe me, we do receive a number of  
40 calls each year in which there are people that are engaged in – generally, it's hat-  
41 racking. We want to be able to give a very firm message to people that they can't  
42 do that.  
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Member Cartmill asked, when it comes to, like, say, a Crepe Myrtle, is that a shrub or is that a tree?

Mr. Schindler answered, Crepe Myrtle is an understory tree.

Member Cartmill stated, because I do it and that maintains the...

Mr. Schindler interposed saying, but, understand, we are not going to be unrealistic about this. I do the same thing to my Crepe Myrtle – or at least the person who takes care of my yard does it.

Member Cartmill said, yeah. For a few months it looks ridiculous, but in the Spring, it's beautiful.

Mr. Schindler stated, right. But, we're not talking about...

Chairman Hawkins interjected saying, but that's one of the accepted pruning practices for a Crepe Myrtle.

Mr. Schindler said, that's right.

Member Cartmill stated, because I know the City and the County will do it in the boulevards and all that. I have seen that especially on, say, Primera.

Chairman Hawkins said, but you don't do it to a Live Oak tree.

Mr. Schindler stated, no. I can also tell you that there are landscape architects who cringe when they see Crepe Myrtles that are – it's called knuckling because it looks like knuckles. But, you know, all right, so be it. We are not going to go out on a crusade, but if and when we get a call, we do want to be able to respond appropriately. It's no more acceptable for a homeowner to do this than for a shopping center.

Vice Chairman Taylor questioned, when you have had problems in the past, what percentage has been people intentionally doing a, quote, illegal pruning practice, unquote, versus hiring someone? She said, as a homeowner, you hire a lot of people for a lot of things you don't have any knowledge about and sometimes they do a good job, but I have had people come in to trim trees, as well as do tile, who do a horrible job and it's not best practices. I don't like the thought of punishing because most homeowners aren't trimming their own trees, they are hiring it out to people, and sometimes a bad job is done.

1 Mr. Schindler asked, but what is the alternative? I mean, if the homeowner will tell  
2 us the name of the company, we will go after them as well. But, ultimately, it's the  
3 responsibility of the homeowners.  
4

5 Vice Chairman Taylor said, I just can't say that I'm for it. I just don't think tree  
6 trimming is something that most people set out to intentionally do a bad job. I think  
7 there is a lot of ignorance. I don't even know what most of these terms mean, so I  
8 don't think your general homeowner would. And if they have paid somebody to do  
9 it and they do it improperly, I hate to see them then fined on top of that when it may  
10 not – because I have had people come in and I have specifically told them to trim a  
11 tree a particular way, but some guy comes in with a chainsaw and I'm literally out  
12 there screaming at the top of my lungs while he's destroying a tree. I don't want to  
13 get fined \$100 for that.  
14

15 Mr. Schindler stated, then you will need to vote your conscience. That is all I can  
16 say because, right now, there is no penalty. There are no consequences for a  
17 homeowner.  
18

19 Vice Chairman Taylor said, and just strictly on an administrative note, under  
20 Paragraph C, it seems like you define unlawful pruning practices. She questioned if  
21 the very last sentence where it says the following are deemed unlawful pruning  
22 practices dot, dot, dot needs to be there.  
23

24 Mr. Schindler responded, yes, it does because they need to know what constitutes  
25 unlawful...  
26

27 Vice Chairman Taylor interposed saying, I just wanted to make sure because you  
28 defined it earlier in the paragraph. It seems like it might be a redundancy, but I  
29 wasn't sure.  
30

31 Mr. Schindler stated, well, sometimes it is, but it is better to be redundant than  
32 someone say, well, I didn't know. You didn't have this. So, we feel very strongly  
33 that we want people to know.  
34

35 Vice Chairman Taylor suggested to Mr. Schindler on page 2 of the Staff Report  
36 under (G), second sentence, to add the word, not, after the word, but.  
37

38 Mr. Omana said, yes, I think the intent may have been there to include but not  
39 limited to.  
40

41 Chairman Hawkins asked if the \$300 appeal fee was justified based on the  
42 amount of time that staff would need in order to prepare for an appeal. He stated  
43 that he didn't want a fee for somebody to appeal to be a fine. He wanted the fee

1 to be justified based on the amount of time that somebody has to take to do a  
2 certain amount of work. He questioned, you see what I'm asking?  
3

4 Mr. Schindler replied, I understand what you are saying, and all I can say is that  
5 you have to look at more than the time. There are the facilities – you know, it's  
6 like charging \$100 for a nurse to give an aspirin. There are lots of other issues in  
7 addition to the amount of time that staff actually spends on the Staff Report.  
8

9 Member Cartmill asked, how many arbor decisions are actually appealed?  
10

11 Mr. Schindler answered, it varies. There are very few for – as I said, we stopped  
12 taking trimming and pruning. But, in a year, there could be six to ten appeals.  
13

14 Member Schofield questioned, versus how many violations?  
15

16 Mr. Schindler responded, generally, because there was no fee to apply for an  
17 appeal, if there is a violation, people appeal.  
18

19 Member Schofield asked, so, there are only six to ten violations a year then?  
20

21 Mr. Schindler replied, generally, yes.  
22

23 Member Schofield questioned, so we're talking about a very limited amount of  
24 people?  
25

26 Mr. Schindler answered, yes.  
27

28 Member Schofield said that he shares some of the same concerns that Vice  
29 Chairman Taylor has in that he wasn't sure that residents should be charged with  
30 a penalty if a licensed professional does something wrong with the trimming.  
31

32 Chairman Hawkins stated, but it's your responsibility to say you need to trim my  
33 trees based on the Lake Mary Code of Ordinances, and if you don't know what  
34 that is, then I will supply you a copy. He asked, so, what is so difficult about  
35 that?  
36

37 Mr. Schindler said, the other issue is that it is well established under Florida law  
38 that the property owner is ultimately responsible. It's no different than if you hire  
39 a fence contractor to come in and build a fence and for whatever reason they –  
40 let's say they put the finished side of the fence on the inside. Whether you tell  
41 them to or not, you are responsible as the homeowner. The finished side of the  
42 fence goes outside. And under Florida law, one of the main tools for local  
43 governments is a Code Enforcement Board or similar boards, which levy fines on

1 the property owner. Additionally, we go after the contractor, but that is a citation,  
2 which may be appealed to the courts.  
3

4 Vice Chairman Taylor stated, but fences, sheds, ancillary buildings, other things  
5 that the Code would have to deal with, can be remediated by the homeowner,  
6 and a tree, once it's trimmed, can't, despite the homeowners' best effort.  
7

8 Mr. Schindler said, but, you can appeal to the City Commission, and the City  
9 Commission can determine if this is a special circumstance; we're going to  
10 recognize and waive the fine. There is always the ability to appeal to the City  
11 Commission.  
12

13 Member Cartmill stated, yeah, but you're already out \$300, so it is a fine.  
14

15 Vice Chairman Taylor said, it will cost \$300 to appeal.  
16

17 Mr. Schindler stated, yes, they are, but what's – I mean, if you want to make a  
18 recommendation for no fine, do it. If you want to make a recommendation for a  
19 lesser application fee, do it, but there has to be – it is the only appeal review  
20 process for which there is no application fee.  
21

22 Mr. Omana said, Mr. Chairman, also, if I could have Mr. Schindler state into the  
23 record the other cities' structures. We looked at what other cities do and if you  
24 could brief the Board.  
25

26 Mr. Schindler stated, the City Commission has basically said we don't want to be  
27 the highest, we don't want to be the lowest, we want to be in the middle, and that  
28 is part of the basis upon which we chose our fees. Seminole County is \$500,  
29 Sanford is \$400, Altamonte Springs is \$250, and we chose \$300.  
30

31 Member Miller questioned, what were the two cases that came before the arbor  
32 board that you couldn't enforce because you didn't have residences included in  
33 the practice? He said, you said there were two cases.  
34

35 Mr. Schindler responded, yes. I do not remember the first one, but the second  
36 one I remember very clearly. They had hat-racked two trees.  
37

38 Member Miller asked, cut the top off two trees?  
39

40 Mr. Schindler replied, no, not the top. They cut everything off of two trees. I  
41 mean, there was not more than ten percent of the leaves left on the trees. This  
42 happened in The Reserve at Lake Mary.  
43

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Member Miller questioned why they did that.

Mr. Schindler answered, because they couldn't get grass to grow. That was their answer.

Member Cartmill asked, and then what was the fine?

Mr. Schindler responded, there was no fine.

Member Miller stated, the practice doesn't include residences.

Mr. Schindler added, they continued the item for six months and said, staff, if the trees die, come back and we'll treat it as killing the trees. He said, because we did not have a specific reference, we treated the incident as if the trees had been killed. He stated, I do remember the first instance. It was in Dr. Hawkins' neighborhood. There was a house down the street from you that had been foreclosed upon, there was a short sale, and the backyard was heavily overgrown with trees, and someone went in and there was a Live Oak that they had just butchered. It was hat-racked. And the member of the arbor board said there is no specific reference in this to one and two-family. In fact, a permit is not required. Therefore, no violation had occurred.

Member Miller questioned, who brings these things up? Is this the infamous Code Enforcement Board?

Mr. Schindler replied, no, no.

Member Miller asked, how do you get a case?

Mr. Schindler answered, residents call.

Member Miller questioned, complaints by other people?

Mr. Schindler responded, yes, by other people. When I receive such a call, I make an onsite inspection. Sometimes, I may get a call from the Code Enforcement officer. Whatever the source of the call, I follow up with an onsite inspection.

Member Schofield asked, so, it's almost like community self-policing?

Mr. Schindler replied, oh, believe me. In some neighborhoods, if someone hears a chainsaw, I'll get a call. This is especially true in The Forest Club.

1 Member Schofield questioned, just out of morbid curiosity --you have this pruning  
2 thing -- what if I just decide, you know what, I'm not going to bother pruning it, I'm  
3 just going to take the whole thing down, and I just take the tree out?  
4

5 Mr. Schindler answered, you may if it's within the limits that staff can approve,  
6 and if not, then you may appeal to the arbor board to remove a tree.  
7

8 Member Schofield requested Mr. Schindler to address the penalty for removing a  
9 tree without a permit.  
10

11 Mr. Schindler responded, there is an initial flat fee of \$250 for a non-historic tree,  
12 \$500 for a historic tree. There is also a secondary fines; for a non-historic tree,  
13 it's \$50 per caliper inch, and for a historic tree, it's \$100 per caliper inch. It is not  
14 unusual to get fines between \$1250 and \$1500.  
15

16 Member Schofield said, the reason for my question is I was curious to know what  
17 the penalty was for that versus improper pruning to see if they were equitable. If  
18 pruning cost more than just taking a tree out, I might as well just take a tree out.  
19

20 Mr. Schindler stated, no. Right. But, no, it doesn't. Because there is a chance  
21 that an improperly pruned tree will come back, but there is also a chance it will  
22 die because once you do radical pruning on a tree, it opens the tree up to  
23 disease and insects, which could mean that it would take three to five years for  
24 the tree to ultimately die, and there is no way, at that point, that staff could say,  
25 well, this tree died as a result of this action.  
26

27 Member Schofield asked, so if I wanted to remove a tree, my best thing to do is  
28 improperly trim it, and then it gets to a point where it has to be removed because  
29 I have trimmed it so horribly that it dies and then I get no penalty?  
30

31 Mr. Schindler replied, that's possible. Yes. But, understand that when we  
32 approve tree removal, we also look at the minimum number of trees that you are  
33 required to have per lot size, and we will conditionally approve the removal of  
34 trees if you meet or exceed that number, and if you don't, then there are  
35 replacement trees that you plant.  
36

37 Member Schofield said, well, I'm not looking to remove any of mine. I'm just  
38 trying to think, you know, what would a homeowner do to try to circumvent the  
39 policy. I'm concerned that if we're seeing six to ten cases a year, it just seems  
40 like a.....  
41

1 Mr. Schindler stated, well, understand, those were generally denial of permits.  
2 We stopped taking improper trimming because the Board had said it's not a  
3 requirement.  
4

5 Chairman Hawkins opened the hearing to public comment. Hearing none, he  
6 closed that portion and entertained board discussion and/or a motion.  
7

8 Member Cartmill questioned, well, do we think that the caseload will be doubled,  
9 tripled now that it includes excessive pruning?  
10

11 Chairman Hawkins answered, no, I don't think so. I don't think there will be very  
12 many appeals unless they are really serious about appealing.  
13

14 Member Cartmill stated, well, that's what I'm saying. The cases could increase  
15 though, not necessarily the appeals.  
16

17 Chairman Hawkins said, well, the cases are going to increase because we have  
18 changed the language to make it clear on what's – that's all. They are going to  
19 start taking cases again.  
20

21 Member Miller stated, well, the cases will increase because you now include  
22 residential properties.  
23

24 Mr. Schindler said, now, understand, whatever action the City Commission takes,  
25 we will also notify people in the flyers in their water bills. Now, if people don't  
26 read the flyers when they come, then they are not going to know, but if they  
27 bother to read the flyers, they will know. A full cycle takes a month.  
28

29 Member Miller stated, they may know it now. They won't know it when they get  
30 ready to do something.  
31

32 Member Schofield said, on a side note, speaking of the flyers that go in the water  
33 bills, I get mine on-line, and I usually get my water bill on the 20<sup>th</sup> of the month or  
34 so, 24<sup>th</sup>, and it gives me the month that's already happened, the calendar. It  
35 would be nice to get July's calendar at the end of June instead of at the end of  
36 July. Just something to think about.  
37

38 **MOTION:**  
39

40 **Member Cartmill moved to recommend approval to the City Commission**  
41 **the request by City of Lake Mary/Community Development**  
42 **Department/Planning and Zoning Division regarding proposed revisions to**  
43 **Section 157.23, Arbor Pruning, and to Section 163.03 establishing an**

1 application fee for arbor appeals, consistent with staff's Findings of Fact  
2 listed in the Staff Report subject to the following condition.  
3  
4

5 **CONDITION:**  
6

7 **1. Planning and Zoning Board recommends on page 2 of the Staff Report**  
8 **under (G), second sentence, to add the word, not, after the word, but.**  
9

10 **The motion failed for lack of a second.**

11  
12 Chairman Hawkins asked the Board, you-all don't want to second it just so you can  
13 get it for the record and discuss it, and if you are not in favor of it, vote against it?  
14

15 There was no verbal response from the Board.  
16

17 Chairman Hawkins said, okay. Motion fails for lack of a second. Okay. I don't  
18 think that's the way to carry on business, but that is my personal note.  
19

20 It is noted that Chairman Hawkins took up the Community Development Director's  
21 Report at this time (see below).  
22

23 Member Miller questioned, can we back up and talk about that motion that just  
24 failed? Is it forever gone? Because I guess I don't mind seconding it to talk about  
25 it.  
26

27 Chairman Hawkins answered, yeah – no, no. I just think if you are not in favor of it,  
28 you should second the motion and then discuss the motion, and if you want to vote  
29 against the motion, that's fine. I think that is the way you show your disapproval to  
30 the City Commission, not...  
31

32 Member Miller interjected questioning, as the Chair, would you let us back up and  
33 can I second it now?  
34

35 Chairman Hawkins responded, yeah.  
36

37 Member Miller stated, I'll second it. I just didn't feel compelled to second something  
38 I ain't in love with. But, I will second it so we can talk about it.  
39

40 Chairman Hawkins asked, is that okay with everybody?  
41

42 There was no opposition expressed from staff.  
43

1 Vice Chairman Taylor said, for the purpose of opening it for discussion.  
2 Chairman Hawkins stated, let the record reflect that the Board changed its mind  
3 and they want to open this back up for discussion.  
4

5 **Member Miller seconded Member Cartmill's motion so the Board could**  
6 **discuss it.**  
7

8 Member Miller commented, it just seems like we're adding more government  
9 interference in what people can do. Since it's mostly coming up from neighbor's  
10 complaining about what you do, I'm not sure I want to drag the residences into  
11 what's set up now for commercial regulation.  
12

13 Chairman Hawkins said, I understand what you are saying.  
14

15 Member Miller stated, but, on the other hand, I'm looking at the Arbor Board's 6-0 in  
16 favor of it and sent it to us to take some action, which kind of bothered me too.  
17

18 Chairman Hawkins said, they are the ones that have to deal with it every day.  
19

20 Vice Chairman Taylor stated, well, I don't think they have dealt with it every day. I  
21 think they have had two cases where they didn't feel that they could adequately  
22 address it. But, I think it's unnecessarily punitive. I think the appeal fee is  
23 unnecessarily punitive for the purpose of restricting appeals, and I don't think there  
24 is enough education out there. I think this really is targeted towards the commercial  
25 use, and maybe if there was a different structure between commercial and  
26 residential such as – well, any other scheme. But, I don't think it's fair to have the  
27 commercial and the residential be on equal footing for this. I really don't think  
28 education-wise and intent-wise they are. So, that is why I won't vote for it.  
29

30 Member Schofield commented, I think you summed it up quite nicely and is my  
31 feeling as well.  
32

33 Member Miller commented, it is my belief that most people who violate ordinances  
34 like this do it because they don't know it exists in the first place. If you walked  
35 around and asked your neighbors what the ordinances say and do they have to get  
36 a permit to do certain things, they don't know, and they are not going to know this  
37 until they get the opportunity to pay \$300 to appeal something that they thought  
38 was okay to do in the first place. It just feels like we are helping government to  
39 extraordinarily interfere in the activities of people.  
40

41 Vice Chairman Taylor added, or worse that they paid somebody to give them good  
42 guidance.  
43

DRAFT

1 Member Miller questioned if the Planning and Zoning Board would be the terminal  
2 board on this item, or would it go forward to the City Commission.

3  
4 Chairman Hawkins replied, we're just recommending or not recommending.  
5

6 Member Schofield commented, if they lowered the fee just for the sake of bringing  
7 up awareness, I think I would be a lot more in favor of it, but I think \$300 is  
8 excessive for this. If it was \$25, 50 bucks just to get somebody's attention, I'm a lot  
9 more in favor of it then than I am at \$300.

10  
11 Vice Chairman Taylor commented, and the fee might actually be low for  
12 commercial. And don't even get me started on the utility companies, who are the  
13 biggest offenders in all of this.  
14

15 Member Schofield commented, yeah. For commercial, especially if they are  
16 licensed and bonded, they should know better than this. And I would think that  
17 maybe the fee structure is different for that, but for residential, especially if I am  
18 trimming it on my own and I am not an arborist or something like that, I just share a  
19 lot of Colleen's sentiments on this.  
20

21 Member Miller commented, thank you for letting us return to it. And I guess staff is  
22 sitting there listening to us now. He asked, I wonder if staff would like to rebut  
23 anything we're saying?  
24

25 Mr. Omana answered, just we'll take forward whatever your motion is.  
26

27 Mr. Noto added, and FYI, talking about commercial versus residential, there is no  
28 appeal fee period for any arbor misdoings, if you will. So, even if a commercial  
29 business does something wrong and they want to appeal our decision, they pay no  
30 fee. So, it's an across-the-board zero dollar.  
31

32 Member Miller questioned, whereas residential would be \$300?  
33

34 Mr. Noto responded, well, no. It's zero now and it would be \$300 for everybody.  
35 Everybody would have to pay. But, right now, no one pays.  
36

37 Member Miller commented, okay. Now, you're getting somewhere to where we  
38 could amend that motion and make it commercial pays \$300 and residential...  
39

40 Member Cartmill interposed saying, well, that one wasn't unanimous. That part of it  
41 wasn't unanimous from the Arbor Board.  
42

43 Chairman Hawkins commented, yeah. Okay. He asked, any other discussion?

**JUNE 25, 2013-16**  
**PLANNING AND ZONING BOARD**

1 Member Miller questioned, do we want to amend the motion at all for anything?

2  
3 There was no verbal response.

4  
5 Chairman Hawkins commented, I'm in favor of all this, with what staff has done and  
6 the way they have done it. I'm in favor of not everybody should have to appeal, and  
7 I just wanted to make sure that the appeal fee is not a fine, it's a fee.

8  
9 Member Schofield questioned, if someone is successful in their appeal, do they get  
10 their appeal fee back?

11  
12 Mr. Omana, Mr. Schindler, and Chairman Hawkins all simultaneously replied  
13 negatively.

14  
15 Member Schofield asked, so you lose \$300 whether you win or lose?

16  
17 Mr. Schindler answered, that's right.

18  
19 Member Miller questioned, so, why appeal? You just spend \$300 and you walk  
20 away feeling better about it?

21  
22 Member Schofield asked, maybe a winner take all?

23  
24 Chairman Hawkins commented, if you are in court and your attorney says, do you  
25 want to appeal, you are still going to have to pay your attorney to fight for your  
26 appeal. He's not going to do it for nothing whether you win or lose.

27  
28 Mr. Schindler added, it's like with a rezoning. If someone comes in and applies for  
29 a rezoning and they are turned down, they don't get their application fee back. I  
30 mean, it is a fee. It is not let's flip a coin and winner takes all.

31  
32 Member Schofield questioned, but what's the purpose of even – like – okay. So, I  
33 get fined by the City because I poodled my tree. Why would I even want to appeal  
34 that?

35  
36 Mr. Noto responded, if your fine from staff was, like, \$1,200 and you decided not to  
37 appeal to avoid paying \$300, you are paying us \$1,200. If your fine is \$1,200 and  
38 you want to appeal, you pay \$300. You could potentially have that full \$1,200  
39 waived by the Arbor Board. So, now, instead of being out \$1,200, you are out  
40 \$300.

41  
42 Member Schofield asked if there was a fee schedule for the different types of  
43 pruning infractions.

# DRAFT

1  
2 Mr. Noto replied, there is a fee schedule for tree removal infractions. What Mr.  
3 Schindler put together was here's how you break the law. If you break the law,  
4 here's the fines and the fees you pay. We usually tell people to call Gary anyway  
5 no matter what they're doing. So, his day-to-day operations aren't going to change  
6 at all really because we tell them to go to Gary anyway. But, the pruning, whether  
7 it's in the Code now or not, is bad, the way people end up doing it. This is codifying  
8 it so that way we can have a place to hang our hat -- and not on a hat-racked tree --  
9 but a place to hang it when we go out and say you have done this wrong.

10  
11 Member Schofield questioned, just so I'm clear then. Let's say I hat-rack my tree,  
12 what is the fine? Is it variable depending upon the severity of it?

13  
14 Mr. Schindler answered, no, it's \$100.

15  
16 Member Schofield said, so, I illegally prune my tree. It's \$100, but you appeal it,  
17 you pay \$300. He asked, so, what's the point of the appeal to begin with then?  
18 Because no one is going to appeal, they will just pay the fine.

19  
20 Chairman Hawkins stated, not for \$100. Probably not. But, everybody wants to  
21 appeal, so it takes double the time for staff to take care of this.

22  
23 Member Schofield commented, I just think that the appeal should be less than what  
24 the fine is, otherwise, then, you're basically saying you can't appeal it.

25  
26 Member Miller commented, but, what staff wants to do is discourage appeals.  
27 They don't want you to appeal. They want you to accept the fine and pay it.

28  
29 Chairman Hawkins commented, but, that's just for pruning. Most of the fines are for  
30 cutting down trees illegally.

31  
32 Mr. Noto agreed saying, that's correct.

33  
34 Mr. Schindler added, at this point, the only option we have without a fine specifically  
35 for pruning is to treat you as though you are killing the tree. That's a minimum of  
36 \$250, plus a minimum of \$50 per caliper inch. And because trees have to be 12"  
37 wide or wider in order to require a permit for one and two-family, we are looking at  
38 \$850.

39  
40 Member Schofield questioned, if I get a fine of \$100 for improper pruning, then why  
41 would I want to appeal? It makes no sense. I would just throw away \$200 more.  
42

1 Vice Chairman Taylor responded, but you might have pruned six trees. Usually  
2 when you have an arborist come in, they do all your trees and you come to some...  
3 Chairman Hawkins interjected commenting, people don't appeal parking tickets  
4 because it costs more to appeal them than it does to pay the ticket.  
5

6 Member Schofield said, that is what my point is about this, and I just want to make  
7 sure I'm clear about it.  
8

9 Mr. Schindler stated, if you wish to recommend other fees, do it, but this is what  
10 staff is proposing.  
11

12 Member Schofield asked, is the \$300 fee per tree, or just in total? So, if I have ten  
13 trees on my lot, I'm paying \$300 for that appeal?  
14

15 Mr. Schindler replied, no, it's an appeal. It's a fee to appeal the fine for one or more  
16 trees.  
17

18 Chairman Hawkins added, it's an appeal fee.  
19

20 Member Schofield questioned, if I have ten trees and I improperly prune them all, I  
21 have \$1,000 fine, but I can still appeal for \$300?  
22

23 Mr. Schindler answered, right; yes.  
24

25 Vice Chairman Taylor commented, I'm not for this. I'm not going to vote for it, but  
26 just for the comments for the City Commission when they consider it, I do think  
27 there should be a separate fee structure for commercial than residential because I  
28 think to hat-rack or do something...  
29

30 **TAPE 1, SIDE B**

31 ...doesn't always work out.  
32  
33

34 Mr. Schindler said, and we will take that under consideration.  
35

36 **Chairman Hawkins requested a roll-call vote on the motion, which was taken**  
37 **as follows:**  
38

39 **Member Schofield - No**

40 **Member Miller - No**

41 **Vice Chairman Taylor - No**

42 **Member Cartmill - Yes**

43 **Chairman Hawkins - Yes**

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**The motion failed 3-2.**

It is noted that this item will move forward to the City Commission's July cycle.

VIII. Community Development Director's Report

Juan (John) A. Omana, Jr., Community Development Director, reported that there was no City Commission meeting held on June 20, 2013, therefore, he had nothing to report at this meeting.

Mr. Omana did however let the Board know that staff is working very closely with the FDOT folks on the SunRail Station; some of the lights have gone up, grading continuation, and platform preparation.

IX. Other Business

None

X. Reports of Other Members

None

XI. Adjournment

The meeting was adjourned at 6:48 p.m.

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Dr. Robert Hawkins, Chairman

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Diana T. Adams, Administrative Secretary



## MEMORANDUM

DATE: July 18, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Gary Schindler, City Planner

SUBJECT: Ordinance No. 1490 - Amending Section 163.03 of the Code of Ordinances, establishing a fee for arbor appeals - First Reading (Public Hearing) (Gary Schindler, City Planner)

---

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

**REQUEST:** Section 157.23 addresses the issue of tree trimming and pruning. Paragraph (A) establishes the need for a pruning permit; however, it specifically exempts the owners of 1 & 2 family dwellings from having to obtain a permit to trim trees. Paragraphs (B) – (G) address issues of what constitutes unlawful pruning, establishes a permitting and review process, establishes fines for unlawful pruning and identifies an appeal process.

Additionally, staff proposes to amend Section 163.03 of the City's Code of Ordinances, to establish a fee for arbor appeals. The proposed fee is comparable to the fees charged by other governments in Seminole County.

### **DISCUSSION:**

**Section 157.23** - Historically, staff has interpreted the exemption for 1 & 2 family dwelling units in (A) to specifically relate only to the need for acquiring a pruning permit. When pruning occurs that is injurious to the tree, staff has proceeded as though the tree had been illegally removed and sent the owner of the subject property a Notice of Violation. The Notice of Violation informs the property owner of the amount of the initial fine and also that they have the right to appeal staff's determination to the City's Arbor Board.

On two occasions, staff has taken such cases to the Arbor Board. In the first instance, the Arbor Board made a determination that no violation had occurred. Regarding the second instance, the Arbor Board continued the item for a minimum of 6 months. At the end of six months, staff was directed to conduct an on-site inspection to ascertain the health of the trees. If the tree was dead or dying, staff was to reschedule this item for the Arbor Board's review and action.

In light of this situation, staff proposes to clarify the intent of Section 157.23. Specifically, staff proposes to retain the language that exempts owners of 1 & 2 family dwelling units from having to obtain pruning permits; however, add language that makes such owners responsible for pruning and clarify that persons engaging in irresponsible pruning can be cited with a Notice of Violation and can be fined. In light of this, staff proposes the following revision:

**Section 157.23 Pruning Permit.**

(A) The owner of a property, tenant, or agent shall not trim, prune, remove living branches or cause the diminution of the crown of any canopy tree or understory tree without having first obtained a pruning permit. All Owners, tenants and/or agents of one and two family dwelling units shall be exempt from the requirement of having to obtain a pruning permit this section.; however, such owners, tenants and/or agents shall comply with all other provisions of Section 157.23. ...

(C) Unlawful pruning. Unlawful pruning includes the practices referred to as shearing, hat racking, topping or poodle trimming of trees (lollipop), lions-tailing, pollarding of trees. Trees intended for shade Canopy and understory trees shall be allowed to reach their mature canopy spread. It shall be unlawful to engage in excessive pruning techniques on canopy and understory trees intended for shade purposes. Excessive shearing, pruning, or shaping shall only be allowed with a permit in times of emergency, the City may only designate a period during which permitting for pruning shall not be required and excessive shearing, pruning, or shaping shall be allowed. The following are deemed unlawful excessive pruning techniques, which are prohibited on ~~shade canopy~~ canopy or understory trees:  
...

(G) Unauthorized Injurious Pruning. Irrespective of whether or not a pruning permit has been issued, if a tree is pruned in a manner that is injurious to the tree, including but not limited to the techniques described in Section 157.23 (C) above If a tree not authorized for pruning is altered, pruned, trimmed, or diminished in canopy such that its susceptibility to disease or other detrimental environmental factors is significantly increased which may result in premature death or so that the purposes of this chapter are not serviced, the general contractor and/or property owner shall pay to the city an initial fine of \$100 per tree pruned plus a fine related to the size of the tree pruned as follows: ...

**Section 163.03(E), Other Community Development Land Development Fees: Section 163.03** addresses a number of fees, including arbor fees for both residential and nonresidential properties; however, currently the City does not have an application fee for an arbor appeal. Staff proposes to amend this Section to add an Arbor Appeal Fee.

Staff contacted Seminole County and the other cities in the County to determine if they had an arbor appeal fee and, if so, the amount of the fee. The following is a summary of the results of this research:

<b>Government</b>	<b>Arbor Appeal Fee</b>	<b>Amount</b>
Seminole County -	Yes	\$100
Sanford -	Yes	\$500
Longwood -	Yes	\$400
Altamonte Springs -	Yes	\$250
Casselberry -	No	
Winter Springs -	No	

In light of the arbor appeal fees charged by the other governments in the County, staff proposes an Arbor Appeal Fee of \$300.

Currently, the City's minimum fines equal \$250 for non-historic trees & \$500 for historic trees. Per Commissioner Plank's request, staff has contacted the other governments in Seminole County regarding the minimum fine for removing a tree without a permit. The results of the inquiry are contained in Table #1. The arbor fines charged by other governments vary greatly. At least one government only charges a double permit fee. The cost of an arbor permit is \$30; therefore, the fine is \$60. Others governments charge a minimum of \$50 per caliper inch of each tree, up to a maximum of \$5,000.

In the City of Lake Mary, the following are exempt from permitting: 1 & 2 family dwellings = trees less than 12" caliper & commercial = trees less than 6" caliper. In light of the results of Table #1, the City's initial arbor fines are less than some jurisdictions within the County and more than others. Please refer to Table #1, Comparison of Arbor Fines in the attachments.

**ARBOR BOARD ACTION:** At their special June 10, 2013 meeting, the Arbor Board took the following action:

- Voted unanimously to recommend approval of the proposed revisions to Section 157.23 of the City's Code of Ordinances, making 1 & 2 family dwellings responsible for proper pruning of trees.
- Voted 4 to 2 to recommend approval of the proposed revision of Section 163.03(E), establishing an Arbor Appeal Fee in the amount of \$300.

**PLANNING AND ZONING BOARD ACTION:** At their regular June 25, 2013 meeting the Planning and Zoning Board voted 3 to 2 to recommend denial of the proposed changes to the City's Code of Ordinances.

**FINDINGS OF FACT:** Staff finds the following:

The proposed revisions to Section 157.23, Pruning Permit to be consistent with the Comprehensive Plan and the City Code of Ordinances.

The proposed revision to Section 163.03(E) to be consistent with the Comprehensive Plan and the City Code of Ordinances.

**ATTACHMENTS:**

- Ordinance No. 1489
- Ordinance No. 1490
- Table #1, Comparison of Arbor Fines
- Arbor Board Minutes
- Planning and Zoning Board Minutes

**ORDINANCE NO. 1490**

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA AMENDING EXISTING SECTION 163.03 (E), OTHER COMMUNITY DEVELOPMENT LAND DEVELOPMENT FEES; PROVIDING CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, on March 3, 2011, the City adopted Ordinance No. 1417, which established Chapter 163, relating to Building Department, Community Development, Fire Prevention and Miscellaneous fees; and

WHEREAS, the City Commission desires to amend Chapter 163, Building, Community Development, Fire Prevention and Miscellaneous Fees to make them more understandable and easier to use; and

WHEREAS, the Arbor Board reviewed the proposed regulations and recommends that the City Commission approve the proposed revisions to Section 163.03(E) and finds all proposed regulations consistent with the comprehensive plan.

WHEREAS, words with underlined type shall constitute additions to the original text, strike through shall constitute deletions to the original text, and asterisks (\*\*\*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

SECTION 1. Section 163.03(E) is revised per the language contained in Exhibit "A" attached hereto.

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 the 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 8<sup>th</sup> day of August, 2013.

FIRST READING: July 18, 2013

SECOND READING: August 8, 2013

CITY OF LAKE MARY, FLORIDA

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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"**

Chapter 163.03(E) Other Community Development Department Land Development Fees

TYPE	FEE
Arbor Appeal Fee	\$300

\*\*\*

**TABLE #1  
COMPARISON OF ARBOR FINE**

<u>Government</u>	<u>Amount of Initial Fine</u>	<u>Amount of Initial Fine- Historic Tree</u>
Lake Mary	\$250	\$500
Seminole County -	\$100, \$300 or \$500 (1) (4)	
Sanford -	\$60 (2)	
Longwood -	\$50 per caliper inch (3) (4)	
Altamonte Springs -	Residential = \$300 (4) Commercial = \$450 (4)	
Oviedo – Inch  tree	\$50 per caliper inch up to  \$5,000 per tree	\$100 per caliper  up to \$5,000 per
Casselberry -	\$88 per caliper inch up to \$5,000 (4)	
Winter Springs -	\$250	\$500

1 = Based upon size of tree removed, but not to exceed \$5,000.

2 = Fines equal double permit fee. Fines do not differ between historic and other trees.

3 = Applicable to commercial. Fines vary by size of tree removed; however, \$50 per caliper inch is the minimum.

4 = Fines do not differ for historic and other trees.

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, SPECIAL CITY TREE BOARD**  
2 **MEETING HELD JUNE 10, 2013, 6:00 P.M., CITY HALL, 100 N. COUNTRY CLUB**  
3 **ROAD**

4  
5 **TAPE 1, SIDE A**

DRAFT

6 I. Call to Order

7 The meeting was called to order at 6:00 p.m.

8 II. Roll Call/Determination of a Quorum

9 The following members were present:

10 Chairman Danny Williamson  
11 Vice Chairman Lynette Swinski  
12 Member James Buck  
13 Member Robert Sebald  
14 Member Jeanne Miller  
15 Member John Lackey

16  
17 Member Robert Boardman was absent.

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

22  
23 III. Approval of Minutes - May 6, 2013

24  
25 **MOTION:**

26  
27 **Member Buck moved to approve the Minutes of the May 6, 2013, City Tree**  
28 **Board meeting, as presented. Member Sebald seconded the motion, which**  
29 **carried unanimously 6-0.**

30  
31 IV. 2013-ZTA-03: Recommendation to the City Commission regarding proposed  
32 revisions to Section 157.23, Arbor Pruning, and revisions to Section 163.03,  
33 establishing an Arbor Appeal Fee; Applicant: City of Lake Mary/Community  
34 Development Department/Planning and Zoning Division.

35  
36 Gary Schindler, City Planner, presented staff's request and the related Staff  
37 Report. He said, what is before you tonight are two proposed revisions to  
38 Chapter 157, City Code of Ordinances. He then explained the process to the

**JUNE 10, 2013-1**  
**CITY TREE BOARD**

1 Board. He stated, you are going to be reviewing them tonight from the  
2 perspective of how they relate to the City's policies and regulations regarding  
3 trees. After tonight, the same Staff Report will go to the Planning and Zoning  
4 (P&Z) Board on June 25<sup>th</sup>. The P&Z Board looks at it not from the perspective of  
5 arbor -- they do not supersede your authority -- they look at it from the  
6 perspective of the overall Code of Ordinances because all proposed revisions to  
7 the Code of Ordinances go through the P&Z Board. Then, on July 18<sup>th</sup>, the Staff  
8 Report will go to the City Commission with the recommendations/actions of both  
9 boards listed and the Minutes from both boards. So, I just want you to  
10 understand how the process works.

11  
12 Mr. Schindler said, the first revision has to do with one and two-family  
13 homes/residences and trimming. Right now, a permit is not required for one or  
14 two-family residences to trim. Staff has had an interpretation of the regulations  
15 as saying, okay, you don't have to have a permit to trim; however, if you trim and  
16 it's injurious to the tree, you can be cited. Well, the Arbor Board, in a couple of  
17 instances, has differed from staff and said, we respect your opinion; that it was  
18 based on staff's interpretation of the Code. In light of this, we want to  
19 change/revise the Code to be very specific to say that you may not need a  
20 permit, but you still have responsibility in trimming; that you can't go out and  
21 butcher a tree. You can't do that anymore than an office building, manufacturing  
22 plant, or retail establishment. If you go out and you trim a tree to the point where  
23 it is injurious to it, you may be cited.

24  
25 Mr. Schindler stated, the language that is proposed is in Chapter 157.23. Where  
26 it says owners, tenants and/or agents of one and two-family dwelling units shall  
27 be exempt from the requirement of having to obtain a pruning permit hasn't  
28 changed. However, we want to make the language specific to read owners,  
29 tenants and/or agents shall comply with all other provisions of Section 157.23,  
30 which then says you've got the privilege of not having to get a permit, staff can't  
31 review what you are proposing to do, but there is a responsibility that goes with  
32 that. And the responsibility is rational, proper pruning that is not injurious. That's  
33 it. It clarifies it. And I can't be any more specific than that. You still don't have to  
34 get a permit, but you've got to be responsible. And there are a couple of other  
35 minor changes that clarifies that. Instead of shade tree, it's canopy and  
36 understory tree. It's just some language that we have cleaned up. But, the  
37 responsibility of not doing injurious trimming and pruning is clearly the more  
38 central factor.

39  
40 Mr. Schindler said, then we have Chapter 163.03. What we are wanting to do is  
41 establish an application fee for appealing an arbor decision. We want to  
42 establish \$300 as the fee. You can see on the bottom of page 2 and the top of  
43 page 3 that there are other cities that have established application fees. Now, it

1 is not always apples to apples, oranges to oranges, but in my discussions with  
2 other jurisdictions, these are what they charge for an arbor appeal of one sort or  
3 another. It goes from \$100 for Seminole County; Sanford, \$500; Longwood,  
4 \$400; Altamonte Springs, \$250. So, we are proposing \$300. We feel that is kind  
5 of right in the middle, which is where we like to be with our fee structure.  
6

7 Mr. Schindler concluded his presentation by saying, that's it. I'm more than  
8 happy to answer any questions you may have.  
9

10 Chairman Williamson asked if the City has any fee at all currently in place for an  
11 arbor appeal, or is it free.  
12

13 Mr. Schindler answered, no, none whatsoever.  
14

15 Chairman Williamson questioned if the Appellant(s) will get the \$300 back if the  
16 appeal is won.  
17

18 Mr. Schindler responded, no. Because when we go to that kind of formality –  
19 there is a lot of time and effort that goes into it and it would simply reimburse staff  
20 for the time that is spent, just like the \$30 that we have for an arbor permit makes  
21 a very small contribution to the City's General Fund. It mean, we may make a  
22 couple of hundred dollars a year. It is not intended to be a real revenue stream.  
23

24 Vice Chairman Swinski asked, are these fees new in other cities, or have they  
25 been there for awhile?  
26

27 Mr. Schindler replied, my understanding is they have been in place for awhile.  
28

29 Vice Chairman Swinski questioned, so, did we just learn about them?  
30

31 Mr. Schindler answered, no. We had just made a conscious decision previously  
32 that we would not have an application fee for an appeal.  
33

34 Chairman Williamson, stated, in reference to trimming, that he recalled at a  
35 previous meeting the Board did have staff go back and look at some trees within  
36 six months or a year and the Board never heard back. He wondered if those  
37 trees were still alive.  
38

39 Mr. Schindler said that the trees were still alive.  
40

41 Member Miller asked the relevance of that.  
42

43 Chairman Williamson responded, he hat-racked the trees.

DRAFT

1 Mr. Schindler stated, oh, awful. They ended up with trunks and sticks that look  
2 like my hand.

3  
4 Chairman Williamson said, that's under the pruning section.

5  
6 Vice Chairman Swinski suggested to discuss Section 157.23, Pruning, first since  
7 there are two different issues.

8  
9 Chairman Williamson stated, we could do that. We could go in order.

10  
11 Member Sebald questioned what would be the judgment of over pruning.

12  
13 Mr. Schindler replied, noncompliance with the American Arbor Association, and  
14 also in Chapter 157.23, there is a list of prohibited pruning techniques; hat-  
15 racking, poodle-ing, lolli-popping, and it gives a description of what those  
16 practices entail. We have to treat people the same all the way across the board  
17 whether it's injurious or it's not. And it is no more injurious for nonresidential as it  
18 is for residential.

19  
20 Member Sebald asked Mr. Schindler if he was going to be the Board's only  
21 guidance.

22  
23 Mr. Schindler answered, we also have Bryan Nipe, who is a Certified Arborist.  
24 We call on him whenever we need expertise. The other thing is if someone were  
25 to present a note to me from a Certified Arborist stating that the pruning that had  
26 been done was in compliance with the American Arborist Association, unless it  
27 was really obvious that it was not, we would defer to that person. When a person  
28 applies for a permit to remove a tree, there are some instances where it's enough  
29 of a shade of gray that I can't make a determination and say, listen, get a  
30 statement from an arborist, and if the Arborist says that this tree needs to come  
31 out, we accept it without question. We believe in the professionalism of  
32 Arborists.

33  
34 Chairman Williamson questioned, what kind of trimming is that that the power  
35 companies do when they just take the whole middle out and make like a V?

36  
37 Mr. Schindler responded, unfortunately, they are exempt from local regulations.

38  
39 Chairman Williamson said, right I know they are, but I would say that's the ugliest  
40 trimming I have ever seen in my life.

41  
42 Mr. Schindler stated, yeah, it is. And we wish we had control over it, but we  
43 don't. They have a franchise agreement and they are entitled to do that.

1 Chairman Williamson said, right. Well, I guess that's their right of way too if their  
2 power lines are on it.  
3

4 Member Sebald asked, so, the homeowner has the primary responsibility for this  
5 trimming and we are not going to approach anybody who did the trimming?  
6

7 Mr. Schindler replied, oh, we'll go after that person too, but oftentimes they don't  
8 tell us who did the trimming. If a determination is made that the trimming was  
9 injurious to a tree, we have the ability to issue a citation to the company that did  
10 the work and they will be fined \$300, which is not in Chapter 157. It is through  
11 the Code Enforcement Board. It is separate from 157.  
12

13 Member Sebald stated, so, you are fining the person who trimmed the tree. He  
14 questioned, do you also fine the homeowner? Is that in the Code?  
15

16 Mr. Schindler answered, yes. Just like with someone who takes out a tree  
17 illegally. We can do that now.  
18

19 Member Sebald asked, so, that's in some other section? Not in this?  
20

21 Mr. Schindler responded, uh-huh.  
22

23 Chairman Williamson questioned, so, the type of destructive pruning that you are  
24 referring to probably can't be done by Mr. Joe Homeowner with a pole saw? You  
25 are talking about someone getting up in a tree with a chainsaw and just hat-  
26 racking it?  
27

28 Mr. Schindler replied, yes; uh-huh.  
29

30 Chairman Williamson said, I would agree with that.  
31

32 Vice Chairman Swinski asked, and anyone who would get a Notice of Violation,  
33 initial fine would be \$100 and they could also apply for the appeal process but  
34 would pay the appeal as anybody else with a tree issue?  
35

36 Mr. Schindler answered, that's correct. Yes. There is always an avenue of  
37 appeal.  
38

39 Vice Chairman Swinski questioned, but if I pay my \$100 -- if I trim my tree  
40 because the City says I hat-racked a tree, I get \$100 fine or I pay \$300 to go to  
41 the appeal board? It's cheaper for me to just pay my \$100 fine than appeal it?  
42

43 Mr. Schindler responded, it is; yes.

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Vice Chairman Swinski asked, the initial fine is \$100 right now, or that is what we are proposing in the new one?

Mr. Schindler replied, it's \$100.

Vice Chairman Swinski stated, because you just don't see that very often.

Mr. Schindler said, no, you don't because we have stopped bringing any violations for pruning because of the actions you have taken. We felt that it was not a good use of the Board's time or staff's time to bring violations for one and two-family residences because you have made it clear, when Mr. Jarvis was here, that the Code does not specifically support that it is a violation. This is why we are now coming back to you to say, yes, we heard you and we want to clarify that.

Member Sebald questioned, just to clarify that further, the fine for a homeowner would be \$100 and then \$300 for the contractor?

Mr. Schindler answered, yes. Now, there is also based on the size of the tree. It's \$100 initially and then it would be based on the size of the tree.

Vice Chairman Swinski asked, is that also comparable to other cities?

Mr. Schindler responded, we have not looked at the fines.

Chairman Williamson questioned, the \$100 fine actually goes up if the tree dies and has to be removed; correct?

Mr. Schindler replied, it would depend upon whether or not they applied for a permit. I mean, we are not going to be doing double jeopardy. If we fine someone for pruning that is injurious and the tree dies, then I think we might be hard pressed to then turn around and fine them for killing the tree because all they would have to do then is apply for a permit to take out the tree.

Chairman Williamson asked, don't you think that would be a loophole that people would use?

Mr. Schindler answered, but you are already saying that it is – you know, you pruned it and it is injurious. So, there is only a 50-percent chance that the tree is going to live. Either the tree is going to live or it's not. Now, if someone comes and applies to take out a tree, then we look at what is the minimum number of trees they are required to have on their property, and if they do not meet that, they will have to then do replacement.

1 Chairman Williamson questioned, the young man that we – a year ago,  
2 whenever it was, that we granted him a year to look at his trees, that wasn't a  
3 pruning fine, that was a tree destruction fine; correct?  
4

5 Mr. Schindler responded, I believe it was a pruning issue because...  
6

7 Chairman Williamson interposed saying, oh, I thought we were fining him for  
8 taking the whole tree down. It was a historic tree that he trimmed, and it was  
9 deemed by Bryan – Bryan was in that meeting that night -- that it killed the tree.  
10 And we said, well, it is really not dead yet. Let's wait and see what really  
11 happens.  
12

13 Mr. Schindler stated, in six months we were to go back and take a look at it and it  
14 had come out.  
15

16 Vice Chairman Swinski asked, it had come out and survived?  
17

18 Mr. Schindler replied, it had survived, but it is going to be years before it ever  
19 gets back to what it was.  
20

21 Vice Chairman Swinski questioned, and the one where there was no violation  
22 had occurred, do you remember any of the details around that one?  
23

24 Mr. Schindler answered, no, I don't specifically remember that one, but I believe  
25 that it was subsequent to the first one where there was six months. You said,  
26 well, per our understanding of the Code, it is not applicable to one and two-family  
27 residences and, therefore, no violation has occurred. And staff said, okay, we  
28 get the message. We are not bringing anymore violations to you until such time  
29 as we revise the Code.  
30

31 Member Lackey asked if what was being discussed is about residents getting a  
32 permit before they do any pruning on any of their trees.  
33

34 Mr. Schindler responded, no, they don't have to get a permit. That hasn't  
35 changed. Not having to get a permit is a privilege that nonresidential properties  
36 do not have. We know with privilege comes responsibility, and the responsibility  
37 is that you do appropriate pruning and trimming. I don't want to be out having to  
38 look at that if you are going to take off one limb. We trust you to do what is right,  
39 but if you don't, there is a responsibility that you then must pay the price, and that  
40 price is being cited. All they have to do is call. I'm more than happy to send  
41 them a copy of the relevant section of the Code that says this is what is required  
42 for trimming. Also, if you hire a tree contractor, simply tell them that they are to

1 trim in accordance with the American Arborists Association. We recognize that  
2 as legitimate, appropriate pruning.

3  
4 Member Miller requested to switch gears for a minute to the part about the  
5 emergency portion; that the City may designate a period during which permitting  
6 or pruning shall not be required.

7  
8 Mr. Schindler said, sure.

9  
10 Member Miller questioned, do we have anything like that now?

11  
12 Mr. Schindler replied, no, not now. But, in 2004, when we had the hurricanes, we  
13 suspended permitting for tree removal or trimming for several months. I think for  
14 two months. Decree went out that said you don't need to get a permit to remove  
15 a tree. You don't need to get a permit to trim. We trust that you are going to act  
16 responsibly. And I believe that most people did because I don't remember any  
17 problems coming out of that period. So, that's an example of when we had a  
18 designated period.

19  
20 Member Miller asked how that was communicated.

21  
22 Mr. Schindler answered, I believe that it went out in the utility bills.

23  
24 Member Sebald questioned, assuming this passes, will you do the same thing to  
25 notify the homeowners; put a note in the utility bill?

26  
27 Mr. Schindler responded, yes. And it will take a full month to – because the utility  
28 bills are staggered, but we can request that this information go out as part of a  
29 mailer in the utility bill, and if people read their utility bills and the junk mail that  
30 comes in them, they will know.

31  
32 Vice Chairman Swinski asked, how many pruning violations do you have in a  
33 month?

34  
35 Mr. Schindler replied, none, because we aren't – most people know that a permit  
36 is not required, and I will get calls two or three times a year that someone is  
37 pruning or cutting – what I usually get is they are taking out a tree. And I will  
38 drive out to the property and they'll say, no, no, we're just trimming. And I'll say,  
39 okay, that's fine. Thank you.

40  
41 Vice Chairman Swinski questioned, like the couple of examples that we had of  
42 hat-racking that came to the Board, those ones that appealed, how many do you  
43 catch that didn't appeal? Rare?

1 Mr. Schindler answered, very seldom. Rare. I think in the last year or so, there  
2 have been a couple of instances where trees have been severely trimmed, but  
3 we did not proceed to issue them a citation or a Notice of Violation because of  
4 the action that the Arbor Board had taken. But, it's not significant.  
5

6 Vice Chairman Swinski asked, so, going forward, anyone who gets a violation as  
7 determined by you and your department would get the fine notice for \$100 and  
8 they could opt to pay or come to the Arbor Board with an appeal fee?  
9

10 Mr. Schindler responded, that's right.  
11

12 Member Miller stated, I'm viewing these two things separately.  
13

14 Mr. Schindler said, they are separate but related. But, yes, they have the option  
15 to come to the Arbor Board.  
16

17 Member Miller questioned Chairman Williamson if the Board wanted to talk about  
18 the second part.  
19

20 Chairman Williamson replied, let's make a decision on the first part, then we'll go  
21 onto the second part.  
22

23 Member Lackey asked, how is this going to be monitored? When we come into  
24 hurricane season, a lot of people are going to be trimming their oaks back,  
25 thinning them out, because of the winds.  
26

27 Mr. Schindler answered, I think the American Arborists Association says that  
28 improper trimming is taking out more than 25 percent of a tree. That's a lot. So,  
29 if someone calls us and says somebody is taking out a tree, and I go out and  
30 they say I'm only trimming. Then I will ask them how much they are going to  
31 trim. If necessary, I'll call Bryan Nipe and ask him to come out and take a look.  
32 We are not out to bust people's chops. We simply want to make sure that proper  
33 practices are being followed.  
34

35 Vice Chairman Swinski stated, it sounds like you field a lot of calls from people  
36 that would have a question.  
37

38 Mr. Schindler said, oh, believe me. All it takes is someone to be working in a  
39 tree, they hear the chainsaws, they hear the chippers, and we get calls.  
40

41 Chairman Williamson stated, that's probably why you hear so many of them on  
42 Saturday and Sunday.  
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Mr. Schindler said, yes. Unless I know that a permit has been issued for that address, I have to go out and take a look just to make sure that work is not being done that is illegal.

Vice Chairman Swinski questioned, how many residents call you in an average week and say, hey, I want...

Mr. Schindler responded, very few, very few.

Vice Chairman Swinski asked, but they could and you could accept their call for guidance?

Mr. Schindler replied, they could. Where we get the most calls in a year is from The Forest than any other neighborhood.

Member Miller questioned, is understory tree defined somewhere in here?

Mr. Schindler answered, yes. An understory tree is a tree that, at maturity, has an average height of between 15 and 25'. We have a list of understory trees, not complete, but we say these are recognized understory trees. There could be other understory trees because all the time they are coming up with new species, but we can't begin to change the Code all the time. But, what we say is, rule of thumb, at full height, average 15-25'. A canopy tree is a tree that, at full growth, is in excess of 25'.

Member Miller asked, what is the value of dropping the language, trees intended for shade?

Mr. Schindler responded, because it makes it more clear whether it's understory or canopy. What about a Ligustrum; is that a tree. Well, some varieties of Ligustrum are understory trees. Whereas, I wouldn't say that a Ligustrum is a shade tree. It's just better descriptive and more compatible with the rest of the Code.

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

**MOTION:**

**Member Miller moved to recommend approval to the City Commission regarding proposed revisions to Section 157.23, Arbor Pruning, consistent with staff's Findings of Fact listed in the Staff Report. Member Sebald seconded the motion.**

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

- 3  
4 **Member Lackey - Yes**  
5 **Vice Chairman Swinski - Yes**  
6 **Member Buck - Yes**  
7 **Member Sebald - Yes**  
8 **Member Miller - Yes**  
9 **Chairman Williamson - Yes**

10  
11 **The motion carried unanimously 6-0.**

12  
13 Chairman Williamson said, now we'll go to part two, the proposed revisions to  
14 Section 163.03, establishing a \$300 Arbor Appeal application fee.

15  
16 Mr. Schindler stated, we try to be in the middle. That is one of the reasons we  
17 look at what other jurisdictions in the County have as comparable fees and then  
18 we try to choose something that is not the highest nor the lowest but in the  
19 middle, and we feel that \$300 is in the middle.

20  
21 Member Miller questioned, what is the purpose of the fee? So far, I've heard you  
22 say that it would potentially cover, partially, staff's time.

23  
24 Mr. Schindler replied, it does that. It would tend to reimburse the City for the  
25 portion of the time that staff spends on arbor appeals.

26  
27 Member Miller asked, but wouldn't you have essentially all the documentation to  
28 support a decision when you make the initial decision as opposed to the appeal?

29  
30 Mr. Schindler answered, yes, but I still have to write up a Staff Report. I have to  
31 make sure that all my facts are coherent, I have to come here to present it to you  
32 and there is time involved.

33  
34 Member Miller said, I guess I would have the expectation that all of the facts and  
35 clarity of the decision was had when the original assessment was done or  
36 reviewed, but -- so, the only additional work I would see would be coming here  
37 and just double-checking your decision.

38  
39 Mr. Schindler stated, well, if we were to go with that thinking, then there would be  
40 no fees at all for any of our items; no fees for a zoning request or a land use  
41 request, subdivision request, because staff would have done all the work  
42 previously. It is up to you to make a recommendation. This is simply in line with  
43 what we see other jurisdictions doing.

1 Vice Chairman Swinski questioned, what is the fine currently? Like, we talked  
2 about on pruning, a resident would have \$100 fine minimum. What is the  
3 minimum fine on a tree take down?  
4

5 While Mr. Schindler deferred to his code book to answer that question, Juan  
6 (John) A. Omana, Jr., Community Development Director, said, while he's getting  
7 that, obviously, it varies with the size of the tree and things of that nature. And,  
8 understand, that is not before you this evening.  
9

10 Vice Chairman Swinski stated, I'm just curious, just for a matter of perspective.  
11

12 Chairman Williamson said, actually, this proposal would be good for us because  
13 if someone takes a tree down without a permit and gets fined a \$250 fine, that is  
14 usually when everyone comes in here to appeal. If they see they have to pay  
15 \$300 more to appeal it, they probably are just not going to appeal it at all.  
16

17 Mr. Omana stated, that's their decision.  
18

19 Member Sebald asked, so, does that \$300 cover trees taken down without a  
20 permit?  
21

22 Mr. Omana responded, it goes back to the issue of does it cover everything. The  
23 answer is no. I mean, \$300 is not going to cover Mr. Schindler, or me, or.....  
24

25 Member Sebald questioned, do they also have to pay \$300 to appeal a tree?  
26

27 Mr. Omana replied, to appeal a tree; yes.  
28

29 Member Sebald asked, that's currently in position?  
30

31 Mr. Schindler answered, they will have to pay \$300 to appeal any kind of arbor  
32 violation if this is in place.  
33

34 Member Sebald said, okay, so, this does cover everything.  
35

36 Mr. Schindler further responded, right now, failure to obtain a permit for a non-  
37 historic tree, the initial fine is \$250. For a historic tree, it's \$500. Then, for a non-  
38 historic tree, it is also \$50 per caliper inch. For a historic tree, it's \$100 per  
39 caliper inch on top of that.  
40

41 Chairman Williamson questioned, does this fee also apply to people who are  
42 denied a permit to take a tree down?  
43

1 Mr. Schindler replied, yes, yes.  
2

3 Chairman Williamson stated, because that's usually what we see here mostly.  
4

5 Mr. Schindler said, yes, yes.  
6

7 Chairman Williamson stated, so, it kind of makes it a gamble for them then. If  
8 they are going to pay \$300 or wait and see – either they'll grant me to take the  
9 trees down or not.  
10

11 Mr. Schindler said, if that is your intent that it should, please make that in your  
12 motion that the application fee of \$300 would be for any arbor appeal.  
13

14 Member Sebald stated, that makes it pretty clear.  
15

16 Member Miller said, so, back to what you were saying. If you potentially just pay  
17 the penalty because it's cheaper than trying to address the – my concern with  
18 that approach is that if we get into a situation where there is interpretation of the  
19 law that is not clear, this appeal process is the way for those unclear situations to  
20 come up and we would really be deterring people from bringing forward anything  
21 where it was unclear, or perhaps you guys retire and we have an overzealous  
22 staff and they start making assessments that are unreasonable, we wouldn't  
23 really have visibility to that if we deterred people from coming forward with  
24 concerns in the community.  
25

26 Chairman Williamson stated, well, they are written rules and regulations they go  
27 by, and the \$250 fine, keep in mind, is the initial fine. If it is a historic tree of any  
28 size, the fine is going to be a lot steeper than that.  
29

30 Mr. Schindler said, you also have the ability to make a distinction between  
31 appeals for trees being removed and appeals for trimming or pruning. You could  
32 make a lesser fine for pruning or trimming. You could say, well, maybe it's \$200  
33 rather than the \$300 for illegal pruning or trimming. But, by the same token,  
34 understand, we are not going to cite somebody for illegal trimming or pruning  
35 unless we believe that that tree is injured and that there is only a 50/50 chance  
36 that it is going to live.  
37

38 Member Miller stated, but that's not what it says in 157.23. I appreciate you  
39 saying that, but that's not how it reads.  
40

41 Mr. Schindler said, those are the regulations regarding the types of illegal pruning  
42 and trimming and have been on the books for a long time. If someone follows  
43 the American Arborists Association rules and regulations regarding trimming,

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they won't end up with poodle-ing. They won't end up with lolli-popping. There is a good reason to say that those are illegal because they are injurious to trees, and those types of activities are well accepted as being injurious and are not allowed – or they are identified by the American Arborists Association as being not the best management practices.

Member Miller asked, if we accept the proposal for the first half and it turns out that there was something ambiguous or unclear in the first half, how would we ever get feedback that the lot had to be corrected again without having people come before us?

Mr. Omana answered, it would go to the City Commission, it would go to the City Manager, they would go to us.

Mr. Schindler concurred.

Chairman Williamson stated, regardless of what we say, they can go to the City Commission with our decision.

Mr. Schindler said, right because anyone can appeal your decision to the City Commission. Whenever we send out the after-action letter or after-board letter, we inform them of that right and then say you have 30 days in which to appeal, 30 days from the date of the letter in which to appeal to the City Commission. And we have had a few that have gone to the City Commission.

Member Sebald asked Mr. Schindler if there was a fee to appeal to the City Commission.

Mr. Schindler responded, there hasn't been.

Member Miller questioned, do any of these cities have it where if when they are appealed, the fee is waived?

Mr. Schindler replied, I don't know. That was not our intent because it is an administrative – I won't say nightmare, but it is a significant issue to refund application fees. It is done when necessary, but, to the best of my knowledge, no other action item in the City do you get your application fee refunded if you lose.

Member Miller stated, I mean, I keep trying to think about if I get a speeding ticket, I have to pay a court fee. She asked, is this similar to a court fee if I get a speeding ticket?

Unidentified voice answered, it could; yes.

1 Member Miller said, on the other hand, although you view it as very objectively  
2 written, as a homeowner, I might be more subjective in reading it and interpreting  
3 it. And that is my concern, is that everybody has their story, whether they are  
4 new in town or it was after a storm and they needed to clean it up. I'm just  
5 concerned that we wouldn't potentially be allowing people to come to this place.  
6

7 Mr. Schindler stated, understand, if we have a storm – in fact, after the storm  
8 event we had last week, a fellow came in to me and said I have a tree that's  
9 dangerous. I said, take it down. You don't have to apply for a permit because  
10 there is language in 157 that says if a tree is threatening life or property, you are  
11 to take it down, and then within 24 hours of the act, notify the City. And we allow  
12 that. We said yes. That is what the Code says. And in such instances, we take  
13 people's word for it. We try to be as objective as possible, but there are times  
14 when people blatantly, either through ignorance or willful action, do things that  
15 are injurious to trees, whether they take them out or whether they simply hack  
16 them to the point where it is questionable if they will live.  
17

18 Member Miller said, and that is why I'm in support of the fine. But having to pay  
19 money to come before the Board...  
20

21 Mr. Schindler interjected, well, then, you may recommend against it.  
22

23 Mr. Omana stated, but again, as Mr. Schindler pointed out, beside what we do  
24 with you as a board, we have rezonings, we have DRIs, we have conditional  
25 uses, we have site plans. We have to charge for those items to help offset the  
26 cost of processing. So, we would be applying the same principle here. If these  
27 people wish to appeal a decision or a permit that has been processed, then they  
28 have that ability. It is just going to cost you, just like it would cost you to file for a  
29 rezoning, DRI, site plan, conditional use.  
30

31 Member Sebald questioned, how does this fee compare to those fees?  
32

33 Mr. Omana responded, rezonings are \$250. Conditional use can vary up to  
34 \$600. DRIs go up to \$2,500 depending on the nature. If it's a major DRI...  
35

36 Mr. Schindler interposed saying, variances are \$350. An initial subdivision – a  
37 preliminary subdivision is \$1,000.  
38

39 Member Miller said, but when you calculate the cost of the fee relative to the  
40 benefit of a rezoning compared to pruning of a tree, I think it is a pretty significant  
41 variance between the two.  
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Mr. Schindler stated, well, then, you, as a board, need to decide if you do not like the amount, you may take action to recommend an amount you do believe is justifiable.

Vice Chairman Swinski said, it sounds like certainly there is – I’m sure there is a ton of administration work that goes into it. You have described some of it. And other cities in the County are charging the fees, so there appears to be a standard operating procedure. We just maybe haven’t been charging it in Lake Mary because it’s happening in Altamonte, Longwood, Sanford.

Mr. Omana stated, we haven’t been charging it.

Member Lackey asked, but the \$300 is not based on anything actual? It’s just we want to be in the middle?

Mr. Schindler replied, yes, that’s right.

Chairman Williamson said, Sanford charges \$500

Mr. Schindler stated, and that’s the direction the City Commission has told staff. When it comes to fees, we do not want to be the highest nor the lowest. We want to be somewhere in the middle, and this is what we base this on.

Member Buck suggested on the date of application submittal that all applicants turn in a photo of what tree(s) they are contemplating pruning or taking out.

Mr. Schindler said, but we are not asking for a permit for one and two-family.

Member Buck stated, I mean, other people.

Mr. Schindler said, yes, we do. Say, for a shopping center, we have had instances where we have actually gone out and met with them and they have shown us – they have walked around and said we are going to take off this limb, we’re going to take off this limb. We go out in the field and – because, generally...

Member Buck interjected, take a picture is what I am saying in case it came up again.

Mr. Schindler stated, we can; yes.

1 Member Buck said, I just thought it might not be a bad thing to be on the  
2 application; something like that. It just makes it clear when two people have a  
3 different opinion when you come back to City Commission.  
4

5 Mr. Schindler concurred.  
6

7 Chairman Williamson stated, well, look at the incident you had with the School  
8 Board this week over there at Lake Mary where they were trimming trees for  
9 portables.  
10

11 Mr. Schindler said, yes. That's right. Uh-huh.  
12

13 Member Buck stated, I just meant it as a suggestion. Probably a back-up photo  
14 is pretty good when you're talking about taking over 25 percent of the tree down.  
15 If you have a picture, it should solve the problem.  
16

17 Mr. Schindler said, sure. That's a good suggestion because the more objective  
18 information – they say a picture is worth a thousand words.  
19

20 Chairman Williamson opened the hearing to public comment. Hearing none, he  
21 closed that portion and entertained board discussion and/or a motion.  
22

23 **MOTION:**  
24

25 **Vice Chairman Swinski moved to recommend approval to the City**  
26 **Commission regarding revisions to Section 163.03, establishing an Arbor**  
27 **Appeal Fee “for any arbor appeal”, consistent with staff’s Findings of Fact**  
28 **listed in the Staff Report. Member Buck seconded the motion.**  
29

30 **Chairman Williamson requested a roll-call vote on the motion, which was**  
31 **taken as follows:**  
32

- 33 **Member Miller - No**
- 34 **Member Sebald - Yes**
- 35 **Member Buck - Yes**
- 36 **Vice Chairman Swinski - Yes**
- 37 **Member Lackey - No**
- 38 **Chairman Williamson - Yes**

39  
40 **The motion carried 4-2.**  
41

42 V. Adjournment  
43

DRAFT

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The meeting was adjourned at 6:45 p.m.

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Danny Williamson, Chairman

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Diana T. Adams, Administrative  
Secretary

~~QUASI-JUDICIAL~~ SIGN-IN SHEET

6/10, 2013  
City Tree Bd. MEETING  
(please print)

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

Address \_\_\_\_\_

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

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

Address \_\_\_\_\_

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

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

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

1 B. 2013-ZTA-03: Recommendation to the City Commission regarding proposed  
2 revisions to Section 157.23, Arbor Pruning, and to Section 163.03 establishing  
3 an application fee for arbor appeals; Applicant: City of Lake Mary/Community  
4 Development Department/Planning and Zoning Division  
5

6 Gary Schindler, City Planner, presented Item B. and the related Staff Report. He  
7 said, the proposed revisions do three things. First of all, just some housekeeping  
8 issues. For instance, there was language that was somewhat archaic referring to  
9 shade trees. I have stricken that and put in both canopy trees and understory  
10 trees. The two more significant issues are, one, currently, one and two-family  
11 dwellings are not required to get a permit to trim. That is not going to change.  
12 What is changing is we want to make it very clear that if improper trimming  
13 practices happen, one and two-family homeowners are as responsible as  
14 nonresidential property owners.  
15

16 Staff had always treated such actions as violations; however, the arbor board  
17 (City Tree Board) had a different idea. They did not read the Code of Ordinances  
18 as holding the owners of one and two-family properties responsible for improper  
19 trimming. We took a couple of them to the arbor board. In one case, they found  
20 that there was no violation. In the second case, said continued the item for 6  
21 months. During that time, if the tree died, staff was to bring the item back to the  
22 arbor board. In light of this, staff ceased to take such trimming violations to the  
23 arbor board.  
24

25 The waiver of the requirement of obtaining a permit to trim trees is a privilege, not  
26 afforded to non-residential properties; however, that does not exempt such  
27 properties from the responsibility of engaging in proper trimming practices, in  
28 compliance with the American Arborists Association.  
29

30 Mr. Schindler stated that the second proposed Code change is to establish a fee  
31 to appeal a fine and/or decision to the arbor board and/or City Commission. To  
32 the best of staff's knowledge, this is the only item for which there is not an  
33 application fee. As such, staff proposes a \$300 application fee for an arbor  
34 appeal. This fee would be for all appeals to the arbor board.  
35

36 Those are the three issues that are before you tonight.  
37

38 Mr. Schindler said, at their special June 10, 2013, meeting, the arbor board took  
39 the following actions:  
40

- 41 1. Voted 6-0 to recommend approval of applying illegal practices making improper  
42 pruning for one and two-family residences a situation in which a fine could be  
43 levied.

1  
2 2. Voted 4-2 to recommend approval of an arbor appeal fee.

3 Mr. Schindler concluded his presentation by saying, that's it. I will take any  
4 questions you may have.

5  
6 Member Miller questioned, what constitutes improper pruning?  
7

8 Mr. Schindler replied, there are a whole list of improper pruning that is contained in  
9 157. A couple of examples are lollipop trees. That is where you have a straight  
10 trunk and all the lower limbs are out, and then you reach the top and you've got a  
11 nice little – one small ball. There is something called poodle trimming. As you can  
12 imagine, a French Poodle; you've got a puff here, a puff here, a puff here, a puff  
13 here, and the rest of it is bare. Those are certain examples. There is also lions-  
14 tailing. The American Arborists Association says that proper pruning should not  
15 engage in trimming more than about 25 percent of the tree at any one time. That is  
16 a rule of thumb.  
17

18 Juan (John) A. Omana, Jr., Community Development Director, added, hat-racking  
19 is another one where they basically turn the tree into, literally, a hat rack. You could  
20 hang your hat on it.  
21

22 Mr. Schindler stated, yes. That's right. You take all the branches off that have  
23 leaves and you are left with these bare limbs that look like a hat rack.  
24

25 Member Miller said, I have a neighbor that has a tree similar to what you are talking  
26 about. He wins yard- of-the-month almost all the time. It's one of those trees that's  
27 kind of a round tree that he trims regularly. I think it's an oak tree. It's beautiful.  
28 Sounds like he would get fined for what he is doing with that tree.  
29

30 Mr. Schindler stated, not if it is already done. Remember, if it is there and he just  
31 continues to keep it in that shape, he is really not taking off more than 25 percent.  
32 This is not going to be looking at retroactive. It's going to be looking at taking a  
33 tree's natural growth and then applying it to that.  
34

35 Chairman Hawkins said, but most of these things are more commercial uses where  
36 people do these things to trees so that they get more visibility to their sign or their  
37 business.  
38

39 Mr. Schindler stated, yes, that's right. But, believe me, we do receive a number of  
40 calls each year in which there are people that are engaged in – generally, it's hat-  
41 racking. We want to be able to give a very firm message to people that they can't  
42 do that.  
43

1 Member Cartmill asked, when it comes to, like, say, a Crepe Myrtle, is that a shrub  
2 or is that a tree?  
3

4 Mr. Schindler answered, Crepe Myrtle is an understory tree.  
5

6 Member Cartmill stated, because I do it and that maintains the...  
7

8 Mr. Schindler interposed saying, but, understand, we are not going to be unrealistic  
9 about this. I do the same thing to my Crepe Myrtle – or at least the person who  
10 takes care of my yard does it.  
11

12 Member Cartmill said, yeah. For a few months it looks ridiculous, but in the Spring,  
13 it's beautiful.  
14

15 Mr. Schindler stated, right. But, we're not talking about...  
16

17 Chairman Hawkins interjected saying, but that's one of the accepted pruning  
18 practices for a Crepe Myrtle.  
19

20 Mr. Schindler said, that's right.  
21

22 Member Cartmill stated, because I know the City and the County will do it in the  
23 boulevards and all that. I have seen that especially on, say, Primera.  
24

25 Chairman Hawkins said, but you don't do it to a Live Oak tree.  
26

27 Mr. Schindler stated, no. I can also tell you that there are landscape architects who  
28 cringe when they see Crepe Myrtles that are – it's called knuckling because it looks  
29 like knuckles. But, you know, all right, so be it. We are not going to go out on a  
30 crusade, but if and when we get a call, we do want to be able to respond  
31 appropriately. It's no more acceptable for a homeowner to do this than for a  
32 shopping center.  
33

34 Vice Chairman Taylor questioned, when you have had problems in the past, what  
35 percentage has been people intentionally doing a, quote, illegal pruning practice,  
36 unquote, versus hiring someone? She said, as a homeowner, you hire a lot of  
37 people for a lot of things you don't have any knowledge about and sometimes they  
38 do a good job, but I have had people come in to trim trees, as well as do tile, who  
39 do a horrible job and it's not best practices. I don't like the thought of punishing  
40 because most homeowners aren't trimming their own trees, they are hiring it out to  
41 people, and sometimes a bad job is done.  
42

1 Mr. Schindler asked, but what is the alternative? I mean, if the homeowner will tell  
2 us the name of the company, we will go after them as well. But, ultimately, it's the  
3 responsibility of the homeowners.  
4

5 Vice Chairman Taylor said, I just can't say that I'm for it. I just don't think tree  
6 trimming is something that most people set out to intentionally do a bad job. I think  
7 there is a lot of ignorance. I don't even know what most of these terms mean, so I  
8 don't think your general homeowner would. And if they have paid somebody to do  
9 it and they do it improperly, I hate to see them then fined on top of that when it may  
10 not – because I have had people come in and I have specifically told them to trim a  
11 tree a particular way, but some guy comes in with a chainsaw and I'm literally out  
12 there screaming at the top of my lungs while he's destroying a tree. I don't want to  
13 get fined \$100 for that.  
14

15 Mr. Schindler stated, then you will need to vote your conscience. That is all I can  
16 say because, right now, there is no penalty. There are no consequences for a  
17 homeowner.  
18

19 Vice Chairman Taylor said, and just strictly on an administrative note, under  
20 Paragraph C, it seems like you define unlawful pruning practices. She questioned if  
21 the very last sentence where it says the following are deemed unlawful pruning  
22 practices dot, dot, dot needs to be there.  
23

24 Mr. Schindler responded, yes, it does because they need to know what constitutes  
25 unlawful...  
26

27 Vice Chairman Taylor interposed saying, I just wanted to make sure because you  
28 defined it earlier in the paragraph. It seems like it might be a redundancy, but I  
29 wasn't sure.  
30

31 Mr. Schindler stated, well, sometimes it is, but it is better to be redundant than  
32 someone say, well, I didn't know. You didn't have this. So, we feel very strongly  
33 that we want people to know.  
34

35 Vice Chairman Taylor suggested to Mr. Schindler on page 2 of the Staff Report  
36 under (G), second sentence, to add the word, not, after the word, but.  
37

38 Mr. Omana said, yes, I think the intent may have been there to include but not  
39 limited to.  
40

41 Chairman Hawkins asked if the \$300 appeal fee was justified based on the  
42 amount of time that staff would need in order to prepare for an appeal. He stated  
43 that he didn't want a fee for somebody to appeal to be a fine. He wanted the fee

1 to be justified based on the amount of time that somebody has to take to do a  
2 certain amount of work. He questioned, you see what I'm asking?  
3

4 Mr. Schindler replied, I understand what you are saying, and all I can say is that  
5 you have to look at more than the time. There are the facilities – you know, it's  
6 like charging \$100 for a nurse to give an aspirin. There are lots of other issues in  
7 addition to the amount of time that staff actually spends on the Staff Report.  
8

9 Member Cartmill asked, how many arbor decisions are actually appealed?  
10

11 Mr. Schindler answered, it varies. There are very few for – as I said, we stopped  
12 taking trimming and pruning. But, in a year, there could be six to ten appeals.  
13

14 Member Schofield questioned, versus how many violations?  
15

16 Mr. Schindler responded, generally, because there was no fee to apply for an  
17 appeal, if there is a violation, people appeal.  
18

19 Member Schofield asked, so, there are only six to ten violations a year then?  
20

21 Mr. Schindler replied, generally, yes.  
22

23 Member Schofield questioned, so we're talking about a very limited amount of  
24 people?  
25

26 Mr. Schindler answered, yes.  
27

28 Member Schofield said that he shares some of the same concerns that Vice  
29 Chairman Taylor has in that he wasn't sure that residents should be charged with  
30 a penalty if a licensed professional does something wrong with the trimming.  
31

32 Chairman Hawkins stated, but it's your responsibility to say you need to trim my  
33 trees based on the Lake Mary Code of Ordinances, and if you don't know what  
34 that is, then I will supply you a copy. He asked, so, what is so difficult about  
35 that?  
36

37 Mr. Schindler said, the other issue is that it is well established under Florida law  
38 that the property owner is ultimately responsible. It's no different than if you hire  
39 a fence contractor to come in and build a fence and for whatever reason they –  
40 let's say they put the finished side of the fence on the inside. Whether you tell  
41 them to or not, you are responsible as the homeowner. The finished side of the  
42 fence goes outside. And under Florida law, one of the main tools for local  
43 governments is a Code Enforcement Board or similar boards, which levy fines on

1 the property owner. Additionally, we go after the contractor, but that is a citation,  
2 which may be appealed to the courts.

3  
4 Vice Chairman Taylor stated, but fences, sheds, ancillary buildings, other things  
5 that the Code would have to deal with, can be remediated by the homeowner,  
6 and a tree, once it's trimmed, can't, despite the homeowners' best effort.

7  
8 Mr. Schindler said, but, you can appeal to the City Commission, and the City  
9 Commission can determine if this is a special circumstance; we're going to  
10 recognize and waive the fine. There is always the ability to appeal to the City  
11 Commission.

12  
13 Member Cartmill stated, yeah, but you're already out \$300, so it is a fine.

14  
15 Vice Chairman Taylor said, it will cost \$300 to appeal.

16  
17 Mr. Schindler stated, yes, they are, but what's – I mean, if you want to make a  
18 recommendation for no fine, do it. If you want to make a recommendation for a  
19 lesser application fee, do it, but there has to be – it is the only appeal review  
20 process for which there is no application fee.

21  
22 Mr. Omana said, Mr. Chairman, also, if I could have Mr. Schindler state into the  
23 record the other cities' structures. We looked at what other cities do and if you  
24 could brief the Board.

25  
26 Mr. Schindler stated, the City Commission has basically said we don't want to be  
27 the highest, we don't want to be the lowest, we want to be in the middle, and that  
28 is part of the basis upon which we chose our fees. Seminole County is \$500,  
29 Sanford is \$400, Altamonte Springs is \$250, and we chose \$300.

30  
31 Member Miller questioned, what were the two cases that came before the arbor  
32 board that you couldn't enforce because you didn't have residences included in  
33 the practice? He said, you said there were two cases.

34  
35 Mr. Schindler responded, yes. I do not remember the first one, but the second  
36 one I remember very clearly. They had hat-racked two trees.

37  
38 Member Miller asked, cut the top off two trees?

39  
40 Mr. Schindler replied, no, not the top. They cut everything off of two trees. I  
41 mean, there was not more than ten percent of the leaves left on the trees. This  
42 happened in The Reserve at Lake Mary.

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Member Miller questioned why they did that.

Mr. Schindler answered, because they couldn't get grass to grow. That was their answer.

Member Cartmill asked, and then what was the fine?

Mr. Schindler responded, there was no fine.

Member Miller stated, the practice doesn't include residences.

Mr. Schindler added, they continued the item for six months and said, staff, if the trees die, come back and we'll treat it as killing the trees. He said, because we did not have a specific reference, we treated the incident as if the trees had been killed. He stated, I do remember the first instance. It was in Dr. Hawkins' neighborhood. There was a house down the street from you that had been foreclosed upon, there was a short sale, and the backyard was heavily overgrown with trees, and someone went in and there was a Live Oak that they had just butchered. It was hat-racked. And the member of the arbor board said there is no specific reference in this to one and two-family. In fact, a permit is not required. Therefore, no violation had occurred.

Member Miller questioned, who brings these things up? Is this the infamous Code Enforcement Board?

Mr. Schindler replied, no, no.

Member Miller asked, how do you get a case?

Mr. Schindler answered, residents call.

Member Miller questioned, complaints by other people?

Mr. Schindler responded, yes, by other people. When I receive such a call, I make an onsite inspection. Sometimes, I may get a call from the Code Enforcement officer. Whatever the source of the call, I follow up with an onsite inspection.

Member Schofield asked, so, it's almost like community self-policing?

Mr. Schindler replied, oh, believe me. In some neighborhoods, if someone hears a chainsaw, I'll get a call. This is especially true in The Forest Club.

1 Member Schofield questioned, just out of morbid curiosity --you have this pruning  
2 thing -- what if I just decide, you know what, I'm not going to bother pruning it, I'm  
3 just going to take the whole thing down, and I just take the tree out?  
4

5 Mr. Schindler answered, you may if it's within the limits that staff can approve,  
6 and if not, then you may appeal to the arbor board to remove a tree.  
7

8 Member Schofield requested Mr. Schindler to address the penalty for removing a  
9 tree without a permit.  
10

11 Mr. Schindler responded, there is an initial flat fee of \$250 for a non-historic tree,  
12 \$500 for a historic tree. There is also a secondary fines; for a non-historic tree,  
13 it's \$50 per caliper inch, and for a historic tree, it's \$100 per caliper inch. It is not  
14 unusual to get fines between \$1250 and \$1500.  
15

16 Member Schofield said, the reason for my question is I was curious to know what  
17 the penalty was for that versus improper pruning to see if they were equitable. If  
18 pruning cost more than just taking a tree out, I might as well just take a tree out.  
19

20 Mr. Schindler stated, no. Right. But, no, it doesn't. Because there is a chance  
21 that an improperly pruned tree will come back, but there is also a chance it will  
22 die because once you do radical pruning on a tree, it opens the tree up to  
23 disease and insects, which could mean that it would take three to five years for  
24 the tree to ultimately die, and there is no way, at that point, that staff could say,  
25 well, this tree died as a result of this action.  
26

27 Member Schofield asked, so if I wanted to remove a tree, my best thing to do is  
28 improperly trim it, and then it gets to a point where it has to be removed because  
29 I have trimmed it so horribly that it dies and then I get no penalty?  
30

31 Mr. Schindler replied, that's possible. Yes. But, understand that when we  
32 approve tree removal, we also look at the minimum number of trees that you are  
33 required to have per lot size, and we will conditionally approve the removal of  
34 trees if you meet or exceed that number, and if you don't, then there are  
35 replacement trees that you plant.  
36

37 Member Schofield said, well, I'm not looking to remove any of mine. I'm just  
38 trying to think, you know, what would a homeowner do to try to circumvent the  
39 policy. I'm concerned that if we're seeing six to ten cases a year, it just seems  
40 like a.....  
41

1 Mr. Schindler stated, well, understand, those were generally denial of permits.  
2 We stopped taking improper trimming because the Board had said it's not a  
3 requirement.  
4

5 Chairman Hawkins opened the hearing to public comment. Hearing none, he  
6 closed that portion and entertained board discussion and/or a motion.  
7

8 Member Cartmill questioned, well, do we think that the caseload will be doubled,  
9 tripled now that it includes excessive pruning?  
10

11 Chairman Hawkins answered, no, I don't think so. I don't think there will be very  
12 many appeals unless they are really serious about appealing.  
13

14 Member Cartmill stated, well, that's what I'm saying. The cases could increase  
15 though, not necessarily the appeals.  
16

17 Chairman Hawkins said, well, the cases are going to increase because we have  
18 changed the language to make it clear on what's – that's all. They are going to  
19 start taking cases again.  
20

21 Member Miller stated, well, the cases will increase because you now include  
22 residential properties.  
23

24 Mr. Schindler said, now, understand, whatever action the City Commission takes,  
25 we will also notify people in the flyers in their water bills. Now, if people don't  
26 read the flyers when they come, then they are not going to know, but if they  
27 bother to read the flyers, they will know. A full cycle takes a month.  
28

29 Member Miller stated, they may know it now. They won't know it when they get  
30 ready to do something.  
31

32 Member Schofield said, on a side note, speaking of the flyers that go in the water  
33 bills, I get mine on-line, and I usually get my water bill on the 20<sup>th</sup> of the month or  
34 so, 24<sup>th</sup>, and it gives me the month that's already happened, the calendar. It  
35 would be nice to get July's calendar at the end of June instead of at the end of  
36 July. Just something to think about.  
37

38 **MOTION:**  
39

40 **Member Cartmill moved to recommend approval to the City Commission**  
41 **the request by City of Lake Mary/Community Development**  
42 **Department/Planning and Zoning Division regarding proposed revisions to**  
43 **Section 157.23, Arbor Pruning, and to Section 163.03 establishing an**

1 application fee for arbor appeals, consistent with staff's Findings of Fact  
2 listed in the Staff Report subject to the following condition.  
3  
4

5 **CONDITION:**  
6

7 **1. Planning and Zoning Board recommends on page 2 of the Staff Report**  
8 **under (G), second sentence, to add the word, not, after the word, but.**  
9

10 **The motion failed for lack of a second.**

11  
12 Chairman Hawkins asked the Board, you-all don't want to second it just so you can  
13 get it for the record and discuss it, and if you are not in favor of it, vote against it?  
14

15 There was no verbal response from the Board.  
16

17 Chairman Hawkins said, okay. Motion fails for lack of a second. Okay. I don't  
18 think that's the way to carry on business, but that is my personal note.  
19

20 It is noted that Chairman Hawkins took up the Community Development Director's  
21 Report at this time (see below).  
22

23 Member Miller questioned, can we back up and talk about that motion that just  
24 failed? Is it forever gone? Because I guess I don't mind seconding it to talk about  
25 it.  
26

27 Chairman Hawkins answered, yeah – no, no. I just think if you are not in favor of it,  
28 you should second the motion and then discuss the motion, and if you want to vote  
29 against the motion, that's fine. I think that is the way you show your disapproval to  
30 the City Commission, not...  
31

32 Member Miller interjected questioning, as the Chair, would you let us back up and  
33 can I second it now?  
34

35 Chairman Hawkins responded, yeah.  
36

37 Member Miller stated, I'll second it. I just didn't feel compelled to second something  
38 I ain't in love with. But, I will second it so we can talk about it.  
39

40 Chairman Hawkins asked, is that okay with everybody?  
41

42 There was no opposition expressed from staff.  
43

1 Vice Chairman Taylor said, for the purpose of opening it for discussion.  
2 Chairman Hawkins stated, let the record reflect that the Board changed its mind  
3 and they want to open this back up for discussion.  
4

5 **Member Miller seconded Member Cartmill's motion so the Board could**  
6 **discuss it.**  
7

8 Member Miller commented, it just seems like we're adding more government  
9 interference in what people can do. Since it's mostly coming up from neighbor's  
10 complaining about what you do, I'm not sure I want to drag the residences into  
11 what's set up now for commercial regulation.  
12

13 Chairman Hawkins said, I understand what you are saying.  
14

15 Member Miller stated, but, on the other hand, I'm looking at the Arbor Board's 6-0 in  
16 favor of it and sent it to us to take some action, which kind of bothered me too.  
17

18 Chairman Hawkins said, they are the ones that have to deal with it every day.  
19

20 Vice Chairman Taylor stated, well, I don't think they have dealt with it every day. I  
21 think they have had two cases where they didn't feel that they could adequately  
22 address it. But, I think it's unnecessarily punitive. I think the appeal fee is  
23 unnecessarily punitive for the purpose of restricting appeals, and I don't think there  
24 is enough education out there. I think this really is targeted towards the commercial  
25 use, and maybe if there was a different structure between commercial and  
26 residential such as – well, any other scheme. But, I don't think it's fair to have the  
27 commercial and the residential be on equal footing for this. I really don't think  
28 education-wise and intent-wise they are. So, that is why I won't vote for it.  
29

30 Member Schofield commented, I think you summed it up quite nicely and is my  
31 feeling as well.  
32

33 Member Miller commented, it is my belief that most people who violate ordinances  
34 like this do it because they don't know it exists in the first place. If you walked  
35 around and asked your neighbors what the ordinances say and do they have to get  
36 a permit to do certain things, they don't know, and they are not going to know this  
37 until they get the opportunity to pay \$300 to appeal something that they thought  
38 was okay to do in the first place. It just feels like we are helping government to  
39 extraordinarily interfere in the activities of people.  
40

41 Vice Chairman Taylor added, or worse that they paid somebody to give them good  
42 guidance.  
43

DRAFT

1 Member Miller questioned if the Planning and Zoning Board would be the terminal  
2 board on this item, or would it go forward to the City Commission.

3  
4 Chairman Hawkins replied, we're just recommending or not recommending.  
5

6 Member Schofield commented, if they lowered the fee just for the sake of bringing  
7 up awareness, I think I would be a lot more in favor of it, but I think \$300 is  
8 excessive for this. If it was \$25, 50 bucks just to get somebody's attention, I'm a lot  
9 more in favor of it then than I am at \$300.

10  
11 Vice Chairman Taylor commented, and the fee might actually be low for  
12 commercial. And don't even get me started on the utility companies, who are the  
13 biggest offenders in all of this.  
14

15 Member Schofield commented, yeah. For commercial, especially if they are  
16 licensed and bonded, they should know better than this. And I would think that  
17 maybe the fee structure is different for that, but for residential, especially if I am  
18 trimming it on my own and I am not an arborist or something like that, I just share a  
19 lot of Colleen's sentiments on this.  
20

21 Member Miller commented, thank you for letting us return to it. And I guess staff is  
22 sitting there listening to us now. He asked, I wonder if staff would like to rebut  
23 anything we're saying?  
24

25 Mr. Omana answered, just we'll take forward whatever your motion is.  
26

27 Mr. Noto added, and FYI, talking about commercial versus residential, there is no  
28 appeal fee period for any arbor misdoings, if you will. So, even if a commercial  
29 business does something wrong and they want to appeal our decision, they pay no  
30 fee. So, it's an across-the-board zero dollar.  
31

32 Member Miller questioned, whereas residential would be \$300?  
33

34 Mr. Noto responded, well, no. It's zero now and it would be \$300 for everybody.  
35 Everybody would have to pay. But, right now, no one pays.  
36

37 Member Miller commented, okay. Now, you're getting somewhere to where we  
38 could amend that motion and make it commercial pays \$300 and residential...

39  
40 Member Cartmill interposed saying, well, that one wasn't unanimous. That part of it  
41 wasn't unanimous from the Arbor Board.  
42

43 Chairman Hawkins commented, yeah. Okay. He asked, any other discussion?

**JUNE 25, 2013-16  
PLANNING AND ZONING BOARD**

1 Member Miller questioned, do we want to amend the motion at all for anything?

2  
3 There was no verbal response.

4  
5 Chairman Hawkins commented, I'm in favor of all this, with what staff has done and  
6 the way they have done it. I'm in favor of not everybody should have to appeal, and  
7 I just wanted to make sure that the appeal fee is not a fine, it's a fee.

8  
9 Member Schofield questioned, if someone is successful in their appeal, do they get  
10 their appeal fee back?

11  
12 Mr. Omana, Mr. Schindler, and Chairman Hawkins all simultaneously replied  
13 negatively.

14  
15 Member Schofield asked, so you lose \$300 whether you win or lose?

16  
17 Mr. Schindler answered, that's right.

18  
19 Member Miller questioned, so, why appeal? You just spend \$300 and you walk  
20 away feeling better about it?

21  
22 Member Schofield asked, maybe a winner take all?

23  
24 Chairman Hawkins commented, if you are in court and your attorney says, do you  
25 want to appeal, you are still going to have to pay your attorney to fight for your  
26 appeal. He's not going to do it for nothing whether you win or lose.

27  
28 Mr. Schindler added, it's like with a rezoning. If someone comes in and applies for  
29 a rezoning and they are turned down, they don't get their application fee back. I  
30 mean, it is a fee. It is not let's flip a coin and winner takes all.

31  
32 Member Schofield questioned, but what's the purpose of even – like – okay. So, I  
33 get fined by the City because I poodled my tree. Why would I even want to appeal  
34 that?

35  
36 Mr. Noto responded, if your fine from staff was, like, \$1,200 and you decided not to  
37 appeal to avoid paying \$300, you are paying us \$1,200. If your fine is \$1,200 and  
38 you want to appeal, you pay \$300. You could potentially have that full \$1,200  
39 waived by the Arbor Board. So, now, instead of being out \$1,200, you are out  
40 \$300.

41  
42 Member Schofield asked if there was a fee schedule for the different types of  
43 pruning infractions.

# DRAFT

1  
2 Mr. Noto replied, there is a fee schedule for tree removal infractions. What Mr.  
3 Schindler put together was here's how you break the law. If you break the law,  
4 here's the fines and the fees you pay. We usually tell people to call Gary anyway  
5 no matter what they're doing. So, his day-to-day operations aren't going to change  
6 at all really because we tell them to go to Gary anyway. But, the pruning, whether  
7 it's in the Code now or not, is bad, the way people end up doing it. This is codifying  
8 it so that way we can have a place to hang our hat -- and not on a hat-racked tree --  
9 but a place to hang it when we go out and say you have done this wrong.

10  
11 Member Schofield questioned, just so I'm clear then. Let's say I hat-rack my tree,  
12 what is the fine? Is it variable depending upon the severity of it?

13  
14 Mr. Schindler answered, no, it's \$100.

15  
16 Member Schofield said, so, I illegally prune my tree. It's \$100, but you appeal it,  
17 you pay \$300. He asked, so, what's the point of the appeal to begin with then?  
18 Because no one is going to appeal, they will just pay the fine.

19  
20 Chairman Hawkins stated, not for \$100. Probably not. But, everybody wants to  
21 appeal, so it takes double the time for staff to take care of this.

22  
23 Member Schofield commented, I just think that the appeal should be less than what  
24 the fine is, otherwise, then, you're basically saying you can't appeal it.

25  
26 Member Miller commented, but, what staff wants to do is discourage appeals.  
27 They don't want you to appeal. They want you to accept the fine and pay it.

28  
29 Chairman Hawkins commented, but, that's just for pruning. Most of the fines are for  
30 cutting down trees illegally.

31  
32 Mr. Noto agreed saying, that's correct.

33  
34 Mr. Schindler added, at this point, the only option we have without a fine specifically  
35 for pruning is to treat you as though you are killing the tree. That's a minimum of  
36 \$250, plus a minimum of \$50 per caliper inch. And because trees have to be 12"  
37 wide or wider in order to require a permit for one and two-family, we are looking at  
38 \$850.

39  
40 Member Schofield questioned, if I get a fine of \$100 for improper pruning, then why  
41 would I want to appeal? It makes no sense. I would just throw away \$200 more.  
42

1 Vice Chairman Taylor responded, but you might have pruned six trees. Usually  
2 when you have an arborist come in, they do all your trees and you come to some...  
3 Chairman Hawkins interjected commenting, people don't appeal parking tickets  
4 because it costs more to appeal them than it does to pay the ticket.  
5

6 Member Schofield said, that is what my point is about this, and I just want to make  
7 sure I'm clear about it.  
8

9 Mr. Schindler stated, if you wish to recommend other fees, do it, but this is what  
10 staff is proposing.  
11

12 Member Schofield asked, is the \$300 fee per tree, or just in total? So, if I have ten  
13 trees on my lot, I'm paying \$300 for that appeal?  
14

15 Mr. Schindler replied, no, it's an appeal. It's a fee to appeal the fine for one or more  
16 trees.  
17

18 Chairman Hawkins added, it's an appeal fee.  
19

20 Member Schofield questioned, if I have ten trees and I improperly prune them all, I  
21 have \$1,000 fine, but I can still appeal for \$300?  
22

23 Mr. Schindler answered, right; yes.  
24

25 Vice Chairman Taylor commented, I'm not for this. I'm not going to vote for it, but  
26 just for the comments for the City Commission when they consider it, I do think  
27 there should be a separate fee structure for commercial than residential because I  
28 think to hat-rack or do something...  
29

30 **TAPE 1, SIDE B**

31 ...doesn't always work out.  
32

33  
34 Mr. Schindler said, and we will take that under consideration.  
35

36 **Chairman Hawkins requested a roll-call vote on the motion, which was taken**  
37 **as follows:**  
38

39 **Member Schofield - No**

40 **Member Miller - No**

41 **Vice Chairman Taylor - No**

42 **Member Cartmill - Yes**

43 **Chairman Hawkins - Yes**

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**The motion failed 3-2.**

It is noted that this item will move forward to the City Commission's July cycle.

VIII. Community Development Director's Report

Juan (John) A. Omana, Jr., Community Development Director, reported that there was no City Commission meeting held on June 20, 2013, therefore, he had nothing to report at this meeting.

Mr. Omana did however let the Board know that staff is working very closely with the FDOT folks on the SunRail Station; some of the lights have gone up, grading continuation, and platform preparation.

IX. Other Business

None

X. Reports of Other Members

None

XI. Adjournment

The meeting was adjourned at 6:48 p.m.

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Dr. Robert Hawkins, Chairman

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Diana T. Adams, Administrative Secretary



## MEMORANDUM

DATE: July 18, 2013

TO: City Commission

FROM: Jackie Sova, City Manager

SUBJECT: Fiscal Year 2014 Budget Message - Setting of Proposed Operating Millage Rate, Current Year Rolled Back Rate, and Date, time and place of Tentative Budget Hearing

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In accordance with Florida Statutes, you must set the proposed operating millage, rolled-back rate, and date, time and place of the first public hearing within 35 days of Certification of Taxable Value. The millage rate that you set will appear on the Tax Notices, which are mailed to property owners in August.

In my budget message to be presented Thursday, I will recommend that you set the proposed millage rate at 3.5895 unless you intend to do any additional projects or want to leave flexibility as we further review the proposed budget. Once the proposed millage rate is established, it can be lowered but is a very expensive process to increase. The rolled-back rate for FY 2013 is 3.5895

The first Public Hearing on the Tentative Budget is scheduled for September 5, 2013, at 7:00 P. M. in the Commission Chambers with our first Budget Work Session scheduled for August 8th, at 5:00 P. M.

### **RECOMMENDATION:**

The Commission establish the proposed operating **millage rate at 3.5895** for FY 2014; the **rolled-back rate at 3.5895** and set the first Public Hearing for **September 5, 2013, at 7:00 P. M.** in the Commission Chambers at City Hall.



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: City Manager's Report

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

1. Lake Mary Community Center Design-Build RFQ #13-06. **(ATTACHMENT #1)**
2. Professional Debris Removal Service contract. **(ATTACHMENT #2)**
3. Request for authorization to proceed with utility relocation along the west side of Palmetto Street. **(ATTACHMENT #3)**
4. Acceptance of Florida Department of Environmental Protection Grant. **(ATTACHMENT #4)**
5. 2013-2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. **(ATTACHMENT #5)**
6. Historical Society Event. **(ATTACHMENT #6)**
7. Surplus (7) Zoll automatic external defibrillators and (4) MSA multi-gas detectors. **(ATTACHMENT #7)**
8. Appointment to Board of Adjustment. **(ATTACHMENT #8)**

### **ITEMS FOR COMMISSION INFORMATION:**

1. Monthly Department Reports (May & June). **(ATTACHMENT #9)**



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
SUBJECT: Lake Mary Community Center Design-Build RFQ #13-06

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The future Lake Mary Community Center is in the planning stages for a Design-Build renovation of the existing building at 140 E. Wilbur Avenue. The Mayor and City Commission approved concept along with a Design Criteria Package was broadcast to the public as a Request for Qualifications (RFQ) on May 19, 2013, with a due date for proposals on July 1, 2013. Three (3) Design-Build firms submitted RFQ proposals by the due date. A Selection Committee met in a public meeting on July 11, 2013, for ranking and selection.

The ranking is as follows and is further detailed on the attached spreadsheet.

1. McCree Design Builders, Inc.
2. Axios Construction Services, LLC
3. Comelco General and Electrical Contracting Services

McCree Design Builders, Inc. scored highest among the members of the Selection Committee. McCree is the contractor responsible for the remodel of City Hall in 2005 and builder for Fire Station 33.

### **Recommendation:**

The City Commission authorize City Manager to enter into contract negotiations with McCree Design Builders for renovation of the Lake Mary Community Center.

Attachment



City of Lake Mary Evaluation Selection Committee Meeting  
RFQ 13-06  
DESIGN-BUILD RENOVATION FOR LAKE MARY COMMUNITY BUILDING

Firm Name	Gunnar Smith	Kathy Gehr	Bryan Nipe	Radley Williams	Mike Sharbono	Total Points	Ranking
Comelco, Inc	116	132	110	137	131	626	3
McCree Design Builders, Inc	142	134.5	135	142	138	691.5	1
Axios Construction Services, LLC	114	144.5	125	129	129	641.5	2

The evaluation committee met to establish the final ranking of the firms following their individual review. Each member shared their overall score per firm and a tally was done. All members were in agreement with the recommendation to be made to the City Commission. An agenda memo will be prepared by Bryan Nipe to be on the City Manager's report at the July 18th Commission meeting.

Meeting Date: July 11, 2013

Meeting start time: 2:00 PM

Meeting location: Events Center conference room; 260 N Country Club Rd

Committee members: Gunnar Smith, Recreation/Events Center Manager, Kathy Gehr, Assistant Parks & Recreation Director, Bryan Nipe, Parks & Recreation Director, Radley Williams, Recreation Chief and Mike Sharbono, Plans Examiner. Also present were Jill J .Alvarez, Purchasing Coordinator, Dianne Holloway, Finance Director and a representative from Comelco, Inc.

Meeting adjourned at 2:05 PM



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Dianne Holloway, Finance Director  
SUBJECT: Professional Debris Removal Service contract

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### **DISCUSSION:**

As a result of RFP #13-04 – Professional Debris Removal Services, on May 16, 2013, the Commission authorized the City Manager to enter into contract negotiations with TAG Grinding Service, Inc. The contract was executed on June 26, 2013.

Subsequent to the award, the second ranked proposer, CrowderGulf inquired if the City would be issuing a secondary contract. When planning for disaster preparation it is not uncommon to have several debris removal contracts in place as a protective measure. Upon consideration of the request, it is believed to be in the City's best interest to have a secondary contract in place.

### **RECOMMENDATION:**

The City Commission authorize the City Manager to enter into contract negotiations with CrowderGulf for Professional Debris Removal Services as a secondary contract.



City of Lake Mary Evaluation Committee Meeting  
RFP 13-04  
PROFESSIONAL DEBRIS REMOVAL SERVICES

Firm Name	PW Director	City Engineer	Thompson Consulting Rep	Total Points	Ranking
Arbor Tree and Land Inc	76.9	78	73.9	228.8	5
Ceres Environmental Services, Inc	91.5	85	91.5	268	3
TAG Grinding Services, Inc	98	98	94	290	1
Crowder-Gulf	91.4	95	91.8	278.2	2
DRC Emergency Services, LLC	89.4	81	88.9	259.3	4

The evaluation committee met to establish the final ranking of the firms following their review. Each member discussed how they arrived at their point total. All members were in agreement with the recommendation to be made to the City Commission. An agenda memo will be prepared by Bruce Paster to be on the City Manager's report at the May 16th Commission meeting.

Meeting Date: May 2, 2013

Meeting start time: 2:00 PM

Meeting location: 911 Wallace Court, conference room

Committee members: Bruce Paster, Public Works Director, Tom Connelly, City Engineer, and Nate Counsell with Thompson Consulting Services. Also present were Jill J. Alvarez, Purchasing Coordinator and Dianne Holloway, Finance Director.

Meeting adjourned at 2:18 PM



## MEMORANDUM

DATE: July 18, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Tom Connelly, City Engineer  
John Omana, Comm. Dev. Director

SUBJECT: Request for authorization to proceed with utility relocation along the west side of Palmetto Street

---

**DISCUSSION:** Duke Energy, AT&T and Bright House Networks currently have aerial utility lines along the west side of Palmetto Street adjacent to the SunRail Station currently under construction. These lines are supported on four utility poles owned by Duke Energy. The removal of the poles and the placement of the utility lines underground will improve the visual appearance of the Lake Mary SunRail Station along Palmetto Street and provide increased service reliability. Two existing wood poles and the aerial utility lines serving the residential properties on the east side of Palmetto Street will remain unchanged.

Staff met with the three utilities and requested proposals (attached) to relocate their utility lines. The proposed costs to perform this work are as follows:

Duke Energy	\$50,100.23
AT&T	\$10,628.10
Bright House Networks	\$ 3,765.00
 Total Project Cost	 \$64,493.33

**RECOMMENDATION:** Staff recommends approval of the three proposals for a total amount not to exceed \$64,493.33.

Duke Energy  
St. Petersburg, FL  
6/25/2013

### INVOICE Reprint

Please mail remittance and signed copy of Invoice to:

Duke Energy  
CIAC (BAY 72)  
PO Box 14042  
St. Petersburg, FL 33733

<b>Service Address:</b> N PALMETTO ST LAKE MARY FL 32746	<b>Customer Number:</b> 9728954102 <b>WMIS WR Number:</b> 487534
--	---

<b>Work Description:</b> CITY OF LAKE MARY REQUESTING ALL FACILITIES TO BE PUT UNDERG
<b>Total CIAC Due:</b> \$ 50,100.23
This invoice reflects Contribution in Aid of (CIAC) Construction for the above reference work.

<p><b>Agreement:</b> The customer acknowledges receipt of invoice cover letter and further understands Customer is responsible for removing all obstructions from the route along which the Company's facilities are to be installed.. Company shall not be responsible for any damage to shrubs, trees, grass, sod or any other foliage or property caused by the Company's equipment during installation of the Company's facilities. In addition, the Company shall not be responsible for the repair or replacement of underground facilities on the Customer's property damaged during the installation of the Company facilities, unless, prior to the Company's construction, the Customer clearly identified and marked the location of such facilities.</p> <p>The undersigned hereby authorizes Duke Energy to perform this work with necessary labor, facilities and equipment and acknowledges the invoice amount becomes invalid if the signed agreement is not received by Duke Energy on or before 30 days.</p>
--

Customer Signature	Date: _____
_____	
Name (please print or type)	
_____	



June 19, 2013

Tom Connelly, P.E.  
City of Lake Mary

**RE:** Remove aerial facilities on Palmetto St for new Sunrail Station:

AT&T has received a request from you (or your company) to perform the following work:

At&t will need to bury a cable on east side of Palmetto St to service homes, Sunrail and CSX control box. This will allow us to remove all aerial facilities off power poles on west side of street per your request.

Special construction charges apply. Engineering and Construction will not begin until the attached contract is signed by you or your authorized agent. Upon signing the contract, please send the original signed contract and your advance payment for the amount indicated in paragraph two in the contract. **This signed contract and payment must be received in the Manager Bill center at the address shown below before AT&T will proceed with any work.**

This quote is only valid for 60 days from the date of this letter. If I can be of further assistance, please do not hesitate to contact me at 407-302-7611

Sincerely,

Scott Lorenz  
407-302-7611  
At&t Southeast

Project #            9235289 Job Authority # 33N06437B

NOTE: Please associate the Project # above with the check or other form of payment.

**Return the original signed contract and payment to:**

AT&T CWO Coordinator  
3535 Colonnade Parkway  
Room North W3D  
Attention: Sandy Tribble  
Birmingham, AL 35243

Contact Number: (205) 977-7181



## SPECIAL CONSTRUCTION AGREEMENT

Project #: 9235289  
Authority: 33N06437B  
AT&T Contact: Scott Lorenz

Customer Name: City of Lake Mary  
Customer Number: 407-585-1412  
Work Site Address: Palmetto St-Between Lake  
Mary Blvd and RR tracks

Telephone #: 407-302-7611

This Special Construction Agreement ("Agreement") is entered into by and between BellSouth Telecommunications, Inc. d/b/a AT&T Southeast ("AT&T") and City of Lake Mary ("Customer"). AT&T and Customer hereby agree to the following terms and conditions:

1. **Tariffs.** This Agreement is subject to and controlled by the provisions of AT&T's tariffs and all such revisions to said tariffs as may be made from time to time.

**Special Construction.** This Agreement is for the special construction as further described on Exhibit 1, attached hereto and incorporated herein by this reference ("Special Construction"). As consideration for the Special Construction, Customer shall pay to AT&T \$10,628.10 ("Special Construction Charges"). **Payment in full is required before the special construction will begin.** Payment shall be made by mail to AT&T's offices at *3535 Colonnade Parkway, Room North W3D, Birmingham, AL 35243*, or to such other address as AT&T may designate, in writing.

2. **Early Termination.** Should Customer terminate or cancel this Agreement prior to the completion of construction, Customer shall remain liable for the Special Construction Charges. Customer acknowledges and agrees AT&T shall incur substantial up-front costs in connection with its performance under this Agreement and that damages in the event of such early termination or cancellation are not readily ascertainable and that in such event of early termination payment of the Special Construction Charges is reasonable. Customer further acknowledges and agrees that it hereby waives any right to contest such payment of the Special Construction Charges for any reason, including, but not limited to reasonableness of the charges, quality of the work, or timeliness of the work.
3. **Limitation of Liability.** AT&T's maximum liability arising in, out of or in any way connected to this Agreement shall be as set forth in the tariffs and in no event shall exceed Special Construction Charges paid by Customer to AT&T.
4. **Severability.** Any provision of this Agreement held by a court of competent jurisdiction to be invalid or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision so held to be invalid or unenforceable.
5. **Successors and Assigns.** This Agreement is binding upon and shall inure to the benefit of the parties and their respective successors and assigns.
6. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original, but all of which when taken together shall constitute one and the same instrument.
7. **Effect of Waiver.** No consent or waiver, express or implied shall be deemed a consent to or waiver of any other breach of the same or any other covenant, condition or duty.
8. **Headings.** The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.



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9. **Modification.** This Agreement constitutes the entire agreement between the parties and can only be changed in a writing or writings executed by both of the parties. Each of the parties forever waives all right to assert that this Agreement was the result of a mistake in law or fact.
  10. **Interpretation.** The parties agree that this Agreement shall not be interpreted in favor or against either any party. The parties further agree that they entered into this Agreement after conferring with legal counsel, or after having a reasonable opportunity to confer with legal counsel.
  11. **Applicable Law.** This Agreement shall be governed and interpreted in accordance with the laws of the State of Florida, without regard to Florida's conflict of law principles.
  12. **Attorneys' fees.** If either party materially breaches this Agreement and should the non-breaching party seek to enforce its rights through legal action, the prevailing party shall recover from the other party all costs and expenses incurred, including, but not limited to, reasonable attorneys' fees.
  13. **Authority.** The signatories to this Agreement represent and warrant that they are duly authorized to execute this Agreement.
  14. **No Precedent.** Except for the matters resolved and released herein, this Agreement is of no value and shall not be considered precedent for resolving any dispute that may arise in the future.
  15. **Final Agreement.** THIS AGREEMENT REPRESENTS THE ENTIRE AND FINAL EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF. THIS AGREEMENT MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES; THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES. NO MODIFICATION, RESCISSION, WAIVER, RELEASE OR AMENDMENT OF ANY PROVISION OF THIS AGREEMENT SHALL BE MADE, EXCEPT BY A WRITTEN AGREEMENT SIGNED BY BOTH PARTIES.



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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative on the dates set forth below. This quote is only valid for 60 days from the date of this letter.

**CUSTOMER**

**AT&T Southeast**

By Tom Connelly, P.E.

By Scott Lorenz

*Printed Name*

*Printed Name*

By

By

*Authorized Signature*

*Authorized Signature*

Title

Title GEO mgr.

Date

Date 06/19/2013



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**EXHIBIT 1**  
**DESCRIPTION OF SPECIAL CONSTRUCTION**

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At&t will need to trench a new cable along the east side of Palmetto St from north side of Lake Mary Blvd to the Railroad Tracks. This will service the existing homes along Palmetto St. We also have service at the CSX control box that needs to be cut to new cable. We will need to Bore under Palmetto St south of Railroad tracks to pick up service to the new Sunrail Station. Once this new work is complete we will remove all aerial facilities off the pole line on west side of Palmetto St as requested by City of Lake Mary. This will allow the power poles to be removed.

## Tom Connelly

---

**From:** Dyleski, Michael P. [Michael.Dyleski@mybriighthouse.com]  
**Sent:** Friday, June 14, 2013 2:49 PM  
**To:** 'tconnelly@lakemaryfl.com'  
**Cc:** Usry, Marvin  
**Subject:** Palmetto St. pole removal

Tom,

Bright House Networks total cost for work associated with this project will be \$ 3,765.00.

If you should need any additional information, please do not hesitate to contact me.

Thank you,

Mike Dyleski  
Bright House Networks, LLC.  
Construction Coordinator  
(office) 407-532-8587  
(cell) 407-448-5515

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CONFIDENTIALITY NOTICE: This e-mail may contain information that is privileged, confidential or otherwise protected from disclosure. If you are not the intended recipient of this e-mail, please notify the sender immediately by return e-mail, purge it and do not disseminate or copy it.



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
SUBJECT: Acceptance of Florida Department of Environmental Protection Grant

---

The Florida Department of Environmental Protection has awarded the City of Lake Mary the full request of \$75k for maintenance renovations of the Rinehart Trail during fiscal year 2013-2014. They have requested that the City respond with its intentions to use the entire amount. The renovations include resurfacing, updated signs/posts and replacement water fountains.

**Recommendation:**

Request Commission approve the award of \$75k from the Florida Department of Environmental Protection and authorize staff to respond to the State indicating the City's plans to use the entire amount.

Attachment



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

June 28, 2013

Mr. Bryan Nipe  
Director of Parks and Recreation  
City of Lake Mary  
260 North Country Club Road  
Lake Mary, Florida 32746

Re: Renehart/Cross Seminole Trail  
Recreational Trails Program Project No. T12B10

Dear Mr. Nipe:

On March 26, the Secretary of Department of Environmental Protection, approved the Department's recommendation to award a \$75,000 grant to the City of Lake Mary for the development of the Renehart/Cross Seminole Trail under the Recreational Trails Program.

Please inform us in writing by July 25, as to whether or not you will utilize the entire grant amount. If the grant is accepted, then we will prepare the grant contract and initiate the Project Development and Environment Process (PD&E Process). In the acceptance letter, please identify any pre-agreement costs for which you request reimbursement. Pre-agreement costs are limited to design, planning and permitting. Be aware that these costs are considered administrative costs and such costs are limited to 15% of the total project costs. Writing of the grant application is not a reimbursable expense.

**No construction costs may be incurred until: the completion of the PD&E process and a Categorical Exclusion is given by the Federal Highway Administration (FHWA); the environmental documentation process is accepted by the Department and approved by FHWA; and all grant administrative commencement documentation is approved by the Department. Your letter accepting the award must acknowledge that no project construction has begun, nor will it begin prior to when the formal Notice to Proceed is issued by the Department of Environmental Protection.**

Mr. Bryan Nipe  
June 28, 2013  
Page Two

At the option of the City of Lake Mary, the project site may be afforded Section 6(f)(3) protection of the Land and Water Conservation Fund Act of 1865 [16 U.S.C. 460l-8(f)(3)]. The City must have sufficient control and tenure of the project site as specified in the LWCF Manual in order to provide reasonable assurance that a conversion will not occur without approval of the National Park Service. The City of Lake Mary must notify the Department that it requests Section 6(f)(3) protection by signing and returning the attached form with a letter accepting the grant award.

Grant administration will be discussed at the Grant Implementation Workshop to be held at Wakulla Springs State Park, September 17-18, 2013. Each project sponsor should send two representatives to the workshop. One person should be the actual project liaison, while the other represents the entity's finance and accounting section. Registration and further workshop information will be sent separately.

Should you have any questions regarding the grant administration process, please contact us at 850.245.2052 (OGT main), 850.245.2065 (Alexandra Weiss), or 850.245.2935 (Jai Subramanya).

Sincerely,



Alexandra H. Weiss, CPM  
Recreational Trails Program Administrator  
Office of Greenways and Trails

AHW/



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Colin Morgan, Deputy Chief of Police  
SUBJECT: 2013-2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

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The Florida Department of Law Enforcement has set aside \$133,851 through the Edward Byrne Memorial Justice Grant (JAG) for 2013, to be shared by all units of government within Seminole County. As a condition of participation in this program, each entity in the county must reach a consensus concerning the expenditure of these funds, including the projects to be implemented, as well as the head agency responsible for such implementation.

The funds can be used to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The total allocation amount of \$133,851 is divided among eight (8) law enforcement entities within Seminole County with each receiving about \$16,731.37.

The Lake Mary Police Department has applied for this grant and, if approved, will use the allocated amount of \$16,731.37 to purchase training equipment. This equipment will be used in our training room and officer briefing room and will include projectors, computer, TV's, furniture, and associated media equipment designed for training. The name for this project will be Training Room Transformation. The equipment and furniture will allow enhanced training for our officers and also allow us to conduct training here at Lake Mary. This equipment will also set the stage for future growth of this agency and its technological needs.

**RECOMMENDATION:**

The City Commission approves the distribution of funds from the Edward Byrne Memorial Justice Assistance Grant Program and authorizes the Mayor to sign the letters.

David J. Mealor  
Mayor  
dmealor@lakemaryfl.com



## City of Lake Mary

*Incorporated in 1973*

July 8, 2013

Mr. Clayton H. Wilder  
Administrator  
Office of Criminal Justice Grants  
Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9, F.A.C.*, the City of Lake Mary approves the distribution of \$133,851.00 of Federal Fiscal Year 2013 Edward Byrne Memorial JAG Program funds for the following projects within Seminole County:

<u>Subgrantee</u>	<u>Title of Project</u>	<u>Dollar Amount</u>
Altamonte Springs	Enhancements to Electronic Control Devices	\$16, 731.37
Casselberry	In-Car Camera Initiative	\$16, 731.37
Lake Mary	Training Room Transformation	\$16, 731.37
Longwood	Technological Upgrades and Equipment Project for more Predictive Policing	\$16, 731.37
Oviedo	2013 JAG Equipment and Software Purchase	\$16, 731.37
Sanford	Enhancement of Tactical Equipment	\$16, 731.37
Seminole County Sheriff	Women's Self Defense and Crime Prevention Program	\$16, 731.37
Winter Springs	Crime Prevention Program	\$16, 731.37

Sincerely,

David Mealor  
Mayor



Florida Department of  
Law Enforcement

Gerald M. Bailey  
Commissioner

Business Support  
Office of Criminal Justice Grants  
Post Office Box 1489  
Tallahassee, FL 32302-1489  
(850) 617-1250  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

Rick Scott, *Governor*  
Pam Bondi, *Attorney General*  
Jeff Atwater, *Chief Financial Officer*  
Adam Putnam, *Commissioner of Agriculture*

June 27, 2013

2-24-13 11:37 RCVD

Ms. Valmarie H. Turner  
Director, Community Services Department  
Seminole County Government  
1101 East First Street  
Sanford, Florida 32771

Dear Ms. Turner:

The Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants, received a Certificate of Participation from Seminole County. The form indicates that you have been selected as the county coordinator for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Allocations for the JAG funds must be used for one of the seven federal purpose areas. Applicants should carefully read and follow the instructions when completing the application. Also, letters from at least 51 percent of the local units of government representing at least 51 percent of the county population must be submitted with the hard copies of the application for funding.

Please refer to <http://www.fdle.state.fl.us/Content/Grants/jagc.aspx> for instructions regarding the application process along with purpose areas and a sample 51 percent letter. Applications that do not comply with the instructions or do not include all required information will be returned for inclusion of the missing information or will have a special condition withholding funds placed on the grant at the time of award. **Please distribute the above information to your applicants as soon as possible.** As soon as you have determined what projects will be funded in your county, please provide us with a list of the proposed projects including the agency, project title, and dollar amount. Please e-mail the list to [criminaljustice@fdle.state.fl.us](mailto:criminaljustice@fdle.state.fl.us).

Recipients must apply on-line using FDLE's grant management system, Subgrant Information Management On-Line (SIMON). SIMON can be accessed at <http://simon.fdle.state.fl.us>. Application completion will require an announcement code

Ms. Valmarie H. Turner  
June 27, 2013  
Page Two

which is a security feature allowing access to the application. The announcement code is **JAGC1314**. Application completion will not be possible without the announcement code. To assist you in completing this application a user manual and a video guide are available on-line. In addition, all applicants are invited to participate in an online training on the application process that will be held on **June 27, 2013, at 2:30 p.m.** Eastern Time. Additional information about the training will be provided by e-mail.

The deadline for this on-line submission is **July 24, 2013, at 5:00 p.m.** at which time the announcement code will be deactivated. In addition to the on-line submission, recipients must print out the completed application and required certifications and submit two hard copies (with original signatures) by **August 2, 2013** to:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
2331 Phillips Road  
Tallahassee, Florida 32308  
Attention: Clayton H. Wilder, Administrator

Our office is available for any assistance needed Monday through Friday, 8:00 a.m. – 5:00 p.m. EDT. For issues relating to SIMON, call (850) 617-1250 and ask for the SIMON Help Desk; otherwise, please give me a call.

Sincerely,



*Janice* Janice Parish  
Planning Manager

JP/al



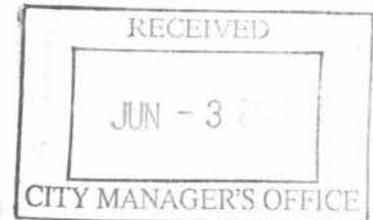
Florida Department of  
Law Enforcement

Gerald M. Bailey  
*Commissioner*

**Business Support**  
**Office of Criminal Justice Grants**  
Post Office Box 1489  
Tallahassee, FL 32302-1489  
(850) 617-1250  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

Rick Scott, *Governor*  
Pam Bondi, *Attorney General*  
Jeff Atwater, *Chief Financial Officer*  
Adam Putnam, *Commissioner of Agriculture*

May 24, 2013



The Honorable Bob Dallari  
Chairman, Seminole County  
Board of Commissioners  
1101 East First Street  
Sanford, FL 32771

Re: Federal Fiscal Year (FFY) 2013 Edward Byrne Memorial Justice Assistance  
Grant (JAG) Program – JAG Countywide – State Solicitation

Dear Chairman Dallari:

The Florida Department of Law Enforcement (FDLE) anticipates an award from the United States Department of Justice for FFY 2013 JAG funds. FDLE will distribute these funds in accordance with the JAG Countywide distribution provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$133,851 funds for use by all units of government within Seminole County. The enclosed Program Announcement provides an overview of these funds which can be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Please note that the Program Announcement includes information from the U.S. Department of Justice relating several areas of national focus and its priorities to help maximize the effectiveness of the Byrne/JAG funding.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

Developing such consensus will require someone to exercise leadership and assume a coordinating role in the development of applications for these funds. FDLE recommends that the Board of County Commissioners assume this responsibility. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

The Honorable Bob Dallari  
May 24, 2013  
Page Two

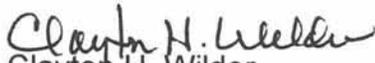
The enclosed Certificate of Participation form requests the identification of an individual coordinator. We will send this individual further information regarding the application process in FDLE's on-line grant management system. Please complete the enclosed Certificate of Participation and return it as soon as possible to:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
2331 Phillips Road  
Tallahassee, Florida 32308  
Attention: Clayton H. Wilder, Administrator

FDLE does not discriminate, and prohibits subgrant recipients from discriminating, on the basis of race, color, religion, national origin, sex, disability, or age in the delivery of services or benefits or in employment.

We look forward to working with you. If you have any questions or if we can provide you with any assistance regarding the JAG Program, please contact me at (850) 617-1250.

Sincerely,

  
Clayton H. Wilder  
Administrator

CHW/JP/al

Enclosures

cc: Mayors in Seminole County  
Law Enforcement Agencies in Seminole County  
Project Directors in Seminole County

**PROGRAM ANNOUNCEMENT  
FEDERAL FISCAL YEAR 2013**

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Countywide State Solicitation**

The State of Florida, Department of Law Enforcement (FDLE), anticipates an award from the United States Department of Justice (USDOJ) for \$7,071,683 in Justice Assistance Grant (JAG) funds. FDLE will distribute these funds in accordance with the JAG Countywide distribution provisions of Chapter 11D-9, Florida Administrative Code. This announcement is to notify eligible applicants of program requirements. Please note this Program Announcement includes information from the USDOJ relating several areas of national focus and its priorities to help maximize the effectiveness of the Byrne/JAG funding.

**Eligible Applicants**

Units of local government are eligible to receive subgrants from FDLE. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

**Program Strategy and Purposes**

JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. Local units of government receiving JAG funding have the flexibility to implement projects in any of the seven federally approved purpose areas, listed below.

- 1) Law enforcement programs
- 2) Prosecution and court programs
- 3) Prevention and education programs
- 4) Corrections and community corrections programs
- 5) Drug treatment and enforcement programs
- 6) Planning, evaluation, and technology improvement programs
- 7) Crime victim and witness programs

Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

**Coordination Efforts**

Each county is allocated a sum of money for use by all local governments within the county. This amount is determined through a funding algorithm established in the administrative rule.

Chapter 11D-9.005, Florida Administrative Code, requires that units of government in each county reach consensus concerning the expenditure of these funds, including the projects to be implemented and the agency responsible for such implementation. Maximum coordination is required to meet this program requirement, and the Department requests the county board of commissioners to serve as the coordinating unit for all local governments within the county. The Chairman, Board of County Commissioners, in each county so notified is requested to return to the Department a statement of certification indicating the county's willingness to serve. This certification must be returned within 30 days from the date of receipt of notification. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

Each county or coordinating unit of government is encouraged to form a criminal justice coordinating/planning group to identify and implement criminal justice priorities for the county, to plan strategies to address those priorities, to identify areas of greatest need, and to review all possible sources of revenue to make sure that funds go to the programs or issues that need them most.

Furthermore, FDLE requires that units of government in each county reach consensus concerning the expenditure of the JAG funds, including the projects to be implemented and the agency responsible for such implementation. Each county must document this consensus by submitting letters from at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county.

### **Match Requirements**

There is no match requirement under the guidelines of the JAG program.

### **DOJ/Bureau of Justice Assistance (BJA) Priorities**

BJA wishes to ensure that recipients are aware of several areas of national focus and priority and to encourage recipients to maximize the effective use of JAG funds. The following is a brief list of key priorities:

- 1) Reducing Gun Violence
- 2) Recidivism Reduction and Justice System Realignment
- 3) Indigent Defense
- 4) Evidence-Based "Smart" Programs

For more information on BJA's priorities, recipients may access: <https://www.bja.gov/Funding/13JAGStateSol.pdf> (see pages 13-14). This is for informational purposes only; do not apply for any funds through this solicitation. Recipient must still submit an application for funding through SIMON.

### **Application Requirements and Deadlines**

Once the Certificate of Participation form designating the coordinator for your county is received, the Office of Criminal Justice Grants will send this individual further information regarding the application process.

Applicants must apply on-line using FDLE's grant management system. The deadline for the on-line submission is **5:00 P.M., Wednesday, July 24, 2013**. In addition, applicants must print out the completed application and submit **two (2) hard copies** (both with *original signatures*) no later than **5:00 P.M., Friday, August 2, 2013**. **A separate application must be submitted for each proposed project.** Applications should be mailed or hand delivered to the Florida Department of Law Enforcement, Office of Criminal Justice Grants, 2331 Phillips Road, Tallahassee, Florida 32308, Attention: Clayton H. Wilder, Administrator.

Applications must be accompanied by letters of approval representing agreement among at least 51 percent of all units of local government representing at least 51 percent of the county population as to the allocation of dollars to each project in the county.

**Questions regarding this Program Announcement should be directed to Clayton H. Wilder, Florida Department of Law Enforcement, at (850) 617-1250.**



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
SUBJECT: Historical Society Event

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The Historical Society of Lake Mary's newest exhibit, Local Artists, will open on July 20<sup>th</sup> at the Lake Mary Historical Museum. The reception for the event will be held in the evening on July 19<sup>th</sup> as a meet and greet with the artists. The Society plans to serve hors d'oeuvres, soft drinks, coffee and wine. Per section 92.04 of the City Code of Ordinances, consumption of alcohol on City property requires approval from the Mayor and City Commission.

**Recommendation:**

Request Commission authorize the Historical Society to serve alcoholic beverages at the Lake Mary Historical Museum on July 19<sup>th</sup> for the opening of the Local Artists exhibit.



## **CITY MANAGER'S REPORT**

DATE: July 18, 2013  
TO: City Commission  
FROM: Craig E. Haun, Fire Chief  
SUBJECT: Surplus (7) Zoll automatic external defibrillators and (4) MSA multi-gas detectors

---

### **Background**

The Lake Mary Fire Department is requesting approval to surplus the following items. (7) Zoll automatic external defibrillators (AED's), four of which are located in City buildings and three that are located in Fire Department command vehicles. The Zoll AED's have reached the end of their serviceable life and will be used as credit toward the purchase of new AED's.

We are also requesting to surplus (4) MSA multi-gas detectors. The Orion Gas Detectors have reached the end of their serviceable life and will be used as credit toward the purchase of new Gas Detectors.

The following listed Zoll AED's are to be surplus.

<b>Description</b>	<b>City ID</b>	<b>Serial #</b>	<b>Date</b>
<b>Zoll AED</b>	10637	X06I094754	2006
<b>Zoll AED</b>	10638	X06I094768	2006
<b>Zoll AED</b>	10639	X06I094658	2006
<b>Zoll AED</b>	10640	X06I094765	2006
<b>Zoll AED</b>	10477	X04L047605	2004
<b>Zoll AED</b>	10478	X04L047607	2004
<b>Zoll AED</b>	10479	X04L047613	2004

The following listed MSA multi-gas detectors are to be surplus.

<b>Description</b>	<b>City ID</b>	<b>Serial #</b>	<b>Date</b>
<b>MSA Orion 4 Gas</b>	010653	BO-43148	2006
<b>MSA Orion 4 Gas</b>	010721	BO-46351	2006
<b>MSA Orion 4 Gas</b>	010623	BO-37618	2005
<b>MSA Orion 4 Gas</b>	unknown	BO-38118	2005

**Recommendation:**

Declare (7) Zoll AED's and (4) MSA multi-gas detectors as listed above surplus and authorize City Manager to dispose of same.



## MEMORANDUM

DATE: July 18, 2013  
TO: City Commission  
VIA: Jackie Sova, City Manager  
FROM: Carol Foster  
SUBJECT: Appointment to Board of Adjustment

---

Jim Lormann has submitted his resignation from the Board of Adjustment. As has been previous practice, I would ask that you appoint the alternate member, Eugene Vaughn, as a regular member to serve the remainder of Mr. Lormann's term which expires December 31, 2015. We will solicit residents who might be interested in serving as the alternate member on this board.

### RECOMMENDATION:

Appoint Eugene Vaughn as the regular member on the Board of Adjustment to serve the remainder of Jim Lormann's term.



## MEMORANDUM

DATE: July 9, 2013  
TO: Mayor & City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
THRU: Jackie Sova, City Manager   
SUBJECT: June 2013 Parks and Recreation Report Summary

---

### **Grounds and Facilities Maintenance:**

- Community Center – RFQ proposals due July 1<sup>st</sup>. Staff recommendation anticipated to Commission on August 8<sup>th</sup>.
- Baseball fields are closed for routine maintenance aside from Field 1 outfield reserved for Soccer Shots.

### **Recreation:**

- Little League District Championship held at the Lake Mary Sports Complex during May and June.
- Soccer Shots clinics youth soccer clinic on Saturday mornings through August 3<sup>rd</sup>. This has been a successful partnership program averaging over 20 kids each Saturday. Soccer Camp week begins July 22.

### **Tennis Center:**

- 144 memberships. This is the highest membership on record!
- Youth Tennis Camp runs throughout July. The camp has had full participation.
- The Lake Mary Tennis Center will be the host site of the USTA under 10 Florida Junior State Championships in October 2013. Steve Huber will serve as Tournament Director.

### **Community Events:**

- **WineArt Wednesdays** – The event has been rained out twice in a row. Our hopes are that late summer and fall will bring the excitement back.
- **Farmers Market** – Lake Mary Healthy Living will have its next "Biggest Loser" event at the Lake Mary Farmer's Market in September. This will be the second of four of these events.

# MEMO



TO: Bryan Nipe, Director of Parks & Recreation

FROM: Dee Gracey, Administrative Assistant

DATE: July 9, 2013

**PARKS AND RECREATION MONTHLY REVENUE AND EXPENSE REPORT  
FOR THE MONTH OF: JUNE 2013**

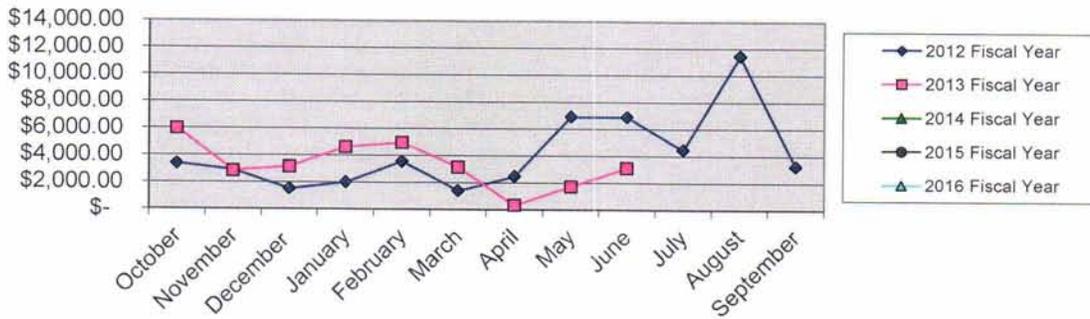
ACTIVITY	CURRENT MONTH	THIS MONTH LAST YEAR	CURRENT YTD	PREVIOUS YTD
<b>EVENTS CENTER</b>				
non-revenue uses	10	13	95	81
rentals	21	27	205	229
revenue	\$ 40,785.13	\$ 52,182.65	\$ 373,210.04	\$ 379,917.06
expenses	\$ 24,094.37	\$ 29,033.61	\$ 240,615.22	\$ 258,405.38

<b>SENIOR CENTER</b>				
non-revenue uses	3/7.25	4/9.5	24/57.5	22/57.75
rentals	1	0	12	7
classes	122	132	877	973
individual participants	1806	1876	13206	13730
revenue	\$ 898.40	\$ 1,136.10	\$ 16,781.98	\$ 15,783.98
expenses	\$ 9,066.96	\$ 12,858.39	\$ 79,267.33	\$ 80,583.96

<b>TENNIS CENTER</b>				
memberships	144	116		
revenue	\$ 3,123.40	\$ 6,902.53	\$ 29,913.24	\$ 31,063.69
expenses	\$ 2,178.60	\$ 8,047.27	\$ 45,243.18	\$ 52,879.17

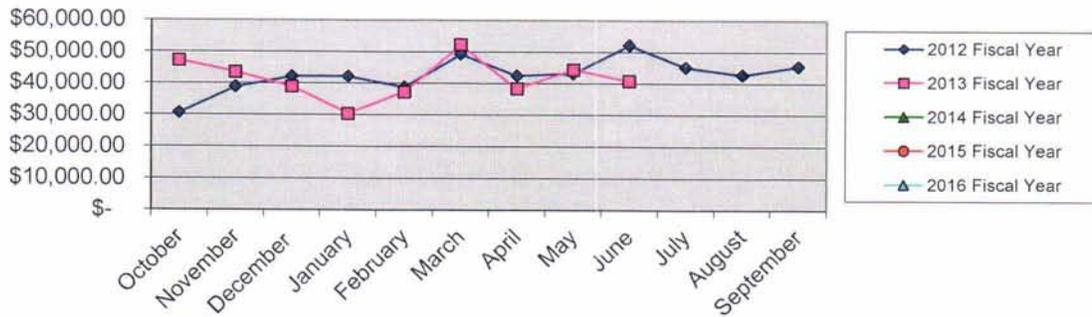
<b>OTHER REVENUES</b>				
Farmers Market	\$ 2,138.48	\$ 2,234.34	\$ 22,669.12	\$ 25,791.35
Skate Park	\$ 262.25	\$ 386.77	\$ 2,937.98	\$ 7,562.51
Splash Park	\$ 6,025.30	\$ 5,696.91	\$ 11,345.11	\$ 12,985.97
Park Rentals	\$ 75.00	\$ -	\$ 775.00	\$ 458.30
Sports Complex	\$ 510.00	\$ 475.00	\$ 20,049.32	\$ 18,170.45
Leagues	\$ -	\$ -	\$ 11,375.00	\$ 8,775.00
Concession	\$ 378.22	\$ 241.89	\$ 1,958.01	\$ 678.62
<b>TOTAL OTHER REVENUES</b>	\$ 9,389.25	\$ 9,034.91	\$ 71,109.54	\$ 74,422.20

**TennisCenter Revenue Report  
(Provided by Finance Department)**



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 3,375.69	\$ 5,981.39			
November	\$ 2,899.54	\$ 2,848.98			
December	\$ 1,513.79	\$ 3,152.74			
January	\$ 2,011.99	\$ 4,615.52			
February	\$ 3,564.81	\$ 4,966.32			
March	\$ 1,395.36	\$ 3,157.07			
April	\$ 2,473.11	\$ 334.22			
May	\$ 6,926.87	\$ 1,733.60			
June	\$ 6,902.53	\$ 3,123.40			
July	\$ 4,462.91				
August	\$ 11,447.28				
September	\$ 3,256.81				
<b>Total Revenue</b>	<b>\$ 50,230.69</b>	<b>\$ 29,913.24</b>			
<b>Operating Costs</b>	<b>\$ (80,816.29)</b>	<b>\$ (45,243.18)</b>			
<b>Est. Maintenance</b>	<b>\$ (8,107.68)</b>	<b>\$ (6,301.25)</b>			
<b>Revenue after Costs</b>	<b>\$ (38,693.28)</b>	<b>\$ (21,631.19)</b>			

### Events Center Revenue Report (Provided by Finance Department)

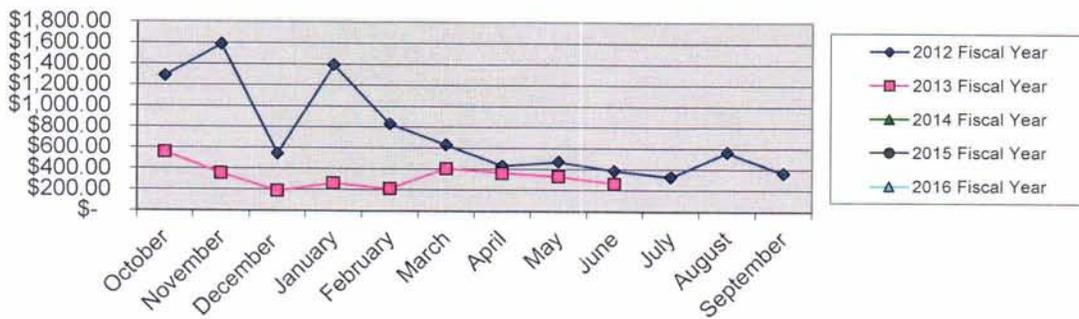


Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 30,627.71	\$ 47,245.73			
November	\$ 38,877.40	\$ 43,518.38			
December	\$ 42,152.14	\$ 38,953.78			
January	\$ 42,192.04	\$ 30,396.63			
February	\$ 38,834.23	\$ 37,286.87			
March	\$ 49,320.02	\$ 52,232.16			
April	\$ 42,489.96	\$ 38,368.11			
May	\$ 43,240.91	\$ 44,423.25			
June	\$ 52,182.65	\$ 40,785.13			
July	\$ 45,224.94				
August	\$ 42,809.63				
September	\$ 45,496.78				
<b>Total Revenue</b>	<b>\$ 513,448.41</b>	<b>\$ 373,210.04</b>			
<b>Operating Costs</b>	<b>\$ (347,547.82)</b>	<b>\$ (240,615.22)</b>			
<b>Maintenance Staff Costs*</b>	<b>\$ (32,430.60)</b>	<b>\$ (26,428.70)</b>			
<b>Revenue after Costs**</b>	<b>\$ 139,200.98</b>	<b>\$ 106,166.12</b>			

\* Estimated maintenance costs for Events Center grounds.

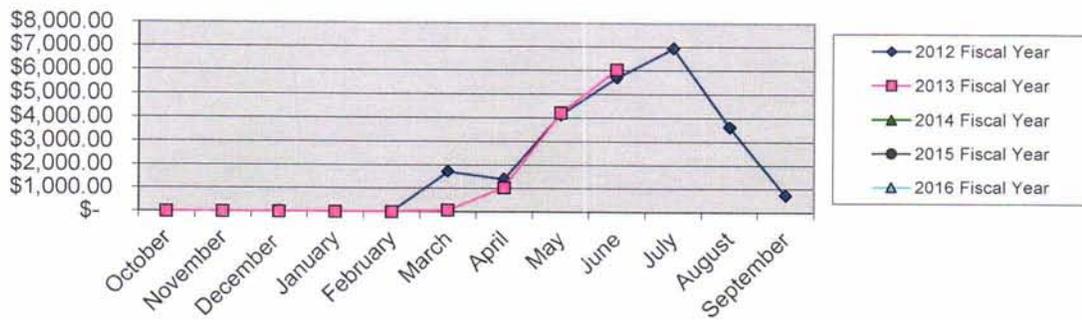
\*\* Costs not including payment of bond.

### Skate Park Revenue Comparisons (Provided by Finance Department)



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 1,288.54	\$ 557.51			
November	\$ 1,589.61	\$ 355.41			
December	\$ 542.99	\$ 189.70			
January	\$ 1,392.54	\$ 263.19			
February	\$ 830.14	\$ 212.25			
March	\$ 631.83	\$ 404.46			
April	\$ 430.87	\$ 362.29			
May	\$ 469.22	\$ 330.92			
June	\$ 386.77	\$ 262.25			
July	\$ 328.28				
August	\$ 563.57				
September	\$ 365.07				
<b>Total Revenue</b>	<b>\$ 8,819.43</b>	<b>\$ 2,937.98</b>			
Est. Operating Costs	\$ (27,825.71)	\$ (19,522.58)			
Revenue after Costs	\$ (19,006.28)	\$ (16,584.60)			

### Splash Park Revenue Comparisons (Provided by Finance Department)



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	CLOSED	CLOSED			
November	CLOSED	CLOSED			
December	\$ 14.02	CLOSED			
January	CLOSED	CLOSED			
February	CLOSED	CLOSED			
March	\$ 1,728.35	\$ 72.64			
April	\$ 1,400.96	\$ 1,040.56			
May	\$ 4,145.73	\$ 4,206.61			
June	\$ 5,696.91	\$ 6,025.30			
July	\$ 6,933.00				
August	\$ 3,624.99				
September	\$ 730.20				
<b>Total Revenue</b>	<b>\$ 24,274.16</b>	<b>\$ 11,345.11</b>			
<b>Est. Operating Costs</b>	<b>\$ (35,447.24)</b>	<b>\$ (20,215.00)</b>			
<b>Revenue after Costs</b>	<b>\$ (11,173.08)</b>	<b>\$ (8,869.89)</b>			



**WORK ORDER EXPENSES**

TYPE	Jun-13	YTD	Jun-12	YTD	Jun-13	YTD	Jun-12	YTD
LABOR	23%	29%	14%	37%	\$ 3,355.41	\$ 37,228.73	\$ 2,482.39	\$ 37,359.38
MATERIALS	12%	22%	3%	30%	\$ 1,625.93	\$ 30,742.15	\$ 403.02	\$ 23,683.42
CONTRACTOR	65%	49%	83%	33%	\$ 9,417.00	\$ 64,070.34	\$ 14,562.12	\$ 50,376.83
<b>TOTALS</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>\$ 14,398.34</b>	<b>\$132,041.22</b>	<b>\$ 17,447.53</b>	<b>\$111,419.63</b>

**WORK ORDERS BY BUILDING**

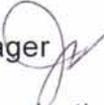
FACILITY	Jun-13	YTD	Jun-12	YTD
CITY HALL	20	102	12	89
EVENTS CENTER	3	51	8	92
EMPLOYEE HEALTH CLINIC	0	7	0	0
FLEET	0	12	0	10
FRANK EVANS MUSEUM	0	15	0	13
LIBERTY PARK	0	2	1	5
MUNICIPAL COMPLEX	5	70	8	56
PARKS BUILDING	3	23	2	19
POLICE DEPARTMENT	5	63	6	80
PUBLIC WORKS BUILDING	2	33	5	26
SPORTS COMPLEX	3	27	2	27
STATION #33	6	37	2	34
STATION #37	3	26	2	31
TENNIS CENTER	1	15	2	22
TRAILHEAD PARK	5	19	1	7
WATER TREATMENT PLANT	1	13	2	22
<b>TOTALS</b>	<b>57</b>	<b>515</b>	<b>53</b>	<b>533</b>

**WORK ORDERS BY CATEGORY**

FACILITY	Jun-13	YTD	Jun-12	YTD
APPLIANCES	5	28	2	26
DOORS - INT, EXT, & HARDWARE	4	30	3	35
ELECTRICAL	16	149	19	133
FIRE ALARM SYSTEMS	2	8	1	4
FIRE SPRINKLER SYSTEMS	0	0	0	6
HVAC	7	32	3	34
JANITORIAL	0	15	1	15
MISCELLANEOUS	8	63	8	54
PAINT - INTERIOR & EXTERIOR	0	8	2	12
PEST CONTROL	0	8	1	11
PLUMBING	7	41	4	41
PREVENTATIVE MAINTENANCE	7	124	8	144
SECURITY SYSTEMS	1	7	1	11
SEPTIC TANKS	0	0	0	0
VENDING	0	2	0	7
<b>TOTALS</b>	<b>57</b>	<b>515</b>	<b>53</b>	<b>533</b>



## **MEMORANDUM**

DATE: June 9th, 2013  
TO: Mayor & City Commission  
FROM: Bryan Nipe, Parks and Recreation Director  
THRU: Jackie Sova, City Manager   
SUBJECT: May 2013 Parks and Recreation Report Summary

---

### **Administration:**

- Parks and Recreation leadership staff completed its first strategic planning session. Vision and mission statements along with 3 year goals have been developed. Thank you to Deputy Fire Chief Joe Landreville for facilitating the effort.

### **Grounds and Facilities Maintenance:**

- Community Center – RFQ proposals due July 1.

### **Events Center**

- Great feedback from attendees at the volunteer appreciation dinner

### **Skate Park**

- Continue to see declines in participation.

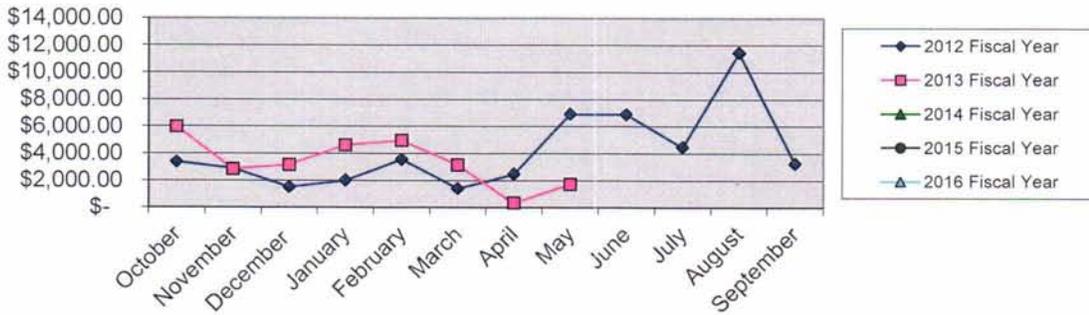
### **Tennis Center:**

- Youth Tennis Camp scheduled throughout summer

### **Community Events:**

- WineArt Wednesdays – July 3<sup>rd</sup>
- Farmers Market Saturdays

**TennisCenter Revenue Report  
(Provided by Finance Department)**



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 3,375.69	\$ 5,981.39			
November	\$ 2,899.54	\$ 2,848.98			
December	\$ 1,513.79	\$ 3,152.74			
January	\$ 2,011.99	\$ 4,615.52			
February	\$ 3,564.81	\$ 4,966.32			
March	\$ 1,395.36	\$ 3,157.07			
April	\$ 2,473.11	\$ 334.22			
May	\$ 6,926.87	\$ 1,733.60			
June	\$ 6,902.53				
July	\$ 4,462.91				
August	\$ 11,447.28				
September	\$ 3,256.81				
<b>Total Revenue</b>	<b>\$ 50,230.69</b>	<b>\$ 26,789.84</b>			
<b>Operating Costs</b>	<b>\$ (80,816.29)</b>	<b>\$ (43,064.58)</b>			
<b>Est. Maintenance</b>	<b>\$ (8,107.68)</b>	<b>\$ (5,487.18)</b>			
<b>Revenue after Costs</b>	<b>\$ (38,693.28)</b>	<b>\$ (21,761.92)</b>			

# MEMO



TO: Bryan Nipe, Director of Parks & Recreation

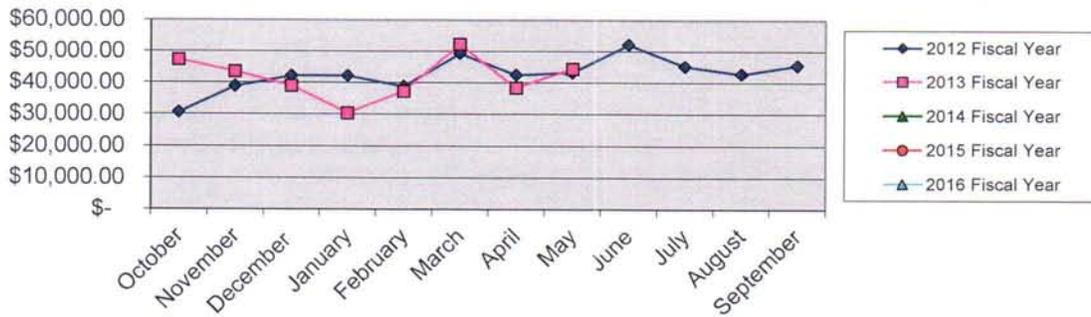
FROM: Dee Gracey, Administrative Assistant

DATE: June 10, 2013

**PARKS AND RECREATION MONTHLY REVENUE AND EXPENSE REPORT  
FOR THE MONTH OF: MAY 2013**

ACTIVITY	CURRENT MONTH	THIS MONTH LAST YEAR	CURRENT YTD	PREVIOUS YTD
<b>EVENTS CENTER</b>				
non-revenue uses	10	5	85	68
rentals	23	31	184	202
revenue	\$ 44,423.25	\$ 43,240.91	\$ 332,424.91	\$ 327,734.41
expenses	\$ 34,664.38	\$ 30,217.31	\$ 216,520.85	\$ 229,371.77
<b>SENIOR CENTER</b>				
non-revenue uses	2/4.5	1/3.0	21/50.25	18/48.25
rentals	1	0	11	7
classes	122	132	877	973
individual participants	1806	1876	13206	13730
revenue	\$ 1,170.36	\$ 963.52	\$ 15,883.58	\$ 14,647.88
expenses	\$ 11,750.11	\$ 8,901.46	\$ 70,200.37	\$ 67,725.57
<b>TENNIS CENTER</b>				
memberships	144	116		
revenue	\$ 1,733.60	\$ 6,926.87	\$ 26,789.84	\$ 24,161.16
expenses	\$ 1,811.63	\$ 6,389.06	\$ 43,064.58	\$ 44,831.90
<b>OTHER REVENUES</b>				
Farmers Market	\$ 2,350.07	\$ 2,495.66	\$ 20,530.64	\$ 23,557.01
Skate Park	\$ 330.92	\$ 469.22	\$ 2,675.73	\$ 7,175.74
Splash Park	\$ 4,206.61	\$ 4,145.73	\$ 5,319.81	\$ 7,289.06
Park Rentals	\$ 25.00	\$ 28.30	\$ 700.00	\$ 458.30
Sports Complex	\$ 2,625.66	\$ 869.86	\$ 19,539.32	\$ 17,695.45
Leagues	\$ 325.00	\$ -	\$ 11,375.00	\$ 8,775.00
Concession	\$ 277.25	\$ -	\$ 1,579.79	\$ 436.73
<b>TOTAL OTHER REVENUES</b>	<b>\$ 10,140.51</b>	<b>\$ 8,008.77</b>	<b>\$ 61,720.29</b>	<b>\$ 65,387.29</b>

**Events Center Revenue Report**  
(Provided by Finance Department)

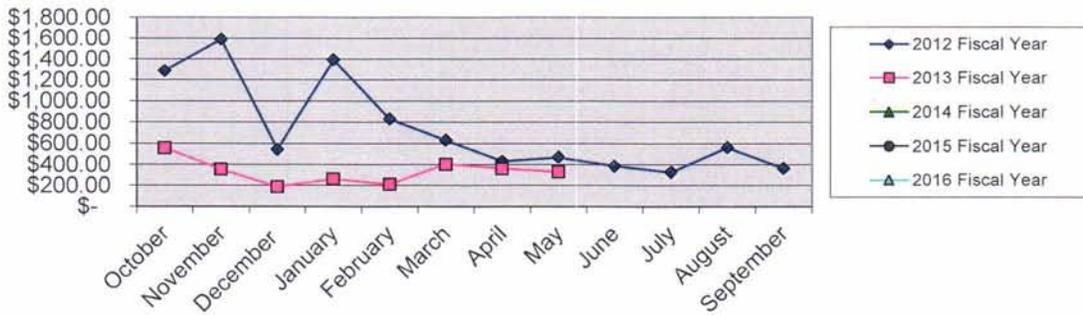


Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 30,627.71	\$ 47,245.73			
November	\$ 38,877.40	\$ 43,518.38			
December	\$ 42,152.14	\$ 38,953.78			
January	\$ 42,192.04	\$ 30,396.63			
February	\$ 38,834.23	\$ 37,286.87			
March	\$ 49,320.02	\$ 52,232.16			
April	\$ 42,489.96	\$ 38,368.11			
May	\$ 43,240.91	\$ 44,423.25			
June	\$ 52,182.65				
July	\$ 45,224.94				
August	\$ 42,809.63				
September	\$ 45,496.78				
<b>Total Revenue</b>	<b>\$ 513,448.41</b>	<b>\$ 332,424.91</b>			
<b>Operating Costs</b>	<b>\$ (347,547.82)</b>	<b>\$ (216,520.85)</b>			
<b>Maintenance Staff Costs*</b>	<b>\$ (32,430.60)</b>	<b>\$ (23,559.65)</b>			
<b>Revenue after Costs**</b>	<b>\$ 139,200.98</b>	<b>\$ 92,344.41</b>			

\* Estimated maintenance costs for Events Center grounds.

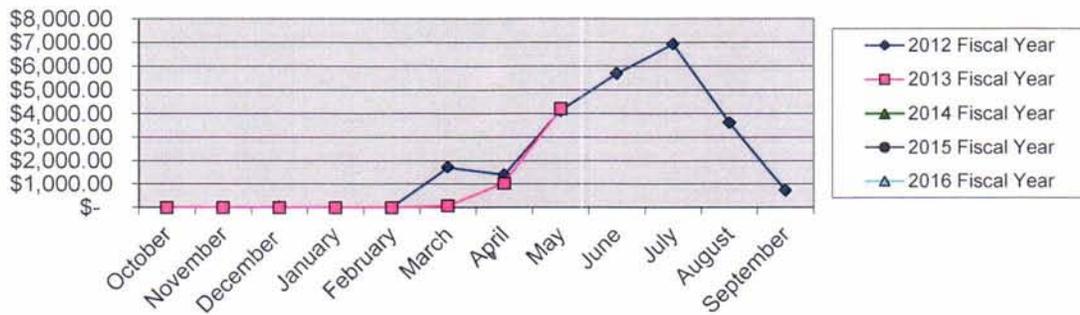
\*\* Costs not including payment of bond.

### Skate Park Revenue Comparisons (Provided by Finance Department)



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 1,288.54	\$ 557.51			
November	\$ 1,589.61	\$ 355.41			
December	\$ 542.99	\$ 189.70			
January	\$ 1,392.54	\$ 263.19			
February	\$ 830.14	\$ 212.25			
March	\$ 631.83	\$ 404.46			
April	\$ 430.87	\$ 362.29			
May	\$ 469.22	\$ 330.92			
June	\$ 386.77				
July	\$ 328.28				
August	\$ 563.57				
September	\$ 365.07				
<b>Total Revenue</b>	<b>\$ 8,819.43</b>	<b>\$ 2,675.73</b>			
<b>Est. Operating Costs</b>	<b>\$ (27,825.71)</b>	<b>\$ (17,344.16)</b>			
<b>Revenue after Costs</b>	<b>\$ (19,006.28)</b>	<b>\$ (14,668.43)</b>			

### Splash Park Revenue Comparisons (Provided by Finance Department)



Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	CLOSED	CLOSED			
November	CLOSED	CLOSED			
December	\$ 14.02	CLOSED			
January	CLOSED	CLOSED			
February	CLOSED	CLOSED			
March	\$ 1,728.35	\$ 72.64			
April	\$ 1,400.96	\$ 1,040.56			
May	\$ 4,145.73	\$ 4,206.61			
June	\$ 5,696.91				
July	\$ 6,933.00				
August	\$ 3,624.99				
September	\$ 730.20				
<b>Total Revenue</b>	<b>\$ 24,274.16</b>	<b>\$ 5,319.81</b>			
Est. Operating Costs	\$ (35,447.24)	\$ (15,729.05)			
Revenue after Costs	\$ (11,173.08)	\$ (10,409.24)			

FACILITIES MAINTENANCE  
MONTHLY REPORT



**WORK ORDER EXPENSES**

TYPE	May-13	YTD	May-12	YTD	May-13	YTD	May-12	YTD
LABOR	18%	29%	23%	37%	\$ 2,969.90	\$ 33,873.32	\$ 3,891.79	\$ 34,876.99
MATERIALS	19%	22%	10%	30%	\$ 3,044.18	\$ 29,116.22	\$ 1,570.55	\$ 23,280.40
CONTRACTOR	63%	49%	67%	33%	\$ 10,451.80	\$ 54,653.34	\$ 11,253.00	\$ 35,814.71
<b>TOTALS</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>\$ 16,465.88</b>	<b>\$117,642.88</b>	<b>\$ 16,715.34</b>	<b>\$ 93,972.10</b>

**WORK ORDERS BY BUILDING**

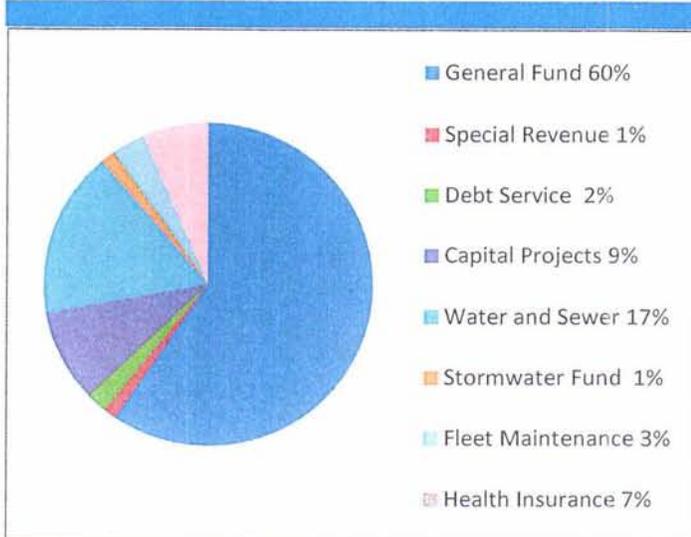
FACILITY	May-13	YTD	May-12	YTD
CITY HALL	12	82	11	77
EVENTS CENTER	5	48	8	84
EMPLOYEE HEALTH CLINIC	1	7	0	0
FLEET	2	12	1	10
FRANK EVANS MUSEUM	4	15	1	13
LIBERTY PARK	0	2	2	4
MUNICIPAL COMPLEX	14	65	9	48
PARKS BUILDING	4	20	3	17
POLICE DEPARTMENT	13	58	8	74
PUBLIC WORKS BUILDING	5	31	2	21
SPORTS COMPLEX	7	24	2	25
STATION #33	7	31	3	32
STATION #37	5	23	3	29
TENNIS CENTER	3	14	1	20
TRAILHEAD PARK	4	14	2	6
WATER TREATMENT PLANT	1	12	1	20
<b>TOTALS</b>	<b>87</b>	<b>458</b>	<b>57</b>	<b>480</b>

**WORK ORDERS BY CATEGORY**

FACILITY	May-13	YTD	May-12	YTD
APPLIANCES	6	23	2	24
DOORS - INT, EXT, & HARDWARE	3	26	4	32
ELECTRICAL	16	133	11	114
FIRE ALARM SYSTEMS	2	6	1	3
FIRE SPRINKLER SYSTEMS	0	0	1	6
HVAC	4	25	0	31
JANITORIAL	3	15	0	14
MISCELLANEOUS	8	55	7	46
PAINT - INTERIOR & EXTERIOR	1	8	1	10
PEST CONTROL	1	8	3	10
PLUMBING	6	34	2	37
PREVENTATIVE MAINTENANCE	34	117	22	136
SECURITY SYSTEMS	2	6	2	10
SEPTIC TANKS	0	0	0	0
VENDING	1	2	1	7
<b>TOTALS</b>	<b>87</b>	<b>458</b>	<b>57</b>	<b>480</b>

## City of Lake Mary Budget Snapshot as of June 30, 2013

(75% of fiscal year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
Ad Valorem Taxes	\$ 5,943,112	\$ 6,048,906	101.8%
Franchise & Utility Taxes	6,081,614	3,971,801	65.3%
Business Tax Receipts	119,000	118,214	99.3%
Permits	855,415	1,106,528	129.4%
Fines & Forfeitures	47,686	80,698	169.2%
Intergovernmental	1,371,427	933,026	68.0%
Charges for Services	1,206,250	983,179	81.5%
Investment Income/Other	264,000	207,560	78.6%
Operating Transfers In	900,000	675,000	75.0%
<b>Total Revenues</b>	<b>\$ 16,788,504</b>	<b>\$ 14,124,912</b>	<b>84.1%</b>

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
City Commission	\$ 94,797	\$ 63,866	67.4%
City Manager	484,962	314,652	64.9%
City Attorney	95,000	59,286	62.4%
City Clerk	213,963	153,903	71.9%
General Government	570,403	303,320	53.2%
Risk Management	15,550	11,992	77.1%
Finance	579,599	392,924	67.8%
Community Development	649,910	433,216	66.7%
Building	471,913	310,857	65.9%
Facilities Maintenance	347,013	228,063	65.7%
Police Operations	4,724,846	3,397,924	71.9%
Fire Combat	4,399,708	3,053,621	69.4%
Fire Prevention	333,661	226,674	67.9%
Support Services	918,590	626,167	68.2%
PW Admin & Engineering	218,008	156,299	71.7%
Streets/Sidewalks	442,428	295,794	66.9%
Parks & Recreation	1,614,774	1,132,173	70.1%
Events Center	378,981	240,615	63.5%
Senior Center	112,383	79,267	70.5%
Tennis Center	86,246	45,243	52.5%
Transfers Out	882,330	661,748	75.0%
<b>Total Expenditures</b>	<b>\$ 17,635,065</b>	<b>\$ 12,187,604</b>	<b>69.1%</b>
<i>Fund Balance Forward</i>	14,418,585	16,369,093	113.5%
<b>Current Fund Balance</b>	<b>\$ 13,572,024</b>	<b>\$ 18,306,401</b>	<b>134.9%</b>

Debt Service Funds			
Revenues	Budget	Year-to-Date	%
Transfers In	\$ 574,515	\$ 383,008	66.7%
<b>Expenditures</b>			
PIRRB Series 2007	\$ 292,672	\$ 292,672	100.0%
PIRRN Series 2012	\$ 179,257	\$ 179,257	100.0%

Special Revenue Funds			
Revenues	Budget	Year-to-Date	%
Impact Fees	\$ 330,962	201,320	60.8%
Cemetery Sales	4,000	1,000	25.0%
Fines & Forfeitures	12,455	14,301	114.8%
Investment Income/Other	5,130	4,242	82.7%
<b>Total</b>	<b>\$ 352,547</b>	<b>\$ 220,863</b>	<b>62.6%</b>
<b>Expenditures</b>			
Training	\$ 18,000	\$ 17,415	96.8%
Operating & DARE	11,710	5,987	51.1%
Contributions	12,750	12,750	100.0%
Capital	112,014	120,060	107.2%
Heritage Park	25,000	16,875	67.5%
Cemetery Operations	9,175	3,136	34.2%
<b>Total</b>	<b>\$ 188,649</b>	<b>\$ 176,223</b>	<b>93.4%</b>
<i>Fund Balance Forward</i>	1,025,912	985,368	96.0%
<b>Current Fund Balance</b>	<b>\$ 1,189,810</b>	<b>\$ 1,030,008</b>	<b>86.6%</b>

Capital Projects Fund			
Revenues	Budget	Year-to-Date	%
Investment Income	\$ 11,000	\$ 8,349	75.9%
Grants	-	28,536	0.0%
Intergovernmental/Other	2,607,500	3,947	0.2%
<b>Total</b>	<b>\$ 2,618,500</b>	<b>\$ 40,832</b>	<b>1.6%</b>
<b>Expenditures</b>			
Capital Projects	3,539,731	1,533,716	43.3%
<b>Total</b>	<b>\$ 3,539,731</b>	<b>\$ 1,533,716</b>	<b>43.3%</b>
<i>Fund Balance Forward</i>	1,023,405	2,696,267	263.5%
<b>Current Fund Balance</b>	<b>\$ 102,174</b>	<b>\$ 1,203,383</b>	<b>1177.8%</b>

Water and Sewer Fund			
Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,275,000	\$ 1,480,393	65.1%
Sewer Revenue	1,725,000	1,425,490	82.6%
Reclaimed Water	190,000	156,075	82.1%
Water Impact Fees	255,000	(107)	0.0%
Sewer Impact Fees	110,000	(4,153)	-3.8%
Investment Income/Other	154,500	142,907	92.5%
<b>Total</b>	<b>\$ 4,709,500</b>	<b>\$ 3,200,605</b>	<b>68.0%</b>
<b>Expenditures</b>			
Operating Expenses	1,631,697	1,025,229	62.8%
Capital Projects	485,000	224,401	46.3%
Wholesale swr/reclaimed	1,298,300	863,421	66.5%
Transfers Out	949,935	712,451	75.0%
<b>Total</b>	<b>\$ 4,364,932</b>	<b>\$ 2,825,502</b>	<b>64.7%</b>
<i>Beg Unrestrict Net Assets</i>	12,782,410	13,980,865	109.4%
<b>Available Net Assets</b>	<b>\$ 13,126,978</b>	<b>\$ 14,355,968</b>	<b>109.4%</b>

Stormwater Utility Fund			
Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 378,320	\$ 273,236	72.2%
Interest/Other	5,000	3,608	72.2%
<b>Total</b>	<b>\$ 383,320</b>	<b>\$ 276,844</b>	<b>72.2%</b>
<b>Expenditures</b>			
Operating Expenses	255,524	143,824	56.3%
Capital Projects	60,000	121,715	202.9%
<b>Total</b>	<b>\$ 315,524</b>	<b>\$ 265,539</b>	<b>84.2%</b>
<i>Unrestricted Net Assets</i>	524,891	879,946	167.6%
<b>Available Net Assets</b>	<b>\$ 592,687</b>	<b>\$ 891,251</b>	<b>150.4%</b>

Fleet Maintenance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 950,211	\$ 555,875	58.5%
<b>Expenditures</b>			
Operating Costs	\$ 278,539	\$ 181,317	65.1%
Vehicle Purchases	\$ 575,500	\$ 602,470	104.7%

Health Insurance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Charges for Service/Other	1,833,775	1,332,769	72.7%
<b>Expenditures</b>			
Health Insurance Expense	1,432,775	751,911	52.5%
Health Clinic Expense	\$ 357,750	\$ 161,051	45.0%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of June 30, 2013**

Account Code	Description	2010 Budget	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D
	Millage Rate	3.6355	3.6355	3.6355	3.6355	3.6355	3.6355
311-10	Ad valorem tax	\$ 7,201,252	\$ 7,325,514	6,470,685	6,072,711	5,943,112	6,048,906
	Franchise & Utility:						
313-10	Progress Energy - Franchise	1,229,400	1,390,771	1,283,358	1,224,950	1,219,190	703,388
313-11	FP&L - Franchise	525,655	618,712	586,291	545,433	576,381	283,379
313-40	Propane - Franchise	7,990	6,871	7,090	10,010	7,700	4,204
313-70	Solid Waste - Franchise	380,590	398,317	402,902	419,745	420,000	317,955
	Total Franchise	2,143,635	2,414,671	2,279,641	2,200,138	2,223,271	1,308,926
314-10	Progress Energy - Utility	1,175,000	1,427,828	1,348,464	1,249,357	1,281,040	785,009
314-11	FP&L - Utility	438,150	608,592	607,667	601,224	561,393	395,677
314-20	Telecommunications	2,355,000	2,239,495	2,025,484	2,011,704	1,970,830	1,453,966
314-80	Propane Gas - Utility	43,500	45,090	45,535	47,512	45,080	28,223
	Total Utility	4,011,650	4,321,005	4,027,150	3,909,797	3,858,343	2,662,875
	Total Franchise & Utility	6,155,285	6,735,676	6,306,791	6,109,935	6,081,614	3,971,801
	Licenses and Permits:						
321-60	Business Tax Receipts	122,500	118,244	119,026	115,373	119,000	118,214
322-10	Building Permits	469,750	446,621	501,449	851,192	755,000	1,035,487
322-20	Electrical Permits	35,000	23,460	31,702	63,819	50,040	29,754
322-30	Plumbing Permits	18,500	14,431	12,861	43,687	31,625	22,180
322-40	Mechanical Permits	29,500	22,539	23,054	25,243	18,750	19,107
	Total Licenses & Permits	675,250	625,295	688,092	1,099,314	974,415	1,224,742
	Fines & Forfeitures:						
351-10	Court Fines	119,850	61,303	66,172	59,132	38,670	44,912
351-30	False Alarm Fees	6,250	4,300	1,850	4,225	2,016	2,200
351-50	Violation of Local Ordin.	1,200	6,174	12,901	7,810	7,000	33,586
	Total Fines & Forfeitures	127,300	71,777	80,923	71,167	47,686	80,698
	Intergovernmental:						
312-41	Local Option Gas Tax	207,753	216,519	204,746	224,965	244,939	164,948
334-00	Grants	13,449	5,142	18,575	3,241	-	2,096
335-12	State Rev. Share/Gas Tax	247,957	257,351	268,887	275,591	282,494	199,750
335-14	Mobile Home License	50	59	35	108	50	62
335-15	Alcoholic Beverage Lic.	7,500	11,101	20,566	9,829	9,500	5,079
335-18	1/2 Cent Sales Tax	801,368	801,704	795,364	800,439	824,124	555,271
	Firefighter Supplement	-	11,730	10,580	11,200	10,320	5,820
	Total Intergovernmental	1,278,077	1,303,606	1,318,753	1,325,373	1,371,427	933,026

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of June 30, 2013**

Account Code	Description	2010 Budget	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D
<b>Charges for Services:</b>							
341-80	County Business License	12,500	12,368	12,665	10,715	11,000	8,950
341-21	Zoning Fees	10,000	13,507	25,615	21,798	15,000	17,847
341-22	Site Plan Fees	5,000	1,600	6,400	3,200	3,200	8,600
341-22	Developer Bonus	-	17,000	-	-	-	-
342-10	Police Services	20,000	96,202	71,190	63,085	45,000	40,097
342-60	Rescue Transport Fees	335,000	459,725	657,144	609,044	465,000	433,453
347-10	Community/Events Center Rent	350,000	465,931	499,973	513,448	495,000	373,210
347-30	Farmers Market	28,000	27,879	36,838	31,379	35,000	22,669
347-40	Skate Park Fees	12,500	14,794	16,296	8,819	13,500	2,938
347-45	Splash Park Fees	25,000	25,157	23,504	24,274	25,000	11,345
347-50	Park Rentals	700	990	675	630	800	775
347-60	Sports Complex Rentals	24,000	22,620	24,658	27,330	25,000	20,049
347-70	Softball Leagues	16,000	17,250	16,875	13,930	17,000	11,375
347-80	Concession Revenues	9,500	11,619	5,444	679	1,750	1,958
347-90	Tennis Center Revenues	55,000	56,801	52,204	50,231	54,000	29,913
	<b>Total Charges for Services</b>	<b>903,200</b>	<b>1,243,443</b>	<b>1,449,481</b>	<b>1,378,562</b>	<b>1,206,250</b>	<b>983,179</b>
<b>Other:</b>							
361-10	Interest	289,000	325,340	229,730	192,570	132,000	80,759
363-10	Streetlighting	-	46,643	32,802	32,780	32,000	23,591
364-00	Sale of Capital Assets	-	408	15,815	51,917	-	244
369-00	Other Miscellaneous Rev.	100,329	158,056	113,923	160,060	100,000	102,966
	<b>Total Other Revenue</b>	<b>389,329</b>	<b>530,447</b>	<b>392,270</b>	<b>437,327</b>	<b>264,000</b>	<b>207,560</b>
<b>Transfers In:</b>							
381-00	Transfers from W&S	850,000	850,000	850,000	850,000	900,000	675,000
381-00	Transfers from Cemetery FD	-	-	-	125,000	-	-
	<b>Total Transfers In</b>	<b>850,000</b>	<b>850,000</b>	<b>850,000</b>	<b>975,000</b>	<b>900,000</b>	<b>675,000</b>
	<b>Total General Fund Revenue</b>	<b>17,612,193</b>	<b>18,685,758</b>	<b>17,556,995</b>	<b>16,494,389</b>	<b>16,788,504</b>	<b>14,124,912</b>
	<b>Carry-forward Fund Balance</b>	<b>13,375,292</b>	<b>13,375,292</b>	<b>15,145,583</b>	<b>15,066,183</b>	<b>16,369,093</b>	<b>16,369,093</b>
	<b>Total Available</b>	<b>\$ 30,987,485</b>	<b>\$ 32,061,050</b>	<b>\$ 32,702,578</b>	<b>\$ 31,560,572</b>	<b>\$ 33,157,597</b>	<b>\$ 30,494,005</b>

FINANCE DEPARTMENT  
MONTHLY REPORT  
June 2013

<b>Purchasing/AP Activity</b>	<b>Jun-13</b>	<b>FYTD</b>	<b>Jun-12</b>	<b>FYTD</b>
Purchase Orders Encumbered	27	323	22	291
Bids/RFPs Processed	1	7	0	4
Express Purchase Orders Processed	8	87	10	82
Express P.O. - Average \$ Value	\$210		\$215	
Checks Issued to Vendors	212	1,990	237	1,761
P-Card Transactions	226	2,241	221	1,981
P-Card Average \$ Value	\$113		\$115	

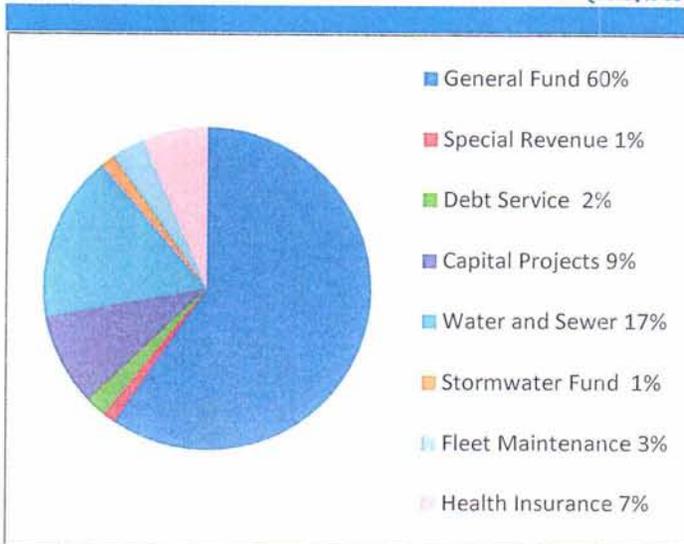
<b>Accounting/Payroll Activity</b>				
Journal entries Prepared and Posted	42	340	42	354
Items Deposited	2,793	26,845	3,307	28,691
Deposited Items Returned	3	38	7	44
Credit/Debit Card transactions	362	3,092	333	2,946
Credit/Debit Card Sales	\$64,190	\$428,090	\$64,899	\$396,168
Employees Paid	381	3,958	564	3,959

<b>Utilities Activity</b>				
Utility Refund Checks	33	223	24	145
Utility Turn-offs for Non-payment	20	171	18	155
Door Hangers for Non-pay prepared	97	1,048	139	1,128
Delinquent Letters Mailed Out	385	3,366	448	3,875
Utility Service Complaints Handled	22	183	24	219
Garbage Service Complaints Handled	17	107	25	87
Existing Utility Accounts Closed	63	619	69	565
New Utility Accounts Opened	57	591	77	566
Utility Bank Draft Customers	1,058		1,000	
Electronic Utility Payments	959		928	
Paperless Billing Customers	598		625	
Current Residential Water Customers	4,703		4,666	
Current Residential Sewer Customers	2,558		2,527	
Current Residential Garbage Customers	4,813		4,776	
Current Commercial Water Customers	446		445	
Current Commercial Sewer Customers	378		378	
Current Commercial Garbage Customers	236		241	

<b>Items of Interest During Reporting Period</b>

## City of Lake Mary Budget Snapshot as of May 31, 2013

(66.67% of fiscal year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
Ad Valorem Taxes	\$ 5,943,112	\$ 5,845,317	98.4%
Franchise & Utility Taxes	6,081,614	3,491,667	57.4%
Business Tax Receipts	119,000	117,336	98.6%
Permits	855,415	966,505	113.0%
Fines & Forfeitures	47,686	72,996	153.1%
Intergovernmental	1,371,427	821,884	59.9%
Charges for Services	1,206,250	885,075	73.4%
Investment Income/Other	264,000	188,492	71.4%
Operating Transfers In	900,000	600,000	66.7%
<b>Total Revenues</b>	<b>\$ 16,788,504</b>	<b>\$ 12,989,272</b>	<b>77.4%</b>

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
City Commission	\$ 94,797	\$ 57,199	60.3%
City Manager	484,962	278,511	57.4%
City Attorney	95,000	56,494	59.5%
City Clerk	213,963	139,329	65.1%
General Government	570,403	353,952	62.1%
Risk Management	15,550	11,898	76.5%
Finance	579,599	352,794	60.9%
Community Development	649,910	390,633	60.1%
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Police Operations	4,724,846	3,056,863	64.7%
Fire Combat	4,399,708	2,730,030	62.1%
Fire Prevention	333,661	206,716	62.0%
Support Services	918,590	561,339	61.1%
PW Admin & Engineering	218,008	140,610	64.5%
Streets/Sidewalks	442,428	264,742	59.8%
Parks & Recreation	1,614,774	1,016,691	63.0%
Events Center	378,981	216,521	57.1%
Senior Center	112,383	70,200	62.5%
Tennis Center	86,246	43,065	49.9%
Transfers Out	882,330	588,220	66.7%
<b>Total Expenditures</b>	<b>\$ 17,635,065</b>	<b>\$ 11,013,958</b>	<b>62.5%</b>

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Expenditures			
	Budget	Year-to-Date	%
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Expenditures			
	Budget	Year-to-Date	%
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Operating & DARE	11,710	5,987	51.1%
Contributions	12,750	12,750	100.0%
Capital	112,014	120,060	107.2%
Heritage Park	25,000	12,100	48.4%
Cemetery Operations	9,175	2,686	29.3%
<b>Total</b>	<b>\$ 188,649</b>	<b>\$ 170,245</b>	<b>90.2%</b>
<i>Fund Balance Forward</i>	1,025,912	985,368	96.0%
<b>Current Fund Balance</b>	<b>\$ 1,189,810</b>	<b>\$ 1,020,457</b>	<b>85.8%</b>

Capital Projects Fund			
Revenues	Budget	Year-to-Date	%
Investment Income	\$ 11,000	\$ 8,050	73.2%
Grants	-	28,536	0.0%
Intergovernmental/Other	2,607,500	3,947	0.2%
<b>Total</b>	<b>\$ 2,618,500</b>	<b>\$ 40,533</b>	<b>1.5%</b>

Expenditures			
	Budget	Year-to-Date	%
Capital Projects	3,539,731	1,477,397	41.7%
<b>Total</b>	<b>\$ 3,539,731</b>	<b>\$ 1,477,397</b>	<b>41.7%</b>
<i>Fund Balance Forward</i>	1,023,405	2,696,267	263.5%
<b>Current Fund Balance</b>	<b>\$ 102,174</b>	<b>\$ 1,259,403</b>	<b>1232.6%</b>

Water and Sewer Fund			
Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,275,000	\$ 1,293,330	56.8%
Sewer Revenue	1,725,000	1,236,486	71.7%
Reclaimed Water	190,000	135,805	71.5%
Water Impact Fees	255,000	(107)	0.0%
Sewer Impact Fees	110,000	(4,153)	-3.8%
Investment Income/Other	154,500	135,499	87.7%
<b>Total</b>	<b>\$ 4,709,500</b>	<b>\$ 2,796,860</b>	<b>59.4%</b>

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	1,631,697	900,402	55.2%
Capital Projects	485,000	206,211	42.5%
Wholesale swr/reclaimed	1,298,300	754,693	58.1%
Transfers Out	949,935	633,290	66.7%
<b>Total</b>	<b>\$ 4,364,932</b>	<b>\$ 2,494,596</b>	<b>57.2%</b>
<i>Beg Unrestrict Net Assets</i>	12,782,410	13,980,865	109.4%
<b>Available Net Assets</b>	<b>\$ 13,126,978</b>	<b>\$ 14,283,129</b>	<b>108.8%</b>

Stormwater Utility Fund			
Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 378,320	\$ 241,301	63.8%
Interest/Other	5,000	3,410	68.2%
<b>Total</b>	<b>\$ 383,320</b>	<b>\$ 244,711</b>	<b>63.8%</b>

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	255,524	131,108	51.3%
Capital Projects	60,000	100,000	166.7%
<b>Total</b>	<b>\$ 315,524</b>	<b>\$ 231,108</b>	<b>73.2%</b>
<i>Unrestricted Net Assets</i>	524,891	879,946	167.6%
<b>Available Net Assets</b>	<b>\$ 592,687</b>	<b>\$ 893,549</b>	<b>150.8%</b>

Fleet Maintenance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 950,211	\$ 499,648	52.6%

Expenditures			
	Budget	Year-to-Date	%
Operating Costs	\$ 278,539	\$ 163,059	58.5%
Vehicle Purchases	\$ 575,500	\$ 586,780	102.0%

Health Insurance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Charges for Service/Other	1,833,775	1,191,148	65.0%

Expenditures			
	Budget	Year-to-Date	%
Health Insurance Expense	1,432,775	644,575	45.0%
Health Clinic Expense	\$ 357,750	\$ 156,452	43.7%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of May 31, 2013**

Account Code	Description	2010 Budget	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D
	Millage Rate	3.6355	3.6355	3.6355	3.6355	3.6355	3.6355
311-10	Ad valorem tax	\$ 7,201,252	\$ 7,325,514	6,470,685	6,072,711	5,943,112	5,845,317
	Franchise & Utility:						
313-10	Progress Energy - Franchise	1,229,400	1,390,771	1,283,358	1,224,950	1,219,190	614,257
313-11	FP&L - Franchise	525,655	618,712	586,291	545,433	576,381	244,687
313-40	Propane - Franchise	7,990	6,871	7,090	10,010	7,700	4,204
313-70	Solid Waste - Franchise	380,590	398,317	402,902	419,745	420,000	282,572
	Total Franchise	2,143,635	2,414,671	2,279,641	2,200,138	2,223,271	1,145,720
314-10	Progress Energy - Utility	1,175,000	1,427,828	1,348,464	1,249,357	1,281,040	679,410
314-11	FP&L - Utility	438,150	608,592	607,667	601,224	561,393	341,113
314-20	Telecommunications	2,355,000	2,239,495	2,025,484	2,011,704	1,970,830	1,300,158
314-80	Propane Gas - Utility	43,500	45,090	45,535	47,512	45,080	25,266
	Total Utility	4,011,650	4,321,005	4,027,150	3,909,797	3,858,343	2,345,947
	Total Franchise & Utility	6,155,285	6,735,676	6,306,791	6,109,935	6,081,614	3,491,667
	Licenses and Permits:						
321-60	Business Tax Receipts	122,500	118,244	119,026	115,373	119,000	117,336
322-10	Building Permits	469,750	446,621	501,449	851,192	755,000	911,454
322-20	Electrical Permits	35,000	23,460	31,702	63,819	50,040	24,678
322-30	Plumbing Permits	18,500	14,431	12,861	43,687	31,625	13,379
322-40	Mechanical Permits	29,500	22,539	23,054	25,243	18,750	16,994
	Total Licenses & Permits	675,250	625,295	688,092	1,099,314	974,415	1,083,841
	Fines & Forfeitures:						
351-10	Court Fines	119,850	61,303	66,172	59,132	38,670	34,055
351-30	False Alarm Fees	6,250	4,300	1,850	4,225	2,016	1,900
351-50	Violation of Local Ordin.	1,200	6,174	12,901	7,810	7,000	37,041
	Total Fines & Forfeitures	127,300	71,777	80,923	71,167	47,686	72,996
	Intergovernmental:						
312-41	Local Option Gas Tax	207,753	216,519	204,746	224,965	244,939	146,166
334-00	Grants	13,449	5,142	18,575	3,241	-	2,096
335-12	State Rev. Share/Gas Tax	247,957	257,351	268,887	275,591	282,494	177,555
335-14	Mobile Home License	50	59	35	108	50	62
335-15	Alcoholic Beverage Lic.	7,500	11,101	20,566	9,829	9,500	5,079
335-18	1/2 Cent Sales Tax	801,368	801,704	795,364	800,439	824,124	485,106
	Firefighter Supplement	-	11,730	10,580	11,200	10,320	5,820
	Total Intergovernmental	1,278,077	1,303,606	1,318,753	1,325,373	1,371,427	821,884

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of May 31, 2013**

Account Code	Description	2010		2011		2012		2013	
		Budget	Actual	Actual	Actual	Budget	Y-T-D		
Charges for Services:									
341-80	County Business License	12,500	12,368	12,665	10,715	11,000	8,815		
341-21	Zoning Fees	10,000	13,507	25,615	21,798	15,000	15,256		
341-22	Site Plan Fees	5,000	1,600	6,400	3,200	3,200	8,600		
341-22	Developer Bonus	-	17,000	-	-	-	-		
342-10	Police Services	20,000	96,202	71,190	63,085	45,000	37,796		
342-60	Rescue Transport Fees	335,000	459,725	657,144	609,044	465,000	393,673		
347-10	Community/Events Center Rent	350,000	465,931	499,973	513,448	495,000	332,425		
347-30	Farmers Market	28,000	27,879	36,838	31,379	35,000	20,530		
347-40	Skate Park Fees	12,500	14,794	16,296	8,819	13,500	2,676		
347-45	Splash Park Fees	25,000	25,157	23,504	24,274	25,000	5,320		
347-50	Park Rentals	700	990	675	630	800	700		
347-60	Sports Complex Rentals	24,000	22,620	24,658	27,330	25,000	19,539		
347-70	Softball Leagues	16,000	17,250	16,875	13,930	17,000	11,375		
347-80	Concession Revenues	9,500	11,619	5,444	679	1,750	1,580		
347-90	Tennis Center Revenues	55,000	56,801	52,204	50,231	54,000	26,790		
	Total Charges for Services	903,200	1,243,443	1,449,481	1,378,562	1,206,250	885,075		
Other:									
361-10	Interest	289,000	325,340	229,730	192,570	132,000	76,500		
363-10	Streetlighting	-	46,643	32,802	32,780	32,000	20,893		
364-00	Sale of Capital Assets	-	408	15,815	51,917	-	244		
369-00	Other Miscellaneous Rev.	100,329	158,056	113,923	160,060	100,000	90,855		
	Total Other Revenue	389,329	530,447	392,270	437,327	264,000	188,492		
Transfers In:									
381-00	Transfers from W&S	850,000	850,000	850,000	850,000	900,000	600,000		
381-00	Transfers from Cemetery FD	882,500	850,000	850,000	125,000	900,000	600,000		
	Total Transfers In	1,732,500	1,700,000	1,700,000	975,000	1,800,000	1,200,000		
	Total General Fund Revenue	17,612,193	18,685,758	17,556,995	16,494,389	16,788,504	12,989,272		
	Carry-forward Fund Balance	13,375,292	13,375,292	15,145,583	15,066,183	16,369,093	16,369,093		
	Total Available	\$ 30,987,485	\$ 32,061,050	\$ 32,702,578	\$ 31,560,572	\$ 33,157,597	\$ 29,358,365		

FINANCE DEPARTMENT  
MONTHLY REPORT  
May 2013

Purchasing/AP Activity	May-13	FYTD	May-12	FYTD
Purchase Orders Encumbered	15	296	18	269
Bids/RFPs Processed	2	6	1	4
Express Purchase Orders Processed	7	79	10	72
Express P.O. - Average \$ Value	\$209		\$252	
Checks Issued to Vendors	205	1,778	211	1,524
P-Card Transactions	221	2,015	213	1,760
P-Card Average \$ Value	\$128		\$139	

Accounting/Payroll Activity				
Journal entries Prepared and Posted	41	298	63	312
Items Deposited	2,987	24,052	3,098	25,384
Deposited Items Returned	5	35	6	37
Credit/Debit Card transactions	363	2,730	328	2,613
Credit/Debit Card Sales	\$53,053	\$363,900	\$41,337	\$331,268
Employees Paid	567	3,577	376	3,395

Utilities Activity				
Utility Refund Checks	47	190	17	121
Utility Turn-offs for Non-payment	13	151	19	137
Door Hangers for Non-pay prepared	105	951	111	989
Delinquent Letters Mailed Out	330	2,981	397	3,427
Utility Service Complaints Handled	10	161	22	195
Garbage Service Complaints Handled	12	90	12	62
Existing Utility Accounts Closed	87	556	77	496
New Utility Accounts Opened	81	534	61	489
Utility Bank Draft Customers	1,051		993	
Electronic Utility Payments	1,060		1,038	
Paperless Billing Customers	586		622	
Current Residential Water Customers	1,696		4,663	
Current Residential Sewer Customers	2,552		2,523	
Current Residential Garbage Customers	4,814		4,774	
Current Commercial Water Customers	444		447	
Current Commercial Sewer Customers	374		381	
Current Commercial Garbage Customers	239		240	

**Items of Interest During Reporting Period**




# Lake Mary Police Department

## MONTHLY REPORT - JUNE 2013

	FY 2013 JUNE	FY 2013 YTD	FY 2012 JUNE	FY 2012 YTD
<b>Monthly Call Volume</b>	4,704	41,162	4,845	40,614
<b>Response Times (in minutes)</b>				
Priority 1	3.17		1.93	
Priority 2	3.6		4.3	
Priority 3	6.93		8.66	

### UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	1	5	0	4
Robbery	1	2	0	1
Assault/Battery	10	76	5	43
Burglary	4	47	1	42
Theft, all other	15	156	16	171
Motor Vehicle Theft	2	9	1	7
Theft of Motor Vehicle Parts	0	5	2	11
Arson	0	0	0	0
D.U.I.	1	33	3	23

### Total Arrests

Adults	49	332	37	313
Juveniles	4	36	3	27

### Traffic Calls

Crashes	60	476	37	473
Criminal Citations	21	143	17	148
Citations- non criminal	369	3,555	376	3,187
Parking citations	8	72	12	149
K9 Deployments	4	51	3	35
Agency Assist; outside Jurisdiction	44	398	31	479

### Alarms

Total	100	775	57	594
Business	60	530		
Residential	40	272		

### Total Responses to City Ordinance Violations

22	143	77	330
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# Lake Mary Police Department

## IMPORTANT EVENTS

### **Patrol Division**

The Patrol Division provided security support to the Seminole County Sheriff's Office for the on-going trial.

Response to Active Shooter training was conducted for all members of the Police Department. Ofc. McDaniel completed a comprehensive two week Police Motorcycle Instructor course in Tallahassee.

### **Criminal Investigations Division**

An arrest was made for sexual battery on a child (Det. Jorge Reguero's case).

Several large vehicles were stolen (tractor trailer and large drilling rig); both were recovered in Hialeah and Apopka (Det. Ron Tomassi's case).

An armed robbery occurred as the victim (owner of Lee's Palace) arrived home in Woodbridge Lakes after closing the restaurant. \$1,600 cash, an i-phone and i-pad were taken.

Det. James Riddle is working to gain suspect information.

An arrest was made for theft of \$4,000 via check fraud (Det. Riddle's case).

### **Community Relations Division**

A Stranger Danger and Summer Safety program was presented to 25 summer camp children by Officer. Zach Hudson.

A three hour Women's Self Defense course was given, with 20 students in attendance, by Officers Hudson, Matviak and Det. Umana.

Officer Zach Hudson was guest speaker for Mayor Buddy Dyer at the Senior Hunger Summit in Orlando, with over 100 in attendance.

25 teenage girls received a four hour training course on Self Defense, Domestic and Dating Violence by Officers Hudson, Matviak, and Detectives Umana and Riddle.

Community Relations sat on a panel to discuss security issues for the Building Owner and Manager's Association of Central Florida

Officer Hudson conducted a class on personal safety to 25 seniors at the Forest Club.

A class on Mental Illness was conducted for 25 high school students on Mental Illness.

Officer Hudson presented a class on senior fraud and scams to 30 seniors at the Forest Club.

### **Support Services Division**

The Police Department hosted an APCO Communication Training Officer class, thereby allowing the Department one free student. ECO Warrix attended the class and Suzanne Garfinkel was able to attend at no cost.



# Lake Mary Police Department

## MONTHLY REPORT - MAY 2013

	FY 2013 MAY	FY 2013 YTD	FY 2012 MAY	FY 2012 YTD
<b>Monthly Call Volume</b>	5,228	36,458	4,920	35,769
<b>Response Times (in minutes)</b>				
Priority 1	5.29		3.02	
Priority 2	3.14		3.81	
Priority 3	6.65		7.90	

### UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	1	4	0	4
Robbery	0	1	0	1
Assault/Battery	6	66	6	38
Burglary	5	43	5	41
Theft, all other	15	141	25	155
Motor Vehicle Theft	2	7	0	6
Theft of Motor Vehicle Parts	0	5	1	9
Arson	0	0	0	0
D.U.I.	7	32	2	20

### Total Arrests

Adults	50	283	44	276
Juveniles	4	32	3	24

### Traffic Calls

Crashes	50	416	51	436
Criminal Citations	21	122	18	131
Citations- non criminal	576	3,186	715	2,811
Parking citations	10	64	12	137
K9 Deployments	6	47	5	32
Agency Assist; outside Jurisdiction	63	354	41	448

### Alarms

Total	88	675	64	537
Business	57	470		
Residential	31	232		

### Total Responses to City Ordinance Violations

47	121	38	253
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## Lake Mary Police Department IMPORTANT EVENTS

### **Patrol Division**

Pfc. Thomson successfully completed his annual drug Certification for his K-9 Urs.

Officers assisted Altamonte PD with their Family Festival Day, held at Crane's Roost Park.

Patrol officers participated in Seminole County's quarterly probation checks.

The traffic unit participated in the "Click it or Ticket" campaign, along with members of the reserve unit and patrol.

### **Criminal Investigations Division**

Detective Umana was recognized by the County for her assistance with evidence in search warrant cases.

### **Community Relations Division**

Officer Hudson attended a bullying prevention symposium hosted by the Holocaust Center of Maitland.

LMPD's newest K-9 Officer was featured on local media.

Officer Hudson was guest speaker, addressing local high school principals about the importance of volunteer support for S.I.G. (Senior's Intervention Group).

Books, articles and WWII memorabilia were provided by Officer Hudson for May's theme at the Frank Evans Center.

S.I.G. helped a low income senior move into an assisted living facility.

S.I.G. is actively working with the county to fund a low income senior transportation initiative.

S.I.G. helped feed six low income seniors two meals a day during the month of May.

### **Support Services Division**

Christina Szydelko attended Evidence Training to provide alternate support for the Evidence Division of LMPD.

Suzanne Garfinkel and ECO Dana Theisen attended Florida Interoperability Network, which allows for radio communication between all state agencies.

Kim Vandergrift received her state certification for Property and Evidence.

Christina Szydelko and Sgt. Kevin Pratt attended the Hurricane Workshop at the county's Emergency Operations Center to coordinate City/County Hurricane preparation/planning.

# PUBLIC WORKS UPDATE

**June 2013**

As of June 30<sup>th</sup> Public Works has not had a lost time incident for **447** days!

## Streets/Sidewalks – 432

1. Road Reclamation/Paving Program N-T-P to Roadway Management June 26<sup>th</sup>. Work should start by mid-August on Timacuan Blvd.
2. Cold Mix Paving Project bids are due July 26<sup>th</sup>.
3. Sidewalk repair/replacement program to start on July 8<sup>th</sup>.

## Water Treatment – 434

1. 12-month average daily water demand 3.06 million gallons (5% less than previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 5.25, plant capacity 9.99 MGD.
2. June was fourth wettest month in the past 11 years with 15.5-inches of rainfall measured at the WTP.

## Water Distribution/Wastewater Collection – 435

1. Meter Change-out Program – Goal for 2013 is to change out 489 meters (41 per month), this is to keep track with a 12-year change out program. 277 meters have been changed out through July 2<sup>nd</sup>.
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 2012, 15 more in 2013.

	Jun-13	FYTD	Jun-12	FYTD
Work Orders Completed	40	250	24	282
Sidewalks Repaired (Feet)	0	535	120	868
Street Signs Installed	13	120	15	111
Streets Paved (Miles)	0	0.40	0	0
Paved Streets Maintained (Asphalt - Tons)	4.50	50.75	1.50	18.25
Millions Gallons Treated	80.79	826.67	83.00	872.00
New Water Meters Installed	3	27	2	22
Waterlines Installed (Feet)	0	0	0	120
Waterline Breaks Repaired	19	123	11	89
Meters Exchanged	21	388	19	401
Turn-On/Turn-Off (Customer Request)	120	1,210	146	1,132
Turn-Offs/Non-Payment	20	171	19	156
Water System Dist. Valves Exercised	30	170	38	355
Vehicle Preventative Maint. Inspections	47	423	45	403
Vehicles/Equipment Serviced	82	794	92	725

# PUBLIC WORKS UPDATE

## May 2013

### Streets/Sidewalks – 432

1. Road Reclamation/Paving Program awarded to Roadway Management June 6<sup>th</sup>.
2. Cold Mix Paving Project to be bid in June.

### Water Treatment – 434

1. 12-month average daily water demand 3.07 million gallons (7% less than previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 5.25, plant capacity 9.99 MGD.
2. Bid package complete to repaint elevated storage tank.

### Water Distribution/Wastewater Collection – 435

1. Meter Change-out Program – Goal for 2013 is to change out 489 meters (41 per month), this is to keep track with a 12-year change out program. 259 meters have been changed out through June 5<sup>th</sup>.
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 2012, 15 more in 2013.

	May-13	FYTD	May-12	FYTD
Work Orders Completed	34	210	37	258
Sidewalks Repaired (Feet)	0	535	120	748
Street Signs Installed	15	107	10	96
Streets Paved (Miles)	0	0.40	0	0
Paved Streets Maintained (Asphalt - Tons)	4.00	46.25	2.00	16.75
Millions Gallons Treated	103.90	745.88	109	789.00
New Water Meters Installed	2	24	3	20
Waterlines Installed (Feet)	0	0	0	120
Waterline Breaks Repaired	10	104	14	78
Meters Exchanged	24	367	64	382
Turn-On/Turn-Off (Customer Request)	168	1,090	138	986
Turn-Offs/Non-Payment	13	151	19	137
Water System Dist. Valves Exercised	30	140	45	317
Vehicle Preventative Maint. Inspections	51	376	42	358
Vehicles/Equipment Serviced	89	712	78	633



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



## **Monthly Report**

### **June 2013**

#### **Administration and Emergency Operations**

We responded to 314 emergency alarms, had 146 transports, and logged over 723 hours of training.

Emergency Operations personnel had an additional 70 public contacts for sharps boxes, blood pressures, child car seat installations, public relations, etc.

We completed the Lieutenant promotional process to fill the vacant shift Lieutenant position. Firefighter/Paramedic Gabe Vella has accepted that position. Jason Kelso has moved up from reserve Engineer to full-time. The new hire firefighter will start next month to fill Gabe's position. Next month we will be conducting an Engineer test to fill the vacant reserve Engineer position.

We have continued our monthly Leadership Training and received very positive feedback from the Officers and Firefighters.

We initiated two new teams, Career Development and Tower Teams.

#### **Fire Prevention**

Fire inspectors conducted 97 combined inspections and 47 plan reviews.

The issue with addressing for Fountain Parke and Colonial Grande Apts. was resolved.

We continued work on CERT release to public and finalized the process for new P/T Fire Inspector.

Development work continued on New Employee Orientation Manual for Fire Prevention and the FD Open House introduction letter/information.

Public Education Events –

12 commercial building - 911 checks

Participated in Star Child Summer Camp x 2 days – Safety talk and engine display – 220 participants

Conducted fire drills at 5 local businesses - 1025, 1035, 1064, 1080 Greenwood and 255 Primera – total of 1050 participants

Universal American Safety Event – table display – 300 participants

Station Tour –2 visitors

UCP School – fire safety talk/engine display – 45 participants

Learning Center – fire safety talk/engine display – 100 participants

Liberty Mutual – Sparky Visit – 435 participants



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



## **Monthly Report**

### **May 2013**

#### **Administration and Emergency Operations**

We responded to 311 emergency alarms, had 140 transports, and logged over 807 hours of training.

Emergency Operations personnel had an additional 56 public contacts for sharps boxes, blood pressures, child car seat installations, public relations, etc.

We completed the Battalion Chief testing to fill the vacant shift Battalion Chief position. Lt. Dan Keogh has accepted that position. The Lieutenant promotional process is now being conducted.

We have continued our monthly Leadership Training and received very positive feedback for the Officers and Firefighters.

#### **Fire Prevention**

Conducted 126 combined inspections and 51 plan reviews.

Attended Statewide Hurricane Drill at Seminole County EOC

Worked on CERT information for release to public

Conducted interviews for P/T Fire Inspector position

Participated in Leadership Academy and James Rowan Classes

Attended First Step and Pre-Con meetings for upcoming projects.

Public Education Events –

14 commercial building - 911 checks

Participated in Lake Mary Elementary Festival – Sparky, table and engine display

Conducted a fire extinguisher class at Residence Inn – 12 participants

Blue Cross Hurricane Safety Event – table display – 300 participants

Station Tour –12 visitors

# Building Division Monthly Report June 2013

## Community Development Department

TO: City Commission  
 FROM: Joe Lancaster, Building Official  
 Bobbie Jo Keel, Permit/Zoning Coordinator  
 VIA: Jackie Sova, City Manager  
 DATE: July 8, 2013



### FY2012-2013 WORKLOAD DATA

BUILDING PERMITS ISSUED					BUILDING PERMIT VALUATIONS			
ACTIVITY - PERMIT TYPE	Jun-13	YTD	Jun-12	YTD	Jun-13	YTD	Jun-12	YTD
COMMERCIAL - NEW	1	19	1	1	\$1,180,020	\$ 29,090,189	\$ 108,500	\$ 108,500
COMMERCIAL - ALTERATION	13	43	7	35	\$93,000	\$ 1,155,946	\$ 229,954	\$ 1,647,889
RESIDENTIAL - NEW	17	39	16	25	\$3,599,098	\$ 7,369,680	\$ 2,081,821	\$ 3,948,021
RESIDENTIAL - ALTERATION	5	35	9	35	\$34,654	\$ 147,102	\$ 1,387,333	\$ 1,598,582
ELECTRICAL - NEW/ALTERATION	24	87	21	66	\$389,762	\$ 4,231,191	\$ 138,611	\$ 337,023
ELECTRICAL - TEMP/PREPOWER	1	24	5	10	\$100	\$ 600	\$ 3,080	\$ 3,450
MECHANICAL - NEW/ALTERATION	29	88	20	59	\$210,693	\$ 510,352	\$ 325,393	\$ 690,979
PLUMBING - NEW/ALTERATION	24	65	18	47	\$422,658	\$ 485,976	\$ 425,892	\$ 522,455
ROOFING - TILE, METAL & FLAT	13	17	5	6	\$ 78,134	\$ 119,224	\$ 29,228	\$ 46,828
RE-ROOFING	10	58	15	33	\$ 99,544	\$ 547,876	\$ 273,386	\$ 444,775
SWIMMING POOL	1	4	1	5	\$28,135	\$ 61,635	\$ 89,300	\$ 181,378
SCREEN ENCLOSURE	3	3	3	5	\$12,584	\$ 12,584	\$ 23,773	\$ 36,773
FENCE	4	19	11	17	\$ 10,989	\$ 34,299	\$ 25,010	\$ 53,374
SIGN	1	16	7	21	\$ 3,000	\$ 43,093	\$ 5,250	\$ 41,427
FOUNDATION ONLY	0	1	0	0	\$ -	\$ 186,180	\$ -	\$ -
DEMOLITION	1	4	2	2	\$ -	\$ 75,000	\$ 2,800	\$ 2,800
<b>TOTALS</b>	<b>147</b>	<b>531</b>	<b>141</b>	<b>367</b>	<b>\$6,162,371</b>	<b>\$ 48,319,795</b>	<b>\$ 5,149,331</b>	<b>\$ 16,843,338</b>

BUILDING INSPECTIONS PERFORMED				
TYPE	Jun-13	YTD	Jun-12	YTD
BUILDING	172	860	278	653
ELECTRICAL	57	337	98	281
MECHANICAL	28	152	32	134
PLUMBING	38	209	22	136
<b>TOTALS</b>	<b>295</b>	<b>1558</b>	<b>430</b>	<b>1729</b>

#### FIRST STEP MEETINGS

1. Pain Management Office
2. Tech Park Lot Split

#### MAJOR PROJECTS

1. Fountain Parke
2. Enclave @ Tuscanly
3. Verizon
4. Colonial Grand Ph.2A

# Building Division Monthly Report May 2013

## Community Development Department

TO: City Commission  
 FROM: Joe Lancaster, Building Official  
 Bobbie Jo Keel, Permit/Zoning Coordinator  
 VIA: Jackie Sova, City Manager  
 DATE: June 7, 2013



### FY2012-2013 WORKLOAD DATA

BUILDING PERMITS ISSUED					BUILDING PERMIT VALUATIONS			
ACTIVITY - PERMIT TYPE	May-13	YTD	May-12	YTD	May-13	YTD	May-12	YTD
COMMERCIAL - NEW	17	18	9	9	\$29,090,189	\$ 29,090,189	\$ 5,544,000	\$ 5,544,000
COMMERCIAL - ALTERATION	12	30	3	31	\$1,223,468	\$ 2,286,414	\$ 44,650	\$ 1,462,585
RESIDENTIAL - NEW	3	22	3	12	\$508,619	\$ 4,279,201	\$ 676,694	\$ 2,542,894
RESIDENTIAL - ALTERATION	9	30	15	41	\$30,732	\$ 143,180	\$ 211,751	\$ 423,000
ELECTRICAL - NEW/ALTERATION	25	63	26	71	\$461,881	\$ 4,303,310	\$ 96,134	\$ 294,546
ELECTRICAL - TEMP/PREPOWER	18	23	3	8	\$700	\$ 1,200	\$ 200	\$ 570
MECHANICAL - NEW/ALTERATION	26	59	28	67	\$431,483	\$ 731,142	\$ 226,332	\$ 591,918
PLUMBING - NEW/ALTERATION	17	41	17	46	\$95,344	\$ 158,662	\$ 58,092	\$ 154,655
ROOFING - TILE, METAL & FLAT	0	7	0	1	\$ -	\$ 41,090	\$ -	\$ 17,600
RE-ROOFING	27	45	16	34	\$ 245,446	\$ 693,778	\$ 139,341	\$ 310,730
SWIMMING POOL	1	3	4	8	\$22,913	\$ 56,413	\$ 68,934	\$ 161,012
SCREEN ENCLOSURE	3	3	2	4	\$18,665	\$ 18,665	\$ 12,215	\$ 25,215
FENCE	9	21	5	11	\$ 18,736	\$ 42,046	\$ 33,265	\$ 61,629
SIGN	3	15	6	20	\$ 10,861	\$ 50,954	\$ 67,476	\$ 103,653
FOUNDATION ONLY	0	1	0	0	\$ -	\$ 186,180	\$ -	\$ -
DEMOLITION	0	3	0	0	\$ -	\$ 75,000	\$ -	\$ -
<b>TOTALS</b>	<b>170</b>	<b>384</b>	<b>137</b>	<b>363</b>	<b>\$32,159,037</b>	<b>\$ 42,157,424</b>	<b>\$ 7,179,084</b>	<b>\$ 11,694,007</b>

BUILDING INSPECTIONS PERFORMED				
TYPE	May-13	YTD	May-12	YTD
BUILDING	293	688	325	700
ELECTRICAL	113	280	84	267
MECHANICAL	47	124	46	148
PLUMBING	85	171	70	184
<b>TOTALS</b>	<b>538</b>	<b>1263</b>	<b>525</b>	<b>1299</b>

### FIRST STEP MEETINGS

1. Proposed 8 Lot Subdivision
2. Rinehart Place
3. Exterior -3200 Lake Emma Rd
4. Cross Fit Lake Mary

### MAJOR PROJECTS

1. Fountain Parke
2. Enclave @ Tuscany
3. Verizon
4. Colonial Grand Ph.2A

# Monthly Report – JUNE 2013

## Community Development Department

TO: Mayor and City Commission  
 FROM: Gary Schindler, City Planner *YMS*  
 VIA: Jackie Sova, City Manager *[Signature]*  
 DATE: July 18, 2013  
 RE: Planning and Development Activity



### FY2012-2013 WORKLOAD DATA

	FY2012		FY2013	
	JUNE	Total YTD	JUNE	Total YTD
Land Use Amendments	1	3	0	2
Rezoning	0	3	0	3
Conditional Use	3	8	1	6
Subdivisions/Plat	0	3	1	3
Site Plans	1	3	0	4
Variances	0	0	1	1
Vacates	1	2	0	1
Annexations	0	0	0	0
DRI Development Agreement & Amendments	0	0	0	0
PUD Development Agreement & Amendments	1	2	0	1
Development Agreements, New	0	0	0	0
DRC Reviews	3	6	0	0
Home Occupation Review	3	26	3	31
Business License Review	30	210	12	208
Arbor Permits (non-development related)	15	112	14	128
Zoning Verification Letters	1	6	0	11
Site Permits Issued	0	6	0	8
Building Permits Review	50	369	31	393
Number of Pages Scanned	0	0	0	0

#### Significant Meetings & Issues:

June 3 – LYNX Meeting

June 3 - Station House Status Meeting

June 5 – Rinehart Place Meeting

**June 6 – Station Pointe/FDOT Meeting**

**June 7 – Economic Development Website Meeting**

**June 7 – Washington Estates Meeting with Alan Goldberg and Fred Schwab**

**June 11 – Pain Management Clinic First Step Meeting**

**June 13 – MetroPlan Strategic Business Plan Meeting**

**June 13 – Technology Park Lot Split First Step Meeting**

**June 14 – SunRail Transit Meeting**

**June 17 – Meeting with Justin Pelloni Regarding Commercial Development in the City**

**June 18 – Public Schools Facilities Planning Meeting**

**June 20 – SunRail Information Presentation at the Senior Center**

**June 26 – Meeting with John Martin to discuss traffic at Rinehart Place**

**June 26 – Meeting with Seminole County staff to discuss the Downtown**

**June 27 – Meeting to discuss the administration of the Hills of Lake Mary Grant**

**June 28 – MetroPlan Transportation Technical Advisory Committee Meeting**

# Monthly Report – MAY 2013

## Community Development Department

TO: City Commission

FROM: Gary Schindler, City Planner *GS*

VIA: Jackie Sova, City Manager *JS*

DATE: July 18, 2013

RE: Planning and Development Activity



### FY2012-2013 WORKLOAD DATA

	FY2012		FY2013	
	MAY	Total YTD	MAY	Total YTD
Land Use Amendments	0	2	0	2
Rezoning	0	3	0	3
Conditional Use	1	5	1	5
Subdivisions/Plat	2	3	0	2
Site Plans	1	2	2	4
Variances	0	0	0	0
Vacates	0	1	0	1
Annexations	0	0	0	0
DRI Development Agreement & Amendments	0	0	0	0
PUD Development Agreement & Amendments	0	0	0	1
Development Agreements, New	0	0	0	0
DRC Reviews	1	3	0	4
Home Occupation Review	5	23	3	28
Business License Review	14	180	18	196
Arbor Permits (non-development related)	12	97	14	114
Zoning Verification Letters	0	5	3	11
Site Permits Issued	0	6	0	8
Building Permits Review	50	319	40	362
Number of Pages Scanned	0	0	0	0

#### Significant Meetings & Issues:

- May 1 – Public School Facilities Planning Conference
- May 2 – Meeting regarding Seminole County Public Schools Interlocal Agreement & Leadership Training
- May 7 – Meeting with Ron Seamans regarding potential development in Colonial Center Heathrow
- May 7 - Staff Transportation Meeting
- May 8 – Special Events Employee Division (SEED) Meeting
- May 9 – Fountain View Development Pre-con Meeting
- May 15 – Seminole County Public Schools Planners Technical Advisory Committee Meeting
- May 16 – Pinetree Road First Step

**May 17 – Economic Development Web Meeting**

**May 20 – Station House Meeting**

**May 20 - Crystal Lake Avenue Improvements Status Meeting**

**May 21 – Meeting with Ted Moore regarding Rinehart Place**

**May 22 – MetroPlan Bicycle/Pedestrian Advisory Committee Meeting**

**May 24 – Economic Development Web Meeting**

**May 24 - Washington Estates Meeting**

**May 28 – Crossfit First Step Meeting**

# Human Resources

## June 2013 Report

<b>Employment</b>	<b>06/13</b>	<b>YTD</b>	<b>06/12</b>	<b>YTD</b>
Applications received/acknowledged	30	637	99	742
New Hire Orientations		22	1	22
Resignations/Terminations	1	18	1	17
Current Vacancies (FT/PT Employment Opportunities)	2	27	5	40
Positions filled in house	2	6	4	13
Positions filled outside	3	24	0	22
Surveys Conducted/Completed	4	26	9	77
Employee Evaluations	8	145	9	137
Employee Verifications	6	42	14	60
Personnel Actions Initiated	21	261	28	434
Grievances Filed	0	0	1	1
Employee Insurance Assistance	20	213	210	305
Current Full Time Employees	175		172	
Current Part Time Employees	18		18	
<b>Special Projects</b>				
<b>Insurance</b>				
	<b>06/13</b>	<b>YTD</b>	<b>06/12</b>	<b>YTD</b>
On the Job Injuries - Medical Attention Required	0	2	0	12
On the Job Injuries - No Medical Attention Required	0	2	2	7
City Vehicle Accidents Reported - Under \$500	0	5	1	4
City Vehicle Accidents Reported - Over \$500	0	2	0	4
Loss/Damage Reports - Under \$500	0	7	2	15
Loss/Damage Reports - Over \$500	0	3	0	0
Damage to City Property by Others - Under \$500	0	0	1	1
Damage to City Property by Others - Over \$500	0	2	0	1
Liability/Claimant Incident Reports - Under \$500	0	0	0	3
Liability/Claimant Incident Reports - Over \$500	0	3	0	1
Special Hearings/Mediations	0	1	0	0

# Human Resources

## May 2013 Report

<b>Employment</b>	<b>05/13</b>	<b>YTD</b>	<b>05/12</b>	<b>YTD</b>
Applications received/acknowledged	114	607	93	643
New Hire Orientations	1	22	2	21
Resignations/Terminations	2	17	2	16
Current Vacancies (FT/PT Employment Opportunities)	5	25	5	35
Positions filled in house	1	4	0	9
Positions filled outside	0	21	2	22
Surveys Conducted/Completed	4	22	7	68
Employee Evaluations	14	137	13	128
Employee Verifications	5	36	1	46
Personnel Actions Initiated	25	240	15	406
Grievances Filed	0	0	0	0
Employee Insurance Assistance - open enrollment mtgs	166	193	7	95
Current Full Time Employees	174		174	
Current Part Time Employees	19		18	
<b>Special Projects</b>				
Open Enrollment Meetings				
<b>Insurance</b>				
	<b>05/13</b>	<b>YTD</b>	<b>05/12</b>	<b>YTD</b>
On the Job Injuries - Medical Attention Required	2	2	0	12
On the Job Injuries - No Medical Attention Required	0	2	0	5
City Vehicle Accidents Reported - Under \$500	0	5	0	3
City Vehicle Accidents Reported - Over \$500	0	2	0	4
Loss/Damage Reports - Under \$500	1	7	3	13
Loss/Damage Reports - Over \$500	1	3	0	0
Damage to City Property by Others - Under \$500	0	0	0	0
Damage to City Property by Others - Over \$500	0	2	0	1
Liability/Claimant Incident Reports - Under \$500	0	0	0	3
Liability/Claimant Incident Reports - Over \$500	1	3	0	1
Special Hearings/Mediations	0	1	0	0

**CITY CLERK'S OFFICE MONTHLY REPORT  
JUNE 2013**

	FY 2013		FY 2012	
	JUNE 13	YTD	JUNE 12	YTD
MINUTES PREPARED (SETS)	1	14	2	18
ORDINANCES CREATED	0	0	0	2
ORDINANCES PREPARED	0	2	0	9
RESOLUTIONS CREATED	0	0	0	1
RESOLUTIONS PREPARED	0	3	0	14
PROCLAMATIONS PREPARED	2	25	2	21
PUBLIC HEARING NOTICES PUBLISHED	1	9	0	18
OCCUPATIONAL LICENSES				
NEW	20	208	35	213
RENEWALS	1	381	7	338
TRANSFERS	3	30	6	24
REVENUE GENERATED	\$567.50	\$36,078.00	\$1,017.50	\$31,606.75
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 (WineART Wednesday)	4	42	7	45
REVENUE GENERATED	Credit from last month (rained out)	\$1,900.00	\$320.00	\$2,160.00
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	1	24	1	32
RECORDS DESTROYED (CUBIC FEET)	0	0	0	0

**CITY CLERK'S OFFICE MONTHLY REPORT  
MAY 2013**

	FY 2013		FY 2012	
	MAY 13	YTD	MAY 12	YTD
MINUTES PREPARED (SETS)	1	13	2	16
ORDINANCES CREATED	0	0	0	2
ORDINANCES PREPARED	0	2	0	9
RESOLUTIONS CREATED	0	0	0	1
RESOLUTIONS PREPARED	0	3	1	13
PROCLAMATIONS PREPARED	3	23	0	19
PUBLIC HEARING NOTICES PUBLISHED	3	8	0	18
OCCUPATIONAL LICENSES				
NEW	12	188	13	178
RENEWALS	1	380	3	331
TRANSFERS	3	27	2	18
REVENUE GENERATED	\$842.50	\$35,510.50	\$1,065.00	\$30,589.25
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 WineART Wednesday)	4	38	5	38
REVENUE GENERATED	\$200.00	\$1900.00	\$250.00	\$1840.00
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	1	23	0	31
RECORDS DESTROYED (CUBIC FEET)	0	0	0	0