



LAKE MARY CITY COMMISSION

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

**Regular Meeting
AGENDA**

THURSDAY, SEPTEMBER 19, 2013 7:00 PM

- 1. Call to Order**
- 2. Moment Of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: September 5, 2013**
- 6. Special Presentations**
 - A. Presentation of Sons of American Revolution (SAR) Law Enforcement Commendation Award to Pfc. Matt Schaefer and SAR Heroism Metal to Sgt. Steve Towler - (Lt. Joe Wallace to confirm)**
 - B. Presentation of Police Department's "Lifesaving Award" to Officer Robert Ritter**
 - C. Jason Brodeur, President - Seminole County Regional Chamber**

7. Citizen Participation

8. Unfinished Business

- A. Ordinance No. 1494 - Amending sections 30.39, 91.70, 91.74, and 91.78 of the Code of Ordinances regarding code enforcement liens and Property Maintenance Code - Second Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer)**
- B. Ordinance No. 1495 - 2013/2014 Final Millage Rate - Second Reading (Public Hearing)**
- C. Ordinance No. 1496 - 2013/2014 Final Budget - Second Reading (Public Hearing)**
- D. Ordinance No. 1497 - Amending Chapter 155 Appendix C, Stormwater Management, providing for an increase in stormwater fees - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)**

9. New Business

- A. Resolution No. 924 - Amending Resolution No. 800, the Fund Balance/Net Assets Policy, to provide categories of Fund Balance to comply with Governmental Accounting Standards Board Statement No. 54 (Dianne Holloway, Finance Director)**

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

- a. Roadway Improvement Project (Bid No. 13-09)**
- b. Request for Expenditures from the Law Enforcement Trust Fund**
- c. Retirement gift to Detective Jorge Reguero**

B. Items for Information

- a. Financial Report**
- b. Monthly Department Reports**

12. Mayor and Commissioners Report - (4)

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: October 3, 2013

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held September 5, 2013,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake Mary,
3 Florida.

4
5 I. Call to Order

6
7 The meeting was called to order by Mayor David Mealor at 7:05 P.M.

8
9 II. Moment of Silence

10
11 III. Pledge of Allegiance

12
13 IV. Roll Call

14
15 Mayor David Mealor
16 Commissioner Gary Brender
17 Commissioner George Duryea
18 Commissioner Allan Plank
19 Deputy Mayor Jo Ann Lucarelli

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Bruce Paster, Public Works Director
Bryan Nipe, Parks & Recreation Dir.
Steve Bracknell, Police Chief
Craig Haun, Fire Chief
Debra Babb-Nutcher, Acting City Att.
Mary Campbell, Deputy City Clerk

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25
26 V. Approval of Minutes: August 22, 2013

27
28 **Motion was made by Deputy Mayor Lucarelli to approve the minutes of the August 22,**
29 **2013, meeting, seconded by Commissioner Brender and motion carried unanimously.**

30
31 VI. Special Presentations

32
33 There were no special presentations at this time.

34
35 VII. Unfinished Business

36
37 A. Ordinance No. 1494 – Amending Sections 30.39, 91.70, 91.74, and 91.78 of the Code of
38 Ordinances regarding code enforcement liens and Property Maintenance Code – Second
39 Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer)

40
41 Ms. Sova requested this item be postponed to September 19th. She explained that information
42 was received late this afternoon that Freddie Mac and Fannie Mae may also be concerned as
43 well as mortgage servicers about our lien priorities. With our attorney out of town and such
44 short notice we didn't have time to deal with it before this evening's meeting.

1 **Motion was made by Commissioner Brender to postpone Ordinance No. 1494 to**
2 **September 19, 2013, seconded by Commissioner Plank and motion carried**
3 **unanimously.**

4
5 VIII. New Business

6
7 A. IZON, LLC Application for Seminole County Jobs Growth Incentive (Jackie Sova,
8 City Manager)

9
10 Ms. Sova said we have an application from the Seminole County Jobs Growth Incentive Trust
11 Fund provided along with the Metro-Orlando Economic Development Commission with
12 participation with Seminole County. The applicant, IZON, LLC, is a digital media company
13 based in Longwood. According to their application their facility will stay in Longwood but would
14 like to add an estimated 400 jobs in the Lake Mary area. The average base wage for the jobs
15 is \$37,000 which is 95% of the County's average annual salary. They are proposing to occupy
16 and improve a 50,000 S.F. leased facility within our city limits. Along with \$2,000,000 of
17 equipment purchases and proposed capital investment or leased value would be \$2,450,000.
18 The company has asked that we focus on fiscal return on investment Option No. 3 as
19 presented at \$2,000 a job. We have representatives present from the Seminole County
20 Economic Development Department, the Metro-Orlando Economic Development Commission,
21 and Mr. Joey DiFrancesco with IZON, LLC and he would like to make a presentation.

22
23 Commissioner Duryea said they are going to invest \$450,000 for some equipment and are also
24 buying other equipment for \$2,000,000 and they want a grant for \$1.6 million. It sounds like
25 they don't have a whole lot in it.

26
27 Ms. Sova said they would like to present their business plan beyond what is stated in the
28 material because a lot of that is confidential and proprietary information so it doesn't all come
29 presented in the package.

30
31 Joseph DiFrancesco, Chairman and CEO of IZON, LLC, located at 2005 Tree Fork Lane, Suite
32 109, Longwood, Florida 32750, came forward. He said he appreciated the opportunity to
33 come here tonight. We are television and movie producers. He said he was an Emmy award
34 winning television producer for children's educational television programs on PBS, Christian
35 stations, and family value stations. The project we produce is on the air right now in 95% of
36 the world. It educates and motivates children.

37
38 Mr. DiFrancesco said he and his partner have been together for 11 years at the location in
39 Longwood, primarily doing these television programs. About 6 years ago his partner came to
40 him and said he had an idea and was developing something that is revolutionary and cutting
41 edge technology. It was in the early research and development stage. He said when he saw it
42 he said we are going to stop everything we are doing with production and focus and make sure
43 this happens. We committed our own money and as independent producers that has been our
44 lifestyle. He has been a resident of Lake Mary/Longwood for 30 years. Everything we do is
45 self-funded or privately funded with our shareholders, investors, etc. Six years ago we

1 committed all the money to develop 3D technology that allows you to watch 3D programming
2 without the use of glasses and it's revolutionary.

3
4 Mr. DiFrancesco said about a year and a half ago, we started working on the commercial use
5 of this application which means screens that would be put into malls, sports venues, Simon
6 malls, etc. and would contain advertising. One of his shareholders introduced him to a
7 distributor who saw what they were doing with their prototype and he said they were missing
8 the boat. The big market is consumer televisions and there is nobody out there with this
9 technology. Even though the sales have increased twofold last year and the year before,
10 people just don't like wearing the glasses. He said their technology solves that problem. He
11 said the distributor took them to the consumer electronics show in Las Vegas and put them in
12 front of all the buyers for three days. All of the major buyers of electronics and technology saw
13 their prototype and they loved it. We came back with a handful of endorsements from major
14 distributors and buyers that want this product. We decided we were going to set up an
15 assembly plant.

16
17 Mr. DiFrancesco said we have a passion to help people. We produced these children's
18 programs and we literally gave them to public broadcasting because public broadcasting
19 doesn't pay for programming but the content helps children. In the same fashion we decided
20 we were going to try to help Americans because everything was outsourced to China. We
21 decided to create a program called Jobs for Americans. We want to establish an assembly
22 plant in the United States right here in Seminole County and right here in Lake Mary that in the
23 first year would create 400 jobs and give wages between \$15 and \$30 an hour and try to bring
24 the television industry back to America. We would be ramping up in years two and three to a
25 total of 1,500 jobs. This is broken down into a couple of parts. We need assemblers and
26 technical people.

27
28 Mr. DiFrancesco said we have four businesses: the consumer television business, the
29 commercial screens for malls and sports venues, we do 2D to 3D conversions for major
30 movies from major studios. Jurassic Park was released years ago and they produced it in 2D
31 and it was a big hit. They now want to convert it to 3D and re-release it and it's all gravy
32 money because everything is paid for and it is all profit. We did Conan the Barbarian,
33 Hoodwinked II for the Weinstein Company, Chronicles of Narnia, and Jack Black's Gulliver's
34 Travels. We have strong credibility and ties to Los Angeles. That is another business that we
35 do and we would be hiring technical people to do that part of the business. The fourth
36 business is 3D streaming.

37
38 Mr. DiFrancesco said we have a long-range plan. We have just answered a letter of intent with
39 a property on Rinehart that has been sitting there for a while (the old Siemens plant). We have
40 taken 50,000 S.F. with the option to capture another 50,000 S.F. as we continue to grow. We
41 have a distributor who has guaranteed to us the sale of 150,000 televisions in the first year.
42 The forecast that he presented to us was ten times greater than that but to be safe he
43 guaranteed one-tenth of that. That revenue from 150,000 units generates \$225,000,000 in
44 revenues the first year. That is probably the smallest amount that would happen.

1 Mr. DiFrancesco said we are committed to Seminole County. We brought up our kids here, we
2 like it, and would like to stay. We would appreciate the Commission's support to put 400
3 people to work the first year and then the second and third year increase that number to 1,500.
4 We have been raising private money in addition to what we have put in ourselves. Our
5 investors are going to put up \$5,000,000 initially and \$25,000,000 total. We are dealing with
6 companies like the rent-to-own businesses. Aaron Rents and Babcock saw our product at the
7 show last time and are interested in giving us purchase orders. They work on a week-to-week
8 basis and will order every week because people want to rent a television for 28 bucks a week.
9 We are raising this money because we want to have inventory. By us having inventory it
10 means that we need assemblers and we can have jobs for these assemblers to produce this
11 product.

12
13 Alea Newbold came forward. She said she assists Joey with site selection and analysis. To
14 follow up on our request we adjusted our original application to be half of the original \$1.6
15 million so half is \$800,000, or \$2,000 for the 400 jobs. We wanted to be clear on our actual
16 request for approval. We appreciate the Commission's consideration and time. The actual
17 investment is much greater than what is in the application when you look at inventory that
18 needs to be purchased and materials and supplies.

19
20 Mayor Mealor said in the proposal, particularly with some of the information shared, this type of
21 request is more of an outlier in terms of what we have approved in the past.

22
23 Commissioner Duryea asked Mr. DiFrancesco if he was funding this himself or borrowing the
24 money.

25
26 Mr. DiFrancesco said we are funding it ourselves.

27
28 Commissioner Duryea said between the City of Lake Mary and the County we could possibly
29 be giving you a good portion of that funding. He asked if that was true.

30
31 Mr. DiFrancesco said not really because the private funding that we have will begin at
32 \$5,000,000 and go upward to \$25,000,000. What Alea has proposed is something like \$2,000
33 per worker times 400 workers which is \$800,000. It's not something we need up front. We
34 have been self-contained for the last 11 years in Longwood. That's the nature of our business
35 and we continue to do that. The incentives are add-ons and the reason for it is basically to put
36 workers to work.

37
38 Commissioner Duryea asked if IZON was relatively new.

39
40 Mr. DiFrancesco answered affirmatively. 3D Future Vision became a company in the State of
41 Florida in 2011. The entertainment business is different than opening a retail store. You have
42 a group of people—like my partner, myself, a technical guy, engineers and creative people—
43 and what we do is create a company for a specific project. When we did the children's
44 programming we had a company that was set up for that specific project. They do the same
45 thing with movies. They set up Silver Screen Partners II and that is the company that operates
46 for whatever the title of the picture is, the movie, or television show, etc. It's the same with

1 this. He and his partner who funded all the research and development didn't want to go into a
2 new company, 3D Future Vision, and ask people to pay for the research and development that
3 we paid for over the past six years. When our private investors come into our company, they
4 are not paying for anything in the past. They are paying for marketing. For example in
5 January we are going to attend the consumer electronics show in Las Vegas which is the
6 same show we went to last time with our prototype. This time we are going to bring our
7 finished television back to the buyers and to the world. We are having the global press event.
8 He received a phone call from a reporter at the Orlando Sentinel who wanted an interview and
9 he declined. He said he signed the non-disclosure agreement with Seminole County and
10 couldn't comment. The reporter said he went to Seminole County and they wouldn't comment
11 but saw we were on the agenda. The reporter went to our website and took pieces of
12 information and patched it together and wrote a story and put it out. The *Business Journal* put
13 out a version also and they called and he said he couldn't discuss any of this.

14
15 Ms. Newbold said they are not ready to make a big press release until Samsung and others
16 know what their plans are and what their timeline is. There have been frequent stories on 3D
17 television without glasses and the timeline they propose, and we are a number of years ahead
18 of them from a technology perspective and they want to keep their competitive advantage. We
19 tried to work with the County on a confidential basis. We are not ready to demonstrate the
20 technology in a public forum. In the best case scenario we would have it here and
21 demonstrate our technology. This is not the right forum to make that announcement. They
22 need to do that at the consumer electronics show. We are trying to show a little bit but without
23 divulging our whole story and losing our competitive advantage.

24
25 Commissioner Brender said if he understood correctly the company overall has been in
26 business for some time. It's just that you are forming new companies as you develop new
27 ideas.

28
29 Mr. DiFrancesco said exactly.

30
31 Commissioner Brender asked Mr. DiFrancesco if he intended to bring everything from the
32 Longwood location.

33
34 Mr. DiFrancesco said we would probably keep that location. We are in 10,000 S.F. right now
35 and we are going to 51,000 S.F. so that's a decision that's still up in the air. We have a full
36 studio there, we have a sound stage, green screen, state of the art recording studio, all kinds
37 of editing suites and that type of thing. We might keep that but the bulk of the business will be
38 shifted to the Rinehart address with 50,000 S.F. and that gives a lot of room to conduct this
39 business. We think that is not going to be sufficient so we have an option for another 50,000
40 S.F. to expand because we think come January 7th at the CES show, once the global media
41 comes to our booth and sees it live and reports on it, the world is going to be calling us. When
42 they ask us where we are located we would love to say Lake Mary, Florida.

43
44 Commissioner Brender said one of the concerns is we are looking out at a very long return on
45 the \$800,000 incentive from the County and the City. He said he works as a rep in a
46 manufacturing facility and when we create something it takes about two months and China has

1 reversed engineered it and is getting ready to send it into the country. He realized there are
2 patents but asked if they could hold on to the engineering capability.

3
4 Mr. DiFrancesco said our team has created a product that will have new increments as we
5 continue to go on. The first version of our television will be a smart TV. There will be Skype
6 on the television itself. It will convert any 3D broadcast or Blu-ray 3D on the fly into your home
7 and you can watch it without glasses. The next rev that will come down the line a year from
8 now will be a television on which you can watch any program that is on the air that is 2D that's
9 not 3D. For instance NFL football on Sundays on CBS or Fox Broadcasting is broadcast in
10 2D. If you have an IZON television in your home it will convert that into 3D and that is an
11 absolute game changer in the industry. Jay Leno could be converted into 3D if you wanted to
12 do that. NASCAR, sports and anything along those lines can be converted. Press a button if
13 you don't want to watch in 3D and you're back to 2D. It is a high definition, highest quality
14 picture. We expect competition but if we come out with the product and have a jump on our
15 competitors, if we only captured 1% of this market we will be doing great. People will be
16 working again.

17
18 Commissioner Plank said if you have a revolutionary product like this is, why go with direct
19 marketing versus licensing in across the established television manufacturers who would
20 probably be anxious to grab it legitimately before the Chinese reverse the engineering.

21
22 Mr. DiFrancesco said for the same reason that VIZIO did VIZIO rather than license themselves
23 to the established Panasonic, Samsung, etc. There is pride in creating something, producing
24 it, manufacturing it, and putting it out in the market. We have a lot of pride. My partner and I
25 are passionate about making this a success. Six years without seeing the light at the end of
26 the tunnel; this year we see the light at the end of the tunnel. We are going to hang onto this
27 and stick with our original goals. Let's bring jobs back to America. Let's bring an industry back
28 to America and let's hit a home run for our county, our city and ourselves. That's what we
29 want to do.

30
31 Commissioner Plank asked if these televisions would be competitive from a price standpoint.

32
33 Mr. DiFrancesco answered affirmatively. The big box stores, with our distributor, put together
34 our price point. For our 47-inch television, the price is \$2,199. Right now you can buy a
35 Panasonic 3D with the glasses for about that price. Who wants the glasses? There is the
36 opportunity to buy something without it. The quality is just as good or better and the price is
37 right. We think we've hit a home run.

38
39 Commissioner Plank said his concern was the timeline before somebody else comes into the
40 marketplace, whether legitimately or through reverse engineering, is going to be a lot shorter
41 than our return on investment. The City of Lake Mary is not and cannot be in the business of
42 capitalizing on a venture basis. If you have something in your patents that prevents others
43 from doing it without you being mired in lawsuits for the next 30 years then that's a different
44 situation, but right now we are looking at a relatively long period—much longer than our normal
45 incentive investments.

1 Mr. DiFrancesco said when it comes to technology, China does what it does. Our trademark
2 and patent attorney has advised us how to do the patent so that it's not published. We have a
3 provisional patent and it doesn't disclose. We have at least two years on that. If China gets
4 one of our televisions and think they can figure it out and reverse engineer it, we don't know.
5 That could happen but in the meantime they will probably sell it in China. The Chinese love
6 3D. The movies that come out are making money in greater China. There is the rest of the
7 world, there's the United States, there's Europe. We had a representative come in from Dubai
8 and he wants the territory for the Arabian Peninsula to have distribution rights there. Whatever
9 will happen with competition and if they steal they steal. What can you do?

10
11 Deputy Mayor Lucarelli said we are a very fiscally responsible community and we take great
12 pride in wisely spending taxpayers' dollars. It is their money that they trust us with. We're
13 uncomfortable. We want assurances. This is a different venture than what we are used to.
14 There are not a lot of in-ground things going on here. There is always the concern of what if
15 something happens. Here our return on investment is 46 years and that's a long time. What if
16 you went belly up and we're stuck with another Rinehart Place. She wanted everyone to
17 know their concerns. I don't know how to tell you to give us those reassurances but am just
18 trying to express those are our concerns that are going to impact our decision. We are trying
19 to be fiscally responsible as well as contribute to the economy and jobs.

20
21 Tom Tomerlin, Acting Director of Seminole County Economic Development Division, came
22 forward. He said he wanted to mention how the JGI Program is implemented according to its
23 enabling ordinance. This item will go to the Board of County Commissioners on September
24 10th at their regularly scheduled meeting to consider this item. He thought it was important to
25 mention that this program is tied to some security. They are required to provide a letter of
26 credit or some performance bond which would give some level of surety.

27
28 Commissioner Plank asked Mr. Tomerlin if he could be more specific in what that performance
29 bond would cover because letters of credit have a way of becoming less valuable.

30
31 Mr. Tomerlin said the ordinance is written in such a way that there is the flexibility to use a
32 letter of credit as well as a performance bond.

33
34 Commissioner Plank asked what it would cover. He asked if it would cover our investment.

35
36 Mr. Tomerlin said it would cover both the County and City's investment.

37
38 Commissioner Plank asked in what timeframe.

39
40 Mr. Tomerlin said for at least two years beyond the award.

41
42 Mayor Meador said just from the conversation this evening, my insight into this project has
43 done 180 degrees, and it is from the comments Mr. DiFrancesco has made that he is
44 incredibly positive. Lake Mary welcomes investors. People who want to invest in our
45 community whether it is a residential property, a business, whatever. We like to think we can
46 do whatever is necessary for them to be successful. However, what is before us this evening

1 concerns me. One of the purposes of the grant is for working capital. The City had an
2 economic development incentive policy package that was brought to the Commission while he
3 was serving in Tallahassee and it had a sunset date. Ironically the very time that this policy
4 was in place was the very time that he was tasked by certain members of the Legislature to
5 start looking at venture capital opportunity. In the latter part of his service in Tallahassee he
6 worked closely with Senator Ring. What we were trying to do was craft an opportunity to
7 venture capital that would take the type of project that you are bringing to us and match the
8 appropriate investor with the opportunity. What you presented tonight was in many ways is
9 almost the model of what we were talking about. In what you're presenting is the very thing
10 that the private investor community would be very interested.

11
12 Mayor Meador said one of the dilemmas is the very area that you are presenting this evening is
13 very different than the typical business model. Alex Setzer who is with us this evening of the
14 Southern Strategies Group has worked in Tallahassee. Unfortunately in the last couple of
15 years the state has seen a great deal of volatility with investments in similar types of projects.
16 When I sat back wanting to know if I was going to invest \$800,000 of our taxpayers' money on
17 something, I saw the return on investment and thought the decimal had been moved over to
18 the right instead of the left. When I said this was an outlier in my opening comments, we
19 worked very closely. Working with the County Commission we almost set the template for how
20 you do these types of activities and we have been very successful. However, this request
21 before us in no way matches the other types of things that we have approved. The thing that
22 really caught my attention was when you were talking about the distributors and the distribution
23 aspects or components, you were talking about up to \$25,000,000. I am sitting here saying we
24 couldn't touch that if we wanted to. There is no way the County can match that kind of
25 wherewithal.

26
27 Mayor Meador said thank you for selecting Lake Mary as your site. It is an incredible
28 opportunity and thought our Community Development Department is the kind of partner that
29 you would like to work with. I would be more comfortable in working with you and trying to get
30 you in place. By working with Community Development you are going to have to do some
31 activities that will involve them and I think we could be helpful to you and maybe save you
32 some money through those kinds of processes. Right now this model absolutely does not
33 match what we had in place in the past. I think we need to direct our City Manager and staff to
34 bring back an updated economic incentive policy. Had that been in place we probably wouldn't
35 be having this discussion this evening and you wouldn't find yourself in the position that you
36 are in right now. He said that was just his opinion. What you are doing has great potential but
37 it has great risk and the risk outweighs my willingness to step out and invest our taxpayers'
38 dollars for this type of activity. He was not saying this activity was not right but knew the
39 volatility of the industry.

40
41 Ms. Newbold said we appreciate your comments and feedback but wanted to follow up on
42 some of the comments. The total participation by the City would be split between the County
43 and City and would \$400,000. She said Joey referenced that we were coming to Lake Mary
44 and that's not necessarily the case. We have a letter of intent that is contingent on the
45 outcome of this meeting and the County meeting, and they are looking at other sites. This
46 originally started going to another site immediately and others got involved and said to look

1 closer to home to expand and we talked them into staying in the State of Florida. They were
2 looking outside of the state. We respect your decision but wanted you to know if it doesn't go
3 well here tonight then they more than likely would not come to this community. They need to
4 look at what is in their best interest of their shareholders so we are evaluating other
5 communities. It is a very competitive process. They are not guaranteed to come here. They
6 are guaranteed to expand and hire the jobs and do what they need to do but we are still
7 looking at alternative sites. We respect the City's position but wanted to make clear what
8 position we are in.
9

10 Mayor Meador said he hoped this is done in a respectful manner. He said Mr. DiFrancesco has
11 a serious investment in this. If it doesn't work his way then he is going to have to do what is in
12 the best interest of his shareholders and investors. We have the same fiduciary responsibility.
13 If you look at the track record of what we've done, we have been very fair and targeted. This
14 request came to us. It is not the type of target activity that we may have gone after if you look
15 at the type of economic incentive policy that we have had in the past. Although he was in
16 Tallahassee he was very familiar with this type of activity and endeavor. We would welcome
17 IZON, LLC into Lake Mary and would do whatever we could for them to be successful. This is
18 an issue beyond their location. The request before us is not about location but is about an
19 incentive package. He said right now he was very uncomfortable with that request based on
20 what he has heard this evening.
21

22 Commissioner Brender said he saw the positive side of this. If things do work and you can
23 capture 1% of the television market we are talking about billions of dollars.
24

25 **SIDE 1B**
26

27 Commissioner Brender said the problem we are all having with this is the risk. You are taking
28 a risk and we will be taking a risk as well. Verizon building a 220,000 S.F. building is a whole
29 different situation. We have to measure the risk we not only are willing to take but can take as
30 elected officials of somebody else's money. At the same time I recognize if this thing happens
31 it is a feather in the cap of Seminole County and City of Lake Mary.
32

33 Mr. DiFrancesco said it is a could-of, would-of, should-of situation. That happens every day.
34 We have other communities that are interested and we wanted to extend ourselves to our
35 hometown. You may not be able to match what others have offered us but we were still
36 putting you in first position because we are residents of Seminole County and Lake Mary.
37 However, if you choose to go in a different direction we understand because we have other
38 options. Unfortunately the property is tied into an approval that we negotiated with the landlord
39 because we didn't think it was out of the question. We are a different company than what you
40 are used to but technology is the wave of the future. It's not like the movie industry where
41 you're putting up \$40 million to produce a movie and in one weekend if the critics don't like it,
42 you're down the drain. This is a real product. The buyers are lining up now to come to our
43 booth in Las Vegas in January. We have a strong confidence level that this going to actually
44 happen. It was never our intention to risk any of the Lake Mary money in this process. It was
45 not money given to us up front to operate our business but was after the fact. We have put in
46 position our private money—our own and our investors'. The people we hire are going to be

1 paid from our private investment funds. Alea introduced me to the incentives that would
2 benefit us. Maybe it's over a five-year period and maybe it's over a ten-year period. We
3 certainly don't want to risk money up front. It would only be something that came to us after
4 people are on the job. We can all wait until January because January is going to be a
5 significant timeline and at that point we will see what happens. I have to speak to the other
6 communities that are interested and we are still on the County agenda for September 10th. We
7 will see what we can do.

8
9 Mayor Mealor said he understood the state statute but in this case where we have basically a
10 venture activity before us. If Mr. DiFrancesco went into the Siemens facility and he started off
11 with 200 to 400 jobs and felt within a couple of years he could expand dramatically, would he
12 qualify for the incentives program if he wanted to move the existing workforce that was
13 identified as 200 to 400 up to a dramatic level. He asked if he could reapply.

14
15 Mr. Tomerlin said the short answer is yes.

16
17 **Motion was made by Commissioner Duryea to deny the request, seconded by**
18 **Commissioner Plank.**

19
20 Commissioner Brender said he remained half and half on this. He was not willing to call his
21 company a startup. It is a 12-year-old company. It is a startup as far as his idea. To name this
22 venture capital he was not sure we could be involved in venture capital. This is a jobs
23 program. He said part of him disagrees with the concept of government buying jobs but it
24 seems when you play in the mud you have to play in the mud with everybody. For the last 12
25 to 15 years we have been offering incentives to companies to bring jobs. The fact that Verizon
26 is a 20-year-old company, they didn't need venture capital. He thought a company of 12 years
27 isn't exactly a venture capital either.

28
29 Mr. DiFrancesco said we don't need venture capital. We have the private investors lined up
30 right now. The only thing we wanted was a welcome to stay in our own town. There are other
31 states that would love us to set up there and put their people to work. You talk about the risk
32 of the funds but that's after the fact. Tom and Alea told me about this surety bond so what is
33 the risk.

34
35 Mayor Mealor said there has been a track record in this state of this type of investment that
36 simply has not worked out. He said he believed in the program, our partnership with the
37 County has been successful but it has been targeted. This was a request that came to us and
38 it wasn't what he would call a kind of targeted activity based on our economic development
39 incentives policy. Not to say it's not meaningful and not to say it won't be incredibly
40 successful, but right now he had a difficult time supporting the request based on what he has
41 heard and cross referencing with the industry.

42
43 **Motion carried by roll-call vote: Commissioner Brender, Yes; Commissioner Duryea,**
44 **Yes; Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

45
46 Mr. DiFrancesco thanked the Commission for their time.

1
2 Mayor Mealor the next items are the ordinances to establish the tentative millage rate and
3 tentative budget for Fiscal Year 2013/2014. This is the first of two public hearings. Ordinance
4 No. 1495 is to establish the ad valorem rate for Fiscal Year 2013/2014 and Ordinance No.
5 1496 is to establish the budget for Fiscal Year 2013/2014. Discussion will be held
6 simultaneously for both items, will be followed by public hearings for each ordinance, and a
7 vote will be held on each item separately.

8
9 B. Ordinance No. 1495 - 2013/2014 Tentative Millage Rate - First Reading (Public
10 Hearing) (Jackie Sova, City Manager)

11
12 The Acting City Attorney read Ordinance No. 1495 by title only on first reading.

13
14 Ms. Sova said tonight begins the formal process of adopting the Fiscal Year 2014 budget. The
15 total city-wide budget is balanced at \$33,867,296.

16
17 Ms. Sova said the budget represents:

18
19 Establishing the ad valorem millage rate at 3.5895 mills, the rolled back rate, resulting in a
20 millage rate reduction of .046 mills. The value of a mill in the City is calculated to be
21 \$1,783,937 and ad valorem tax revenues are projected to be some \$6,083,271. The total
22 General Fund budget is \$20,729,661. For the most part operating expenditures are budgeted
23 at increase of less than 6% across the board with the exception being the addition of the costs
24 to operate the new community center scheduled to open in March 2014 along with a summer
25 camp program.

26
27 A Capital Improvement Program totaling \$5,316,237 will include \$3,145,462 of planned
28 improvements for the Downtown area and the impending start of SunRail service in the spring.
29 Improvements planned include:

30
31 Roundabouts to improve traffic circulation, as well as,

32
33 R-O-W, parking, sidewalks, lighting, utility and pavement upgrades,

34
35 Also planned are improvements to the Rinehart Trail partially funded with a \$75,000 grant and
36 a sidewalk along Emma Oaks Trail funded by a \$186,000 transfer from the County.

37
38 We have provided for annual technology equipment replacements, a fiber link connection
39 between the Events Center and the Parks Maintenance Facility, additional lightning
40 suppression systems for our network and low voltage equipment, and to replace 2 of 4 X
41 Series Cardiac monitors utilized by paramedics. Additionally we will be purchasing power load
42 stretchers for the protection of our staff as well as patients.

43
44 In the water and sewer fund we will be resurfacing the interior and exterior of the elevated
45 storage tank, replacing the lift station SCADA system with state of the art equipment, and
46 replacing the media in one of the stripper towers.

1
2 Ms. Sova said the action required by the commission tonight is to first adopt the millage rate at
3 3.5895%, and that is also the rolled back rate, and by separate vote adopt the tentative fiscal
4 year 2013/2014 budget.

5
6 Mayor Mealor asked if anyone would like to speak in reference to Ordinance No. 1495.

7
8 Joanne Counelis, 136 East Alma Avenue, came forward. She stated we needed 24-hour bus
9 service and on holidays and weekends for everybody all over Florida.

10
11 No one else came forward and the public hearing was closed.

12
13 **Motion was made by Commissioner Duryea to approve Ordinance No. 1495 on first**
14 **reading, seconded by Deputy Mayor Lucarelli and motion carried by roll-call vote:**
15 **Commissioner Duryea, Yes; Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes;**
16 **Commissioner Brender, Yes; Mayor Mealor, Yes.**

17
18 C. Ordinance No. 1496 - 2013/2014 Tentative Budget - First Reading (Public Hearing)
19 (Jackie Sova, City Manager)

20
21 The Acting City Attorney read Ordinance No. 1496 by title only on first reading.

22
23 Mayor Mealor asked the City Manager if there were any additional comments.

24
25 Ms. Sova answered negatively.

26
27 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1496. No one
28 came forward and the public hearing was closed.

29
30 **Motion was made by Commissioner Brender to approve Ordinance No. 1496 on first**
31 **reading, seconded by Commissioner Plank and motion carried by roll-call vote:**
32 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner Brender, Yes;**
33 **Commissioner Duryea, Yes; Mayor Mealor, Yes.**

34
35 D. Ordinance No. 1497 - Amending Chapter 150 Appendix C, Stormwater
36 Management, providing for an increase in stormwater fees - First Reading (Public
37 Hearing (Dianne Holloway, Finance Director)

38
39 The Acting City Attorney read Ordinance No. 1497 by title only on first reading.

40
41 Ms. Holloway said we are here this evening to talk about our Stormwater Fund. Over the last
42 few years we have been discussing extensively the fiscal sustainability of the fund. Last year
43 on October 18th we adopted a one-year increase increasing the stormwater rate to \$4.00 from
44 \$3.00 for one year only. We continue to do our projections and are looking at our operating
45 expenditures and capital needs and feel we need to continue the \$4.00 per EDU fee from here
46 on out. We are asking to increase it to a permanent \$4.00.

1
2 Deputy Mayor Lucarelli asked if this assured us enough fees in the fund.

3
4 Ms. Holloway said currently yes. The operating expenditures and our capital improvements, at
5 least for the cold mix paving, this will carry us through for the next couple of years.

6
7 Commissioner Brender asked if there was a run-out date.

8
9 Ms. Holloway said it will depend on what capital improvement projects we want to do with the
10 stormwater money. The \$4.00 fee will cover the operating expenditures of the fund as well as
11 the cold mix program. If we want to do additional capital improvements and want to use this
12 funding we may have to look at future increases, but we can deal with them as time goes by.

13
14 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1497. No one
15 came forward and the public hearing was closed.

16
17 **Motion was made by Deputy Mayor Lucarelli to approve Ordinance No. 1497 on first**
18 **reading, seconded by Commissioner Plank and motion carried by roll-call vote: Deputy**
19 **Mayor Lucarelli, Yes; Commissioner Brender, Yes; Commissioner Duryea, Yes;**
20 **Commissioner Plank, Yes; Mayor Mealor, Yes.**

21
22 E. Interlocal agreement between Seminole County and the City for the Florida Yards &
23 Neighborhoods Program (Bruce Paster, Public Works Director)

24
25 Mr. Paster said the Florida Yards and Neighborhoods Program started five years ago in a
26 cooperative effort with Seminole County. It provides outreach and education for Florida native
27 plants, how to plant, where to plant, how to protect the stormwater system, how to protect our
28 lakes, and how to reduce water. It has been very successful and also meets our teaching
29 requirements for our NPDES permit. We have attended every year and it is held in the
30 Commission chambers. Florida Yards and Neighborhoods talks to the residents and it is also
31 available to any homeowners' association. They have many meetings at the Seminole County
32 Extension Services and there are also TV spots about this. The dollars we put in every year
33 goes to all of these efforts.

34
35 Mr. Paster said the change in this agreement is the price has gone up from \$3,000 per year to
36 \$4,000 per year.

37
38 **Motion was made by Commissioner Brender to approve the interlocal agreement**
39 **between Seminole County and the City for the Florida Yards and Neighborhoods**
40 **Program and authorize the Mayor to execute, seconded by Deputy Mayor Lucarelli and**
41 **motion carried unanimously.**

42
43 F. Resolution No. 923 - Providing policy regarding citizen participation in compliance
44 with Florida Statute 286.0114 (Jackie Sova, City Manager)

45
46 The Acting City Attorney read Resolution No. 923 by title only.

1
2 Ms. Sova said the City Attorney has asked that we bring this forward so that we are certain to
3 be in compliance with Florida Statute 286.0114. She was informed by the City Attorney that
4 we need to move citizen participation up to right after special presentations before we begin
5 business for the evening. That's the place where citizen participation was years ago. The City
6 Attorney feels that is prudent. Also we have to allow for comment at the next available time
7 when someone comes to a workshop. We don't have to have them speak at the workshop but
8 we do have to offer them the opportunity to speak about their concerns from the workshop at
9 the next available meeting. We will need to make that clear from here forward. She felt the
10 best way to do this was by resolution so that we have a stated policy that is formalized.

11
12 **Motion was made by Commissioner Plank to approve Resolution No. 923, seconded by**
13 **Commissioner Brender and motion carried unanimously.**

14
15 IX. Other Items for Commission Action

16
17 There were no other items to discuss at this time.

18
19 X. Citizen Participation

20
21 Joanne Counelis, 136 East Alma Avenue, came forward. She stated the bus also needs to be
22 on Rinehart Road.

23
24 Mayor Mealor said the issue of bus routes has been discussed and will continue to be
25 discussed as we prepare to bring SunRail online.

26
27 No one else came forward and citizen participation was closed.

28
29 XI. City Manager's Report

30
31 Ms. Sova said she had no formal report items but had some announcements.

32
33 Ms. Sova said qualifying for City Commission Seats 2 and 4 ended last Friday at noon with
34 only the incumbents qualifying. She extended congratulations to Commissioner Duryea and
35 Deputy Mayor Lucarelli.

36
37 Ms. Sova said SunRail will be unveiling their trains to the public during the Radio Disney
38 Concert in the Park on Saturday, September 21st, from 4:00 P.M. to 8:00 P.M. This event is
39 being held in Central Park in downtown Winter Park.

40
41 Ms. Sova said during the budget work session the Commission had requested the new
42 Chamber president attend one of our meetings to give an update on their plan. Jason Brodeur
43 is scheduled to be at the September 19th meeting.

44
45 XII. Mayor and Commissioners Report (3)

1 Mayor Mealor had no report at this time.

2
3 Commissioner Plank had no report at this time.

4
5 Deputy Mayor Lucarelli said she attended the Metroplan meeting this morning and they talked
6 about pedestrian safety. They have the Best Foot Forward program going and they will be
7 doing some improvements on 17-92 between Lake Mary Boulevard and Airport Boulevard as
8 well as other areas where they are adding crosswalks, moving bus stops, adding signage and
9 lighting to make it safe. The statistics on how many pedestrians get hit and then the fatalities
10 was amazing. October 9th is International Walk to School Day. They are trying to get the word
11 out for pedestrians and drivers to be safe.

12
13 Commissioner Brender said he attended CALNO last night at the airport in the Vigilante Room.
14 It was hosted by Seminole County and had a report from the County Manager as well as Lee
15 Constantine on their budget process, and the purchase of the property by the airport for a new
16 sports complex. They are looking at increasing revenues within the next year or two. The fire
17 fund is running out of money, the general fund is running out of money, and the reserves have
18 been going down the last seven years. There are going to be changes at the County level
19 coming. It is pretty serious. The value of a mill is about \$27 million. It could become a millage
20 levy, MSTU tax for fire service, or bringing back the stormwater fee. They don't have a general
21 fund reserve to back them up. They are out of general fund transfers through 2015 unless
22 they find new revenue services or they start cutting.

23
24 Commissioner Duryea thanked the citizens of Lake Mary for their confidence and thanked
25 them for the privilege.

26
27 Commissioner Brender said he wanted to make everyone aware that the work that goes into
28 the budget by Dianne (Holloway), department heads and City Manager is mind-boggling. For
29 the first time in quite a few years it was a much easier budget. He thanked them for putting it
30 together.

31
32 Mayor Mealor said earlier this evening the issue came before us on an economic development
33 incentive request. During the time he was serving in Tallahassee the City put a policy in place.
34 It was Resolution No. 711 which stayed in place until its sunset in 2006. He asked the
35 Commission if they thought it was time for the City Manager and staff to bring back an updated
36 policy. There were no objections from the board.

37
38 XIII. City Attorney's Report

39
40 Ms. Babb-Nutcher had no report at this time but stated she was happy to be here.

41
42 XIV. Adjournment

43
44 There being no further business, the meeting adjourned at 8:35 P.M.

1
2
3
4
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12

David J. Meador, Mayor

Mary Campbell, Deputy City Clerk

ATTEST:

Carol A. Foster, City Clerk

DRAFT



MEMORANDUM

DATE: September 19, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Bruce Fleming, Sr. Code Enforcement Officer

SUBJECT: Ordinance No. 1494 - Amending sections 30.39, 91.70, 91.74, and 91.78 of the Code of Ordinances regarding code enforcement liens and Property Maintenance Code - Second Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer)

Introduction: Recently, the Florida Supreme Court determined municipal ordinances with a provision granting “super priority” status to code enforcement liens conflicts with Florida Statute in that such provisions would preempt the authority of the Legislature.

Discussion: The Lake Mary Code of Ordinances Sections 30.39(E) Administrative Fines and Liens, 91.74(D) Demolition, and 91.78(C) Notice Provision contain a provision that code enforcement liens are co-equal to all state, county and municipal tax liens; superior in dignity to all other liens until paid. Consistent with the Supreme Court determination, these sections of the Code of Ordinances should be amended to reflect the Court’s ruling by removing the “co-equal” provision.

Additionally, the Commission adopted Chapter One of the International Property Maintenance Code as part of Section 91.70(C) of the Lake Mary Code. After further review, adoption of the entire International Code would provide additional standards to ensure the health, safety and welfare of residents and that the structures are safe, sanitary and fit for occupancy and use.

Finally, amending Section 91.78(A) of the Code of Ordinances to provide notices required by this section be in accordance with F.S. 162.12 as it may be amended from time to time, 91.78(B) notices to the name and address of the property owner according

to the records of the County Tax Collector or to any other address provided by the property owner in writing to the local government for the purpose of receiving notices, and 91.78(C) requiring property owners to remedy, correct or remove a violation within 10 days.

Recommendation: Request Commission amend Sections 30.39, 91.70, 91.74 and 91.78 of the Lake Mary Code of Ordinances.

ORDINANCE NO. 1494

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING SECTION 30.39(E), ADMINISTRATIVE FINES; LIENS, OF CHAPTER 30, BOARDS, COMMISSIONS AND AGENCIES, AND AMENDING SECTIONS 91.74(D), 91.78, OF CHAPTER 91, HEALTH AND PUBLIC SAFETY, LAKE MARY PROPERTY MAINTENANCE CODE, TO REPEAL CLAUSES DECLARING THAT CODE ENFORCEMENT LIENS TAKE PRIORITY OVER OTHER LIENS AND TO REVISE NOTICE REQUIREMENTS; AND TO AMEND SECTION 91.70(C), INTENT, DEFINITIONS, AND ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE, TO ADOPT THE ENTIRE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND SECTION 91.75(F), ABANDONED REAL PROPERTY, TO CLARIFY THE PURPOSE OF THE REGISTRATION FEE; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE.

WHEREAS, previously the City Commission of the City of Lake Mary adopted Chapter 1 of the International Property Maintenance Code; and

WHEREAS, the City Commission desires to adopt the entire International Property Maintenance Code in order to provide additional standards to help ensure the health, safety and welfare of City residents and to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, Lake Mary Code Sections 30.39(E), 91.74(D) and 91.78(C) need to be amended to repeal the clause code enforcement liens priority over other liens, due to the Florida Supreme Court ruling in *City of Palm Bay v. Wells Fargo Bank, N.A.*, 114 So. 3d 924 (Fla. 2013); and

WHEREAS, Lake Mary Code Section 91.75(F), is amended to clarify the purpose of the annual registration fee charged to mortgagees for abandoned properties; and

WHEREAS, the City Commission desires to amend Lake Mary Code Section 91.78(B) and (C) requiring the record owner of property to remedy, correct, or remove the violation within 10 days instead of 15 days, and to modify Section 91.78(A) to mirror Section 30.41.

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~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 30.39(E), Administrative fines; liens, of Chapter 30, Boards, Commissions and Agencies, is hereby amended as follows:

Sec. 30.39 ADMINISTRATIVE FINES; LIENS

* * *

(E) A certified copy of an order imposing a fine, or fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. ~~All liens filed by the Code Enforcement Board shall be liens co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid or extinguished.~~ Upon petition to the circuit court, the order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property of the violator, but the order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City Commission and the City Commission may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the City Attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Sec. 4, Art. X of the State Constitution.

* * *

SECTION 2. Section 91.70, Intent, Definitions, and Adoption of International Property Maintenance Code, of Chapter 91, Health and Public Safety, Lake Mary Property Maintenance Code, is hereby amended as follows:

* * *

(C) The City of Lake Mary adopts ~~Chapter One of the~~ International Property Maintenance Code, ~~2009~~ 2012 Edition, as may be amended from time to time, for regulating and governing the conditions and maintenance of all buildings and structures within the city and is made a part of this chapter by reference as fully and completely as if set forth herein. A copy of said Code will be on file in the Office of the City Clerk.

SECTION 3. Section 91.74, Demolition, of Chapter 91, Health and Public Safety, Lake Mary Property Maintenance Code, is hereby amended as follows:

§ 91.74 DEMOLITION

* * *

(D) Contents of notice. The condemnation notice must be in writing and include the following:

* * *

(5) Notice that if the defects are not corrected pursuant to the order or a hearing is not requested within the time allowed, the city may cause correction of the defects and charge the reasonable costs and expenses incurred by the city for such corrections against the property, to include and not be limited to, a property lien ~~coequal with the lien of all state, county and municipal taxes, superior in dignity to all other liens~~ until paid.

* * *

(G) Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Building Official shall cause the structure to be demolished and removed, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate ~~coequal with the lien of all state, county and municipal taxes, superior in dignity to all other liens~~ until paid.

SECTION 4. Section 91.75(F), Abandoned Real Property, of Chapter 91, Health and Public Safety, Lake Mary Property Maintenance Code, is hereby amended as follows:

§ 91.75 PROPERTY MAINTENANCE REQUIREMENTS.

* * *

(F) Abandoned Real Property.

* * *

(4) An annual registration fee in the amount of \$100 per property shall accompany the registration form(s). This fee is to cover administrative and inspection costs incurred by the City to ensure properties are properly maintained and secured for the safety of the public. The City will notify mortgage holders or their management companies of security or maintenance problems with the abandoned properties to facilitate the protection of their collateral.

* * *

SECTION 5. Section 91.78, Notice Provisions, of Chapter 91, Health and Public Safety, Lake Mary Property Maintenance Code, is hereby amended as follows:

§ 91.78 NOTICE PROVISIONS

* * *

(A) If a Code Official determines that a prohibited condition or public nuisance as described herein exists, the Code Enforcement Officer shall so notify the record owner of the property where the condition exists and order that the owner cause the condition to be removed or corrected. Notices required by this section shall be provided in accordance with F.S. § 162.12, as it may be amended from time to time. ~~The notice shall be given by certified mail to the record owner as that name and address is shown upon the records of the County Tax Collector.~~ Notice shall be deemed complete when personally delivered or mailed.

(B) The notice required by division (A) shall contain the following:

(1) The name and address of the owner of the property according to the records of the County Tax Collector ~~Property Appraiser~~ for the most current year.

* * *

(5) A requirement that the record owner of the property remedy, correct, or remove the violation within ~~45~~ 10 days from the date of notice, or alternatively file application for a hearing on the issue of the existence of the alleged violation before the City Code Enforcement Board.

(C) In the event that the record owner fails to comply with the requirement to remedy, correct, or remove the violation within ~~45~~ 10 days of notice, or fails to request a hearing on the issue of the violation before the City Code Enforcement Board, then and in that event, the city is hereby authorized to enter upon the said property, remedy, correct, or remove the violation, and assess the cost thereof together with an administrative charge of \$100 against the property. That special assessment shall constitute a lien ~~equal with the lien of all state, county, and municipal taxes, superior in dignity to all other liens~~ until paid, against the property and shall be recorded upon the public records of the county.

* * *

SECTION 6. 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 7. CONFLICTS. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 8. 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 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 19th day of September, 2013.

FIRST READING: August 22, 2013

SECOND READING: September 19, 2013

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER
For the use and reliance of the City
of Lake Mary only. Approved as to
form and legal sufficiency.

CATHERINE REISCHMANN, CITY ATTORNEY



MEMORANDUM

DATE: September 19, 2013

TO: City Commission

FROM: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1495 - 2013/2014 Final Millage Rate - Second Reading (Public Hearing)

The Florida Department of Revenue provides procedural guidance as to what substantive issues should be discussed at the public hearings to adopt a millage rate and budget. This is the final Millage and Budget Public Hearing and we must:

1. Discuss the percent increase in millage over the rolled-back rate needed to fund the budget, if any and the reasons ad valorem tax revenues are being increased over the rolled-back rate.
2. Hear comments about the proposed tax increase and discuss the reasons for the proposed increase over the rolled-back rate. The public can speak and ask questions before the governing body adopts any measures.
3. Adopt the millage rate **before** the budget.
4. Adopt the millage rate and budget, by **separate** votes.
5. Before adopting the millage levy ordinance, we must publicly announce the:
 - Name of the taxing authority
 - Rolled-back rate
 - Percent of increase over the rolled-back rate
 - Millage rate to be levied

Additionally:

- The final millage rate cannot be higher than the tentatively adopted millage rate.
- The TRIM process must be completed within 101 calendar days.

ORDINANCE NO. 1495

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, ESTABLISHING THE AD VALOREM RATE FOR THE CITY OF LAKE MARY, FLORIDA FOR THE FISCAL YEAR 2014; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary, Florida, is required by Chapter 200.065, Florida Statutes, to adopt an ad valorem tax millage rate pursuant to either a Resolution or an Ordinance; and

WHEREAS, said Resolution or Ordinance is required to state the percent, if any, by which the millage rate to be levied differs from the rolled-back rate, computed as the percentage change in the previous year's property tax revenue of the City.

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

1. The City of Lake Mary, Florida, hereby adopts an Ad Valorem Rate to be levied for the Fiscal Year 2014 beginning October 1, 2013, equal to 3.5895 mills, which is a 0.00 percent change from the rolled-back rate of 3.5895 as certified by the Seminole County Property Appraiser.

2. That all ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

3. If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, portion of a section, subsection, or part of this Ordinance.

4. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 19th day of September, 2013.

FIRST READING: September 5, 2013

SECOND READING: September 19, 2013

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER



MEMORANDUM

DATE: September 19, 2013

TO: City Commission

FROM: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1496 - 2013/2014 Final Budget - Second Reading (Public Hearing)

The Florida Department of Revenue provides procedural guidance as to what substantive issues should be discussed at the public hearings to adopt a millage rate and budget. This is the final Millage and Budget Public Hearing and we must:

1. Discuss the percent increase in millage over the rolled-back rate needed to fund the budget, if any and the reasons ad valorem tax revenues are being increased over the rolled-back rate.
2. Hear comments about the proposed tax increase and discuss the reasons for the proposed increase over the rolled-back rate. The public can speak and ask questions before the governing body adopts any measures.
3. Adopt the millage rate **before** the budget.
4. Adopt the millage rate and budget, by **separate** votes.
5. Before adopting the millage levy ordinance, we must publicly announce the:
 - Name of the taxing authority
 - Rolled-back rate
 - Percent of increase over the rolled-back rate
 - Millage rate to be levied

Additionally:

- The final millage rate cannot be higher than the tentatively adopted millage rate.
- The TRIM process must be completed within 101 calendar days.

ORDINANCE NO. 1496

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, ESTABLISHING THE BUDGET FOR THE CITY OF LAKE MARY FLORIDA, FOR THE FISCAL YEAR 2014; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AMENDMENT BY RESOLUTION; PROVIDING FOR SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary, Florida, must establish the Budget for the City of Lake Mary, Florida, for the ensuing Fiscal Year 2014, beginning October 1, 2013; and

WHEREAS, the City Commission of Lake Mary, Florida, has made a determination of the amounts of revenue available and the corresponding appropriations and expenditures for the Fiscal Year 2014.

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

1. That the approved budget for Fiscal Year 2014, as attached hereto is hereby declared to be adopted as the City of Lake Mary's Budget for the Fiscal Year 2014.
2. That all ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.
3. This Ordinance may be amended by the City Commission from time to time by adoption of a Resolution to that effect.
4. If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, portion of a section, subsection, or part of this Ordinance.
5. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 19th day of September, 2013.

FIRST READING: September 5, 2013

SECOND READING: September 19, 2013

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER



MEMORANDUM

DATE: September 19, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Dianne Holloway, Finance Director

SUBJECT: Ordinance No. 1497 - Amending Chapter 155 Appendix C, Stormwater Management, providing for an increase in stormwater fees - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)

DISCUSSION: Over the past several years, we have been discussing the fiscal sustainability of the City's Stormwater Fund. In Fiscal Year (FY) 2013, Resolution No. 907 was adopted on October 18, 2012, increasing the stormwater fees from \$3.00 to \$4.00 per EDU for one year only. Staff continues to perform projections of operating and capital improvement needs.

Keeping the rate at \$4.00 per EDU in FY 2014, projections show that funding will be sufficient to complete the FY 2014 planned capital improvements such as cold mix paving, the Downtown stormwater upgrades and the parking on E. Wilbur Avenue.

This ordinance is to amend the stormwater fee as follows:

Revising Section 7, Paragraph E(3) to establish the charge per EDU at \$4.00 per month and will consist of a base fee of \$1.93 per EDU applicable to all properties, plus a contribution fee of \$2.08 per EDU, applicable to all properties. All non-residential property with site mitigation facilities will pay the minimum charge consistent with (4) below.

RECOMMENDATION: The City Commission adopt Ordinance No. 1497 amending Chapter 155, Appendix C, Stormwater Management Regulations, Section 7, Stormwater Management Utility.

ORDINANCE NO. 1497

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING CHAPTER 155, APPENDIX C, OF THE CODE OF ORDINANCES ENTITLED "STORMWATER MANAGEMENT REGULATIONS"; PROVIDING FOR AN INCREASE IN STORMWATER FEES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission implemented Stormwater Management Regulations in 1993 which provided for stormwater fees; and

WHEREAS, in 2011 and again in 2012, an assessment and analysis of the City's stormwater fund was completed by staff recognizing that the current funding would not be adequate to continue the City's investment in capital improvements; and

WHEREAS, the City engaged the services of Inwood Consulting Engineers to review the revenue and rate analysis performed by staff, and their study concluded an increase in current rates was necessary; and

WHEREAS, the Lake Mary City Commission adopted Resolution 907 on October 18, 2013, increasing stormwater fees for Fiscal Year 2013; and

WHEREAS, the City Commission readdressed the increase in fees during its budget work session and desires to amend the Code of Ordinances to provide for the continued increase; and

WHEREAS, words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

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

Section 1 Chapter 155, Appendix C, Stormwater Management Regulations, is amended as follows:

Amend Section 7 (E) (3) as follows:

(3) Charge per EDU. The charge per EDU will be \$4.00 ~~3.00~~ per month and will consist of a base fee of \$1.93 ~~1.45~~ per EDU applicable to all properties, plus a contribution fee of \$2.07 ~~1.55~~ per EDU, applicable to all properties. All non-residential

property with site mitigation facilities will pay the minimum charge consistent with (4) below.

(4) The minimum charge for developed property, in addition to the base rate charge, shall be a contribution fee of one (1) EDU.

* * *

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

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

Section 4. Severability: If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 5. Effective date: This Ordinance shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED this 19th day of September, 2013.

FIRST READING: September 5, 2013

SECOND READING: September 19, 2013

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER

Approved as to form and legality:

CITY ATTORNEY, CATHERINE REISCHMANN



MEMORANDUM

DATE: September 19, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Dianne Holloway, Finance Director

SUBJECT: Resolution No. 924 - Amending Resolution No. 800, the Fund Balance/Net Assets Policy, to provide categories of Fund Balance to comply with Governmental Accounting Standards Board Statement No. 54 (Dianne Holloway, Finance Director)

DISCUSSION: On September 6, 2007, the City Commission adopted Resolution No. 800, the Fund Balance/Net Assets Policy in recognition that it is essential for governments to maintain adequate levels of fund balance to mitigate current and future risks such as revenue shortfalls, natural disasters, unanticipated expenditures, and to ensure stable tax rates. The Governmental Accounting Standards Board (GASB), issued Statement 54 - *Fund Balance Reporting and Governmental Fund Type Definitions* with the objective to enhance the usefulness of fund balance information. The purpose of this resolution is to amend the current policy for compliance with GASB 54.

RECOMMENDATION: The City Commission adopt Resolution No. 924, amending the Fund Balance/Net Assets Policy, to provide categories of Fund Balance to comply with GASB Statement No. 54.

Attachments

RESOLUTION NO. 924

A RESOLUTION OF THE CITY OF LAKE MARY, FLORIDA, AMENDING RESOLUTION NO. 800, THE FUND BALANCE/NET ASSETS POLICY, TO PROVIDE CATEGORIES OF FUND BALANCE TO COMPLY WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission endorses sound financial policies and practices; and

WHEREAS, on September 6, 2007, in recognition that it is essential for governments to maintain adequate levels of fund balance to mitigate current and future risks such as revenue shortfalls, natural disasters, unanticipated expenditures and to ensure stable tax rates, the City Commission adopted Resolution No. 800, the Fund Balance/Net Assets Policy; and

WHEREAS, it is necessary to further define Fund Balance categories in order to comply with the Government Accounting Standards Board Statement No. 54 (GASB 54), *Fund Balance Reporting and Governmental Fund Type Definitions*, clarifying fund balance classifications on financial statements.

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

Section 1. Resolution No. 800, Fund Balance/Net Assets Policy, is amended to address the requirements of GASB 54.

Section 2. Pursuant to GASB 54, fund balance will be reported in the categories set forth on Exhibit A, attached hereto and incorporated herein.

Section 3. It is the policy of the City Manager and City Commission that all qualifying expenditures be used from the most restrictive category of Fund Balance whenever possible.

Section 4. Effective date: This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2013.

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER

EXHIBIT A

WHEREAS, the Governmental Accounting Standards issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, clarify the meaning of fund balance on financial statements.

Fund Balance – As defined by the *Governmental Accounting, Auditing and Financial Reporting* of the Government Finance Officers Association, fund balance is “The difference between assets and liabilities reported in the government fund.”

Nonspendable Fund Balance – Amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. “Not in spendable form” includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amount of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

Restricted Fund Balance - Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments; of (b) imposed by law through constitutional provisions or enabling legislation.

Committed Fund Balance – Amounts that can be used only for the specific purposes determined by a formal action (resolution) of the Commission, the highest level of decision making authority. Commitments may be changed or lifted only by the Commission taking the same formal action (resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned Fund Balance – Includes spendable fund balance amounts established by Commission that are intended to be used for specific purposes that are neither considered restricted or committed.

Unassigned Fund Balance – Unassigned fund balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.



CITY MANAGER'S REPORT

DATE: September 19, 2013
TO: City Commission
FROM: Jackie Sova, City Manager
SUBJECT: City Manager's Report

ITEMS FOR COMMISSION ACTION:

1. Roadway Improvement Project (Bid No. 13-09).
2. Request for expenditures from the Law Enforcement Trust Fund.
3. Retirement gift to Detective Jorge Reguero.

ITEMS FOR COMMISSION INFORMATION:

1. Financial Report.
2. Monthly Department Reports.



CITY MANAGER'S REPORT

DATE: September 19, 2013
TO: City Commission
FROM: John Omana, Community Development Director
SUBJECT: Roadway Improvement Project (Bid No. 13-09)

DISCUSSION: On September 6, 2013, bids were opened for the above referenced project at City Hall. Three bids were opened in amounts as shown on the attached summary sheet (Exhibit "A").

The project consists of the Lake Mary Police Station retention pond modification; new storm sewer; new force main; new sanitary sewer; new water main; and road improvements for Crystal Lake Avenue, Old Lake Mary Road and Wilbur Avenue.

The low bidder for this project is ThadCon, LLC of Daytona Beach, Florida, with a bid of \$1,323,047.06. ThadCon's bid package, references and project lists were evaluated by the City's consultant, CPH, Inc., and met the bid requirement criteria including responsiveness and responsibility. CPH also reviewed experience, licensing information per DBPR, and references and recommends that the City award Bid No. 13-09 to ThadCon, LLC.

This project is being funded as a Capital Project under Downtown Right-of-Way infrastructure.

RECOMMENDATION: City Commission authorize City Manager to enter into contract negotiations with ThadCon, LLC in an amount not to exceed \$1,323,047.06.

Attachments: Exhibit A & ThadCon, LLC Bid Package



CITY OF LAKE MARY, FLORIDA

LAKE MARY ROADWAY IMPROVEMENTS, ITB #13-09

Bids were opened at approximately 2:02 PM on September 6, 2013 by Jill J. Alvarez, Purchasing Coordinator and Dianne Holloway, Finance Director. Also present were several members of City staff, CPH representatives and three vendor representatives.

	Vendor Name	Amount
1	Gibbs & Register, Inc	\$ 1,583,091.40
2	Hubbard Construction Company	\$ 1,866,685.85
3	ThadCon, LLC	\$ 1,323,047.06

Bids will be evaluated for responsiveness and a recommendation will be made to the City Commission upon completion of said evaluation.

SECTION 00300

BID FORM

1. GENERAL

1.01 Description

The following Bid is hereby made to the City of Lake Mary, hereafter called the City. Bid is submitted by:

Legal Name: ThadCon, LLC

Address: 503 North Street Daytona Beach, Florida 32114

Phone Number: 386-253-3963 Fax Number: N/A

Contact Person: Thad R. Sizemore, III Corporation
(Insert whether sole proprietorship, partnership or corporation.)

1.02 The Undersigned:

A. Acknowledges receipt of:

1. Project Manual (Specifications) for CITY OF LAKE MARY, ROADWAY IMPROVEMENTS from the City of Lake Mary, dated AUGUST 7, 2013

2. Drawings:

<u>Sheet No.</u>	<u>Sheet Title</u>
C-1	COVER SHEET
C-2	GENERAL NOTES
C-3	GENERAL NOTES
C-4	OVERALL SITE PLAN
C-5	ROADWAY TYPICAL SECTIONS
C-6	SITE PLAN CRYSTAL LAKE AVENUE
C-7	SITE PLAN OLD LAKE MARY ROAD
C-8	SITE PLAN WILBUR AVENUE
C-9	DRAINAGE PLAN CRYSTAL LAKE AVENUE
C-10	POND IMPROVEMENTS SITE GRADING PLAN
C-11	DRAINAGE PLAN OLD LAKE MARY ROAD
C-12	DRAINAGE PLAN WILBUR AVENUE
C-13	UTILITY PLAN AND PROFILE CRYSTAL LAKE AVENUE
C-14	EROSION CONTROL PLAN
C-15	EROSION CONTROL DETAILS
C-16	STRIPING & SIGNAGE PLAN CRYSTAL LAKE AVENUE
C-17	STRIPING & SIGNAGE PLAN OLD LAKE MARY TOAD
C-18	STRIPING & SIGNAGE PLAN WILBUR AVENUE
C-19	MISCELLANEOUS DETAILS
C-20	MISCELLANEOUS DETAILS
C-21	JACK AND BORE PALMETTO STREET SUNRAIL CROSSING

C-22	COMPASS ROASE DECORATIVE PAVEMENT PALMETTO STREET INTERSECTION
1 OF 3	TOPOGRAPHIC SURVEY
2 OF 3	TOPOGRAPHIC SURVEY
3 OF 3	TOPOGRAPHIC SURVEY
L-1	LANDSCAPE PLAN OLD LAKE MARY ROAD
L-2	LANDSCAPE PLAN EAST CRYSTAL LAKE AVENUE
L-3	LANDSCAPE NOTES AND DETAILS
IR-1	IRRIGATION PLAN OLD LAKE MARY ROAD
IR-2	IRRIGATION PLAN EAST CRYSTAL LAKE AVENUE
IR-3	IRRIGATION DETAILS
W-1	RETAINING WALL PLAN AND DETAILS

3. Addenda:

Number <u>1</u> , dated <u>08/07/13</u>	Number _____, dated _____
Number <u>2</u> , dated <u>08/28/13</u>	Number _____, dated _____
Number <u>3</u> , dated <u>09/03/13</u>	Number _____, dated _____

- B. Has examined all Bidding Documents and understands that in submitting this Bid, he waives all right to plead any misunderstanding regarding the same.
- C. Has carefully examined the site of the Work and that, based upon its own investigations, Bidder has fully satisfied itself as to: (1) the nature and location of the Work; (2) the location of all existing utilities, whether above or below the surface; (3) all subsurface conditions; (4) the character, quality and quantity of all materials needed for the performance of the Work; (5) the kind and extent of the equipment, labor and other resources or facilities needed for the performance of the Work; (6) the general and local conditions, as well as all difficulties that may be encountered, including but not limited to weather conditions; and (7) all other items which may in any way affect or impact the Work or its performance, and agrees:
1. To hold this Bid open for sixty (60) calendar days after the bid opening date.
 2. To accept the provisions of the Instructions to Bidders regarding disposition of Bid Security.
 3. To enter into and execute a contract with the City, if awarded on the basis of this Bid, and to furnish a Performance Bond and a Labor and Material Payment Bond in accordance with the Instructions to Bidders.
 4. To accomplish the work in accordance with the Contract Documents.
 5. To begin work not later than fourteen (14) days after the issuance of a Notice to Proceed, unless otherwise provided, to Substantially Complete the work within **ONE HUNDRED FIFTY (150)** Calendar Days and to Finally Complete the work within **ONE HUNDRED EIGHTY (180)** Calendar Days of date of the Notice to Proceed. (See Agreement Form; Section 00500,1.02, C.)
 6. To accept the provisions of the Agreement (Section 00500) as to liquidated damages in the event of failure to complete the work on time.

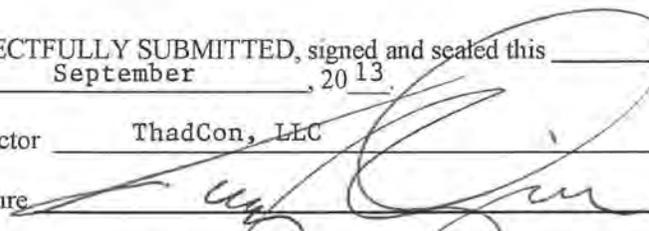
1.03 Miscellaneous Requirements and Affirmations

- A. Proposals (Bids) must be submitted in duplicate on this Bid Form.
- B. I have completed and totaled the attached Bid Form Schedule of Values (page 4 of this section) to reflect my total bid amount.
- C. I have attached evidence of qualification and licensing to do business in the State and locality of this project.
- D. I have attached the required Bid Security to this Bid.
- E. I have attached a list of all subcontractors I will utilize for the Contract work.
- F. I have attached the following required items:
 - a. Bid Form.
 - b. Notarized power-of-attorney.
 - c. Bid Security.
 - d. Conflict of Interest Statement.
 - e. Drug-Free Workplace Certification Form.
 - f. Trench Safety Statement.
 - g. Non-Collusion Affidavit of Bidder.
 - h. Dispute Disclosure Form.
 - i. City of Lake Mary Standard Insurance Requirements.
 - j. A list of all sub-contractors.
 - k. A list of business references.
 - l. Evidence of qualification and licensing.
 - m. Evidence of corporate or joint-venture certification in the state. N/A
 - n. List of substitutions or alternates from bid specifications. N/A

1.05

RESPECTFULLY SUBMITTED, signed and sealed this 6th day of September, 2013.

Contractor ThadCon, LLC

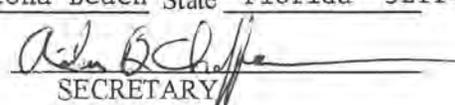
Signature 

Printed Name Thad R. Sizemore, III

Title Managing Member

Business Address 503 North Street

City Daytona Beach State Florida 32114

ATTEST: 
SECRETARY

SEAL

CITY OF LAKE MARY - PARKING AND IMPROVEMENTS (CRYSTAL LAKE AVE, OLD LAKE MARY RD, WILBUR AVE)

BID SCHEDULE (13-09) SUMMARY OF PAY ITEMS (with Addendum #3 changes)

PAY ITEM	DESCRIPTION	UNIT	QUANTITY		UNIT PRICE	COST
			PLAN			
SCHEDULE A	GENERAL					
0101-1	MOBILIZATION	LS	1		\$97,000.00	\$97,000.00
0102-1	MAINTENANCE OF TRAFFIC	LS	1		\$17,000.00	\$17,000.00
0102-99	PORTABLE CHANGEABLE MESSAGE SIGN, TEMP	ED	210		\$35.00	\$7,350.00
0104-13	EROSION CONTROL	LS	1		\$12,000.00	\$12,000.00
0110-1-1	CLEARING & GRUBBING	AC	2.2		\$10,000.00	\$22,000.00
0110-3	REMOVAL OF EXISTING CONCRETE CURB	LF	469		\$3.50	\$1,641.50
0110-4	REMOVAL OF EXISTING CONCRETE PAVEMENT	SY	779		\$5.00	\$3,895.00
0160-4	TYPE B STABILIZATION	SY	8,772		\$3.75	\$32,895.00
0285-709	OPTIONAL BASE, BASE GROUP 09	SY	8,409		\$15.00	\$126,135.00
0327-70-5	REMOVAL OF EXISTING ASPHALT PAVEMENT	SY	7,143		\$3.25	\$23,214.75
0334-1-13	SUPERPAVE ASPHALTIC CONC, TRAFFIC C	TN	1,031		\$100.00	\$103,100.00
0350-1-1	PLAIN CEMENT CONC PAVT, 6"	SY	522		\$34.00	\$17,748.00
0350-1-2	PLAIN CEMENT CONC PAVT, 8"	SY	276		\$75.00	\$20,700.00
0519-78	BOLLARDS	EA	16		\$300.00	\$4,800.00
0520-1-10	CONCRETE CURB & GUTTER, TYPE F	LF	697		\$16.00	\$11,152.00
0520-1-10A	CONCRETE CURB & GUTTER, DROP CURB	LF	1,851		\$15.50	\$28,690.50
0520-2-4	CONCRETE CURB, TYPE D	LF	1,343		\$14.75	\$19,809.25
0520-2-9	CONCRETE CURB, SPECIAL- RIBBON 6"X12"	LF	750		\$14.50	\$10,875.00
0520-3	VALLEY GUTTER- CONCRETE	LF	319		\$19.00	\$6,061.00
0522-1	SIDEWALK CONCRETE, 4" THICK	SY	2,247		\$32.00	\$71,904.00
0523-1-2	PATTERNED/TEXTURED PAVT/CONC	SY	161		\$239.00	\$38,479.00
0527-1	DETECTABLE WARNING ON EXIST WALK SURF	EA	26		\$275.00	\$7,150.00
0700-20-11	SINGLE POST SIGN, F&I, <12 SF	AS	12		\$275.00	\$3,300.00
0700-20-12	SINGLE POST SIGN, F&I, 12-20 SF	AS	2		\$300.00	\$600.00
0700-20-40	SINGLE POST SIGN, RELOCATE	AS	9		\$125.00	\$1,125.00
0700-20-60	SINGLE POST SIGN, REMOVE	AS	7		\$45.00	\$315.00
0705-11-4	DELINEATOR, FLEXIBLE HIGH PERFORMANCE	EA	6		\$115.00	\$690.00
0710-1111A	PAINTED PAVT MARK, STD, WHITE, SOLID, 4"	LF	3,364		\$0.45	\$1,513.80
0710-1111	PAINTED PAVT MARK, STD, WHITE, SOLID, 6"	LF	105		\$0.75	\$78.75
0710-11123	PAINTED PAVT MARK, STD, WHITE, SOLID, 12"	LF	638		\$2.00	\$1,276.00
0710-11125	PAINTED PAVT MARK, STD, WHITE, SOLID, 24"	LF	106		\$4.50	\$477.00
0710-11170	PAINTED PAVT MARK, STD, WHITE, ARROWS	EA	4		\$95.00	\$380.00
0710-11420	HANDICAP PARKING SPACE AND ACCESS RAMP STRIPING	EA	3		\$135.00	\$405.00
0710-11211A	PAINTED PAVT MARK, STD, YELLOW, SOLID, DBL 4"	LF	1,703		\$0.92	\$1,566.76
0710-11223	PAINTED PAVT MARK, STD, YELLOW, SOLID, 12"	LF	7		\$2.25	\$15.75
A1	LANDSCAPING	LS	1		\$56,000.00	\$56,000.00
A2	IRRIGATION	LS	1		\$33,000.00	\$33,000.00

SUBTOTAL \$784,343.06

CITY OF LAKE MARY - PARKING AND IMPROVEMENTS (CRYSTAL LAKE AVE, OLD LAKE MARY RD, WILBUR AVE)

BID SCHEDULE (13-09) SUMMARY OF PAY ITEMS (with Addendum #3 changes)

PAY ITEM	DESCRIPTION	UNIT	QUANTITY		UNIT PRICE	COST
			PLAN			
SCHEDULE B	STORMWATER					
0110-1-1	CLEARING & GRUBBING	AC	0.8		\$12,000.00	\$9,600.00
0120-1	REGULAR EXCAVATION	CY	3,876		\$5.50	\$21,318.00
0530-1	RIP-RAP	SY	8		\$45.00	\$360.00
0548-12	RETAINING WALL SYSTEM, PERMANENT EXC BAR	SF	3,646		\$32.00	\$116,672.00
0425-2-41	MANHOLES, P-7, <10'	EA	4		\$2,000.00	\$8,000.00
0425-2-61	MANHOLES, P-8, <10'	EA	1		\$2,900.00	\$2,900.00
0425-8	DRAINAGE STRUCTURES, MISCELLANEOUS, ADJUST	EA	2		\$375.00	\$750.00
0425-11	DRAINAGE STRUCTURE, MODIFY	EA	1		\$500.00	\$500.00
0425-11-1	DRAINAGE PIPE, 12" RCP, REMOVE & DISPOSE	LF	12		\$10.00	\$120.00
0425-11-2	DRAINAGE PIPE, 18" RCP, REMOVE & DISPOSE	LF	205		\$12.00	\$2,460.00
0425-11-3	DRAINAGE STRUCTURE, REMOVE & DISPOSE	EA	6		\$250.00	\$1,500.00
0425-11-4	FIBERGLASS SKIMMER, INLET, DT BOT, TYPE D	EA	1		\$1,500.00	\$1,500.00
0425-1311	INLETS, CURB, TYPE P-1, <10'	EA	2		\$3,900.00	\$7,800.00
0425-1351	INLETS, CURB, TYPE P-5, <10'	EA	1		\$2,750.00	\$2,750.00
0425-1541	INLETS, DT BOT, TYPE D, <10'	EA	3		\$3,100.00	\$9,300.00
0425-1551	INLETS, DT BOT, TYPE E, <10'	EA	3		\$3,000.00	\$9,000.00
0425-1711	INLETS, GUTTER, TYPE V, <10'	EA	4		\$2,750.00	\$11,000.00
0425-1711A	INLETS, GUTTER, TYPE V, B BOT, <10'	EA	1		\$4,100.00	\$4,100.00
0425-1711B	INLETS, GUTTER, TYPE V, <10' (MODIFIED, W/ SNOOUT)	EA	1		\$3,400.00	\$3,400.00
0430-1	HEADWALL, 36"	EA	1		\$3,900.00	\$3,900.00
0430-175112	PIPE CULVERT, RCP, ROUND, 12"	LF	7		\$35.00	\$245.00
0430-175115	PIPE CULVERT, RCP, ROUND, 15"	LF	442		\$31.00	\$13,702.00
0430-175118	PIPE CULVERT, RCP, ROUND, 18"	LF	734		\$38.00	\$27,892.00
0430-175136	PIPE CULVERT, RCP, ROUND, 36"	LF	464		\$77.00	\$35,728.00
0430-175236	PIPE CULVERT, RCP, ELLIPTICAL, 29"X45"	LF	20		\$160.00	\$3,200.00
0440-1-30A	UNDERDRAIN, TYPE III, MOD.	LF	1,261		\$19.00	\$23,959.00
0440-73-3	UNDERDRAIN OUTLET PIPE, 8"	LF	32		\$20.00	\$640.00
0443-70-4	FRENCH DRAIN, 24"	LF	260		\$87.00	\$22,620.00
	SUBTOTAL				\$87.00	\$344,916.00

CITY OF LAKE MARY - PARKING AND IMPROVEMENTS (CRYSTAL LAKE AVE, OLD LAKE MARY RD, WILBUR AVE)

BID SCHEDULE (13-09) SUMMARY OF PAY ITEMS (with Addendum #3 changes)

PAY ITEM	DESCRIPTION	UNIT	QUANTITY PLAN	UNIT PRICE	COST
SCHEDULE C					
0425-5-1	MANHOLE, ADJUST, UTILITIES	EA	3	\$750.00	\$2,250.00
0425-5-2	MANHOLE, MODIFY, UTILITIES	EA	1	\$750.00	\$750.00
0425-5-3	MANHOLE, SPECIAL- DOGHOUSE, UTILITIES	EA	1	\$4,200.00	\$4,200.00
0425-2-41-1	MANHOLES, P-7, <10', UTILITIES	EA	1	\$5,200.00	\$5,200.00
0556-1-4	JACK AND BORE, CASE DIA 18" TO <24"	LF	70	\$443.00	\$31,010.00
C1	REMOVE EXISTING WATERMAIN	LF	935	\$20.00	\$18,700.00
C2	ADJUST/RELOCATE VALVE BOX/METER ASSEMBLY	EA	4	\$130.00	\$520.00
C3	8" LINESTOP ASSEMBLY	EA	1	\$4,092.00	\$4,092.00
C4	6" LINESTOP ASSEMBLY	EA	6	\$3,575.00	\$21,450.00
C5	4" LINESTOP ASSEMBLY	EA	3	\$2,777.00	\$8,331.00
C6	8" TAPPING SLEEVE	EA	3	\$3,900.00	\$11,700.00
C7	4" WATER MAIN (OPEN CUT)	LF	22	\$25.00	\$550.00
C8	6" WATER MAIN (OPEN CUT)	LF	698	\$18.50	\$12,913.00
C9	8" WATER MAIN (OPEN CUT)	LF	248	\$25.00	\$6,200.00
C10	6" FORCEMAIN (OPEN CUT)	LF	509	\$22.00	\$11,198.00
C11	8" GRAVITY SEWER (OPEN CUT)	LF	277	\$37.00	\$10,249.00
C12	FITTINGS (WATERMAIN)	TN	1.50	\$8,000.00	\$12,000.00
C13	FITTINGS (FORCEMAIN)	TN	0.75	\$9,800.00	\$7,350.00
C14	8" GATE VALVE	EA	7	\$1,250.00	\$8,750.00
C15	6" GATE VALVE	EA	7	\$975.00	\$6,825.00
C16	6" PLUG VALVE	EA	1	\$1,800.00	\$1,800.00
C17	SANITARY SERVICE	EA	1	\$300.00	\$300.00
C18	SINGLE WATER SERVICE (RECONNECT)	EA	2	\$275.00	\$550.00
C19	FIRE HYDRANT ASSEMBLY	EA	2	\$3,250.00	\$6,500.00
C20	REMOVE EXISTING FIRE HYDRANT ASSEMBLY	EA	2	\$200.00	\$400.00
			SUBTOTAL		\$193,788.00

COMBINED TOTAL \$1,323,047.06

THADCON, LLC
 503 NORTH STREET
 DAYTONA BEACH, FLORIDA 32114

BIDDER NAME: 

THADCON, LLC

1.03 Miscellaneous Requirements and Affirmations:

C. Evidence of qualification and licensing to do business in the State of Florida

THIS DOCUMENT HAS A COLORED BACKGROUND • MICROPRINTING • LINE/MARK™ PATENTED PAPER

AC# 6287374

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

SEQ# L12082102200

DATE	BATCH NUMBER	LICENSE NBR
08/21/2012	120080815	CGC009472

The GENERAL CONTRACTOR
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2014

SIZEMORE, THAD R JR
THADCON LLC
503 NORTH ST
DAYTONA BEACH

FL 32114-2615

RICK SCOTT
GOVERNOR

KEN LAWSON
SECRETARY

DISPLAY AS REQUIRED BY LAW

THADCON, LLC

1.03 Miscellaneous Requirements and Affirmations:

C. Evidence of qualification and licensing to do business in the State of Florida

THIS DOCUMENT HAS A COLORED BACKGROUND • MICROPRINTING • LINEMARK™ PATENTED PAPER

AC#6292483 **STATE OF FLORIDA**
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD **SEQ# L12082202928**

DATE	BATCH NUMBER	LICENSE NBR
08/22/2012	120083122	CUC1224517

The UNDERGROUND UTILITY & EXCAVATION CO
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2014

SIZEMORE, THAD III
THADCON LLC
4617 SAXON DR
NEW SMYRNA BEACH FL 32169

RICK SCOTT
GOVERNOR

KEN LAWSON
SECRETARY

FLORIDA

DISPLAY AS REQUIRED BY LAW



REC'D 6/14/2013

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

June 10, 2013

THADCON, LLC
503 NORTH ST
DAYTONA BEACH FL 32114

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the type of work indicated below. Unless your company is notified otherwise, this Certificate of Qualification will expire 6/30/2014. However, the new application is due 4/30/2014.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established based on X Audited Reviewed financial statements. To access it, please log into the Contractor Prequalification Application System via the following link:
<https://www3.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:
DRAINAGE, GRADING, GRASSING, SEEDING AND SODDING

FDOT APPROVED SPECIALITY CLASSES OF WORK:
NONE

You may apply, in writing, for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code. Please be advised if certification in additional classes of work is desired, documentation is needed to show that your company has done such work with your own forces and equipment or that experience was gained with another contractor and that you have the necessary equipment for each additional class of work requested.

Sincerely,

Juanita Moore, Manager
Contracts Administration Office

JM:cj

SECTION 00300-0

1.03 MISCELLANEOUS REQUIREMENTS & AFFIRMATIONS:

J. LIST of ALL SUNCONTRACTORS:

<u>SUBCONTRACTOR</u>	<u>TRADE</u>
Action Industries P.O. Box 103 Silver Springs, Florida 34489 352-732-6941	Wet Tap / Line Stops
Bechtol Engineering & Testing, Inc. 605 W. New York Avenue Suite A DeLand, Florida 32720 386-734-8444	Testing
Formasters Concrete Specialists P.O. Box 1026 Lake Helen, Florida 32744 386-228-3003	Concrete Flat Work / Retaining Wall
Gulf Coast Boring & Pipeline, Inc. 1065 George Jenkins Blvd. Lakeland, Florida 33815 863-686-2263	Jack & Bore
K.C. Curb, Inc. 4975 Patch Road Orlando, Florida 32822 407-737-7744	Concrete Curbing / Sidewalk
P & S Paving, Inc. 3701 Olson Drive Daytona Beach, Florida 32124 386-258-7911	Asphalt Paving
R.J. Landscaping Contractors, Inc. 1766 Taylor Road Daytona Beach, Florida 32124 386-767-3008	Landscaping & Irrigation
Stellar Payment Marking, Inc. P.O. Box 9125 Daytona Beach, Florida 32120 386-846-5002	Pavement Striping

SECTION 00300-3

1.03 MISCELLANEOUS REQUIREMENTS and AFFIRMATIONS:

K. LIST OF BUSINESS REFERENCES

<u>BUSINESS REFERENCES</u>	<u>JOB</u>	<u>SCOPE of WORK</u>	<u>CONTRACT AMT.</u>
City of South Daytona 1672 S. Ridgewood Avenue South Daytona, Florida 32119 Les Gillis 386-322-3080	US-1/SR-5 (Ridgewood Ave.) Streetscape Improvements City of South Daytona Ridge Blvd. to Beville Road	Watermain, Storm Drain. Conduit for Utilities, Sidewalk Concrete Curbing, Driveways, Roadways, Landscaping, Irrigation & Lighting	\$ 4,299,235.00
Volusia Cty Water & Utilities Services Group 123 W. Indiana Avenue DeLand, Florida 32720 Scott Mays, P.E. 386-943-7027 Ext 12076	Rhode Island Avenue Reclaimed Water Main Extension Orange City, Florida	8", 12" & 16" C-900 PVC w/ Fittings, Concrete Driveways and Sidewalks	\$ 1,500,390.00
City of New Smyrna Beach 124 Industrial Park Avenue New Smyrna Beach, Florida 32168 Khalid Reishidat 386-547-0582	SR-44 Gateways, New Smyrna Beach Streetscape Project I-95 at SR-44 and SR-44 at W. Canal St.	Utilities, Lighting, Streetscape Improvements, Landscape & Irrigation	\$ 1,183,165.00
City of New Smyrna Beach 124 Industrial Park Avenue New Smyrna Beach, Florida 32168 Khalid Reishidat 386-547-0582	West Canal Streetscape US-1 to SR-44 New Smyrna Beach, Florida	Storm Drain, Concrete Curb, Sidewalk, Concrete Driveways, Roadway, Landscaping, Electrical, Irrigation, Water Line, Conduit for Utilities	\$ 2,941,203.00
City of Ormond Beach 22 South Beach Street Ormond Beach, Florida 32174 Shawn Finley, P.E. 386-615-7049	2 Inch Water Main Replacement North Peninsula Ormond Beach, Florida	6" & 8" PVC & Fittings, 6" & 8" DIP & Fittings, 1" & 2" HDPE, Wet Taps, 1" & 1½" Poly Water Services, Fire Hydrants Asphalt Roadway Patches	\$ 1,125,158.00

SECTION 00410
BID BOND FORM

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, _____
_____, as Principal, and

as Surety, are hereby held and firmly bound unto the City of Lake Mary, Florida, as City in the
penal sum of, (5 % of the Contract Bid) _____
written amount in dollars and cents.

(\$ _____) for the payment of which, well and truly to be made, we
figure

hereby jointly and severally bind ourselves, successors and assigns.

Signed, this _____ day of _____, 20____. The Condition of the above obligation
is such that whereas the Principal has submitted to the City of Lake Mary, Florida a certain Bid, attached
hereto and hereby made a part hereof to enter into a contract in writing, for the City of Lake Mary BID NO.
13-09 LAKE MARY ROADWAY IMPROVEMENTS and to provide Performance and Payment Bonds
acceptable to the City.

Principal

Witness

By _____
Title

Surety

Witness

By _____
Attorney in Fact & Resident Agent

**** THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00060

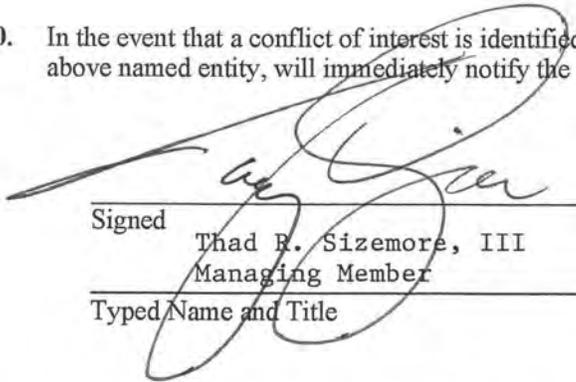
CONFLICT OF INTEREST STATEMENT

STATE OF FLORIDA
CITY OF VOLUSIA

Before me, the undersigned authority, personally appeared Thad R. Sizemore, III,
who was duly sworn, deposes, and states:

1. I am the Managing Member of
ThadCon, LLC with a local office in
Daytona Beach, Florida and principal office in Daytona Beach, Florida
(City & State) (City & State)
2. The above named entity is submitting a Bid for the City of Lake Mary, described as:
Bid No. 13-09 LAKE MARY ROADWAY IMPROVEMENTS
3. The Affiant has made diligent inquiry and provides the information contained in this Affidavit based upon his/her own knowledge.
4. The Affiant states that only one submittal for the above bid is being submitted and that the above named entity has no financial interest in other entities submitting bids for the same project.
5. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive pricing in connection with the entity's submittal for the above bid. The entity will restrict the discussion of pricing data until the completion of negotiations and execution of the Contract for this project, if necessary.
6. Neither the entity nor its affiliates, nor anyone associated with them, is presently suspended or disqualified or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
7. Neither the entity, nor its affiliates, nor anyone associated with them, have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
8. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Lake Mary.
9. I certify that no member of the entity's ownership, management, or staff has a vested interest in any aspect of the City of Lake Mary.

10. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Lake Mary.


Signed Thad R. Sizemore, III Dated September 6, 2013
Managing Member
Typed Name and Title

Sworn to and subscribed before me this 6th day of September, 2013.

Personally known OR produced identification . Identification type: _____

Notary Public: State of Florida County of Volusia



DEBORAH ANN HANLEY
MY COMMISSION # FF 048484
EXPIRES: September 2, 2017
Bonded Thru Budget Notary Services

Printed, typed, or stamped commissioned name of notary public

My commission expires September 2, 2017

****THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00420

DRUG-FREE WORKPLACE CERTIFICATION FORM

IDENTICAL TIE BIDS-In accordance with Florida State Statutes Section 287.087, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under a bid a copy of the statement specified in subsection 1 above.
4. In the statement specified in subsection 1, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available to whom is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this entire section.

As the person authorized to sign this statement, I certify that this firm complies fully with the above requirements.

Authorized Signature

Thad R. Sizemore, III

Printed Name

September 6, 2013

Date

Managing Member

Title

**** THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00430

TRENCH SAFETY STATEMENT

Bidder acknowledges that included in the various items of the proposal and in the Total Bid Price are costs for complying with the Florida Trench Safety Act (F.S. 553.60, et. seq.). The bidder further identifies the cost of compliance with the applicable trench safety standards as follows:

TRENCH SAFETY MEASURE (DESCRIPTION)	UNITS OF MEASURE (LF, SF)	UNIT QUANTITY	UNIT COST	EXTENDED COST
A. <i>Sloping</i>	<i>LF</i>	<i>5,217</i>	<i>\$ 1.25</i>	<i>\$6,521.25</i>
B. <i>Trench Box</i>	<i>SF</i>	<i>480</i>	<i>\$ 3.00</i>	<i>\$ 1,440.00</i>
C.				
D.				
TOTAL:				<i>\$7,961.25</i>

NOTE: The total cost shown herein is already included in the various items in the Total Base Bid in the Contractor's Proposal and is not additional to the pricing shown on the Bid Form, in Section 00300.

Bidder, by signature below, assures that the contractor performing trench excavating will comply with the applicable Trench Safety Standards. Failure to complete the above and submit with the Bid Form along with other required bidding documents, may result in the bid being declared non-responsive.

NOTE: BEFORE EXECUTION, CONTRACTOR IS REQUESTED TO REVIEW PAGE 00430-2 OF THIS SECTION.

Submitted, signed and sealed this 6th day of September, 2013.

CONTRACTOR

ThadCon, LLC

By:

Name: Thad R. Sizemore, III

Title: Managing Member

Business Address:

503 North Street

Daytona Beach, Florida 32114

ATTEST:

Alvin B. Chaffa
Signature Seal

NOTE:

If the Contractor intends to install pipe by some other method than trenching under the definitions found in the Florida Trench Safety Act so indicate by outlining in the space provided below the method proposed and how it will comply with the Florida Trench Safety Act and related OSHA Standards for the City's evaluation.

The Cost of accomplishing the work by any alternate methods to trenching is included in the bid prices shown in the Contractor's Proposal. Outline of Alternate Method:

Submitted, signed and sealed this 6th day of September, 2013

CONTRACTOR

ThadCen, LLC

By:

Name Thad R. Sizemore, III Title Managing Member

Business Address

503 North Street

Daytona Beach, Florida 32114

ATTEST:

Alvin B. Chaffa
Signature Seal

**** THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00440

NON-COLLUSION AFFIDAVIT OF BIDDER

STATE OF FLORIDA

COUNTY OF VOLUSIA

Thad R. Sizemore, III, being duly sworn, deposes and says that:

1. He/She is Managing Member of _____
(Title)
ThadCon, LLC
(Company Name)

the bidder that has submitted the attached bid;

- 2. He/She is fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid;
- 3. Such Bid is genuine and is not a collusive or sham bid;
- 4. Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other bidder, firm or person to submit a collusive or sham bid in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm, or person to fix the price or prices in the attached bid or any other bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Lake Mary, Florida or any person interested in the proposed Contract; and
- 5. The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

[Signature] September 6, 2013
Signed _____ Dated _____
Thad R. Sizemore, III - Managing Member
Typed Name and Title

Sworn to and subscribed before me this 6th day of September, 2013.

Personally known OR produced identification _____. Identification type: _____

Notary Public: State of Florida County of Volusia

Deborah Ann Hanley
Printed, typed, or stamped commissioned name of notary public



DEBORAH ANN HANLEY
MY COMMISSION # FF 048484
EXPIRES: September 2, 2017
Banded Thru Budget Notary Services

My commission expires September 2, 2017

****THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00460

DISPUTES DISCLOSURE FORM

Answer the following questions by placing an "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your firm or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?

YES NO

Has your firm, or any member of your firm, been disqualified from bidding, debarred, declared in default, terminated or removed from a contract or job related to the services your firm provides in the regular course of business within the last five (5) years?

YES NO

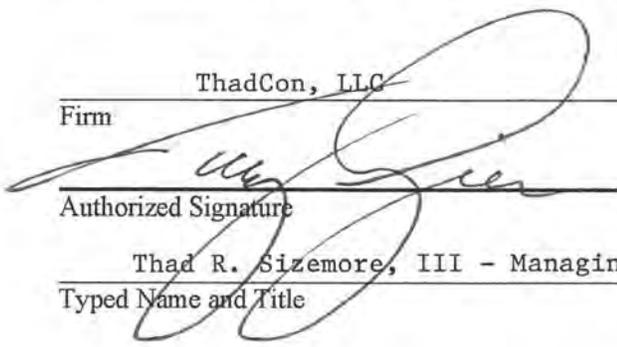
Has your firm had against it or filed any requests for equitable adjustment, contract claims, bid protests, or litigation in the past five (5) years that is related to the services your firm provides in the regular course of business?

YES NO

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this bid for the City of Lake Mary BID NO. 13-09 LAKE MARY ROADWAY IMPROVEMENTS.

ThadCon, LLC
Firm


Authorized Signature

September 6, 2013

Date

Thad R. Sizemore, III - Managing Member
Typed Name and Title

****THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION

SECTION 00640

STANDARD INSURANCE REQUIREMENTS

The selected Firm or Individual for all Bids, Requests for Qualifications (RFQ), and Requests for Proposals (RFP) will be required to name the City as an additional named insured with the following minimum coverages.

A. Workers' Compensation shall be maintained by the selected firm or individual for all employees engaged in the work under this Bid, RFQ or RFP in accordance with the laws of the State of Florida. Employers' Liability Insurance shall be maintained by the selected firm or individual at limits not less than the following.

\$1,000,000 Each Accident
\$1,000,000 Disease Each Employee
\$1,000,000 Disease Aggregate

B. Comprehensive General Liability Insurance shall be maintained by the selected firm or individual with limits not less than the following:

\$1,000,000 Bodily Injury & Property Damage-each occurrence
\$1,000,000 Personal & Advertising Injury-each occurrence
\$3,000,000 General Aggregate
\$3,000,000 Products/Completed Operations Aggregates limit

Coverage shall include Contractual Liability and Independent Contractors Liability.

C. Automobile Liability Insurance shall be maintained by the selected firm or individual with a combined single limit of not less than \$1,000,000 Bodily Injury and Property Damage in accordance with the laws of the State of Florida, as to the Ownership, maintenance, and use of all owned, non-owned, leased or hired vehicles.

D. Other Required Insurance Coverage where unusual operations are necessary to complete the work, such as use of explosives, and any high risk circumstances. No explosives shall be used without the express advance written approval of the City.

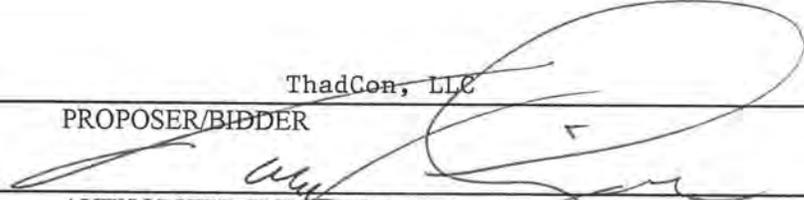
All insurance minimum coverages extend to any subcontractor, and the General Contractor is responsible for all sub-contractors.

STATEMENT OF INSURANCE COMPLIANCE

The undersigned firm agrees to obtain prior to award, if selected, Professional Liability Insurance, Worker's Compensation and General Liability in accordance with the requirements as set forth in the Invitation for Proposal, Invitation to Bid, or Invitation for Qualifications, or draft agreement, attached hereto.

Policies other than State Issued Worker's Compensation shall be issued only by companies authorized by maintaining certificates of authority issued to the companies by the Department of Insurance of the State of Florida to conduct business in the State of Florida and which maintain a Rating of "A" or better and a Financial Size category of "VII" or better according to the A.M. Best Company. Policies for Worker's Compensation may be issued by companies authorized as a group self-insurer.

ThadCon, LLC

PROPOSER/BIDDER


AUTHORIZED SIGNATURE
Thad R. Sizemore, III - Managing Member

OFFICER TITLE
September 6, 2013

DATE

****THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID.**

END OF SECTION



CITY MANAGER'S REPORT

DATE: September 19, 2013

TO: City Commission

FROM: Steve A. Bracknell, Chief of Police

SUBJECT: Request for Expenditures from the Law Enforcement Trust Fund

We are requesting approval for expenditures from the Law Enforcement Trust Fund as follows:

First, the Police Department's Community Relations Division is in need of Life Gear LED Glow Sticks for the 2013 Halloween activities that will be celebrated in the City of Lake Mary. The glow sticks address the concerns of both parents and law enforcement by making the children more visible to anyone driving after dark, and providing illumination for safer walking. They also feature an emergency whistle which will be useful if a situation arises where a child needs to get the attention of others. The glow sticks will be imprinted with the City of Lake Mary Police Department information. The cost for 1,000 Life Gear LED Glow Sticks is \$4,186.00, and will be purchased from PromoTec, which was found to be the least expensive in a cost comparison.

Second, a donation in the amount of \$1,000.00 to the Florida Prescription Drug Monitoring Program (PDMP) Foundation. The Florida PDMP Foundation was established to address the major health and public safety concern over abuse and diversion of controlled substance prescription medication. These funds are utilized by pharmacists and doctors to help identify doctor-shoppers and illegitimate users of these prescription medications. Use of the information provided by PDMP has led to a marked decrease in the illegal distribution of prescription drugs in the State of Florida, and the resulting decrease in deaths by overdose of illegally used prescription medications.

Third, a one-time donation in the amount of \$100.00 to the National Law Enforcement Officers Museum. The Museum has requested assistance from all Law Enforcement Agencies to help with the financial responsibilities associated with continuing its efforts

to memorialize nearly 20,000 fallen officers. The museum is visited by hundreds of thousands each year, many of whom are children.

BUDGET IMPACT STATEMENT:

The total expenditure to be funded from the Law Enforcement Trust Fund account is \$5,286.00.

RECOMMENDATION:

The City Commission approve the purchase of Life Gear LED Glow Sticks from PromoTec in the amount of \$4,186.00; donation to the Florida PDMP Foundation, Inc. in the amount of \$1,000.00; and donation to the National Law Enforcement Officers Museum in the amount of \$100.00, for a total amount not to exceed \$5,286.00.

Attachments

Kim Fuehrer

From: Dan Kees <djkees@promotecinc.com>
Sent: Friday, August 02, 2013 3:18 PM
To: Kim Fuehrer
Subject: RE: PromoTec Glowstick Price Quote Request

Hi Kim,

There have been some changes with the Life+Gear glowstick. The price went up slightly. The price for 1,000 with 1-color logo is \$4.10 each. Shipping will be \$86. The color options have also been reduced to red, green, blue, and pink. Orange is now a seasonal color and only available closer to Halloween. I believe they have discontinued purple. I have attached a new proof showing the red, blue, green, and pink options.

I hope this still meets your needs. Let me know if you need any additional information.

Warmest Regards,

Dan

From: Kim Fuehrer [<mailto:kfuehrer@lakemaryfl.com>]
Sent: Thursday, August 01, 2013 6:31 AM
To: djkees@promotecinc.com
Subject: PromoTec Glowstick Price Quote Request

Dan;

My Chief has once again, given me permission to order glowsticks. Could you please send me a price quote for 1,000 glowsticks with a 1 color logo print to include shipping?

Thank you in advance.

Respectfully,

Kim Fuehrer, PFC.
Community Relations Division / D.A.R.E.
Lake Mary Police Department
165 E. Crystal Lake Ave.
Lake Mary, FL 32746

Office: (407) 585-1344
Fax: (407) 585-1375
E-Mail: KFuehrer@LakeMaryFL.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from City officials regarding City business are public record, available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

FREE SHIP TO STORE* OR HOME*. NOW AVAILABLE ON OVER 400,000 ITEMS.



More saving.
More doing.

Your Store:
Lake Mary #264 (Change)

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[Project How-To](#)

[Sign In or Register Your Account](#)

Life+Gear 4-in-1 LED Blue Glow Stick Flashlight

Model # LG116 Internet # 203425272

\$4.49 / each



This item cannot be shipped to the following state(s):
AK, GU, HI, PR, VI

Ships FREE with \$45.00 Order

[Buy Online, Ship to Store](#)

Color: Bright Blue



PRODUCT OVERVIEW

Life+Gear products have been designed based on the highest quality standards and are warranted against defects in material and workmanship for one year from the date of purchase. Damages caused by misuse, alteration or normal wear and tear are not covered under this warranty. Warranty is limited only to replacement of this product.

- Ultra-bright cree LED technology with 10,000 hour lifespan
- 4 light modes including 3 emergency signaling options
- Emergency whistle
- Auto-off after one hour
- Water resistant
- 3 button cell batteries included
- Free replacement batteries at www.lifegear.com (just pay S and H)
- Note: product may vary by store
- MFG Brand Name: Life+Gear
- MFG Model #: LG116
- MFG Part #: LG116

Info & Guides

MSDS

You will need Adobe® Acrobat® Reader to view PDF documents. Download a free copy from the Adobe Web site.

SPECIFICATIONS

Assembled Depth (in.)	.8 in	Assembled Height (in.)	7.5 in
Assembled Width (in.)	.8 in	Battery Type Required	Ag-13
Bulb Type	LED	Casing material	Plastic
Color	Bright Blue	Color Family	Blues
Distance (ft.)	34	Flashlight Features	Waterproof
Flashlight type	Handheld	Included	Battery (-ies)
Lanyard	Yes	Light stick	Yes



Life Gear 4 in 1 LED Glow Stick Flashlight

★★★★★ (9 Customer Reviews) Write a review

Buy from Walmart

Shipping & Pickup

Online
\$4.44

In stock for:

Quantity
1

• **Free store pickup**
- as soon as 9/2 with [site to store](#)

Add to: [My List](#) [My Registry](#)

• **Ship to home** When will it arrive?
- Free standard shipping on eligible \$45 orders with [home free](#)

Also in stores

Store information not available.

Item Description

The Life Gear 4 in 1 LED Glow Stick Flashlight is an everyday product that could someday save your life! Battery operated, chemical free and environmentally friendly, the glow stick is the ultimate "Go Green" accessory. You will use it for your many adventures from hiking, boating and camping to parties, concerts or just having fun in the dark. The Glow Stick features a 200 hour LED glow stick, LED flasher, LED flashlight and emergency whistle. The light stick will be a great addition to your emergency kit. Life Gear is dedicated to working hands-on at every level to develop and promote innovative everyday products engineered with life saving capabilities.

Life Gear 4 in 1 LED Glow Stick Flashlight:

- 15" detachable lanyard included
- 10,000 hour LED technology
- 4 light modes: LED flashlight, glow mode with LED flashlight, glow mode and flasher mode (and a whistle)
- Batteries lasts up to 200 hours in flasher mode
- 3 button cell batteries (included)
- Free replacement batteries at www.LifeGear.com (just pay for shipping and handling)

Safety Alert: Due to federal restrictions, this item cannot be returned by air mail. Customers in Hawaii, Alaska, Puerto Rico and other overseas locations can return this item to a Walmart store. See our [returns policy](#) for more information.

Specifications

[Top of Page](#)

Model No.:	LG116
Shipping Weight (In pounds):	0.05
Product in Inches (L x W x H):	7.5 x 0.8 x 0.9
Walmart No.:	550395966

Pricing Policy

About Our Prices

We strive to provide you with the lowest prices possible on Walmart.com as well as in our stores. However, sometimes a price online does not match the price in a store. Walmart.com's prices may be either higher or lower than local store prices. Prices may also vary between stores. Our local stores do not honor Walmart.com pricing or competitor advertisements from outside of a store's local trade territory.



Supporting the State of Florida
Prescription Drug Monitoring Program

September 4, 2013

Lake Mary Police Department
Steve A. Bracknell
Chief of Police
165 East Crystal Lake Avenue
Lake Mary, Florida 32746-3244

Dear Chief Bracknell:

We would like to take this opportunity to share some information with you on the efforts of Florida's PDMP Foundation and why this program is so important. The abuse and diversion of controlled substance prescription medication is a major public health and safety concern in Florida. The 2011 Florida Medical Examiners Commission Report on Drugs Identified in Deceased Persons, shows that deaths caused by oxycodone plunged by almost 18% in 2011, and overall drug deaths fell by 6.4%. The 2012 Prescription Drug Monitoring Program (PDMP) Annual Report shows a 58% decrease in the number of doctor shoppers between October 1, 2011 and September 30, 2012. We are seeing positive results.

To combat this epidemic, in 2009, the Florida Legislature passed the PDMP into law to increase patient standard of care and to reduce the diversion of prescription drugs, however it prohibited the use of state funds for implementation of the program. Although the 2013 Florida Legislature provided a one-year appropriation of \$500,000 to operate the program for fiscal year 2013-2014, the Florida PDMP Foundation, a 501(c)(3), non-profit organization must secure long-term funding for the program.

In April 2011, Attorney General Pam Bondi announced that Florida's law enforcement community had volunteered to contribute portions of their forfeiture funds to subsidize the PDMP. This was done on a voluntary basis, and we wish to express our gratitude to the following Police Chiefs and Sheriffs who have supported the PDMP by donating a total of \$165,500.

Seminole County Sheriff's Office
City of Port Orange Police Department
City Deland Police Department
City of Fort Myers Police Department
Pinellas County Sheriff's Office
Monroe County Sheriff's Office
City of Winter Park Police Department
City of St. Petersburg Police Department
Hernando County Sheriff's Office
City of Altamonte Springs Police Department
City of Casselberry Police Department
Broward County Sheriff's Office

City of Lake Mary Police Department
City of Temple Terrace Police Department
Santa Rosa County Sheriff's Office
City of Sebastian Police Department
City of Oveido Police Department
Charlotte County Sheriff's Office
Bay County Sheriff's Office
Sarasota County Sheriff's Office
City of Dade City Police Department/Pasco
County Sheriff's Office

We write to ask for your continued financial assistance through contribution of your forfeiture funds. The Sarasota County Sheriff's Office is leading this year's fundraising campaign by making a \$15,000 donation to show its overwhelming support of the PDMP. Your contribution will aid in continuing to reduce the scope of prescription drug abuse and provide the necessary funding to continue to operate the PDMP into fiscal year 2013-2014 and beyond. Only by creating an environment that is less conducive to drug diversion can we meet our goal of reducing overdose deaths and addiction rates in Florida while at the same time providing relief to millions of patients receiving legally prescribed pain medication.

If you desire to support the PDMP, please contact Sheriff Tom Knight, at sheriffknight@scgov.net or telephone number (941) 861-4008.

Thank you for your continued support.

Sincerely,



David S. Bowen II,
Chairman



Sheriff Tom Knight
Director



National Law Enforcement
MUSEUM
 A MATTER OF HONOR

Steve Bracknell
 Lake Mary Police Dept.
 165 E. Crystal Lake Ave.
 Lake Mary, FL 32746-3244



FLORIDA STATISTICS

Fallen Heroes 2013: 2*

**Fallen Heroes on
 Our Memorial Wall: 778**

Dear Steve Bracknell,

In 2008, the U.S. Department of Justice (DOJ) gave law enforcement agencies across our nation a special opportunity to help build the National Law Enforcement Museum. *(I've enclosed a copy of the original DOJ ruling for your review.)*

I'm pleased to report today that over 186 agencies nationally have donated in excess of 1.4 million from Asset Forfeiture Funds. And I'd like to ask you to consider joining them in doing the same.

Once you've met your department's immediate needs, why not consider donating some of the Lake Mary Police Dept.'s Federal Asset Forfeiture & Equitable Sharing Funds to help build the National Law Enforcement Museum?

Before I go any further, I understand that not every agency will be able to help in this manner. Many can, however, and I hope your agency is one of them. That's why I'm writing to make you aware of this special opportunity.

Steve Bracknell, I hope you will take advantage of this opportunity by making a gift to the Museum on behalf of your agency.

Here's what one of your colleagues said after giving the program their consideration:

"As the Sheriff of Polk County, Florida, I have a great deal of respect for the National Law Enforcement Officers Memorial and their work to honor the service and sacrifice of fallen officers. It is a few, a noble few, who freely give their lives for others whose names they may not even know. Since 2001, five deputies here in Polk County have paid the ultimate price for the community they served – and those deputies are forever honored at the National Law Enforcement Officers Memorial. However, their work does not stop there. The Memorial Fund is currently in the final stages of funding and constructing the National Law Enforcement Museum. The Museum will tell the rest of the story...the stories of the brave men and women who have sacrificed their lives in service and the stories of their colleagues who serve our communities each and every day. In 2008, the Department of Justice made it possible for local agencies to donate a portion of our federal asset

(over, please)

*forfeiture funds directly to the Museum campaign. I have made a commitment to honor those who have made the ultimate sacrifice and to those who continue to serve, by donating from our seized monies to the Museum. I encourage every law enforcement executive to consider making a donation to the Museum with your federal asset forfeiture funds. For the Polk County Sheriff's Office and the men and women who serve, it truly is **A Matter of Honor.**"*

— Grady Judd, Sheriff, Polk County, FL

I hope you will come to a similar conclusion. This is an ideal way for your department to support the Museum without having to turn to your officers and once again ask them to contribute money to support a good cause.

The Museum's *Hall of Remembrance* will "tell the stories behind the badge" of the 19,981 fallen officers — your colleagues — whose names are now and forever engraved on the Memorial's marble walls. This is just one of the many ways that the new Museum will honor the law enforcement profession.

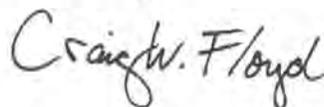
The programs and activities of the Museum will serve an important educational purpose, providing a research clearinghouse and library for law enforcement research ... interactive exhibits that will allow visitors to experience what it's like to walk in an officer's shoes ... a multi-faceted perspective on our nation's law enforcement history, and much more.

With hundreds of thousands of visitors to the Museum each year, one-fifth are expected to be school-aged children. Your pledge to support the Museum will help educate and motivate young people to pursue careers in law enforcement.

Please consider making a pledge of up to 15% of your Asset Forfeiture funds. You'll be in good company, joining fellow agencies who have already donated amounts ranging from \$10 to as much as \$250,000 to help make the National Law Enforcement Museum — your Museum — a reality.

I have enclosed an interest form for you to complete as well as a pre-addressed reply envelope for your convenience. The story of American law enforcement deserves and needs to be told. Your help will make that happen. I hope we can count on your support.

Sincerely,



Craig W. Floyd
Chairman & CEO

P.S. If you have any questions, please feel free to contact our Law Enforcement Relations Team, by phone or email. Their phone number is (202) 737-8539, or email: LER@nleomf.org.

**Numbers are not final until May 2014*



U.S. Department of Justice

Criminal Division

COPY

Washington, D.C. 20530

APR 11 2008

Mr. Craig W. Floyd
Chairman & CEO
National Law Enforcement Officers Memorial Fund, Inc.
400 7th Street, NW
Suite 300
Washington, D.C. 20004

Re: Donation of Equitable Sharing Funds

Dear Mr. Floyd:

This is in response to your letter dated February 8, 2008, requesting that the Asset Forfeiture and Money Laundering Section (AFMLS) permit State and local law enforcement agencies to donate a portion of the funds received under the Department of Justice Equitable Sharing Program to the National Law Enforcement Officers Memorial Fund. After careful consideration, we have determined that such donations would be a permissible use of equitable sharing monies on the part of State and local agencies, as set forth below.

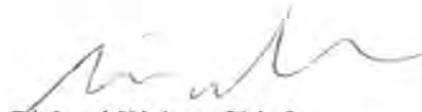
Under Department of Justice equitable sharing regulations, as set forth in the *Guide to Equitable Sharing (Guide)* (March 1994), a participating law enforcement agency is permitted to use up to 15 percent of the total federal equitable sharing received by that agency during the two most recent fiscal years to support community-based programs by private, nonprofit organizations that are "supportive of and consistent with a law enforcement effort, policy, or initiative." Such programs can include, for example, drug abuse treatment and drug and crime prevention education. AFMLS also permits the limited use of shared funds to pay the costs for modest commemorative plaques, displays, or memorials that serve to recognize or memorialize a law enforcement officer's contributions. According to the information provided by your organization, the National Law Enforcement Museum would serve not only as a memorial to law enforcement officers, but would also serve an important law enforcement educational purpose through programs and activities such as a clearinghouse and library for law enforcement research and information, exhibits on drug enforcement activities and law enforcement history, and as a recruitment tool for law enforcement. Such programs and activities would, in our view, be supportive of, consistent with, and serve a law enforcement purpose. Accordingly, we have

concluded that State and local law enforcement agencies may, as part of their support for community-based, nonprofit organizations and subject to the 15 percent limitation rule, donate equitable sharing funds to the National Law Enforcement Officers Memorial Fund.

Under Department of Justice guidelines, law enforcement agencies normally may not transfer cash to a community-based organization, but instead may either directly pay specific expenses on behalf of the supported organization, or reimburse the organization by check for their expenditures on itemized expenses for their eligible programs. In light of the practical difficulties involved with respect to providing financial support for a facility prior to groundbreaking or while under construction, AFMLS will temporarily waive this rule and permit law enforcement agencies to directly donate equitable sharing monies to the National Law Enforcement Memorial Fund for the purpose of constructing the Museum. Once construction is completed, however, and the Museum begins operation, law enforcement agencies will no longer be permitted to transfer cash to the Memorial Fund or the Museum. Instead, agencies may either directly pay specific expenses on behalf of the Museum, or reimburse the Museum by check for expenditures on itemized expenses for specific programs and activities.

If you have any questions, please contact AFMLS Deputy Chief Nancy L. Rider or Senior Trial Attorney Steven H. Schlesinger at (202) 514-1263.

Sincerely,

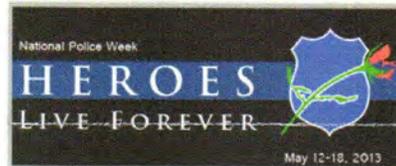


Richard Weber, Chief
Asset Forfeiture and Money
Laundering Section



EQUITABLE SHARING WIRE

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND



Key Contacts

Website for forms and publications

www.justice.gov/criminal/afmls

Permissible Use of Funds

Afmls.aca@usdoj.gov

A-133 Audit Inquiries

A133sharing@usdoj.gov

Treasury Executive Office for Asset Forfeiture

(202) 622-9600

www.treas.gov/offices

National Police Week is May 12-18, 2013. AFMLS has received a number of inquiries from State and local law enforcement agencies regarding whether agencies are authorized to make donations to the National Law Enforcement Officers Memorial Fund (NLEOMF).

The Guide to Equitable Sharing for State and Local Law Enforcement Agencies (April 2009) (*Guide*), Section, VIII.A.1.m states that State and local law enforcement agencies are prohibited from making cash transfers or donations to support community-based programs.

However, in April 2008, AFMLS made an exception to this policy specifically for the construction of NLEOMF's museum. State and local law enforcement agencies may donate up to 15 percent of the total Department of Justice Equitable Sharing funds received by the agency for the two fiscal years preceding the donation. Donations are limited to DOJ sharing funds that were distributed directly to agencies. Transfers from other participating agencies may not be used for the 15 percent contribution calculation.

This exception is only applicable until construction of the museum is complete.



CITY MANAGER'S REPORT

DATE: September 19, 2013
TO: City Commission
FROM: Lt. Mike Biles, Criminal Investigations Commander
SUBJECT: Retirement gift to Detective Jorge Reguero

This memorandum is a request to surplus Detective Jorge Reguero's department issued handgun and gift it to him upon his retirement. He has served the city as a police officer for more than 10 years.

This weapon is a Glock model 27, serial number PXX333US. Upon your approval Chief Bracknell will present the weapon to him and have the weapon removed from our inventory.

RECOMMENDATION:

Request Commission declare the above listed Glock surplus and authorize presentation to Detective Reguero.



CITY MANAGER'S REPORT

DATE: September 19, 2013
TO: City Commission
FROM: Dianne Holloway, Finance Director
SUBJECT: Financial Report

The attached financial information is preliminary as we are approaching the end of fiscal year 2013. This data reflects results as of August 31, 2013. Please keep in mind that we still have one more month of operations and that many revenues lag as they are processed by other agencies and then forwarded to us. Once the fiscal year audit is complete, the Comprehensive Annual Financial Report (CAFR) will be published with all revenues and expenses appropriately recorded.

Highlights of General Fund revenues and expenditures to date include:

- Ad valorem taxes collected are \$6,051,050 or 101.8% of budget.
- Overall franchise fees and utility taxes are holding steady with forecasts. Current collections reflect ten (10) months of actuals and I project final collections to come in at 98 to 99 percent of budget.
- Court fines are on the rise with eleven (11) months of collections or 153% of the budget. We have also collected on a couple of large code enforcement fines that total \$33,586.
- Building permit revenues have again exceeded budgeted revenues by 160% and at the end of August 2013, we have collected \$460,499 more than the total for Fiscal Year 2012. Revenues received from the State are right on target and may come in slightly above budget.

- Charges for services are currently at 101% of budget at the end of eleven (11) months and miscellaneous revenues are coming in at budget as well.
- As of August 31, 2013, overall expenditures are 9% below the target of 92% for this time of year, truly reflective of actions by staff to remain committed to providing quality services to the community at the most cost-effective methods possible.
- Fund balance is calculated at \$17,889,810 at August 31, 2013.

The summary of the City's investment information presented below is also preliminary as we approach the end of our fiscal year. The table below represents a list of federal agency bonds held at August 31, 2013. The fixed rate portion of this portfolio accounts for 65% of the holdings with an average yield of 1.21%. Approximately 35% of this portfolio carries STEP coupons to help adjust to increasing interest rates and the average yield to maturity (YTM) is 1.74%

Agency	Principal	Rate	Maturity	Call Date	Market Value
FHLB	2,000,000	1.10%	7/10/2017	Continuously	1,967,888
FFCB	1,500,000	1.04%	7/10/2017	Continuously	1,484,507
FHLB	1,000,000	1.00%	8/09/2017	Continuously	973,019
FFCB	1,000,000	1.10%	8/22/2017	Continuously	989,342
FHLB	1,000,000	1.08%	9/6/2017	Continuously	974,761
FFCB	2,000,000	1.00%	9/26/2017	Continuously	1,954,042
FFCB	1,000,000	0.84%	12/13/2017	Continuously	973,619
FHLB	2,000,000	1.14% YTM	12/19/2017	9/13/2013	1,961,346
FNMA	1,000,000	1.062% YTM	12/27/2017	12/27/2013	979,856
FHLB	2,000,000	1.000%	1/16/2018	10/16/2013	1,947,168
FHLB	1,000,000	1.35% YTM	2/13/2018	11/13/2013	982,147
FHLB	1,000,000	1.40%	6/24/2018	9/27/2013	975,777
FHLB	425,000	2.23% YTM	6/27/2018	9/27/2013	422,394
FHLB	1,575,000	2.23% YTM	6/27/218	9/27/2013	1,565,344
FHLB	2,000,000	1.75%	7/17/2018	10/17/2013	1,980,044
FHLB	1,000,000	2.00%	7/24/2018	10/24/2013	996,239
FHLB	1,000,000	2.44% YTM	7/24/2018	10/24/2013	1,000,856
FHLB	1,500,000	2% YTM	8/27/2018	11/27/2013	1,481,139

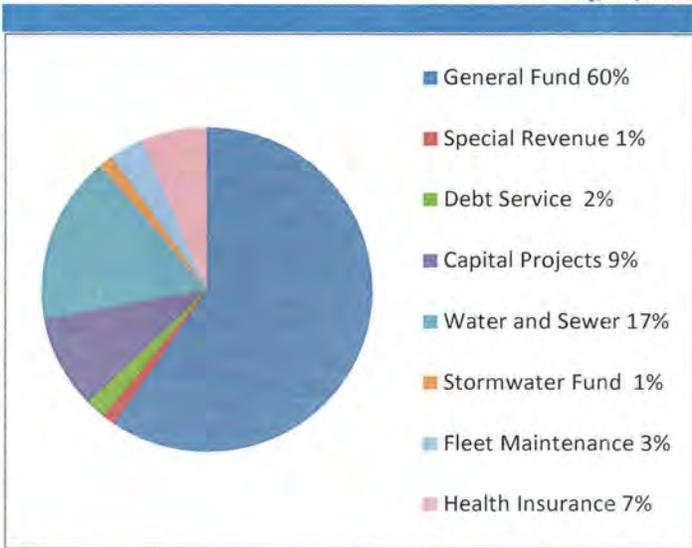
Our money market account is currently earning 0.25%. The overnight cash account is used to mitigate our banking fees.

The City's investment policy measures performance to the Florida PRIME (SBA) rate which one month yield is currently at .18%. Our portfolio is performing as well as can be expected. The Federal Reserve has left its current rate of .25% intact and expects to remain at this level through mid-2015. U.S. Treasury yield rates are .02% for 3 Mo.,

.04% for 6 Mo., .13% for 1 Yr. and 1.78% for 5 Yrs. We continue to evaluate other strategies that meet the criteria of our investment policy, with the goals of safeguarding principal, providing sufficient liquidity, portfolio diversification and maximizing rate of return.

City of Lake Mary Budget Snapshot as of August 31, 2013

(91.67% of fiscal year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
Ad Valorem Taxes	\$ 5,943,112	\$ 6,051,050	101.8%
Franchise & Utility Taxes	6,081,614	5,042,454	82.9%
Business Tax Receipts	119,000	161,098	135.4%
Permits	855,415	1,398,715	163.5%
Fines & Forfeitures	47,686	95,095	199.4%
Intergovernmental	1,371,427	1,187,915	86.6%
Charges for Services	1,206,250	1,215,965	100.8%
Investment Income/Other	264,000	249,140	94.4%
Operating Transfers In	900,000	825,000	91.7%
Total Revenues	\$ 16,788,504	\$ 16,226,432	96.7%

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
City Commission	\$ 94,797	\$ 79,418	83.8%
City Manager	484,962	382,327	78.8%
City Attorney	95,000	63,484	66.8%
City Clerk	213,963	186,284	87.1%
General Government	570,403	342,821	60.1%
Risk Management	15,550	12,471	80.2%
Finance	579,599	477,253	82.3%
Community Development	649,910	519,818	80.0%
Building	471,913	377,052	79.9%
Facilities Maintenance	347,013	288,003	83.0%
Police Operations	4,724,846	4,115,098	87.1%
Fire Combat	4,399,708	3,686,502	83.8%
Fire Prevention	333,661	270,987	81.2%
Support Services	918,590	751,445	81.8%
PW Admin & Engineering	218,008	189,335	86.8%
Streets/Sidewalks	442,428	362,267	81.9%
Parks & Recreation	1,614,774	1,354,176	83.9%
Events Center	378,981	293,328	77.4%
Senior Center	112,383	95,217	84.7%
Tennis Center	86,246	49,627	57.5%
Transfers Out	882,330	808,802	91.7%
Total Expenditures	\$ 17,635,065	\$ 14,705,715	83.4%
<i>Fund Balance Forward</i>	14,418,585	16,369,093	113.5%
Current Fund Balance	\$ 13,572,024	\$ 17,889,810	131.8%

Debt Service Funds			
Revenues	Budget	Year-to-Date	%
Transfers In	\$ 574,515	\$ 526,639	91.7%
Expenditures			
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	220,948	66.8%
Cemetery Sales	4,000	1,000	25.0%
Fines & Forfeitures	12,455	15,382	123.5%
Investment Income/Other	5,130	5,364	104.6%
Total	\$ 352,547	\$ 242,694	68.8%

Expenditures			
	Budget	Year-to-Date	%
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	20,875	83.5%
Cemetery Operations	9,175	3,700	40.3%
Total	\$ 188,649	\$ 180,787	95.8%
<i>Fund Balance Forward</i>	1,025,912	985,368	96.0%
Current Fund Balance	\$ 1,189,810	\$ 1,047,275	88.0%

Capital Projects Fund			
Revenues	Budget	Year-to-Date	%
Investment Income	\$ 11,000	\$ 9,825	89.3%
Grants	-	28,536	0.0%
Intergovernmental/Other	2,607,500	3,947	0.2%
Total	\$ 2,618,500	\$ 42,308	1.6%

Expenditures			
	Budget	Year-to-Date	%
Capital Projects	3,539,731	1,610,370	45.5%
Total	\$ 3,539,731	\$ 1,610,370	45.5%
<i>Fund Balance Forward</i>	1,023,405	2,696,267	263.5%
Current Fund Balance	\$ 102,174	\$ 1,128,205	1104.2%

Water and Sewer Fund			
Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,275,000	\$ 1,780,013	78.2%
Sewer Revenue	1,725,000	1,719,034	99.7%
Reclaimed Water	190,000	195,627	103.0%
Water Impact Fees	255,000	1,133	0.4%
Sewer Impact Fees	110,000	(3,972)	-3.6%
Investment Income/Other	154,500	175,227	113.4%
Total	\$ 4,709,500	\$ 3,867,062	82.1%

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	1,631,697	1,254,152	76.9%
Capital Projects	485,000	264,330	54.5%
Wholesale swr/reclaimed	1,298,300	1,076,148	82.9%
Transfers Out	949,935	870,774	91.7%
Total	\$ 4,364,932	\$ 3,465,404	79.4%
<i>Beg Unrestrict Net Assets</i>	12,782,410	13,980,865	109.4%
Available Net Assets	\$ 13,126,978	\$ 14,382,523	109.6%

Stormwater Utility Fund			
Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 378,320	\$ 336,249	88.9%
Interest/Other	5,000	4,615	92.3%
Total	\$ 383,320	\$ 340,864	88.9%

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	255,524	172,814	67.6%
Capital Projects	60,000	125,426	209.0%
Total	\$ 315,524	\$ 298,240	94.5%
<i>Unrestricted Net Assets</i>	524,891	879,916	167.6%
Available Net Assets	\$ 592,687	\$ 922,540	155.7%

Fleet Maintenance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 950,211	\$ 757,299	79.7%
Expenditures			
Operating Costs	\$ 278,539	\$ 224,908	80.7%
Vehicle Purchases	\$ 575,500	\$ 629,766	109.4%

Health Insurance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Charges for Service/Other	1,833,775	1,632,024	89.0%
Expenditures			
Health Insurance Expense	1,432,775	915,853	63.9%
Health Clinic Expense	\$ 357,750	\$ 193,297	54.0%

City of Lake Mary, Florida
General Fund Revenues
As of August 31, 2013

Account Code	Description	2010 Budget	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D	% FYTD
	Millage Rate	3.6355	3.6355	3.6355	3.6355	3.6355	3.6355	
311-10	Ad valorem tax	\$ 7,201,252	\$ 7,325,514	6,470,665	6,072,711	5,943,112	6,051,050	101.82%
	Franchise & Utility:							
313-10	Duke Energy - Franchise	1,229,400	1,390,771	1,283,358	1,224,950	1,219,190	913,059	75%
313-11	FP&L - Franchise	525,655	618,712	586,291	545,433	576,381	375,467	65%
313-40	Propane - Franchise	7,990	6,871	7,090	10,010	7,700	5,864	76%
313-70	Solid Waste - Franchise	380,590	398,317	402,902	419,745	420,000	388,220	92%
	Total Franchise	2,143,635	2,414,671	2,279,641	2,200,138	2,223,271	1,682,610	76%
314-10	Duke Energy - Utility	1,175,000	1,427,828	1,348,464	1,249,357	1,281,040	1,033,722	81%
314-11	FP&L - Utility	438,150	608,592	607,667	601,224	561,393	515,408	92%
314-20	Telecommunications	2,355,000	2,239,495	2,025,484	2,011,704	1,970,830	1,776,226	90%
314-80	Propane Gas - Utility	43,500	45,090	45,535	47,512	45,080	34,488	77%
	Total Utility	4,011,650	4,321,005	4,027,150	3,909,797	3,858,343	3,359,844	87%
	Total Franchise & Utility	6,155,285	6,735,676	6,306,791	6,109,935	6,081,614	5,042,454	83%
	Licenses and Permits:							
321-60	Business Tax Receipts	122,500	118,244	119,026	115,373	119,000	161,098	135%
322-10	Building Permits	469,750	446,621	501,449	851,192	755,000	1,298,410	172%
322-20	Electrical Permits	35,000	23,460	31,702	63,819	50,040	42,422	85%
322-30	Plumbing Permits	18,500	14,431	12,861	43,687	31,625	28,063	89%
322-40	Mechanical Permits	29,500	22,539	23,054	25,243	18,750	29,820	159%
	Total Licenses & Permits	675,250	625,295	688,092	1,099,314	974,415	1,559,813	160%
	Fines & Forfeitures:							
351-10	Court Fines	119,850	61,303	66,172	59,132	38,670	59,259	153%
351-30	False Alarm Fees	6,250	4,300	1,850	4,225	2,016	2,250	112%
351-50	Violation of Local Ordin.	1,200	6,174	12,901	7,810	7,000	33,586	480%
	Total Fines & Forfeitures	127,300	71,777	80,923	71,167	47,686	95,095	199%
	Intergovernmental:							
312-41	Local Option Gas Tax	207,753	216,519	204,746	224,965	244,939	204,947	84%
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	269,908	96%
335-14	Mobile Home License	50	59	35	108	50	74	148%
335-15	Alcoholic Beverage Lic.	7,500	11,101	20,566	9,829	9,500	5,572	59%
335-18	1/2 Cent Sales Tax	801,368	801,704	795,364	800,439	824,124	696,588	85%
	Firefighter Supplement	-	11,730	10,580	11,200	10,320	8,730	85%
	Total Intergovernmental	1,278,077	1,303,606	1,318,753	1,325,373	1,371,427	1,187,915	87%

City of Lake Mary, Florida
General Fund Revenues
As of August 31, 2013

Account Code	Description	2010		2011		2012		2013		% FYTD
		Budget	Actual	Actual	Actual	Budget	Actual	Y-T-D		
Charges for Services:										
341-80	County Business License	12,500	12,368	12,665	10,715	11,000	8,153	11,000	83%	
341-21	Zoning Fees	10,000	13,507	25,615	21,798	15,000	21,576	15,000	144%	
341-22	Site Plan Fees	5,000	1,600	6,400	3,200	3,200	10,200	3,200	319%	
341-22	Developer Bonus	-	17,000	-	-	-	-	-	-	
342-10	Police Services	20,000	96,202	71,190	63,085	45,000	46,081	45,000	102%	
342-60	Rescue Transport Fees	335,000	459,725	657,144	609,044	465,000	546,424	465,000	118%	
347-10	Community/Events Center Rent	350,000	465,931	499,973	513,448	495,000	453,909	495,000	92%	
347-30	Farmers Market	28,000	27,879	36,838	31,379	35,000	27,454	35,000	78%	
347-40	Skate Park Fees	12,500	14,794	16,296	8,819	13,500	3,769	13,500	28%	
347-45	Splash Park Fees	25,000	25,157	23,504	24,274	25,000	21,261	25,000	85%	
347-50	Park Rentals	700	990	675	630	800	925	800	116%	
347-60	Sports Complex Rentals	24,000	22,620	24,658	27,330	25,000	21,986	25,000	88%	
347-70	Softball Leagues	16,000	17,250	16,875	13,930	17,000	15,838	17,000	93%	
347-80	Concession Revenues	9,500	11,619	5,444	679	1,750	2,153	1,750	123%	
347-90	Tennis Center Revenues	55,000	56,801	52,204	50,231	54,000	35,236	54,000	65%	
	Total Charges for Services	903,200	1,243,443	1,449,481	1,378,562	1,206,250	1,215,965	1,206,250	101%	
Other:										
361-10	Interest	289,000	325,340	229,730	192,570	132,000	100,602	132,000	76%	
363-10	Streetlighting	-	46,643	32,802	32,780	32,000	28,974	32,000	91%	
364-00	Sale of Capital Assets	-	408	15,815	51,917	-	388	-	-	
369-00	Other Miscellaneous Rev.	100,329	158,056	113,923	160,060	100,000	119,176	100,000	119%	
	Total Other Revenue	389,329	530,447	392,270	437,327	264,000	249,140	264,000	94%	
Transfers In:										
381-00	Transfers from W&S	850,000	850,000	850,000	850,000	900,000	825,000	900,000	92%	
381-00	Transfers from Cemetery FD	-	-	-	125,000	-	-	-	-	
	Total Transfers In	850,000	850,000	850,000	975,000	900,000	825,000	900,000	92%	
	Total General Fund Revenue	17,612,193	18,685,758	17,556,995	16,494,389	16,788,504	16,226,432	16,788,504	97%	
	Carry-forward Fund Balance	13,375,292	13,375,292	15,145,583	15,066,183	16,369,093	16,369,093	16,369,093	100%	
	Total Available	\$ 30,987,485	\$ 32,061,050	\$ 32,702,578	\$ 31,560,572	\$ 33,157,597	\$ 32,595,525	\$ 33,157,597	98%	

FINANCE DEPARTMENT
MONTHLY REPORT
August 2013

Purchasing/AP Activity	Aug-13	FYTD	Aug-12	FYTD
Purchase Orders Encumbered	27	365	19	333
Bids/RFPs Processed	1	10	1	5
Express Purchase Orders Processed	10	102	13	103
Express P.O. - Average \$ Value	\$131		\$129	
Checks Issued to Vendors	218	2,402	249	2,196
P-Card Transactions	187	2,642	245	2,479
P-Card Average \$ Value	\$131		\$123	

Accounting/Payroll Activity				
Journal entries Prepared and Posted	42	420	46	442
Items Deposited	3,090	32,951	3,344	34,877
Deposited Items Returned	4	47	4	51
Credit/Debit Card transactions	485	4,018	400	3,677
Credit/Debit Card Sales	\$55,555	\$564,739	\$52,524	\$480,933
Employees Paid	385	4,727	374	4,711

Utilities Activity				
Utility Refund Checks	48	274	19	191
Utility Turn-offs for Non-payment	19	216	10	188
Door Hangers for Non-pay prepared	112	1,321	169	1,437
Delinquent Letters Mailed Out	313	4,091	417	4,709
Utility Service Complaints Handled	4	211	10	256
Garbage Service Complaints Handled	5	120	12	109
Existing Utility Accounts Closed	76	785	72	702
New Utility Accounts Opened	83	755	69	700
Utility Bank Draft Customers	1,067		998	
Electronic Utility Payments	1,077		1,023	
Paperless Billing Customers	603		609	
Current Residential Water Customers	4,691		4,679	
Current Residential Sewer Customers	2,550		2,534	
Current Residential Garbage Customers	4,830		4,782	
Current Commercial Water Customers	440		442	
Current Commercial Sewer Customers	378		377	
Current Commercial Garbage Customers	238		239	

Items of Interest During Reporting Period



MEMORANDUM

DATE: September 12, 2013
TO: Mayor & City Commission
FROM: Bryan Nipe, Parks and Recreation Director
THRU: Jackie Sova, City Manager
SUBJECT: August 2013 Parks and Recreation Report Summary

Recreation:

- Numbers at the Skate Park remain low; however, 29 out of the total of the 172 users visited for the first time. This may indicate that some of the marketing being done is seeing an ROI.
- Softball league registration almost at max with 17 of 18 team spots filled.

Senior Programs:

- Location for Shred-a-Thon has been secured for January 2014 – same as last year, 660 Century Point.
- 4% increase in individual participation at the Senior Center from this month last year.

Tennis Center:

- Memberships are at 143. Staff and Tennis Director are monitoring to determine at what number should membership be capped to ensure court availability does not become limited.
- A new junior program called the Lake Mary Tennis Academy began on September 4th at the Lake Mary Tennis Center featuring different levels of tennis instruction depending on ages. There will be "Little Peewee Tennis" for kids 3 – 5 years old as well as "Junior Development" for ages 5 – 10. The "Academy Jr. Training" is not an age specific program but is designed to promote the tournament player wanting to take their game to the next level. For additional information on times and costs, call 407-324-3088.
- 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:

- Farmers Market revenue is up 37% from the month of August 2012.
- Successful August WineART! No Rain!!

Grounds and Facilities:

- Community Center 140 E. Wilbur - Currently in design with agreement for construction to the Mayor and Commission for approval on September 19th.
- 10 Facilities Maintenance contracts currently being renewed with 3 out to bid.

MEMO



TO: Bryan Nipe, Director of Parks & Recreation

FROM: Dee Gracey, Administrative Assistant

DATE: September 9, 2013

**PARKS AND RECREATION MONTHLY REVENUE AND EXPENSE REPORT
FOR THE MONTH OF: August 2013**

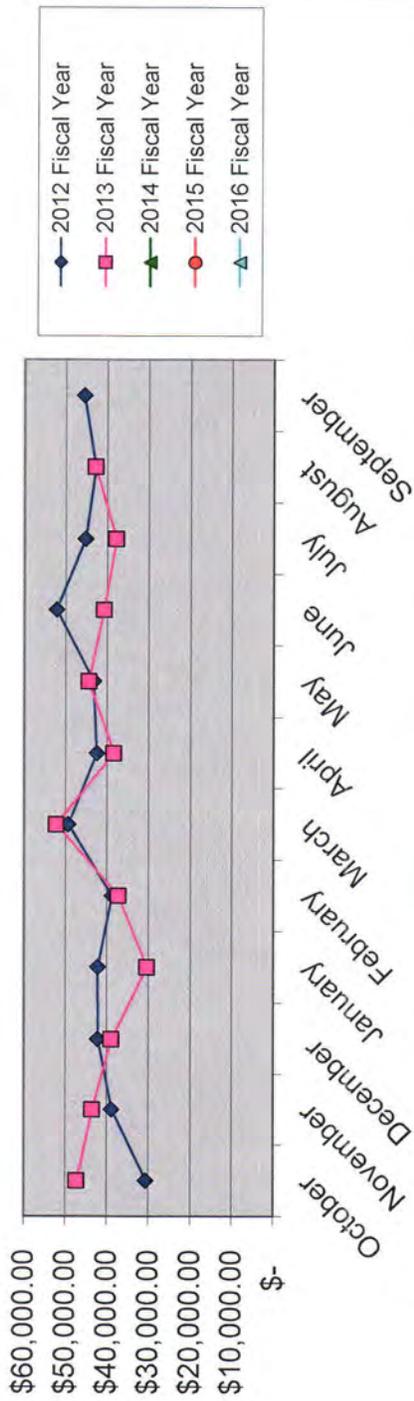
ACTIVITY	CURRENT MONTH	THIS MONTH LAST YEAR	CURRENT YTD	PREVIOUS YTD
EVENTS CENTER				
non-revenue uses	12	10	123	99
rentals	20	21	250	274
revenue	\$ 42,872.75	\$ 42,809.63	\$ 453,908.81	\$ 467,951.63
expenses	\$ 23,947.40	\$ 24,572.88	\$ 293,327.83	\$ 311,903.55

SENIOR CENTER				
non-revenue uses	2/4.75	5/11.25	27/63.0	28/69.0
rentals	0	1	14	8
classes	132	112	1250	1331
individual participants	2137	1874	19316	18524
revenue	\$ 1,232.34	\$ 764.00	\$ 19,199.39	\$ 17,299.89
expenses	\$ 7,334.14	\$ 8,073.77	\$ 95,216.91	\$ 96,947.64

TENNIS CENTER				
memberships	143	112		
revenue	\$ 2,534.35	\$ 11,447.28	\$ 35,235.69	\$ 46,973.88
expenses	\$ 1,927.63	\$ 5,347.52	\$ 49,626.82	\$ 64,265.77

OTHER REVENUES				
Farmers Market	\$ 2,738.65	\$ 1,737.15	\$ 27,453.96	\$ 29,496.16
Skate Park	\$ 498.00	\$ 563.57	\$ 3,768.74	\$ 8,454.36
Splash Park	\$ 3,353.80	\$ 3,624.99	\$ 21,260.93	\$ 23,543.96
Park Rentals	\$ 75.00	\$ (28.30)	\$ 925.00	\$ 505.00
Sports Complex	\$ 1,721.25	\$ 1,347.59	\$ 21,986.67	\$ 19,548.04
Leagues	\$ 4,138.00	\$ 3,250.00	\$ 15,838.00	\$ 12,350.00
Concession	\$ -	\$ -	\$ 2,153.43	\$ 678.62
TOTAL OTHER REVENUES	\$ 12,524.70	\$ 10,495.00	\$ 93,386.73	\$ 94,576.14

Events Center Revenue Report (Provided by Finance Department)

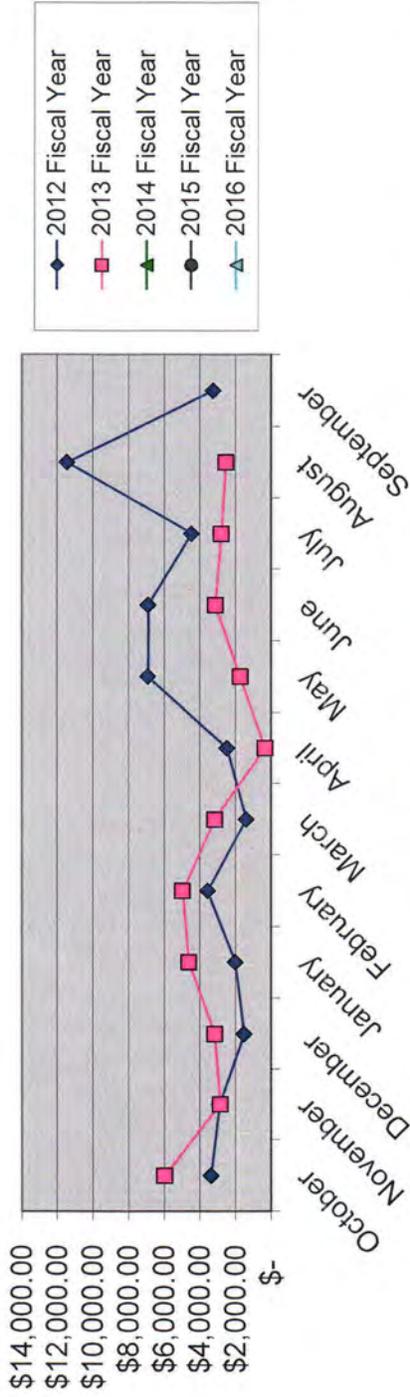


Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 30,627.71	\$ 47,245.73			
November	\$ 38,877.40	\$ 43,518.38			
December	\$ 42,152.14	\$ 38,953.78			
January	\$ 42,192.04	\$ 30,396.63			
February	\$ 38,834.23	\$ 37,286.87			
March	\$ 49,320.02	\$ 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	\$ 37,826.02			
August	\$ 42,809.63	\$ 42,872.75			
September	\$ 45,496.78				
Total Revenue	\$ 513,448.41	\$ 453,908.81			
Operating Costs	\$ (347,547.82)	\$ (293,327.83)			
Maintenance Staff Costs*	\$ (32,430.60)	\$ (32,666.80)			
Revenue after Costs**	\$ 139,200.98	\$ 127,914.18			

* Estimated maintenance costs for Events Center grounds.

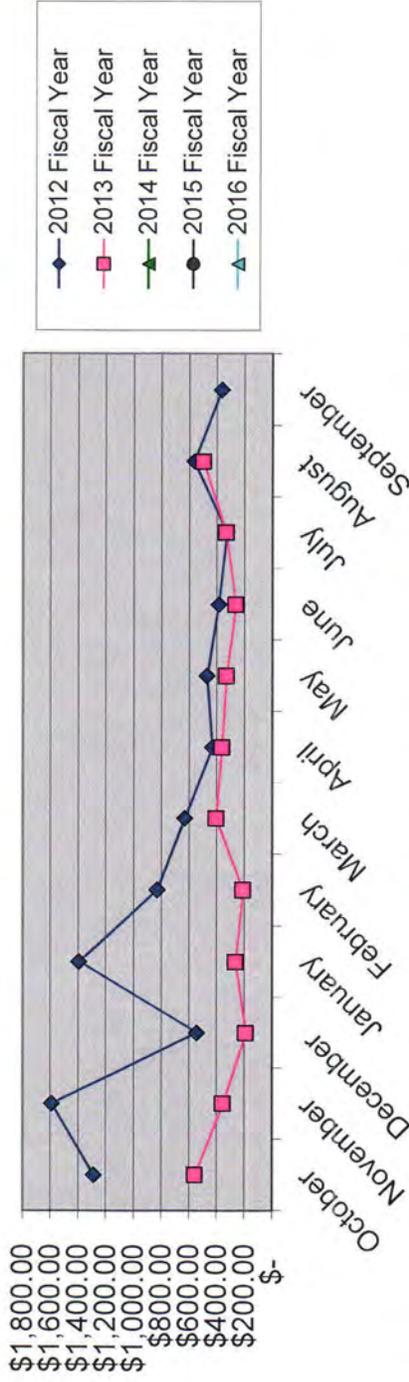
** Costs not including payment of bond.

TennisCenter Revenue Report (Provided by Finance Department)



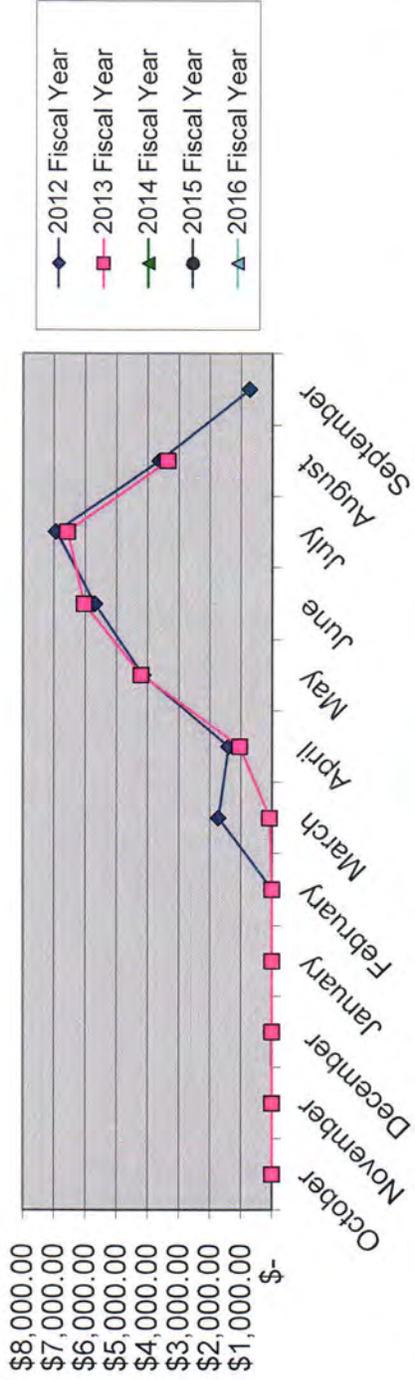
Month	2012 Fiscal Year	2013 Fiscal Year	2014 Fiscal Year	2015 Fiscal Year	2016 Fiscal Year
October	\$ 3,375.69	\$ 5,981.39			
November	\$ 2,899.54	\$ 2,848.98			
December	\$ 1,513.79	\$ 3,152.74			
January	\$ 2,011.99	\$ 4,615.52			
February	\$ 3,564.81	\$ 4,966.32			
March	\$ 1,395.36	\$ 3,157.07			
April	\$ 2,473.11	\$ 334.22			
May	\$ 6,926.87	\$ 1,733.60			
June	\$ 6,902.53	\$ 3,123.40			
July	\$ 4,462.91	\$ 2,788.10			
August	\$ 11,447.28	\$ 2,534.35			
September	\$ 3,256.81				
Total Revenue	\$ 50,230.69	\$ 35,235.69			
Operating Costs	\$ (80,816.29)	\$ (49,626.82)			
Est. Maintenance	\$ (8,107.68)	\$ (7,673.26)			
Revenue after Costs	\$ (38,693.28)	\$ (22,064.39)			

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	\$ 332.76			
August	\$ 563.57	\$ 498.00			
September	\$ 365.07				
Total Revenue	\$ 8,819.43	\$ 3,768.74			
Est. Operating Costs	\$ (27,825.71)	\$ (24,160.91)			
Revenue after Costs	\$ (19,006.28)	\$ (20,392.17)			

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	\$ 6,562.02			
August	\$ 3,624.99	\$ 3,353.80			
September	\$ 730.20				
Total Revenue	\$ 24,274.16	\$ 21,260.93			
Est. Operating Costs	\$ (35,447.24)	\$ (30,507.95)			
Revenue after Costs	\$ (11,173.08)	\$ (9,247.02)			

**WORK ORDER EXPENSES**

TYPE	Aug-13	YTD	Aug-12	YTD	Aug-13	YTD	Aug-12	YTD
LABOR	21%	29%	22%	37%	\$ 2,423.56	\$ 41,438.36	\$ 4,535.13	\$ 47,657.24
MATERIALS	6%	22%	29%	30%	\$ 696.50	\$ 32,360.72	\$ 5,825.10	\$ 32,193.45
CONTRACTOR	73%	49%	49%	33%	\$ 8,653.24	\$ 78,908.51	\$ 9,987.37	\$ 65,022.17
TOTALS	100%	100%	100%	100%	\$ 11,773.30	\$152,707.59	\$ 20,347.60	\$144,872.86

WORK ORDERS BY BUILDING

FACILITY	Aug-13	YTD	Aug-12	YTD
CITY HALL	11	124	16	117
EVENTS CENTER	7	66	6	110
EMPLOYEE HEALTH CLINIC	2	9	4	5
FLEET	2	14	2	13
FRANK EVANS MUSEUM	2	18	1	19
LIBERTY PARK	0	2	1	6
MUNICIPAL COMPLEX	4	74	5	67
PARKS BUILDING	3	28	1	23
POLICE DEPARTMENT	11	83	7	100
PUBLIC WORKS BUILDING	3	39	4	35
SPORTS COMPLEX	4	31	3	32
STATION #33	3	43	7	48
STATION #37	5	38	5	47
TENNIS CENTER	3	19	3	30
TRAILHEAD PARK	2	22	0	7
WATER TREATMENT PLANT	1	15	1	23
TOTALS	63	625	66	682

WORK ORDERS BY CATEGORY

FACILITY	Aug-13	YTD	Aug-12	YTD
APPLIANCES	0	32	4	40
DOORS - INT, EXT, & HARDWARE	3	38	2	44
ELECTRICAL	19	180	19	170
FIRE ALARM SYSTEMS	1	11	0	4
FIRE SPRINKLER SYSTEMS	0	0	0	6
HVAC	2	37	4	45
JANITORIAL	1	16	3	19
MISCELLANEOUS	4	76	7	74
PAINT - INTERIOR & EXTERIOR	0	9	3	17
PEST CONTROL	0	9	1	13
PLUMBING	4	49	6	55
PREVENTATIVE MAINTENANCE	28	157	16	176
SECURITY SYSTEMS	1	9	1	12
SEPTIC TANKS	0	0	0	0
VENDING	0	2	0	7
TOTALS	63	625	66	682



Lake Mary Police Department

MONTHLY REPORT - AUGUST 2013

	FY 2013 AUG	FY 2013 YTD	FY 2012 AUG	FY 2012 YTD
Monthly Call Volume	5,453	51,718	4,393	49,221
Response Times (in minutes)				
Priority 1	2.48		4.04	
Priority 2	4.24		3.73	
Priority 3	6.77		7.19	

UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	0	6	0	5
Robbery	0	2	0	1
Assault/Battery	6	92	1	47
Burglary	10	61	4	47
Theft, all other	20	197	28	213
Motor Vehicle Theft	1	11	1	8
Theft of Motor Vehicle Parts	4	9	1	15
Arson	0	0	0	0
D.U.I.	7	44	7	33

Total Arrests

Adults	44	416	34	415
Juveniles	3	39	1	29

Traffic Calls

Crashes	72	601	52	562
Criminal Citations	14	171	18	200
Citations- non criminal	291	4,092	247	3,681
Parking citations	8	96	14	166
K9 Deployments	12	69	3	43
Agency Assist; outside Jurisdiction	38	479	47	574

Alarms

Total	112	986	67	728
Business	60	650		
Residential	52	363		

Total Responses to City Ordinance Violations

25	187	29	405
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Lake Mary Police Department

IMPORTANT EVENTS

Community Relations, Criminal Investigations, the SWAT team and Support Services all participated in National Night Out, where there were several hundred participants.

Patrol Division

The Special Operations Unit, along with assistance from Road Patrol, conducted traffic control for two weeks as school opened for Crystal Lake and Lake Mary Elementary Schools.

Officers participated in a county wide probation violation sweep, which resulted in several arrests.

Criminal Investigations Division

Five residential burglaries were reported and are under investigation. Each burglary occurred on weekdays in the morning to mid-day hours.

A homeowner shot at two would-be burglars during one of the burglary attempts.

Two commercial burglaries were reported; one is under investigation, victims refused to proceed with prosecution on the other.

Detectives attended intelligence sharing meetings with Lake, Volusia, Orange and Seminole Counties.

Community Relations Division

Officer Zach Hudson was nominated to the Business Advisory Board of Seminole County Public Schools where he will serve as an advisor to the School Board for school security issues.

Community Relations held a Women's Self Defense class with 40+ attendees.

Both Officers Hudson and Fuehrer were heavily involved in activities to ensure smooth operations for the start of the 2013 - 2014 school year.

Officer Fuehrer participated in the "Kicks for Guns" gun buy-back program with Sanford Police Department.

Officer Hudson completed a security assessment of 911 Wallace Court.

Community Relations, along with community partners and City departments collected a tremendous number of school supplies for low income children at Lake Mary and Crystal Lake Elementaries.

Support Services Division

Communications is now fully staffed for the first time in four years.

Ashley Greenhut has been promoted to Sr. Records Specialist and

Christina Szydelko has been promoted to Property/Evidence Technician.

Yarimar Woods had been assigned as the Alternate Terminal Agency Coordinator (Alt. TAC) for the Police Department.

PUBLIC WORKS UPDATE

August 2013

Streets/Sidewalks – 432

1. Road Reclamation/Paving Program awarded to Roadway Management June 6th. Work began in Cardinal Oaks on 8/26.
2. Cold Mix Paving Project was awarded to North Florida Emulsions and work will begin first week of October.

Water Treatment – 434

1. 12-month average daily water demand 3.01 million gallons (6% less than previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 4.84, 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. 292 meters have been changed out through Aug. 7th.
2. Continuing decommission of galvanized water mains downtown.
3. Lift station pump maintenance program proceeding, all stations have been evaluated, 7 pumps replaced/repared in 2012, 17 more in 2013, 7 spare pumps on the shelf.

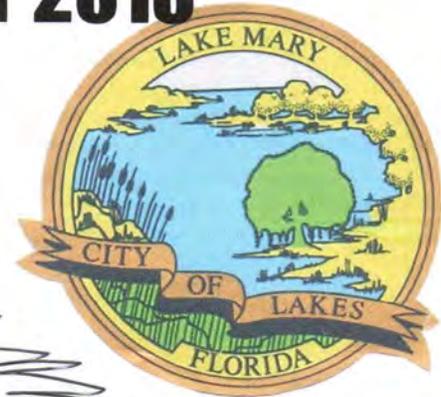
	Aug-13	FYTD	Aug-12	FYTD
Work Orders Completed	39	327	45	360
Sidewalks Repaired (Feet)	57	655	0	978
Street Signs Installed	12	142	11	132
Streets Paved (Miles)	0	0.40	0	0
Paved Streets Maintained (Asphalt - Tons)	4.25	59.50	3.25	24.00
Millions Gallons Treated	96.32	1008.46	91	1070.43
New Water Meters Installed	4	32	3	25
Waterlines Installed (Feet)	0	0	380	960
Waterline Breaks Repaired	16	158	17	109
Meters Exchanged	11	411	4	430
Turn-On/Turn-Off (Customer Request)	159	1,540	111	1,372
Turn-Offs/Non-Payment	19	216	10	189
Water System Dist. Valves Exercised	30	210	10	375
Vehicle Preventative Maint. Inspections	49	521	47	494
Vehicles/Equipment Serviced	95	974	111	923

**CITY CLERK'S OFFICE MONTHLY REPORT
AUGUST 2013**

	FY 2013		FY 2012	
	AUGUST 13	YTD	AUGUST 12	YTD
MINUTES PREPARED (SETS)	2	17	2	21
ORDINANCES CREATED	0	0	0	2
ORDINANCES PREPARED	2	4	2	11
RESOLUTIONS CREATED	0	0	1	2
RESOLUTIONS PREPARED	0	3	1	15
PROCLAMATIONS PREPARED	1	26	4	25
PUBLIC HEARING NOTICES PUBLISHED	4	13	1	19
OCCUPATIONAL LICENSES				
NEW	14	233	20	260
RENEWALS	702	1090	440	780
TRANSFERS	1	31	0	24
REVENUE GENERATED	\$42,025.00	\$79,253.00	\$27,495.00	\$61,126.75
FOOD TRUCKS LICENSED (WineART Wednesday)	4	46	6	51
REVENUE GENERATED	\$150.00 (\$50 Credited from previous month due to rain)	\$2,100.00	\$300.00	\$2,630.00
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	2	28	3	38
RECORDS DESTROYED (CUBIC FEET)	0	0	0	0

Monthly Report – AUGUST 2013

Community Development Department



TO: City Commission

FROM: Gary Schindler, City Planner *G.S.*

VIA: Jackie Sova, City Manager *J.S.*

DATE: September 19, 2013

RE: Planning and Development Activity

FY2012-2013 WORKLOAD DATA

	FY2012		FY2013	
	AUG	Total YTD	AUG	Total YTD
Land Use Amendments	1	4	0	2
Rezoning	0	3	0	4
Conditional Use	0	8	0	6
Subdivisions/Plat	0	4	1	6
Site Plans	0	3	0	5
Variances	0	0	2	3
Vacates	0	2	0	0
Annexations	0	0	0	0
DRI Development Agreement & Amendments	1	1	0	0
PUD Development Agreement & Amendments	3	5	0	1
Development Agreements, New	0	0	0	0
DRC Reviews	0	7	1	2
Home Occupation Review	4	36	3	39
Business License Review	17	262	28	248
Arbor Permits (non-development related)	21	135	9	151
Zoning Verification Letters	0	6	1	12
Site Permits Issued	0	6	2	11
Building Permits Review	45	459	41	478
Number of Pages Scanned	0	0	0	0

Significant Meetings & Issues:

August 5 – North Pointe Development Meeting

August 6 – Feather Edge Grant First Step Meeting & Enclave at Tuscany Site Meeting

August 7 – Lake Emma Animal Hospital Expansion DRC & Sem. County Master Pump Station Pre-con

August 10 – Pelloni North Pointe Meeting

August 12 – Station House Improvement Meeting

August 13 – SEED Meeting

August 15 – DR Horton Fountain Park First Step Meeting & SunRail Safety Meeting

August 21 – Siemens Property Meeting

August 22 – Pre-bid Meeting

August 23 – MetroPlan Transportation Technical Committee Meeting

August 26 – MetroPlan Bike/Pedestrian Board Meeting

August 27 – SEED Meeting

**August 28 – Grace United Methodist Church Pre-con, Station House Pre-con & MetroPlan Bike/Pedestrian
Advisory Board**

August 29 – 1051 Heathrow Park Lane First Step Meeting & Siemens Property First Step Meeting

Building Division Monthly Report August 2013

Community Development Department

TO: City Commission
 FROM: Joe Lancaster, Building Official
 Bobbie Jo Keel, Permit/Zoning Coordinator
 VIA: Jackie Sova, City Manager
 DATE: September 4, 2013



FY2012-2013 WORKLOAD DATA

BUILDING PERMITS ISSUED					BUILDING PERMIT VALUATIONS			
ACTIVITY - PERMIT TYPE	Aug-13	YTD	Aug-12	YTD	Aug-13	YTD	Aug-12	YTD
COMMERCIAL - NEW	0	19	0	1	\$ -	\$ 29,090,189	\$ -	\$ -
COMMERCIAL - ALTERATION	9	45	15	43	\$414,375	\$ 3,110,713	\$ 1,090,937	\$ 2,508,872
RESIDENTIAL - NEW	3	47	0	9	\$605,045	\$ 58,953,061	\$ -	\$ 1,866,200
RESIDENTIAL - ALTERATION	10	46	9	35	\$67,370	\$ 48,776,382	\$ 35,660	\$ 246,909
ELECTRICAL - NEW/ALTERATION	28	87	27	72	\$2,104,085	\$ 6,694,089	\$ 364,954	\$ 563,366
ELECTRICAL - TEMP/PREPOWER	2	24	2	7	\$200	\$ 1,025	\$ 100	\$ 470
MECHANICAL - NEW/ALTERATION	17	88	23	62	\$164,069	\$ 1,739,505	\$ 423,057	\$ 788,643
PLUMBING - NEW/ALTERATION	10	65	43	72	\$24,086	\$ 255,285	\$ 77,251	\$ 173,814
ROOFING - TILE, METAL & FLAT	1	17	0	1	\$ 240,000	\$ 327,418	\$ -	\$ 17,600
RE-ROOFING	6	58	15	33	\$ 90,183	\$ 724,651	\$ 194,682	\$ 366,071
SWIMMING POOL	2	4	2	6	\$50,213	\$ 113,830	\$ 30,000	\$ 122,078
SCREEN ENCLOSURE	2	2	4	6	\$13,000	\$ 31,269	\$ 25,475	\$ 38,475
FENCE	4	19	3	9	\$ 1,929	\$ 47,919	\$ 10,496	\$ 38,860
SIGN	2	16	5	19	\$ 1,405	\$ 42,319	\$ 16,711	\$ 52,888
FOUNDATION ONLY	0	1	0	0	\$ -	\$ 186,180	\$ -	\$ -
DEMOLITION	0	3	0	0	\$ -	\$ 75,000	\$ -	\$ -
TOTALS	96	541	148	375	\$ 3,775,960	\$ 150,168,835	\$ 2,269,323	\$ 19,112,661

BUILDING INSPECTIONS PERFORMED				
TYPE	Aug-13	YTD	Aug-12	YTD
BUILDING	204	1064	237	2944
ELECTRICAL	122	459	119	1150
MECHANICAL	51	203	37	453
PLUMBING	68	346	70	702
TOTALS	445	2072	463	5249

MAJOR PROJECTS

1. Fountain Parke
2. Enclave @ Tuscany
3. Verizon
4. Colonial Grand Ph.2A
5. Station House

FIRST STEP MEETINGS

1. Feathers Edge II-Beautification Grant
2. Fountain Parke-Revise Development Plan
3. 1051 Heathrow Pk Ln-Commercial Development
4. 396 Rinehart Rd-Subdivide Commercial Property



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



Monthly Report

August 2013

Administration and Emergency Operations

We responded to 291 emergency alarms, had 133 transports, and logged over 884 hours of training.

Emergency Operations personnel had an additional 45 public contacts for sharps boxes, blood pressures, child car seat installations, public relations, etc.

We have continued our monthly Leadership Training and received very positive feedback from the Officers and Firefighters.

We have four teams working and two standing committees with outstanding employee participation.

We are finalizing the planning for the new fire reporting software with a target date to be online by October 1st.

Fire Prevention

Fire inspectors conducted 205 combined inspections and 45 plan reviews.

Activities included, training of new part-time fire inspector, planning for FD Open House, Poster Contest, and created flyers for the schools and website.

Participated in First Step, DRC, Pre-Con, Awards Committee, Safety, SEED, Central Florida Fire Marshal's Association (CFFMA), Seminole County Fire Marshal (SCFM), Community Bldg. and Station House meetings.

Updated gate code list throughout the City.

Public Education Events –

Publix – both locations in the City – table and engine display – 200 people