



LAKE MARY CITY COMMISSION

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

**Regular Meeting
AGENDA
THURSDAY, OCTOBER 17, 2013 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: October 3, 2013**
- 6. Special Presentations**
 - A. Community Service Award - Lake Mary Resident Charles Risko**
 - B. Lake Mary Heathrow Festival of the Arts - DeLores Lash, Chairman**
- 7. Citizen Participation**
- 8. Unfinished Business**
 - A. Ordinance No. 1498 - Establishing Fees for the new Community Center - Second Reading (Public Hearing) (Radley Williams, Recreation Chief)**

9. New Business

- A. Request for two variances to Chapter 160, Resource Protection Standards, to construct a new single-family residence, 328 Wood Street; ZDA, LLC/Allan Goldberg, applicant (Public Hearing) (Steve Noto, Senior Planner)**
- B. Consideration of Downtown Entry Feature - 4th Street and W. Lake Mary Boulevard (Steve Noto, Senior Planner)**

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

- a. None**

B. Items for Information

- a. Monthly Department Reports**

12. Mayor and Commissioners Report

13. City Attorney's Report

14. Adjournment

THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE

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

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

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

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

UPCOMING MEETINGS

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

4
5
6
7 I. Call to Order

8
9 The meeting was called to order by Mayor David Mealor at 7:08 P.M.

10
11 II. Moment of Silence

12
13 III. Pledge of Allegiance

14
15 IV. Roll Call

16
17 Mayor David Mealor
18 Commissioner Gary Brender
19 Commissioner George Duryea
20 Commissioner Allan Plank
21 Deputy Mayor Lucarelli – Absent

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Steve Noto, Planner
Tom Connelly, City Engineer
Randy Pettit, Human Resources Mgr.
Bryan Nipe, Parks & Recreation Dir.
Gunnar Smith, Events Center Mgr.
Radley Williams, Recreation Chief
Bruce Paster, Public Works Director
Steve Bracknell, Police Chief
Craig Haun, Fire Chief
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

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33 V. Approval of Minutes: September 19, 2013

34
35 **Motion was made by Commissioner Brender to approve the minutes of the**
36 **September 19, 2013, meeting, seconded by Commissioner Plank and motion**
37 **carried unanimously.**

38
39 VI. Special Presentations

40
41 There were no special presentations at this time.

42
43 VII. Citizen Participation

44
45 No one came forward at this time and citizen participation was closed.

1 VIII. Unfinished Business

2
3 There was no unfinished business at this time.

4
5 IX. New Business

6
7 A. Resolution No. 925 – Neighborhood Beautification Grant Program (Steve
8 Noto, Senior Planner)

9
10 The City Attorney read Resolution No. 925 by title only.

11
12 Mr. Noto said we did not change the program. We changed the language in the
13 resolution to allow continual adoption of the program based upon the funding approved
14 in the budget every year.

15
16 **Motion was made by Commissioner Plank to approve Resolution No. 925,**
17 **seconded by Commissioner Brender and motion carried unanimously.**

18
19 B. Ordinance No. 1498 – Establishing fees for the new Community Center –
20 First Reading (Public Hearing) (Radley Williams, Recreation Chief)

21
22 The City Attorney read Ordinance No. 1498 by title only on first reading.

23
24 Radley Williams, Recreation Chief, and Gunnar Smith, Events Center Manager, came
25 forward.

26
27 Mr. Williams said as we move forward with the new Community Center project, we have
28 reached the phase of setting rental fees for the facility. Our department has conducted
29 a comparison of comparable facilities throughout the Central Florida area and we have
30 come forth tonight with a proposal to set rental fees for both rooms in the facility. The
31 larger room, labeled Room 1, contains a kitchen and patio area. We are asking a \$70
32 per hour rental fee for that room. The smaller room, labeled Room 2, will just have a
33 countertop and sink and we are asking \$50 per hour for that rental.

34
35 Commissioner Plank said he was concerned because we are taking a big jump over the
36 original rental cost. He realized with the economy being the way it is that we have had
37 some adjustment. He wondered if they could initially give the residents a larger
38 discount. Whatever you charge non-residents is whatever traffic will bear. He thought
39 we were going from \$25 to \$50 and \$25 to \$70 plus he didn't believe we had a two-hour
40 minimum before. He asked if that was correct.

41
42 Mr. Williams said the original community center had a two-hour minimum rental.

43
44 Commissioner Plank asked if we were able to confirm the new facilities in Winter Park
45 have a two-hour minimum.

46

1 Mr. Williams said he checked with all the facilities on the comparison chart and Winter
2 Park and Longwood require a two-hour minimum rental on any of their rental facilities.
3 Sanford requires a four-hour minimum rental and Winter Springs a one-hour minimum.
4

5 Commissioner Plank questioned why we weren't equipping both rooms with at least
6 minimum serving facilities such as a microwave and refrigerator. We are putting it in the
7 large room but there doesn't seem to be anything in the smaller room.
8

9 Mr. Williams said we have taken a look at that concern and we have found space in
10 Room 2 to add a small countertop for the small sink and possibly a small mini-fridge.
11

12 Commissioner Plank said his only remaining question is whether or not we can or
13 should increase the discount for residents.
14

15 Mr. Williams gave some background on how they came up with the 15% discount. We
16 were looking at the Events Center fee structure and making it comparable to that. The
17 other option is the Senior Center. We offer our residents about a 30% discount
18 between the non-resident and resident rate. If we went that route it would put the rental
19 rate for Room 1 at \$50 an hour for City residents and \$70 an hour for non-residents.
20 Room 2 would be \$35 an hour for residents and \$50 for non-residents. For the Senior
21 Center we have two rates and not a percentage discount but that works out to about a
22 30% discount.
23

24 Commissioner Plank asked in the final fee structure to not use the percentage but the
25 actual dollar amount so they don't have to calculate it each time.
26

27 Mr. Williams said that would make it convenient for the renter.
28

29 Mayor Mealor asked Commissioner Plank if he had any thoughts on the appropriate
30 City resident discount percentage.
31

32 Commissioner Plank said he would be agreeable with the \$35 and \$50 rates quoted for
33 residents. The \$150 deposit is the same as the original community center.
34

35 Mr. Williams said it actually dropped \$50.
36

37 Commissioner Plank said he had a couple of people mention that the rates seemed
38 close to the Events Center and it was mentioned they looked at the two together. He
39 asked if this includes chairs and tables.
40

41 Mr. Williams answered affirmatively. This would include chairs and tables and staff
42 would set up per the layout provided by the renter.
43

44 Commissioner Plank said which is not the case for the Events Center with the \$75 rate.
45 He said he thought he saw something for Ballroom B.
46

1 Mr. Smith said Ballroom B and the meeting room Monday through Thursday have a \$75
2 rental and includes set up.

3
4 Commissioner Plank said there again his concern. We are restoring something that
5 was taken away and our primary interest should be for the residents of the City.
6

7 Ms. Sova said if someone uses Ballroom B Monday through Thursday, it does not come
8 with any kind of kitchen facility.
9

10 Mr. Williams said if we're looking at the non-resident rate of \$70 for Room 1 which is the
11 larger room with the kitchen and the patio attached, it does include the kitchen. For the
12 smaller room it just has the countertop and is \$50 an hour. It does include setup but at
13 the Events Center it does not include any kitchen service or patio. It is just for that
14 room.
15

16 Mr. Smith said Ballroom B is equivalent in size to the smaller room.
17

18 **Motion was made by Commissioner Plank that the 30% discount be applied for**
19 **residents, seconded by Commissioner Brender.**
20

21 Commissioner Plank said his other concerns have been addressed.
22

23 Commissioner Brender asked what the Senior Center rents for.
24

25 Mr. Williams said the Senior Center rents for \$75 for non-residents and \$50 for
26 residents. It's a little over 30%.
27

28 Commissioner Brender said Commissioner Plank is suggesting using the rates you
29 have set but rather than a 15% discount give a 30% discount.
30

31 Mr. Williams answered affirmatively and also asked to set it as dollar figures.
32

33 Mayor Meador said he thought the motion was a rental fee for Room 1 at \$70 and the
34 City resident fee would be \$50. Room 2 rental fee is \$50 and City resident fee is \$35.
35

36 Commissioner Brender said as long as we are comparable with or a little less than other
37 facilities around Central Florida, he agreed we should give the City resident more.
38

39 Commissioner Brender asked how this worked into what was planned financially for
40 what the Community Center is going to bring in. He asked if there was any sense of
41 who was going to be renting—a resident versus a non-resident.
42

43 Mr. Nipe said we have statistics from the old community building. The Events Center
44 tends to draw more people from outside the City. We have statistics that show the
45 community groups that were renting in the past versus family outings, weddings and
46 things like that.

1
2 Commissioner Brender said he didn't mind spending capital money to do a project but
3 likes to make sure they can run it on the rentals. He asked if they could run it on the
4 rentals if we reduced it this much.

5
6 Mr. Nipe said can we cover our costs. In order to cover the cost of the facility we are
7 going to have to bring in a demand that books year round, every weekend and nearly
8 every weekday. There will be a good cost recovery. We are looking at a budget of
9 approximately \$100,000 a year for staffing and administration, maintenance costs, and
10 utility bills. Our hopes and goal would be to fully cover our costs if not more than our
11 costs over a few years. In order to get there we have to do our job and get the
12 marketing and word out that we have a new community center.

13
14 Mayor Mealor asked if anyone would like to speak in reference to Ordinance No. 1498.
15 No one came forward and the public hearing was closed.

16
17 **Commissioner Plank restated his motion to approve Ordinance No. 1498 on first**
18 **reading with the change in rates for City residents to \$50.00 per hour for Room 1**
19 **and \$35.00 per hour for Room 2, seconded by Commissioner Brender and motion**
20 **carried by roll-call vote: Commissioner Brender, Yes; Commissioner Duryea,**
21 **Yes; Commissioner Plank, Yes; Mayor Mealor, Yes.**

22
23 X. City Manager's Report

24
25 1. Award of Janitorial Services Bid No. 13-08

26
27 Ms. Sova said the first item is RFP No. 13-08, Janitorial Services for City buildings.
28 This RFP was issued in August 2013 for routine cleaning of City facilities. Seven
29 proposals were evaluated by a Selection Committee comprised of employees from
30 various departments and facilities. They independently reviewed, rated and compiled
31 their results in September. The evaluation scores are based on criteria, cost,
32 experience, references, and presented work plan. She recommended that the
33 Commission authorize her to execute the contract with JMC Services, Inc. for an
34 amount not to exceed \$63,645.00 per year. The terms of the agreement are for one 12-
35 month period with the option to renew for two additional 12-month periods.

36
37 Commissioner Brender asked where they were on the budget with this.

38
39 Ms. Sova said it is pretty close to budget. We have been under a temporary contract for
40 a couple of months. Our previous company folded. JMC has worked with us before
41 and they stepped up when we needed something temporary.

42
43 **Motion was made by Commissioner Brender to authorize the City Manager to**
44 **execute contract with JMC Services, Inc. for janitorial services in an annual**
45 **amount not to exceed \$63,645.00 for one 12-month period with the option to**

1 **renew for two additional 12-month periods, seconded by Commissioner Plank**
2 **and motion carried unanimously.**

3
4 2. CEI for Roadway Improvement Project Bid No. 13-09

5
6 Ms. Sova said this is a request to proceed with CPH construction, engineering and
7 inspection services for the right-of-way construction on East Crystal Lake Avenue, Old
8 Lake Mary Road, and Wilbur Avenue. The scope of services is consulting services to
9 continue to work with our roadway improvements near the new Station House project. It
10 includes observation for work compliance with plans and specifications on a continuing
11 basis, notification of non-compliance, observance of materials at the job site, and
12 providing a record of the contractor's activities throughout the construction. The
13 engineers will coordinate with the geotechnical firm throughout.

14
15 Ms. Sova said we are asking for approval of an amount not to exceed \$119,117.76.
16 There is an amendment from the original memo. She said Commissioner Lucarelli
17 noticed the mileage seemed extremely high and contacted her and got that corrected
18 and the amount reduced by \$2,109.00.

19
20 Commissioner Duryea asked the total budget for this project.

21
22 Ms. Sova said \$1.4 million.

23
24 Commissioner Duryea said almost \$120,000.00 seems like a lot.

25
26 Ms. Sova said we got it reduced. It is about 8%.

27
28 Mr. Omana said we sat down with CPH and told them to go back to the drawing board
29 and give us some revised figures line item by line item on a number of these matters.
30 The importance of this is these folks will be on site over that 26-week period to observe
31 and provide technical guidance to protect our interests. We did have them reduce the
32 dollar amount.

33
34 Commissioner Duryea said he was looking at the project manager and professional
35 engineer for a total of 346 hours.

36
37 Mr. Omana said part of that is there will be a bi-weekly meeting at which time they will
38 be attending as well.

39
40 Commissioner Duryea said it seemed like a lot of time.

41
42 Mr. Omana said that is what has been allocated by the CPH folks. These people will be
43 participating in a variety of meetings.

44
45 Commissioner Duryea asked Mr. Omana if this were his project would he be happy
46 paying \$120,000 in oversight costs.

1
2 Mr. Omana said he would be happy paying this amount knowing that they have
3 specified to us what they are going to do and how they are going to do it, and that will
4 protect us in terms of quality control. He said he would pay it.

5
6 Ms. Sova said some of these are specialty people and we don't have specific
7 employees to cover it. We have Tom (Connelly) and Bruce (Paster) who will be
8 involved with this project as well. This is above and beyond what we have staff time to
9 accomplish.

10
11 Tom Connelly, City Engineer, came forward. One of the items unique on this contract is
12 surrounding the project is another construction effort of \$30 million for the Station House
13 project. There is going to be a lot of coordination between that project and our Public
14 Works Department and the contractor to get the water system and sanitary sewer
15 system in. We also have a stormwater system in there. In addition, we are having a
16 situation where the work being done by the contractor is going to proceed to a certain
17 point and there is going to be a planned stand down where there will be a gap of time
18 and then the contractor will come back in to finish the work. It is because of this Station
19 House project. It isn't the simple type of construction project where we don't have an
20 active major project next door.

21
22 Mr. Connelly said the other thing is we have made an effort to reduce some of the
23 services because we are using staff to supplement and support CPH, particularly in the
24 afternoon hours. This is one of our efforts to try to reduce expense. He said he didn't
25 think it was out of line or excessive and it is because we have a unique type of project.

26
27 Mr. Omana said this is also including the extension of the sewer line under the railroad
28 track which requires extensive coordination not only with the folks on SunRail but the
29 FDOT folks. They have to be certified to do that. There are a lot of unique points that
30 merit this type of contract being entered into.

31
32 Commissioner Brender asked if 8% was normal for CE&I services.

33
34 Mr. Omana said 8 – 10%.

35
36 **Motion was made by Commissioner Brender to authorize the City Manager to**
37 **execute the work order with CPH Engineering, Inc. for construction engineering**
38 **and inspection services of the right-of-way improvements per Bid 13-09 in an**
39 **amount not to exceed \$119,117.76, seconded by Commissioner Duryea and**
40 **motion carried by roll-call vote: Commissioner Duryea, Yes; Commissioner**
41 **Plank, Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**

42
43 3. Community Center construction contract

44
45 Ms. Sova said this item is the Community Center construction contract. At the July 18th
46 meeting the Commission authorized the City Manager to negotiate a contract with

1 McCree Design Builders. We have done that and the total amount of the contract is
2 \$326,700.00. The building is expected to be completed in March 2014. This started
3 well into the 400 thousands and we have worked it down.

4
5 Commissioner Brender asked if we worked it down too much so we have to spend more
6 later.

7
8 Ms. Sova answered negatively. She said she was very cognizant of that.

9
10 Commissioner Brender asked how this amount is relative to budget.

11
12 Ms. Sova said pretty much on budget.

13
14 **Motion was made by Commissioner Plank to authorize the City Manager to**
15 **execute contract with McCree Design Builders for the Lake Mary Community**
16 **Center construction in an amount not to exceed \$326,700.00, seconded by**
17 **Commissioner Brender and motion carried unanimously.**

18
19 4. PDCS contract extension

20
21 Ms. Sova said this is the contract extension with PDCS. They help us do basic building
22 code inspection services, plans review, permitting and inspection should we need it.
23 We put this contract in place in January 2012 and we have used it a few times. We
24 have our Station House project coming up and have more on the table than we have
25 had. These will be on-call services as a back-up plan and will be used only as
26 necessary. She asked the Commission to authorize her to execute a second contract
27 extension with PDCS, LLC.

28
29 Mayor Mealor asked if he was correct that the request for extension is for a 12-month
30 period.

31
32 Ms. Sova answered affirmatively.

33
34 **Motion was made by Commissioner Brender to authorize the City Manager to**
35 **execute second contract extension with PDCS, LLC to provide building code**
36 **inspection services, plans review, permitting and inspection services on an as-**
37 **needed basis, seconded by Commissioner Plank and motion carried**
38 **unanimously.**

39
40 Ms. Sova said the North Palmetto Street railroad crossing will remain closed until
41 tomorrow afternoon at 4:00 P.M. to allow the SunRail crews to rebuild the crossing.

42
43 Ms. Sova said the Fire Department, in conjunction with Home Depot, is holding a fire
44 safety event this Saturday from 10:00 A.M. until 2:00 P.M. at the Lake Mary Home
45 Depot to celebrate Fire Safety Month. They will have a live fire demonstration, Sparky

1 the fire dog and Sprinkler Man will be there. There will be a coloring contest, popcorn,
2 snow cones, and activities for the kids.
3

4 Ms. Sova said also in observance of Fire Safety Month the Fire Department will be
5 holding an open house at Station 37, 911 Wallace Court, on Saturday, October 26th
6 from 10:00 A.M. until 2:00 P.M. There will be games for the kids, face painting, fire
7 safety demonstrations, fire truck tours, and much more.
8

9 Ms. Sova said the Halloween Spooktacular will be held in Central Park on Thursday,
10 October 31st. from 5:30 P.M. until 7:30 P.M. There will be safe and fun trick or treating,
11 music, games, kiddie train rides, and a children's costume contest.
12

13 Mayor Meador said the Spooktacular in the past has been a wonderful success. He
14 thanked the public safety men and women for their support for that community activity.
15

16 XI. Mayor and Commissioners Report – (1) 17

18 Commissioner Brender said he attended CALNO that was hosted by the School Board.
19 Superintendent Griffin gave an overview of where the Seminole County school system
20 is. We are still one of the top three high school systems in the country and fourth in the
21 State of Florida. He said St. Johns County was third but they have a quarter of the
22 number of students. Even though we are fourth in the state, we are the largest in the
23 Top 10. There are a lot of things coming down the pike for Seminole K – 12 education.
24 The next CALNO will be hosted by Seminole State College on the first Wednesday in
25 November.
26

27 Commissioner Brender said on October 16th he would be attending the Seminole
28 County Alliance for Children at the Sheriff's Office. We had a report last night from
29 Steven Porter with the Department of Children and Families for Seminole and Brevard
30 Counties. There were 186 child abuse cases reported in zip code 32746. In some of
31 the zip codes in Sanford there were 700 and 800 cases reported. It is a tragedy that
32 never seems to go away and is something we just cannot let up on.
33

34 Mayor Meador said tomorrow the Leadership Seminole class will meet on the Seminole
35 State campus and the first session will be a tri-party panel with the school district,
36 Seminole State College, and the University of Central Florida talking about the elite
37 partnerships that are currently in place and available to our residents.
38

39 Commissioner Duryea thanked the citizens for being reelected unopposed. It is an
40 honor.
41

42 Commissioner Plank said the Lake Mary Museum is holding its Ghost Walks on October
43 12th and 19th beginning at 6:30 P.M. and leaving the museum about every 10 minutes.
44 All the ghosts and stories are new this year. It requires reservations and one should call
45 407-585-1481 or e-mail info@lakemaryhistory.org. It is a sell-out event every year.
46

1 Commissioner Plank said the Historical Commission at its last meeting submitted the
2 wording for the historical signs that will go in Heritage Park. That will walk you through
3 some of the history of Lake Mary. That project is moving forward and we hope to have
4 something to report in the coming months.

5
6 XII. City Attorney's Report

7
8 Ms. Reischmann had no report at this time.

9
10 XIII. Adjournment

11
12 There being no further business, the meeting adjourned at 7:47 P.M.

13
14
15
16 _____
17 David J. Mealor, Mayor

18 _____
19 Mary Campbell, Deputy City Clerk

20
21 ATTEST:

22
23
24
25 _____
26 Carol A. Foster, City Clerk



MEMORANDUM

TO: Mayor and City Commission

VIA: Jackie Sova, City Manager

FROM: Radley Williams, Recreation Chief

DATE: September 23, 2013

SUBJECT: Ordinance No. 1498 – Establishing Fee for the Rental of the Lake Mary Community Center

With an anticipated spring 2014 opening of the new Lake Mary Community Center located at 140 E. Wilbur Avenue, it is necessary to establish room rental fees for the building. Attached, please find a comparison chart of similar municipal rental facilities in Central Florida along with staff's proposal for rental fees. This chart includes the rates for the original Lake Mary Community Building.

RECOMMENDATION:

Request Commission adopt Ordinance No. 1498 establishing rental fees for the new Community Center.

ORDINANCE NO. 1498

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES, ENTITLED "PARKS AND PLAYGROUNDS", CREATING A NEW SECTION 92.80 ENTITLED "LAKE MARY COMMUNITY CENTER", ESTABLISHING FEES FOR THE RENTAL; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary purchased a building at 140 E. Wilbur Avenue to utilize for a community center; and

WHEREAS, the City Commission desires to establish fees for the rental of said facility.

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

SECTION I. Chapter 92 of the Code of Ordinances is hereby amended as follows:

LAKE MARY COMMUNITY CENTER

92.80 FEES: The following fees are hereby established for use of the Lake Mary Community Center. Sales tax as applicable shall also be paid. Full-time city employees shall pay the City resident fee on rentals.

	<u>Room 1</u>	<u>Room 2</u>
<u>Rental Fee</u>	<u>\$70 per hour (2 hour minimum)</u>	<u>\$50 per hour (2 hour minimum)</u>
<u>City Resident Fee*</u>	<u>\$50 per hour (2 hour minimum)</u>	<u>\$35 per hour (2 hour minimum)</u>
<u>Refundable Deposit</u>	<u>\$150</u>	<u>\$150</u>
<u>TV/DVD</u>	<u>\$25</u>	<u>\$25</u>
<u>Cancellation Notice</u>	<u>60 Days</u>	<u>60 Days</u>

*City Resident Discount – must reside in the City limits of Lake Mary to be eligible for the discount. Proof of residency required.

SECTION II. 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 relettered to accomplish such intention.

SECTION III. 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 IV. Effective Date. This ordinance shall take immediately upon passage and adopted.

PASSED THIS 17th DAY OF October, 2013.

FIRST READING: October 3, 2013

SECOND READING: October 17, 2013

CITY OF LAKE MARY, FLORIDA

DAVID J. MEALOR, MAYOR

ATTEST:

CAROL A. FOSTER, CITY CLERK

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

CATHERINE D. REISCHMANN, CITY ATTORNEY



MEMORANDUM

DATE: October 17, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Stephen Noto, Senior Planner

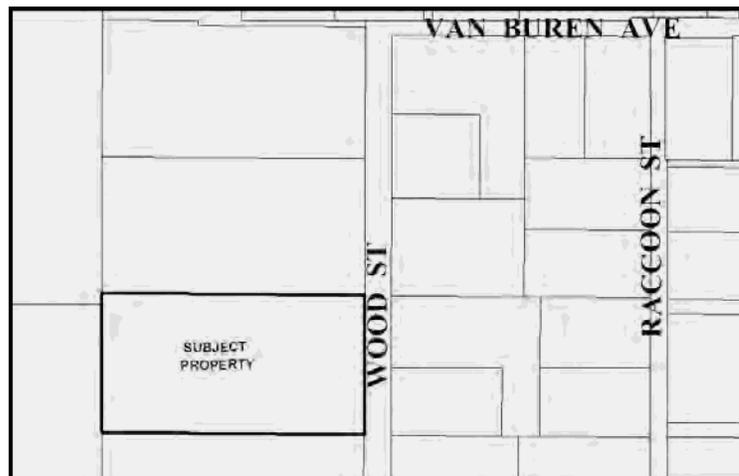
SUBJECT: Request for two variances to Chapter 160, Resource Protection Standards, to construct a new single-family residence, 328 Wood Street; ZDA, LLC/Allan Goldberg, applicant (Gary Schindler, City Planner) (Per Synopsis - The Applicant will provide the City with an Indemnification Agreement that will be prepared for the City Commission meeting of October 17, 2013.)

REFERENCE: Lake Mary Code of Ordinances, Chapter 160, Subsections 7(A) & 7(B) (2) (b)

REQUEST: The applicant is requesting variances to Chapter 160 of the City's Code of Ordinances to construct a residential structure on existing vacant acreage.

DISCUSSION:

Location: The property is located on the west side of Wood Street, south of Van Buren. The subject property extends approximately 635' west toward Soldier's Creek.



Background: The subject property contains approximately 4.8 acres. Although not part of a subdivision, the subject property has been in existence for many years. The applicant proposes to construct an approximate 3,600 square foot single family dwelling and accessory swimming pool.

In 1991, the City Commission approved Ordinance No. 538, the Resource Protection Standards (RPS). The RPS regulations are applicable to those properties that abut the Crystal Lake Basin and Soldier's Creek. The RPS requires that the applicant provide documentation regarding the location of wetland and the 100-year flood area. From whichever line or portion of line is most landward, there is a 25' environmental buffer and a 75' building setback. The subject property abuts Soldier's Creek; therefore, the RPS provisions are applicable.

The applicant has provided a graphic showing the location of the wetland, the limits of the 100-year flood area and the proposed placement of the dwelling and swimming pool. The 100-year flood line is the more landward of the two lines. Using the applicant's graphic, staff has added the location of the 25' wide environmental buffer, the area shown in yellow, and the 75' setback area, the area shown in red. The proposed residence and swimming pool encroach into the 25' wide environmental buffer and the 75' wide building setback; however, they do not encroach into the wetland area. Because of the encroachment into the environmental buffer and setback area, variances are required.

Flood Plain Encroachment - As a separate but related issue, the swimming pool and patio encroach into the 100-year flood area. The applicant's engineer has documented that the encroachment equals 595 cubic feet. As such, the subject property will have to create an area of compensating storage equal to the area of encroachment.

The applicant has applied for a variance to the following sections of the Code described below:

1. *Section 160.07(A) - a variance of 25' from the minimum 25' environmental setback; and*
2. *Section 160.07(B)(2)(b) - a variance of 75' from the minimum 75' building setback.*

VARIANCE CRITERIA (Section 154.06):

The Planning and Zoning Board shall make a written recommendation to the City Commission that all of the following criteria have been met:

CRITERIA No. 1:	
<i>That a special condition and circumstance exists which is peculiar to the land, structures, or subdivision improvements involved, and which are not applicable to other lands, structures, or required improvements; and</i>	
FINDINGS OF FACT No. 1:	
Criteria met?	The subject property was created as a parcel before the adoption of the Resource Protection Standards.
#1 YES #2 YES	

CRITERIA No. 2:	
<i>That the special conditions and circumstances do not result from the actions of the applicant; and</i>	
FINDINGS OF FACT No. 2:	
Criteria met?	The proposed dwelling is not excessively large and complies with the required front yard setback for the A-1 zoning district. As such, the proposed use of the property is reasonable and does not result from the actions of the applicant.
#1 YES #2 YES	

CRITERIA No. 3:	
<i>That granting the variance requested would not confer on the applicant any special privilege that is denied by the provisions of this section to other lands, structures, or required improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to the provisions of the section shall be considered grounds for the issuance of variances; and</i>	
FINDINGS OF FACT No. 3:	
Criteria met?	Granting the variance will not confer a special privilege that has not been previously granted to other properties.
#1 YES #2 YES	

CRITERIA No. 4:	
<i>That literal interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other properties with similar conditions; and</i>	
FINDINGS OF FACT No. 4:	
Criteria met?	The literal interpretation of the provisions will deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
#1 YES #2 YES	

CRITERIA No. 5:	
<i>That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or other improvements; and</i>	
FINDINGS OF FACT No. 5:	
Criteria met?	A variance is required to make reasonable use of the property for a single-family residence.
#1 YES	
#2 YES	

CRITERIA No. 6:	
<i>That the grant of the variance will be in harmony with the general intent and purpose of the ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.</i>	
FINDINGS OF FACT No. 6:	
Criteria met?	Granting the variance would be in harmony with the general intent and purpose of Ordinance 538 “Resource Protection Standards”, which are very stringent and designed specifically for the protection of Crystal Lake and Soldier’s Creek.
#1 YES	
#2 YES	

FINDINGS OF FACT No. 7: Staff finds that the applicant has met all of the criteria as stated above to conditionally approve the requested variances of:

1. 25’ from the minimum 25’ environmental setback required by Section 160.07(A); and
2. 75’ from the minimum 75’ setback, required by Section 160.07 7(B (2)(b).

The condition of approval is that prior to the issuance of a building permit for any structure wholly or partly within the 100-year flood area, the applicant shall supply data developed as follows:

1. Prior to the issuance of a building permit, the applicant shall submit a signed and sealed plan by a Florida Registered engineer showing the location of 595 cubic feet of compensating storage for the area of encroachment within the 100-year flood plain.
2. Prior to the issuance of a CO, the applicant shall provide a statement from the above referenced Engineer that the construction complies with #1 above.

Additionally, the applicant shall provide the City with a Hold Harmless Indemnification Agreement similar to those used in previous variances.

PLANNING AND ZONING BOARD: At their regular September 24, 2013 meeting, the Planning & Zoning Board unanimously recommended approval, 4 to 0, of the requested Variances.

SIMILAR VARIANCE REQUESTS:

The Commission has reviewed and approved 16 similar requests for variances involving the 75' setback and/or the 25' environmental buffer. Historically, the City Commission has approved those variance requests, as long as they did not result in additional density. A case of specific interest is 2005-VA-08, which involves variances from Chapter 160 to build a residence at 340 Wood Street. In addition to the variances, the property also involved encroachment into the 100-year flood plain and the creation of compensating storage. The applicant proposed compensating storage and the City Commission approved the requested variances.

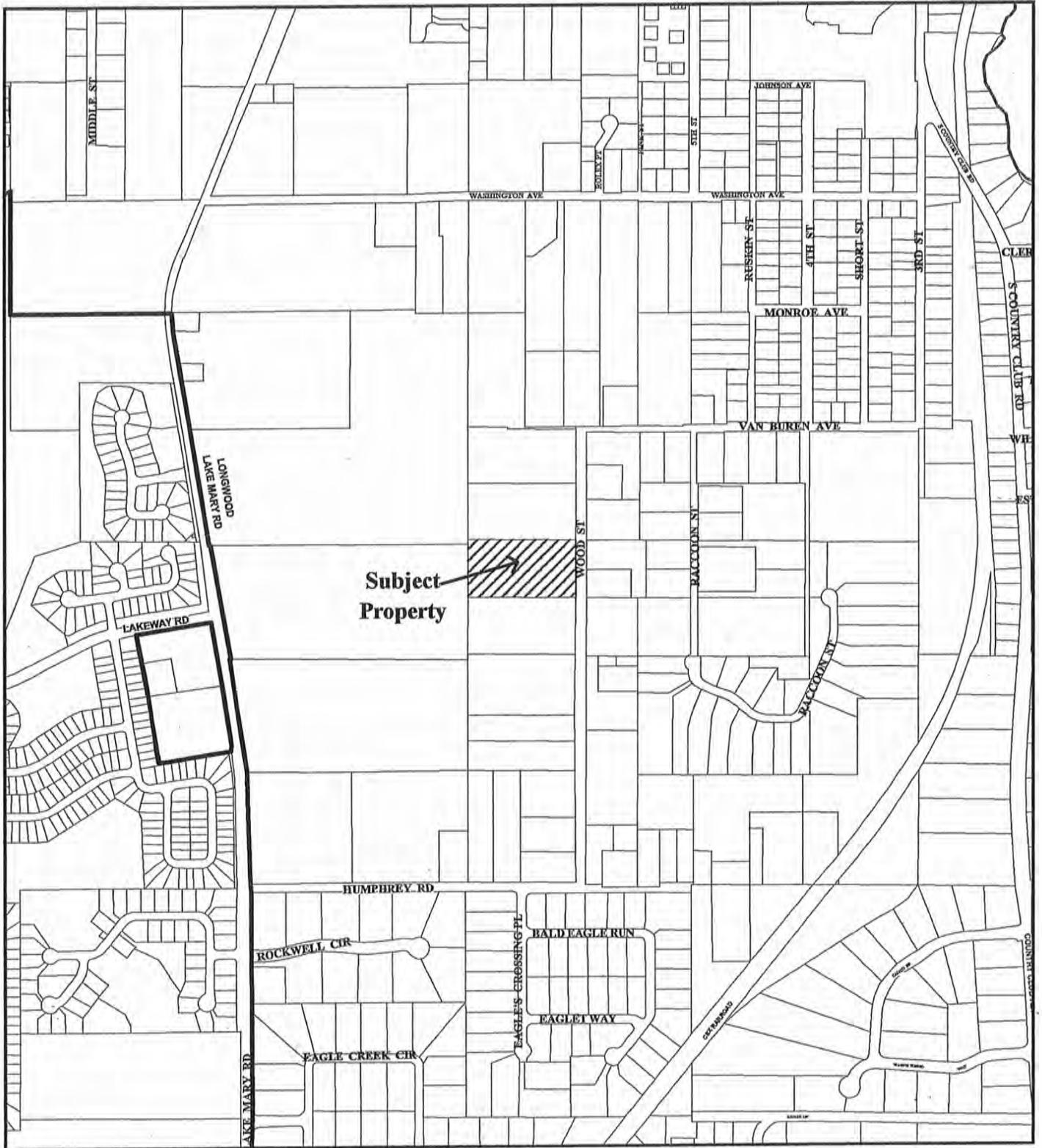
ADDITIONAL INFORMATION:

Section 154.06(C) states "Any person aggrieved by the City Commission's decision regarding a preliminary or final subdivision plan or plat, or the City Commission's decision regarding any variance, may file a petition for a writ of certiorari in the circuit court of the county to review the final action as provided by the state appellate rules. The petition shall be presented to the court within 30 days after the date of the final action of the City Commission."

LEGAL DESCRIPTION: LEGAL SECTION 16 TWP 20S RGE 30E N ½ OF SW ¼ OF NW ¼ OF SW ¼ (LESS ROAD)

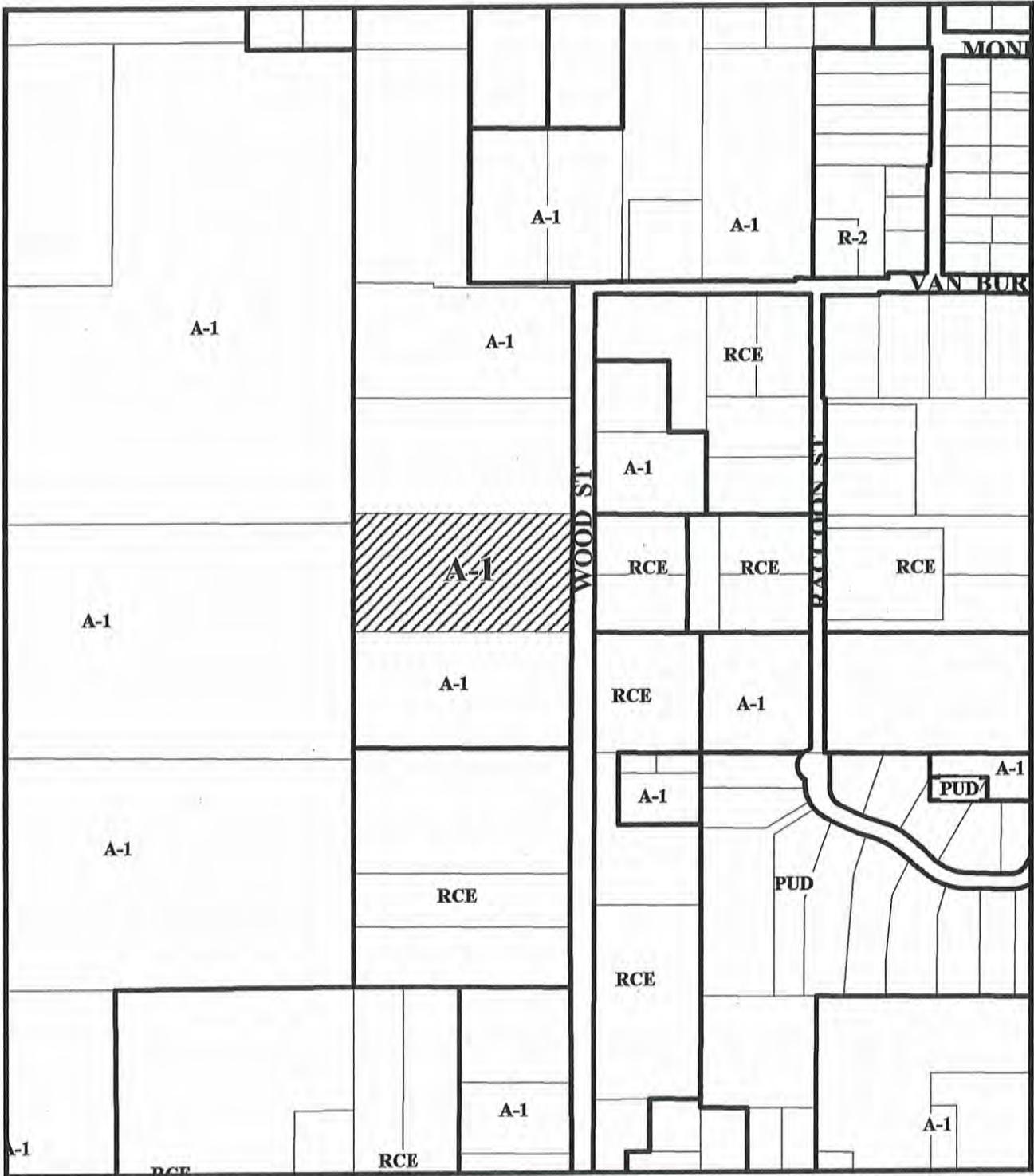
ATTACHMENTS:

- Location Map
- Zoning Map
- Land Use Map
- Aerial Photo
- Site Graphic
- Release and Hold Harmless Indemnification Agreement
- August 27, 2013 and September 24, 2013 Planning & Zoning Board Minutes



Location Map 328 Wood Street



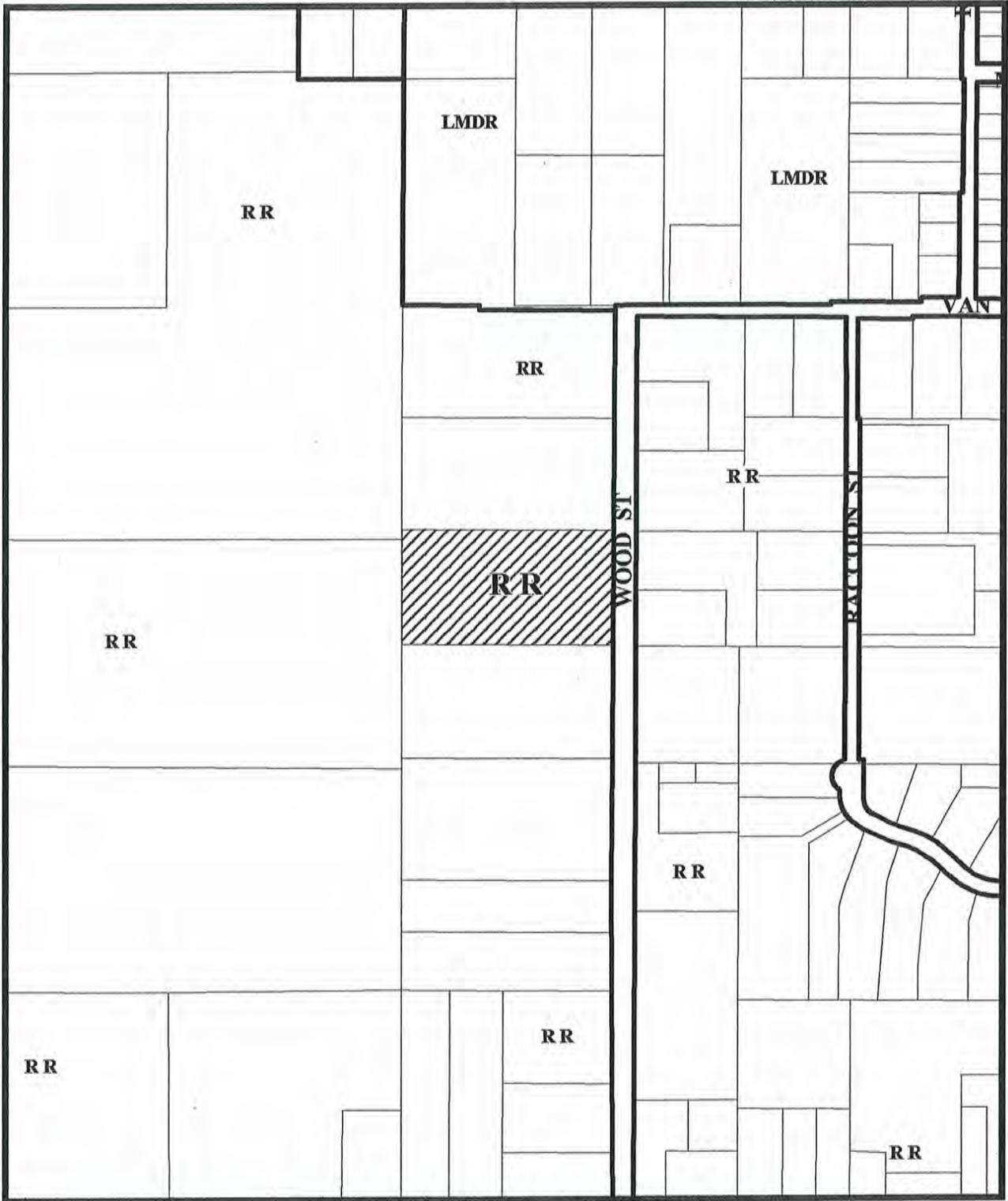


Zoning Map

LEGEND

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





Future Land Use Map

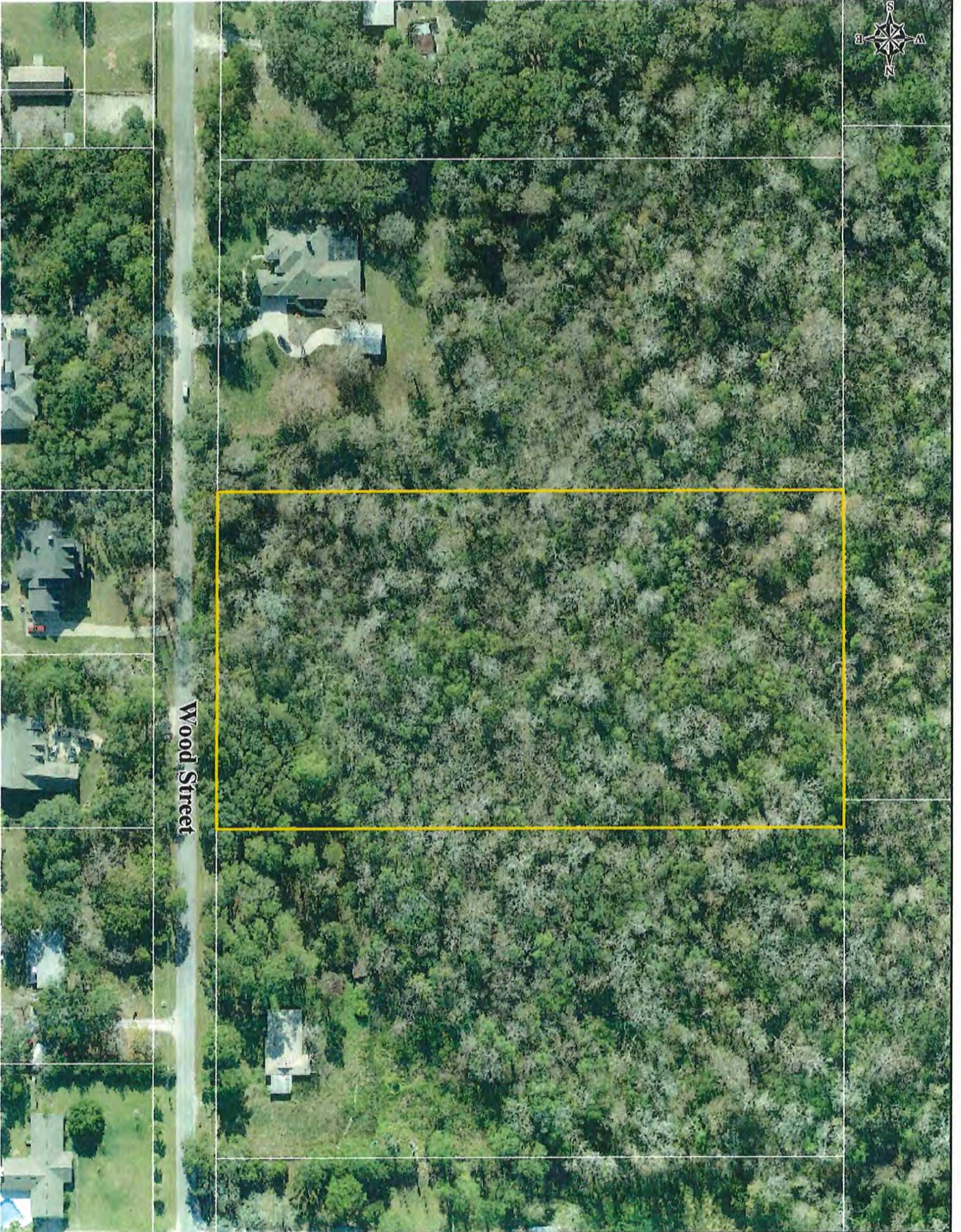


RR Rural Residential	OFF Office	PUB Public / Semi-Public Lands
LDR Low Density Residential (Max 2.5 DU / Acre)	RCOM Restricted Commercial	DDD Downtown Development District
LMDR Low / Medium Density Residential (Max 4 DU / Acre)	COM Commercial	REC Recreation
MDR Medium Density Residential (Max 6 DU /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





Wood Street



**RELEASE, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT**

THIS RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT (hereinafter referred to as "Agreement") is made and entered into this ____ day of _____, 2013, by and between THE CITY OF LAKE MARY, FLORIDA, (hereinafter referred to as "CITY") and ALLAN N. GOLDBERG (hereinafter referred to as "OWNER").

WITNESSETH:

WHEREAS, OWNER owns the following described property located in the City of Lake Mary, Seminole County, Florida, (hereinafter referred to as "SUBJECT PROPERTY");

LEG SEC 16 TWP 20S RGE 30E N 1/2 OF SW 1/4 OF NW 1/4
OF SW 1/4 (LESS RD)

WHEREAS, section 160.07 of the CITY'S code set forth development standards adjacent to wetland protection zones; and

WHEREAS, OWNER has requested a variance from section 160.07 (A) and 160.07 (B) (2) (b) to build a single-family residence and swimming pool; and

WHEREAS, OWNER has agreed to release, indemnify and hold the CITY harmless from and against any and all damages that may be caused as a result of the construction, or otherwise; and

WHEREAS, the City Commission granted said variance with three conditions at a regular scheduled meeting on the ____ day of _____, 2013.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Release, Hold Harmless and Indemnification Agreement. OWNER hereby agrees to release, hold harmless and indemnify CITY for any claims, liabilities, losses, obligations, damages, penalties, or costs, applicable to claim that could be asserted by the OWNER or any third party, including, but not limited to reasonable attorney's fees arising from the construction of a single-family home and swimming pool.

4. Entire Agreement. This agreement represents the entire agreement of the parties on the matters contained here. OWNER agrees to disclose the contents of this Agreement to any and all of its successors in interest.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below:

ATTEST:

CITY OF LAKE MARY, FLORIDA

CAROL A. FOSTER, CITY CLERK

JACQUELINE B. SOVA
CITY MANAGER

Date: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by JACQUELINE B. SOVA, City Manager of the City of Lake Mary (check one) who is personally known to me or who produced _____ as identification.

Notary Public
Print Name: _____
My Commission expires:

Approved by the City Commission on the ____ day of _____, 2013.

WITNESSES:

OWNER:

Signature

ALLAN N. GOLDBERG

Printed Name

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Allan N. Goldberg, as OWNER, who is personally known to me or who has produced _____ as identification.

Notary Public
Print Name: _____
My Commission expires:

File

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None

VII. New Business

A. 2013-VA-01: Recommendation to the City Commission regarding two variances from Chapter 160, Resource Protection Standards, to construct a new single-family residence on property located at 328 Wood Street, Lake Mary, Florida; Applicant: ZDA, LLC/Allan Goldberg

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

Gary Schindler, City Planner, as a housekeeping matter, informed that the equipment in the chambers recently sustained a lightning strike and requested everyone to bear with staff during this time of getting it back to normal working order.

Mr. Schindler proceeded to present Item A. and the related Staff Report. A copy of the Location Map attached to the Staff Report was on the overhead projector. He said, this item is a request involving two variances for property located on the west side of Wood Street at 328 Wood Street; that the Applicant has applied for variances to the following sections of the Code described below:

- 1. Section 160.07(A) - a variance of 25' from the minimum 25-foot environmental buffer; and
- 2. Section 160.07(B) (2) (b) - a variance of 75' from the minimum 75-foot building setback.

Mr. Schindler stated, Chapter 160 relates to the Resource Protection Act. In the early 1990's, the City Commission adopted Chapter 160. What it did was it identified Crystal Lake Basin and Soldier's Creek as the two most environmentally-sensitive areas in the City. And it said when there is a property abutting one of these, the Applicant will determine which is the most landward line, the wetlands or the 100-year floodplain.

Mr. Schindler put a copy of a document entitled Plot Plan prepared for Arlington Homes attached to the Staff Report on the overhead projector and indicated the wetlands limit line and the 100-year floodplain. He explained that the black and white copies in the Board's Agenda packets obviously do not depict the red-highlighted area (75-foot setback) and the green-highlighted area (25-foot environmental buffer). He said, the 100-

1 year floodplain is the most landward of the two lines. So, the 25-foot
2 environmental buffer and the 75-foot setback are taken from – well, first of
3 all, the buffer is taken. That’s in the green. And then the 75-foot setback
4 is taken from the environmental buffer. In short, if the Applicant were to
5 develop according to all that, this little corner here (indicating to overhead
6 projector), the white triangle, would be the only area in which he could
7 develop. And that doesn’t take into account a 25-foot front yard setback
8 and a minimum 8-foot side yard setback. He probably would have no
9 more room than this table (indicating) in which to develop.

10
11 Mr. Schindler stated, the City Commission has said there has to be a
12 relief. A property owner cannot be completely denied use of property as
13 long as it’s reasonable. Historically, what they have said is as long as an
14 applicant does not propose to increase the density and there is a
15 reasonable request, they have supported such variances.

16
17 Mr. Schindler said, I can tell you that the Applicant proposes one dwelling.
18 It’s 4.8 acres. The wetlands limits, of course, are off limits. The majority
19 of the property is unusable for anything but birds, bunnies and being able
20 to look at fondly and say, that’s mine. It cannot develop into pastures,
21 horses, stables. It’s very specific as to what can be done. You can build
22 a boardwalk through it. It’s very passive. But, what we have is an
23 attempt to allow an applicant, the owner, to be able to make a reasonable
24 use of his property and a reasonable use is one dwelling.

25
26 Mr. Schindler stated, this has been done numerous times. I think I cited
27 that there are 16 incidents or situations that have gone on before where
28 we have had similar requests.

29
30 Mr. Schindler said, in essence, staff has reviewed the request in light of
31 the criteria and staff finds that the Applicant has met all of the criteria as
32 stated in the Staff Report to conditionally approve the requested
33 variances. The conditions of approval are that prior to the issuance of a
34 building permit for any structure wholly or partly within the 100-year flood
35 area, the Applicant shall supply data developed as follows:

- 36
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1. Prior to the issuance of a building permit, the Applicant shall submit a signed and sealed plan by a Florida registered engineer showing the location of 595 cubic feet of compensating storage for the area of encroachment within the 100-year floodplain.
 2. Prior to the issuance of a CO, the Applicant shall provide a statement from the above-referenced engineer that the construction complies with #1 above.

1 Mr. Schindler concluded his presentation by saying, the only thing I would ask is
2 that in number one, rather than a specific number, I would ask that the language be
3 such that whatever encroachment there be into the 100-year floodplain, that would
4 be the amount of compensating storage rather than give a specific number.

5
6 Member Cartmill asked, when you consider a variance, do you consider when the
7 property was purchased?
8

9 Mr. Schindler answered, no.

10
11 Member Cartmill questioned, of these 16 similar requests, how many of those were
12 complete new construction, or were they add-ons like a pool or something?
13

14 Mr. Schindler responded, most of them were new construction. There were some
15 that were additions. In fact, you have had one this year that was an addition. A
16 fellow came in off of Almyra Drive, I believe, and wanted to add a workshop. That
17 was an example of an addition. But, most of them were new construction. In fact,
18 we have a very similar situation to this one farther south on Wood Street. If you are
19 driving down Wood Street, there is a beautiful Live Oak tree with a support under it.
20 I think that the Applicant's name was Applebee. They came in and we had exactly
21 the same situation. They needed the variances to be able to build. There was
22 encroachment in the 100-year floodplain. There was a condition that they create
23 compensating storage, and it's a beautiful property now.
24

25 Acting Chairman Taylor asked, since you want to take out the number, 595, cubic
26 feet of compensating storage area, is there a maximum encroachment that would
27 be allowed?
28

29 Mr. Schindler replied, no. Whatever encroachment is allowed, that kind of
30 compensating storage must be created.
31

32 Acting Chairman Taylor questioned, but the City doesn't have any say in capping it
33 or saying...
34

35 Mr. Schindler interposed answering, no, we don't. And I have discussed this and
36 coordinated with Ms. Danielle Koury, the City's Stormwater Engineer, and she is
37 fine with the language creating compensating storage.
38

39 Acting Chairman Taylor asked, but only within the 100-year floodplain? It couldn't
40 encroach into the...
41

42 Mr. Schindler interjected responding, it can't encroach into the wetlands. And there
43 are two ways in which compensating storage may be done. They may make the

1 bowl bigger and may go outside the 100-year floodplain and expand the boundary
2 or you can make the bowl deeper. You can excavate within the 100-year floodplain
3 to the depth of the seasonal high-water elevation.
4

5 Acting Chairman Taylor requested the Applicant come forward and address the
6 Board.
7

8 Allan Goldberg, Manager of ZDA, LLC, 100 S. Virginia Avenue, Unit 201, Winter
9 Park, Florida 32789, came forward in favor of the proposed variances. He stated
10 that he didn't have anything to add; that he agrees with the City's comments and
11 would be available to answer any questions.
12

13 Acting Chairman Taylor opened the hearing to public comment.
14

15 Fred Ossowski, 416 Wood Street, Lake Mary, Florida 32746, came forward in
16 favor of the proposed variances. He questioned Mr. Schindler where the future
17 house is proposed to be placed on the subject property; in the middle or to the
18 side.
19

20 Mr. Schindler replied, it's hard to see because of the colors, but this is the pool
21 here (indicating to overhead projector). The house limits are here (indicating to
22 overhead projector). The house will be at the east end of the property. Most of it
23 is outside of the 100-year floodplain and is all outside of the wetlands limits.
24

25 Mr. Ossowski asked Mr. Schindler how far would the house be from the adjoining
26 property; 50', 75'.
27

28 Mr. Schindler answered, it is 28.15' from the side of the house to the property line
29 to the north. So, it is 28' on the subject property and however much distance it is
30 on the property to the north.
31

32 Mr. Ossowski questioned how many Board members went out to look at the
33 subject property before this hearing.
34

35 It is noted that no hands were raised by any of the P&Z board members.
36

37 Mr. Ossowski said that he was on the City's Board of Adjustment back in 1982
38 and they were required to go out and look at what they were voting on and doing.
39 He stated, that is a bad way to make a judgment. If you look at this property, it's
40 330' wide. They call it wetlands. He asked, well, you know how a river forms?
41 Has tributaries coming into it. Well, this is the tiny tip of a tributary going into the
42 wetlands in the back, which is in back of my property also. And so this business
43 of making the person squeeze the house in there when they have this whole

1 width -- it just blows my mind that they are holding this builder to such a tight
2 standard. I would like to see them fill it in lighter. Of course, he has to keep the
3 drainage from the street going to the back. But, it is just going to look real wild to
4 have a house crammed to one side and all this vegetation on the other side.
5

6 Mr. Ossowski said, I never got a notice that this came up to the Commission or I
7 would have been at the Commission meeting. I usually get a notice. But, I don't
8 know how they didn't come up with a plan where he could fill in the property and
9 be away from both sides because he is not ruining any wetlands. He is not
10 ruining anything. It's 600' deep, so there is going to be another 400' behind them
11 that's jungle.
12

13 Mr. Schindler interposed informing Mr. Ossowski this item will go forward to the
14 City Commission next month; that staff will send out notices for that meeting.
15

16 Mr. Ossowski stated, I've been here since '73 and I kind of see a double-
17 standard here. When the City wants to do something, man, they change all the
18 rules, but if a person wants to do something, oh, all of a sudden, we've got the
19 wetlands to worry about. I'm all for preserving the wetlands, but why make a
20 house be crammed up to the front and 25' from a piece of property when he has
21 300' there.
22

23 Mr. Ossowski said, okay. So, if you get a chance, we'll talk at the meeting. But, I
24 wish people would go out and look at what they're voting on. I wish you-all would
25 have went out there and seen what you got. You would see it's pretty property,
26 but it drops down to the back. It wouldn't hurt anything to fill in the front of the
27 property and make it look more decent. It's like cramming an office building in
28 the middle of a city. But, if they're happy with it -- but, I, for one, would like to see
29 it more be able to build a house more towards the center. But, maybe somebody
30 else has an opinion on it. But, just let me know. I'll be at the Commission
31 meeting. Thank you.
32

33 Acting Chairman Taylor informed Mr. Ossowski that there are federal, state, and
34 local requirements; that these are things set by federal and state statutes the City
35 has to comply with, and there is not a whole lot of discretion, except for a few
36 variances, that we can grant.
37

38 Mr. Ossowski stated, when the City wants to do something, they kind of rewrite
39 the rules and do what they want to do, and here all of a sudden we have to follow
40 these rules. The thing is this is a case of common sense. Filling in the front of
41 the property a little wider would not hurt anything, you know, when you see other
42 pieces of property being bulldozed. It's really a snow job.
43

1 Jeff Turner, 329 Wood Street, Lake Mary, Florida 32746, came forward. He said
2 that he lives right across from the subject property. He requested Mr. Schindler
3 put the Location Map back on the overhead projector (Mr. Schindler complied).
4 He stated that he was totally against the two proposed variances. He said that
5 when he moved in, he was told that there would never be a house built in front of
6 him because it was so wet.

7
8 Member Cartmill interposed questioning, who told you that; your builder?

9
10 Mr. Turner responded, the builder and also the City person as well.

11
12 Mr. Omana interjected asking, what City person?

13
14 Mr. Turner handed Mr. Schindler two colored photos and requested them be put
15 on the overhead projector (see attached).

16
17 Acting Chairman Taylor advised Mr. Turner that if he requests documents be put
18 on the overhead projector, that they would need to be attached to the P&Z
19 Minutes being forwarded to the City Commission. She questioned Mr. Turner if
20 he would be okay with that.

21
22 Mr. Turner replied, that's fine. He stated, what my point is here is that it is very
23 wet at this location and it floods like you wouldn't believe. A lot of water floods
24 right across to that street, and other people attest to it as well. What is
25 happening here – my concern is that if a home is built there and the variances
26 are granted, that a lot of fill is going to be put in, and then what is going to
27 happen is there is going to be a lot of standing water on the other side as well.
28 So, you are going to exasperate a situation that is already bad from a water
29 perspective. There is a lot of standing water over there already.

30
31 Mr. Turner said, one of the things you guys were talking about is reasonable use
32 of property. He asked, when that property was purchased, could they build a
33 house at that time as well? I mean, what I see you guys were showing is just a
34 corner that was actually viable to be built on. When I moved in there, I tried to
35 even buy that property as well just so no one could buy that and I was declined
36 by the owner.

37
38 Mr. Turner stated, the other thing that I'm seeing here is that the builder will go
39 ahead and build a nice house there. I'm pretty confident if he builds a home in
40 there, it will be a beautiful home. No question about that. My concern is for the
41 family that moves in there. They are going to be surrounded by this amount of
42 water like I am.

1 Alternate Fitzgerald interposed questioning, you asked to buy the property and
2 the builder just said no?

3
4 Mr. Turner answered, yeah.

5
6 Alternate Fitzgerald asked, did they give a reason?

7
8 Mr. Turner responded, he didn't like my price. I don't remember what it was.
9 One of the things that I would like to propose -- I know this is probably not the
10 forum of doing it -- but for reasonable use, there is probably not reasonable use
11 of this property and I would almost put a motion in to try to have the City buy that
12 property and just use it as a wetland so we don't have this problem in the future.
13

14 Acting Chairman Taylor requested staff address about properties, when they are
15 undergoing building/construction, how your runoff is to be maintained on your
16 property. She questioned if the City will ensure that that is taken care of during
17 the building and after-process?
18

19 Mr. Omana replied, yes. When they come in for the building permit, we will have
20 our Stormwater Engineer, City Engineer, and the Building Division review the
21 submitted plans that Mr. Goldberg, or his company will submit, and we will ask
22 for the flow directions as well as address the issue of historical flow. So, the
23 answer is, yes, we do look at that at the building permit stage.
24

25 Mr. Turner requested Mr. Schindler put up the other colored photo he submitted
26 (Mr. Schindler complied). He stated, that is all flooded. You guys can take a
27 better look at that later, if you want. There is a culvert right there (indicating to
28 overhead projector), so the flow direction of all the water in this area is from my
29 backyard -- from everyone else across that little culvert right there to the right
30 (indicating to overhead projector), which is just full of water. And it goes through
31 that little pipe under the road into the property where you are talking about
32 building a house. So, if they fill that, then that is going to slow that water from
33 going and naturally kind of flowing away and more water is going to come into my
34 area.
35

36 Acting Chairman Taylor asked, John or Gary, if they are having problems with
37 stormwater runoff in that area, is there someone in the City they can contact?
38

39 Mr. Omana answered, yes. Danielle Koury, who is our Stormwater Engineer. If
40 we can get your name and phone number, we'd be happy to have her contact
41 you.
42

1 Mr. Turner said, if this goes forward and you approve this, I would want
2 assurances that this problem would be taken care of.

3
4 Acting Chairman Taylor stated, just a little background on the process. At this
5 stage, we are just going to make a recommendation to the City Commission,
6 then the City Commission will hear it at a separate time, and then they will make
7 the final decision on the matter. And so, they will make a final decision. And
8 before the City can issue building permits, and things like that, there has to be a
9 full engineering of the property, it has to go through the stormwater department,
10 they have say in it. There are a whole variety of things. This is simply for the
11 variance. How the property is engineered, how the stormwater is managed, that
12 is all at a separate point, and that all has to meet the standards of the City in
13 order to go forward at a later point.

14
15 Mr. Turner said, right. I guess what we're doing here is letting you know we have
16 a serious problem right now. By allowing another house to be there, it is going to
17 cause it to even get to be more severe.

18
19 Member Cartmill questioned, so, it's all right for your stormwater to go onto
20 another property but not the other way around; is that what you're saying?

21
22 Mr. Turner responded, I knew that was coming. I would love to go ahead and
23 border my property. If I did that, all my neighbors would flood. I bought this
24 house not knowing how the water was flowing and this is what I ended up with. I
25 did talk to the City many times. I had the engineers out. I had a lot of people out
26 trying to help me and I did not get a resolution. I can refer back to all my
27 conversations if I need to. If it was just my water on my property, I would be fine,
28 but I am looking at water – we are the lowest point. Water flows this way
29 (indicating to overhead projector) and that way (indicating to overhead projector)
30 to that culvert (indicating to overhead projector) to go across the street (indicating
31 to overhead projector). If it was just my property, I would have no problem.

32
33 Dan McAvoy, 327 Wood Street, Lake Mary, Florida 32746, came forward in
34 opposition to the proposed two variances. He stated that he sits on the Board of
35 Adjustments and Appeals for Osceola County; that he is also a Deputy Fire
36 Chief. He requested Mr. Schindler put the Location Map attached to the Staff
37 Report back on the overhead projector (Mr. Schindler complied). He said that he
38 brings this to the Board because he goes through this all the time. He stated that
39 he resides next door to the subject property.

40
41 Mr. McAvoy said, the property with all the flooding is mine. When I bought my
42 home, the property owner/seller never told me anything about the water problem.
43 Nothing. They granted him a variance, apparently, to build what he built. I'm at

1 \$5,000 worth of repairs that I have to do in my yard because of the standing
2 water killing the large pine trees and you can come out and look at it.

3
4 Mr. McAvoy stated, Fred said it best. Before you start granting things, you need
5 to look.

6
7 Mr. McAvoy said, the gentleman you talked about, your wastewater management
8 guy, he was from India, I believe it was, he told me himself they're never going to
9 build there, don't worry about it. The owner told me they were never going to
10 build there, don't worry about it, and we're going to take care of your water
11 problem. Well, he's gone. I still have a water problem, folks.

12
13 Mr. McAvoy requested Mr. Schindler put the second of the two of Mr. Turner's
14 photos back on the overhead projector (Mr. Schindler complied). He stated, that
15 to the right is across Jeff's driveway. That is my property. All the water you see
16 standing is my property. I had no idea that I was going to catch every bit of the
17 water that comes off that street. Comes into my street. My driveway is
18 destroyed. Please go out and look at it. It's not because it's a bad driveway, it's
19 because the water ruined it. I've replaced the front of my driveway four times. I
20 showed it to your wastewater treatment guy four times. He told me every time
21 it's not our concern. It's not our property. It's your property and you have to take
22 care of it. I'm telling you this because when you start adding more things – that
23 is a street that's used – first of all, when I first looked at the property, the road
24 didn't go through. I kind of liked that. The City opened it up, put a culvert and a
25 bridge across the creek. Now it's a thru road. It's used more than any other road
26 probably in Lake Mary. And for the kids, I'd do the same thing. Cutting through
27 from school, going back and forth. They do it every day. I have no problem with
28 that. Kids are great. We have the worst road in the place. We have no
29 wastewater/stormwater anywhere and now we're going to add more into that
30 property. I actually talked to the wastewater guy about that property. I said why
31 don't we make that into our water retention, change the road so the water goes
32 there instead of into my front yard. And I invite you to please come out and look
33 at this and look at the damage that I have.

34
35 Mr. McAvoy said, I have to come up with \$5,000 to fix my driveway, which is
36 \$2,500, and even they told me it's like the water keeps coming. It's so wet and
37 Jeff's is the same way. His cement driveway out there is destroyed. Go out and
38 look at it. We can't keep adding more and more items to our streets and expect
39 us to be happy with the fact that nothing is being done at all, plus if you add that
40 house where you're talking about. And I also called on the subject property, by
41 the way, and he gave me a price and said we really don't have a problem.
42 There's really not a home site there. Granting variances and not notifying the
43 owner that a variance has been granted before they build or before they buy,

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1 that's not good. I could not find in any of my paper work that the City had
2 granted a variance where they could fill in my yard and I would catch everybody's
3 water. So, I have a problem with the word, variance, in Lake Mary. Don't go
4 forward with it. The property buyer needs to know there's a variance on this
5 property and you could possibly have a problem. You don't know that until we
6 have a good rain storm.

7
8 Mr. McAvoy stated, you need to take a deep breath, you need to regroup and not
9 do this until you really do a thorough investigation on what you have there.
10 You've got a problem. I can't afford to fix what I have to do. I cannot do it. One
11 tree is leaning towards his house and the other tree is leaning towards my house.
12 My deal was, well, if it falls on my house, the insurance will pay for it. I'm talking
13 30-foot-plus pine trees that are dead because of the standing water. I invite you
14 to come look at it.

15
16 Mr. McAvoy said, yes, this is a wastewater problem. Yes, this is the reason why
17 I'm coming in today. This is the first opportunity I've had to tell you. Folks, make
18 that into a retention area for the water to go to from our neighborhood. That's
19 what it's for. Let it feed into Soldier's Creek. That's what it's for. And, I don't
20 appreciate that remark by the way. Everybody's water is coming to ours and
21 we're not asking for that. We're asking for a way for the water to go to a safe
22 place, not to go to another piece of property. That's not a proper way of
23 addressing that. That was wrong. This man here has a problem as I do that's
24 continuous that's been ignored. So, before you say things like that you should
25 think. We're not trying to divert water into somebody else's property, we're trying
26 to divert water from all of our properties into a safe area and you are not helping
27 us do it.

28
29 Mr. McAvoy stated, do not grant the variance, take a deep breath and look at
30 what you have before you do it and we'll go forward. We've got the Commission
31 and we'll go there. I don't care. But, I'm not at all happy with you-all wanting to
32 make variances and stuff in this neighborhood anymore. Fix the problems we
33 have now. Thank you.

34
35 Richard Portigiani, 318 Wood Street (parcel adjacent to the north of the subject
36 property), Lake Mary, Florida 32746, came forward in opposition to the proposed
37 variances. He requested Mr. Schindler put the document entitled Plot Plan
38 prepared for Arlington Homes back on the overhead projector (Mr. Schindler
39 complied). He asked Mr. Schindler, from his property line, how far is the
40 concrete driveway going to be.

41
42 Mr. Schindler replied, 5-10'.
43

1 Mr. Portigiani said, I'm looking at it. I'm thinking more like 3'. And, as Mr.
2 Ossowski said, these lots are 325' wide. So, my main reason to come out is I
3 wanted to get on record I have consulted with my various counsel and
4 environmentalist and I also walked around and met with all the neighbors – they
5 have been there longer than I have, some back to the '70's – and after reviewing
6 everything with them, I just wanted to come out and say me and my wife,
7 Carolyn, do not support the site and building improvements as they're proposed.
8 We are also very concerned that the increased pad elevation and close proximity
9 of the building and site improvements, including the concrete driveway just feet
10 from our property line, will cause water to drain from the subject site onto our
11 property. We are also concerned that the improvements may negatively affect
12 the overall stormwater drainage in the neighborhood as a whole and, in fact,
13 negatively affect property values. Furthermore, the site and building
14 improvements will be significantly closer to the road and neighboring lot line than
15 any other property on Wood Street, which will change the character of our
16 neighborhood.

17
18 Mr. Portigiani stated, and then my environmentalist asked me to get the staff
19 comments, which I did receive on Monday, and criteria no. 6 specifically says
20 that the granting of the variance will be in harmony with the general intent and
21 purpose of the ordinance, will not be injurious to the neighborhood or otherwise
22 detrimental to the public welfare, and I am going to say, while you guys have said
23 yes, I'm going to say no on that. I think that it will be injurious to the
24 neighborhood and otherwise detrimental to the public welfare. Thank you very
25 much. I appreciate it.

26
27 John Backer, 230 Van Buren Avenue, Lake Mary, Florida 32746, came forward.
28 He said that his property is probably 200 yards from the subject property, not
29 even that, and is the road that runs perpendicular there (indicating to overhead
30 projector). He also encouraged the Board to please look at the subject property.
31 He stated, this property, if you just look at it, it just seems so absurd to build a
32 house on there, but that is just my opinion. When hurricanes come – and the
33 three hurricanes – I mean, I was on the other street and the stormwater runs into
34 this area (indicating to overhead projector) and then curves around to my area,
35 and it was over 200' more than normal and just right on top of my property. So,
36 we're just lucky there are no hurricanes because if we had two hurricanes, you
37 wouldn't even think about this at all. I mean, it's just kind of ridiculous.

38
39 Mr. Backer said, a couple of years ago, the whole area was paved, mostly kind of
40 near Washington Street, but Third Street and Short Street and those all there,
41 and now all the water runs from even Fifth Street, which is on Washington, and it
42 just drains into my backyard. And I've talked about it to the City, plumbers, and
43 everybody else, and they say there's nothing you can do with it. I talked to St.

1 Johns Water Management District and they said, yes, this kind of floods in there
2 and the City should have permits to kind of pave everything. But just because of
3 the pavement, it just floods into my backyard, which then, as I said, goes around
4 the area behind there and into this area too. So, as soon as more building and
5 asphalt comes, it just drains more water into my property, even in the last two
6 years, even without all of this other stuff.

7
8 Mr. Backer stated, the trees have died on my property, too, as they have said,
9 just because of the extra rain, and I even had more trees that I had to dig up
10 yesterday because of fungus and all the dampness in there, which doesn't help.

11
12 Mr. Backer said, if you could just even postpone the variance, at least until you
13 see it, just not make a decision today. But, I understand all these people, and
14 that just will be where all the water goes up anyway, and if you start blocking it
15 up, it's just going to go past, back beyond Van Buren Street and flood my
16 property and all those other in there. But, it's just so obvious that water has
17 always run down through there, and I feel sorry for those two because Robert
18 Shaw built those houses and they just got misled about everything. And if this
19 poor guy's water can't even go across into this property, then where can you go.
20 You can't say, well, we'll just put more land and then flood it back into this area,
21 too, because you've just got to know where it goes. I thank you for your
22 thoughts, but if you can just even look at it before you even vote on a variance
23 and kind of give it some logic, that would please more people. Have a good day.

24
25 Hearing no further public comment, Acting Chairman Taylor closed the public
26 portion and entertained board discussion and/or a motion.

27
28 Member Cartmill requested an explanation from staff on the sixth variance
29 criteria listed in the Staff Report.

30
31 Mr. Schindler read aloud, granting the variance would be in harmony with the
32 general intent and purpose of Ordinance No. 538, Resource Protection
33 Standards, which are very stringent and designed specifically for the protection of
34 Crystal Lake Basin and Soldier's Creek. He stated, the Commission has said
35 there are instances in which variances will be needed for the use of the property.
36 The variance process addresses that. There are always instances where there
37 are problems and that is the reason there is the Public Works Department, that is
38 the reason that we have a City Engineer, that is the reason we have a
39 Stormwater Engineer. There are some issues that are more challenging than
40 others. But, what I can tell you is that, as far as staff is concerned, the variances
41 are in harmony with the intent of Chapter 160.
42

1 Member Miller questioned, are we compounding a problem that already exists if
2 we recommend approval? He said, it seems that there is a problem that exists
3 already and this may be adding to that problem, at least these people are pretty
4 sure it is.

5
6 Mr. Schindler stated, I understand that they believe there is. I'm not going to tell
7 you that there are not problems there. There are. When there are heavy rains,
8 there are problems there, but, by the same token, there are engineering solutions
9 for everything and some of them are expensive, some are less expensive, but
10 that is the reason that we have a City Engineer and a Stormwater Engineer who
11 will review the plans if and when this is approved for development.

12
13 Alternate Fitzgerald commented, I think there's a real problem out there that
14 would be compounded if this were approved.

15
16 Member Schofield commented, I think there might be a real problem out there,
17 but I think the property owner that wants to develop that property has a right to
18 develop his property, and the issue that is being brought forth by the other
19 residents is an issue that needs to be taken up with the City. I think we have two
20 separate issues here. Would it compound the problem? It might, but does that
21 mean you deny the owner of that property his right to develop that property?
22

23 Acting Chairman Taylor asked, is there a motion on the table at this point, or
24 would anyone like to put a motion on the table?

25
26 Member Schofield commented, I'm just discussing still.

27
28 Alternate Fitzgerald commented, I just wanted to see what everybody else
29 was.....

30
31 Member Miller commented, if I was going to make a motion, it would probably be
32 to postpone and have some discussions before – because I'm not sure whether
33 this – I'm no expert on what we're doing and what situation exists out there now,
34 and I think I would like to have an expert tell us that the problem that exists is
35 manageable and this does not make it worse. We don't just add one more
36 problem on top of what's there already.

37
38 Acting Chairman Taylor commented, my two cents, I think we're talking about
39 separate issues. This is whether or not there's a legal basis for granting of this
40 particular variance, not whether a house is ever going to be built there, not
41 whether engineering is ever going to be acceptable, and I think that's separate
42 and apart from the problems they're having out there. I think we can discuss the
43 variances and whether or not the variances are consistent with other variances

1 granted. And, also, if you deny the variances, as a consequence, putting my
2 other hat on, you would then be taking his property and the taxpayers would be
3 responsible for the full, fair-market value of the property.
4

5 Member Miller commented, I would rather not deny. I would rather try to
6 understand the situation first. The problem I have – when J.B. brought Finding of
7 Fact No. 6 up where the word, harmony, and where the environment came in, it
8 seems to me like this is not a harmonious opportunity to build a house where the
9 house across the street has a culvert that's flowing toward that property and it is
10 accumulating water in everybody's yard and destroying their driveways, and now
11 we're going to put one more in there to have the – I would just rather find out the
12 water problems, see if there is a fix and whether we're going to do something
13 with that, and then have that be more harmonious with any decision we make.
14

15 Member Schofield commented, right now, if I understand it, basically, all the
16 water from the adjoining properties goes to this undeveloped piece of property.
17

18 Mr. McAvoy said, from his seat in the audience, negative. It goes to my yard.
19

20 Acting Chairman Taylor questioned the Board whether or not they would like the
21 public portion reopened.
22

23 Member Schofield commented, my concern is that it seems like the water – there
24 is a culvert going into this area (indicating to overhead projector) and it seems
25 like a lot – the majority of the runoff is going to this one property that is asking for
26 the variance, is the way I understood that. Now, whether water goes to other
27 properties – it just seems like from the pictures that a good amount goes to this
28 one piece of property. I agree. I think there are two separate issues here. I
29 think there is something that the City needs to do to better that runoff situation
30 out there, but then we have this piece of property that is asking for a variance.
31 So, I agree with you, Colleen, with that assessment.
32

33 Alternate Fitzgerald commented, and, Gary, in criteria number two in the
34 comments reads that the proposed dwelling is not excessively large and I'm just
35 curious how that's quantified, what excessively large is, because it seems, from
36 what I am hearing, that any structure would be excessively large relative to the
37 water situation. So, I just need a little clarification.
38

39 Mr. Schindler explained saying, excessively is a subjective term. Thirty-six-
40 hundred square feet is very common with other properties, other dwellings in the
41 City. So, it is not excessively large. It's not 5,000, it's not 10,000 square feet.
42 It's very common in today's society for people to build a home of anywhere from
43 2,000 square feet up to 4,000 square feet.

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1 Member Schofield asked, Gary, when you say excessively large to other houses
2 in the City, what about other houses in this development? Is it excessively large
3 compared to houses around it in the same area?
4

5 Mr. Schindler answered, no, it's in the City. John, how large is the house on
6 Lake Mary Boulevard; 8, 10, 12,000 square feet?

7 Mr. Omana responded, there is one that is 10,000 and the other one is 17,000.
8

9 Member Schofield stated, let me rephrase my question then, Gary. He
10 questioned, compared to other houses on Wood Street, where does a 3600
11 square-foot house fall in? I mean, are all of the rest of the houses on Wood
12 Street 1200 square feet?
13

14 Mr. Schindler replied, no. I think that we have some very nice larger homes on
15 Wood Street. The newer homes tend to be larger, the older homes tend to be
16 smaller, but most of the homes on Wood Street have been built within the last ten
17 years and they are nice, large homes. Now, I can't tell you the square footage,
18 per se, but I think that this would be comparable to most of the newer homes that
19 have been built along Wood Street.
20

21 Acting Chairman Taylor asked, and Gary or John, the engineering of the home,
22 that will all be dealt with at another time?
23

24 Mr. Schindler answered, that's correct.
25

26 Mr. Omana responded, yes.
27

28 Acting Chairman Taylor questioned, will they be required to have their
29 stormwater on their property the way other homes are?
30

31 Mr. Omana replied, they will have to meet the minimum requirements that St.
32 Johns dictates, as well as the requirements that the City dictates. Also, they will
33 have to deal with the historical flow that's addressed in our codes. So, yes, there
34 are a number of criteria that are addressed. If it is the pleasure of the Board, in
35 light of the discussion that I have heard, one possible way of maybe looking at
36 this in an attempt to address some of the concerns that have been put on the
37 record here is you are absolutely correct. What is before you is strictly a
38 variance based on Chapter 160, and there appears to be some issues with
39 respect to the drainage that is affecting the adjoining property owners. In the
40 past, you have recommended approval of a particular item and, as a separate
41 motion, directed staff to look into that particular issue that has been raised before
42 it goes to the City Commission. So, I offer that up as a possible option, and that
43 way, once we go to the City Commission, we'll be in a position to say, hey, here's

1 the problem, it's been defined as this, X. Okay. Here's a possible solution Y and
2 a possible solution Z. It separates that issue, but, at the same time, it gives Mr.
3 Goldberg his right to pursue the variance through our process just like any other
4 property owner would do. Because I'll tell you, if we don't have a discussion
5 taking into consideration these folk's comments and the engineering issues, the
6 City Commission is going to be sitting there saying what is going on? I'd rather
7 go into the City Commission prepared to say here's what the problem is, here's
8 the responsible party, and here is one possible way of resolving the matter.

9
10 Acting Chairman Taylor commented, that is what I would like to see. I think we
11 are all very sympathetic to the homeowners. I mean, everyone on the Board at
12 least knows I've got five new houses going in behind my house and water was
13 the primary concern that I had also, and that is going forward. We were able to
14 alleviate the concerns. Are the homeowners willing to sit down with the City?
15 Some of them seem to have some negative views, but just by nodding of the
16 head, are some of the homeowners willing to sit down with the City? Because
17 your problems exist whether or not the variance is granted. It seems like you're
18 having problems.

19
20 Mr. McAvoy requested to come back to the podium.

21
22 The Board agreed and Acting Chairman Taylor reopened the hearing to further
23 public comment.

24
25 Mr. McAvoy retook the podium. He reiterated that the Board should go look at
26 the property; that they do that every time he considers a variance question in
27 Osceola County; that the only way you know for sure is to go out and look at it.
28 He said, we have dealt with the City in the past with zero response. In fact, the
29 gentleman who was there before was really obnoxious to me, and that's okay
30 because I'm pretty toughed-skin and stuff; there's nothing we can do about that,
31 that's the way it is, you shouldn't have never bought the house. That's when I
32 went and looked at my records. The problem you have is when you grant
33 variances, if people don't know that – because, apparently, there was a variance
34 granted on my property. I didn't know that. So, I buy a piece of property, it's all
35 marked out, like, I'm supposed to get all excited. I love my home. I love Lake
36 Mary. I have no intentions of moving. I just have problems that the City hasn't
37 addressed yet. Now, the City wants us to be receptive to a change. Well, I
38 understand developers; he's not going to be the person living in the house, and I
39 understand all that, but it's their responsibility to let us know of problems in the
40 area. I would not have bought the home, to be very candid and honest with you,
41 knowing what I know today, and that's a shame. But, the deal is I have no
42 problem sitting down anytime, but it has not worked in the past. He asked, what
43 makes you think it's going to work today?

1 Acting Chairman Taylor answered, all I can do is make the offer, all Mr. Omana
2 can do is make the offer. I can't guarantee anything. I'm not an engineer. I think
3 that's why we rely on City staff on this board. I'm familiar – I think we have all
4 been through that area, but I'm not an engineer and I can't go out and I'm not
5 going to boundary mark items. It's the homeowner's/homeowners' responsibility
6 – homes are a buyer beware situation, so I'm not going to put that on the City.
7 But, if you are willing to sit down – she questioned, Mr. Omana, could we maybe
8 get a Sign-In Sheet in the back for anyone who would like to sit down with the
9 City?

10
11 Mr. Omana responded, absolutely.

12
13 Mr. McAvoy interjected saying, I'm sorry. You said buyer beware. That's not
14 true. It's a responsibility of a seller to tell the owner any problems with their
15 home, any possible problems.

16
17 Acting Chairman Taylor stated, I'm not even talking about the City. I'm talking
18 about I don't think...

19
20 Mr. McAvoy interposed saying, no. It's not buyer beware. You gave a variance.
21 The variance should appear on the plot. It should have appeared some place
22 and it doesn't. It's not buyer beware, it's responsibilities being passed on to
23 someone who doesn't know. So, that's not a true term. It's not buyer beware,
24 it's the responsibility of not only – you-all granted the variance. It should have
25 appeared in the plot or something. It's not there. Go look. And this is what
26 concerns me, is we're going to do the same thing here. And, again, I don't know
27 who is going to buy the property. New neighbors are great. Fred said it best; it's
28 not the neighborhood not wanting new homes to come in. There are a lot of
29 things here nobody has looked at, and to do this without being noticed or
30 identified – it's not buyer beware. That's a false statement. It truly is. There is a
31 responsibility – whoever granted the variance has got to plot it somewhere, put it
32 somewhere, and it's not there. That's all I'm asking. I'll meet with the City all
33 day. I'd be more than happy to. I'll be here at the Commission meeting. I would
34 be more than happy to meet with the Mayor. I don't care. I just want these new
35 neighbors to not have to face what I faced and what other property owners have
36 faced. It's not right. And that's the problem I have. I am not going to let
37 somebody else go through what I'm going through trying to figure out how to
38 make ends meet on trying to fix things I can't afford to fix, folks. I'll say it now. I
39 wasn't going to but I will. I was told, you know the way you fix your property – he
40 had an accent, nice guy, little guy – he says, bulldoze all your trees and fill it with
41 dirt. I said, what happens to the water. Let them worry about it. As I am sitting
42 here telling you – I'm telling you the truth. That was my response from the City.

1 So, I don't have a whole lot of confidence, and he's gone. So, I'll sit down with
2 whoever you want.

3
4 Acting Chairman Taylor said, if you will be willing to sit down, we'll put a Sign-in
5 Sheet in the back. Anyone who wants to meet with the City will be contacted. Is
6 that possible?
7

8 Mr. McAvoy stated, and I respectfully ask, before you vote yes tonight, that you
9 do go look, as everybody has asked you to do, because you'll sit there and go,
10 wait a minute, they're correct. I'm telling you it will startle you. Thank you.
11

12 Mr. Backer requested to approach again.
13

14 Acting Chairman Taylor reiterated that she was reopening the public comment
15 portion for the purpose of are you willing to go and sit down with the City to
16 discuss.....
17

18 Mr. Backer retook the podium. He said, I do have some pertinent information of
19 sorts. You have talked about maybe the engineers can fix something and work
20 on it, but that's the same thing they said about the Cross-Florida Barge Canal in
21 Okeechobee. There's always engineers who can fix something but it just creates
22 more problems elsewhere. According to Gary's thoughts when he says he
23 doesn't know how large those houses are, I have helped build them. I saw them
24 being built. I worked on both of those houses that are adjacent to them and
25 they're 1600' at much. They are little ranch houses, and what he's talking about
26 are houses way on the other hill and he has just influenced you because he's
27 talking about bigger houses, newer, on the other side of the street like where
28 these people are, and they're on the hill. They're not on the low side where
29 Fred's house and the other three houses are, which are much smaller, like 1600'.
30 So, all these houses on this side of the street, the Wood Street side that this is on
31 are really small houses, single-story ranch houses. So, I just wanted to explain
32 that. And I would gladly raise my taxes to buy this property because it's just
33 going to create more problems with water and everything else that you are just
34 going to have to deal with again. And we are only about a dozen voters, but I'd
35 hope you'd think of us. Have a good day.
36

37 Mr. Portigiani started to retake the podium when Acting Chairman Taylor asked
38 him if he would be speaking simply for the purpose of are you willing to meet with
39 the City.
40

41 Mr. Portigiani answered negatively and retook his seat in the audience.
42

1 Mr. Turner retook the podium and stated that he would be more than happy to
2 meet with the City. He said that he has done it before with the same reaction
3 that Danny had. He also recommended that the Board look at the property prior
4 to voting.
5

6 Mr. Ossowski retook the podium and stated that he has lived on Wood Street for
7 40 years and has seen all the problems. He said that when the two houses were
8 built, the builder, who is known for taking shortcuts, put those pipes at the wrong
9 elevation, and also there is a piddling little 18" pipe where it should be a 36" pipe
10 coming across the street which will dump their water onto that property. He
11 stated that property has to be reconfigured in the street with a swale in the front
12 to take their water around the property; that it has to be studied a little more. He
13 said that nobody is against putting a home there, but he would like to see the
14 homeowner get a break and put the house a little more in the middle to avoid
15 looking awkward. He stated that he agreed with the others that the trees are
16 dying; that he also had this problem. He said that 30 years ago he had to fight to
17 get the bridge across Wood Street and across Soldiers Creek. It was a small
18 pipe and over the years I lost hundreds of trees in the back; that it looks like a
19 wasteland back there because the water wasn't draining, but they finally put in
20 bigger pipes, but that took ten years to get settled. He suggested if the City looks
21 at the drainage and tries to work with the neighbors, he thought the problem
22 could be resolved with a bigger pipe across the street and a reconfiguration to
23 the front of the house. And then for good luck I would like to see him be able to
24 get his house in the middle and make it easy for everybody who lives around it.
25 Thank you.
26

27 Hearing no further public comment, Acting Chairman Taylor closed that portion
28 again and re-entertained board discussion and/or a motion.
29

30 Acting Chairman Taylor suggested to make a motion to recommend approval or
31 denial, or postpone, but that the Board needed to make a motion.
32

33 Member Miller suggested to hear from Mr. Goldberg about a postponement. He
34 also stated that they normally don't visit the properties thanks to Google Earth,
35 we're able to look at them in great detail, but I think in this case with the water
36 issues, it probably would have been a good idea if some of us had had an
37 eyeball on the property. So, we accept your chastisement with humility, but I'm
38 still of the opinion that I would like to hear it again by somebody telling me what's
39 being done to make the water issues viable for those people who live there and
40 for what we approve or recommend.
41

42 Acting Chairman Taylor commented, I just need a motion from somebody.
43

1 Member Schofield questioned, when there are water drainage issues like this,
2 homeowners have the opportunity to approach the City, but would they have the
3 opportunity to speak with St. Johns Water Management District as well?
4

5 Mr. Omana replied, the reason I mentioned St. Johns is they are referenced in
6 our code, and there are certain thresholds within our code where their review
7 gets triggered. That's why we have engineers that tell us if those thresholds
8 have been triggered, which then, in turn, triggers the discussion. I can't tell you
9 whether St. Johns will be a part of this discussion. But, again, Ms. Koury, who is
10 our Stormwater Engineer – and that's her specialty; she does stormwater -- she
11 will be involved in these meetings/proceedings, as well as some additional
12 engineers.
13

14 Member Schofield asked, so, after this, it goes to the City Commission and --
15 whether the recommendation is one of the few Colleen outlined or not, it's going
16 to go to the...
17

18 Mr. Omana interjected, well, if you postpone, it stops right here. You give us the
19 direction that you need us to take and it will come back to you. If you
20 recommend approval, then it goes forward to the City Commission. If you
21 recommend denial, it goes forward to the City Commission. So, you have the
22 three options available to you. And I believe you asked if the property owner had
23 any opinion or discussion on the matter of postponement and he is here.
24

25 Acting Chairman Taylor questioned if the Applicant would like to come forward
26 and speak as to the issue of a postponement and whatever consequence that
27 could possibly have for you.
28

29 Mr. Goldberg asked, when would they postpone it to; next month; next meeting?
30

31 Mr. Omana answered, it would be – let's see. Looking at the calendar here,
32 today is the 27th of August. Our next meeting would be the 10th of September.
33 So, if it would be a postponement, it would be for the 10th of September. If it is
34 your direction to put together a meeting, we would jump on that immediately
35 tomorrow morning and contact the parties.
36

37 Mr. Goldberg said, I don't have a problem with it. I feel for these families too and
38 their houses and their drainage. So, I would like to help, spend some time with
39 them and also the City, to make sure it gets taken care of for everybody.
40

41 **MOTION:**
42

1 Member Miller moved to postpone the request by ZDA, LLC/Allan Goldberg
2 regarding two variances from Chapter 160, Resource Protection Standards,
3 to construct a new single-family residence on property located at 328 Wood
4 Street, Lake Mary, Florida, to the September 10, 2013, Planning and Zoning
5 Board meeting "assuming that we have the meetings completed with the
6 homeowners to some satisfaction prior to that". Alternate Fitzgerald
7 seconded the motion. Member Schofield was opposed to the motion. The
8 motion carried 4-0.
9

10 Acting Chairman Taylor encouraged all residents who wished to be contacted by
11 the City for a meeting to sign the Quasi-Judicial Sign-In Sheet located at the back
12 of the chambers near the coffee pot.
13

14 B. 2013-SP-07: Request for site plan approval for Lake Emma Animal Hospital
15 expansion, 645 Primera Boulevard, Lake Mary, Florida; Applicant: Spolski
16 Construction, Inc./Kevin Spolski for Lake Emma Animal Hospital/John J. Dee
17

18 Alternate Fitzgerald disclosed that his pets go to Dr. Dee's office and questioned
19 if that would present any kind of a conflict of interest for him.
20

21 Gary Schindler, City Planner, responded, no, it doesn't.
22

23 Juan (John) A. Omana, Jr., Community Development Director, requested
24 Alternate Fitzgerald if he could state for the record also that his decision will be
25 based on the evidence that's presented this evening.
26

27 Alternate Fitzgerald said, and, of course, my decision will be based on the
28 evidence that is presented this evening. I have zero financial interest except
29 giving Dr. Dee a lot of my money.
30

31 Mr. Schindler presented Item B. and the related Staff Report. A copy of the
32 Location Map attached to the Staff Report was on the overhead projector. He
33 informed the Board that the Planning and Zoning Board is the terminal board for
34 this item; that it does not go to the City Commission. He stated, what we have is
35 an existing veterinary business (puts colored aerial depicting what currently
36 exists on the subject property on the overhead projector). This is Primera
37 Boulevard right up here (indicating to overhead projector). You come in. Here is
38 his building (indicating to overhead projector). There is parking over here
39 (indicating to overhead projector). There is a dumpster here (indicating to
40 overhead projector). And they are proposing to, one, make an addition here
41 (indicating to overhead projector). They are proposing to add onto the existing
42 building, plus they are proposing a separate building on the south side of the
43 existing building. So, we have an addition here (indicating to overhead

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1 A. 2013-VA-01: Recommendation to the City Commission regarding two
2 variances from Chapter 160, Resource Protection Standards, to construct a
3 new single-family residence on property located at 328 Wood Street, Lake
4 Mary, Florida; Applicant: ZDA, LLC/Allan Goldberg
5 *(Continued from the August 27, 2013, P&Z meeting)*.
6

7 Stephen Noto, Senior Planner, who was filling in for Gary Schindler, City Planner,
8 presented Item A. and the related Staff Report. He said this item was continued
9 from the August 27, 2013, Planning and Zoning Board meeting so staff could
10 meet with neighbors along Wood Street regarding water problems. He stated
11 there were two neighborhood meetings held this month (September); one, to do
12 some fact-finding to see what the issues are so staff could find some solutions, if
13 any, and there was a follow-up meeting last night for staff to go over those
14 solutions. He said that Bruce Paster, Public Works Director, is present tonight
15 and will give you a summary of what was discussed and what the Public Works
16 Department is going to do.
17

18 Mr. Noto put a copy of the survey highlighted in red and yellow on the overhead
19 projector. He stated that the Applicant is looking to build a single-family home at
20 328 Wood Street. He indicated the wetlands limit delineated on the survey. He
21 then showed with the red laser the 100-year flood line, then per Chapter 160, due
22 to its location by Soldier's Creek, the 25-foot environmental buffer and a 75-foot
23 setback. He said that this variance is similar to "many" the City has had in the
24 past when the regulations came into effect in 1990, and it has been the
25 Commission's general policy that if you are not subdividing property, you have
26 the ability to build one house.
27

28 Mr. Noto concluded his presentation by saying that nothing has changed in the
29 Staff Report since the initial meeting on August 27, 2013; that staff is still
30 recommending approval with the two conditions that Mr. Schindler listed on page
31 4 of the Staff Report, but staff has an additional condition based on prior
32 Commission direction in that the Applicant will provide the City with an
33 Indemnification Agreement that will be prepared for the City Commission meeting
34 of October 17, 2013.
35

36 Bruce Paster, Public Works Director, stated that in addition to the two meetings
37 held with surrounding homeowners, he and his staff met onsite with the two
38 property owners directly across the street from the subject property. He said that
39 their concerns were the amount of water in their front yards. Mr. Paster stated
40 that he explained to them that parts of each of their front yards were within the
41 100-year floodplain, there are actually some Cypress trees across the street from
42 the subject property, is expected to be wet from time to time, and certainly does
43 do that.

1 Mr. Paster said that the biggest issue is the amount of water that builds up in that
2 area during a storm; that the water actually comes from the neighbors behind
3 them and flows toward the front of their properties and across the street and out
4 to the wetlands behind the subject property. He stated that there is one pipe
5 under the road currently that was put in years ago when the road was paved, or
6 might have been in there when it was a dirt road, but in any event, his staff
7 looked at that and came up with a solution to help that area by putting a second
8 pipe underneath the road.

9
10 Mr. Paster said that the water moves kind of slowly right now; that it actually
11 moves from one property to the next and then under the road. He stated that the
12 City is going to put a pipe directly across the street from the subject property to
13 try to help out on Mr. McAvoy's property and, similarly, going to put a 12" pipe in
14 the road at the same elevation as the existing pipe. He said that the idea is to try
15 to equalize the water on both sides of the road, and by equalizing it, they are
16 hoping they will get relief after a storm a little bit quicker. He stated that the front
17 yards will still get wet; that the same amount of rainfall is going to fall and run
18 through their properties, but the idea is just to move the water quicker under the
19 road since the road itself is an impedance to the natural flow of water through
20 that area. He said that he believed both the homeowners are very agreeable to
21 that and very hopeful that it will work; that it can't hurt.

22
23 Mr. Paster stated that the other thing the City is going to do is clean out the
24 existing drainage ditch there in the public right of way that's not been maintained;
25 that the City owns about 15' on either side of the road and there are a lot of trees
26 and brush that's been built up; that the City is just going to clean that out since
27 it's due. He said, that way, the connection to the City's pipe(s) will have a place
28 to flow and get through these properties out to the wetlands. He stated that
29 everyone seems agreeable to this. He concluded by saying that was the extent
30 of Public Works' involvement.

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

36
37 Mr. Noto said, so, to follow what Mr. Paster has said, as I mentioned, we are
38 continuing to recommend approval with the two conditions outlined in the Staff
39 Report plus the one additional condition previously mentioned. With that, I'll be
40 happy to take any questions. Tom Connelly, P.E., City Engineer, is also
41 available for questions, if needed.

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1 Chairman Hawkins requested the Applicant come forward and address the
2 Board.

3
4 Allan Goldberg, Applicant/Manager of ZDA, LLC, 100 S. Virginia Avenue, Winter
5 Park, Florida, came forward and addressed the Board in favor of the two
6 proposed variances. He stated, my only comment is I concur with the Staff
7 Report and I'm available to answer any questions.

8
9 Chairman Hawkins opened the hearing to public comment.

10
11 Richard Portigiani, Jr., 318 Wood Street, Lake Mary, Florida 32746, came
12 forward in opposition to the two proposed variances. He said that he is located
13 on the north border of the subject property and is not in favor of the two proposed
14 variances. He stated that Jeff Turner, who lives across the street and who could
15 not attend this meeting, is also not in favor of the proposed variances. He said
16 that he feels that the sixth variance criteria have not been met. He stated that it
17 is hard to determine, when looking at the survey on the overhead projector, the
18 size of the subject property. He said that it is actually 300' and we are squeezing
19 this house into the corner. He stated that the subject property is going to be the
20 closest property to Wood Street on the block and, by far, the closest driveway to
21 any border, and because of that driveway, that impervious surface being within
22 just a few feet from his property, he will have water runoff into his paddock, which
23 is to the right, where he has a horse on his property. He said that, as far as the
24 sixth variance criteria, that putting a house on the subject property will be
25 injurious to the neighborhood from a value perspective being that it will be the
26 only property that sits in a far, far corner close to the road.

27
28 Mr. Portigiani stated that he also feels that by passing this variance, it is in
29 violation of §156.01, site plan regulations, where the purpose and intent is to
30 assure that the planned project is compatible with the surrounding area, will
31 serve to enhance the general character of the area and the City, to assure that
32 adequate screening and buffering will be provided between the planned project
33 and contiguous properties, to assure the installation of prescribed standards by
34 the land developer of those required improvements which ought not to become a
35 charge on citizens and taxpayers already in existing areas, to assure protection
36 from flood hazards, and assure property water management.

37
38 Mr. Portigiani said that he is concerned that the latest and greatest is that the
39 City is requiring Mr. Goldberg to indemnify the City; that this leads him to believe
40 that he's saying, hey, in case anyone sues you, I'm indemnifying you. He stated
41 that it is not too hard for a small LLC to go bankrupt.

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1 Mr. Portigiani stated that he is in commercial real estate, owns multiple
2 properties, very savvy in knowing all this stuff although not an attorney, but did
3 speak to an attorney today that told him that it would be absurd that if the County
4 did not pass a variance, that you guys would have to worry about having to buy
5 this property.
6

7 Mr. Portigiani said that he feels these variances are different than the other
8 previously-approved variances; that at yesterday's meeting it was brought up that
9 the subject property was completely in need of the variances, but most of those
10 properties that were in complete need of a variance previously were built before
11 1991 when this occurred. He stated that he felt like if we were going to have a
12 variance for a pool or an accessory use, or a portion of a property, that is a
13 reasonable use of a variance, but if we have to have a variance to squeeze a
14 house on a property and to the minimal standards on the road that, right now, we
15 just assume are correct, that it was just odd to him, plus that the flood map is a
16 perfect horizontal to the back piece of this property. He said that there are just
17 some things there that he felt are maybe not being fully evaluated.
18

19 Mr. Portigiani stated that the fifth variance criteria may also not be a yes and he
20 would be interested to find out if there is any other property that had a variance
21 that literally had culverts going from one property to another to drain water to. He
22 said that he felt that the subject property is one of the lower properties on the
23 road; that if you look on a wetlands map, the wetlands come in and almost
24 encumber the entire subject property and come back out. He stated you will see
25 that when you look at his property to the north and the Applebee's property to the
26 south, they are away from these properties.
27

28 Mr. Portigiani said that he is for variances and development because he finances
29 commercial real estate for a living, but felt like these variances are potentially
30 ones that maybe we should take a look at and say maybe we should not
31 recommend approval.
32

33 Mr. Portigiani stated that this property was purchased in January of this year for
34 \$20,000, which is a drop in the bucket, but south of here on the same not even a
35 half-mile-long road, another property was purchased for a little over five times
36 more. He said maybe someday the more expensive property will have a little bit
37 bigger house on. He stated, granted, Soldier's Creek is right across from there
38 and that person or persons may have to get the same variance, but he won't be
39 here fighting against that. He said to give him the variance for that if he needs it;
40 that that's a high-and-dry location and there is no drainage going to it.
41

42 Mr. Portigiani stated that when you take a look at a property being purchased for
43 \$20,000 and probably going to be sold for \$400,000 or \$500,000, I'd say that was

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1 a calculated risk, which he was all for; that the houses on that block are very nice
2 homes.

3
4 Mr. Portigiani said that he thought perhaps the most current and reasonable use
5 of the subject property is for a wetland, a retention area, or water drainage. He
6 stated that he would be shocked, as was during the last real estate boom, to see
7 that not be developed if it was meant to be developed.

8
9 Mr. Portigiani said that he thought three of the six variance criteria are wrong and
10 there are some issues with the site map. He stated that he purchased a property
11 with a 325-foot width because he doesn't want a property 3' from him; that there
12 is no room to buffer, and there is the possibility of drainage issues for him. He
13 said that if the house was placed in the middle of the subject property and they
14 could guarantee no water issues, he would have no issue with the proposed
15 variances, but it is so close. He concluded by reiterating that he feels like the
16 criteria have not been met and requested the Board to not recommend approval
17 to the City Commission.

18
19 Danny McAvoy, 327 Wood Street (directly across the street from the subject
20 property), Lake Mary, Florida 32746, came forward in opposition to the proposed
21 variances. He stated that he, too, stands against the proposed variances and
22 had multiple reasons why. He said that after discussing this at the meeting last
23 night, there are other alternatives to this; that there are other things that could be
24 done on this property and not have this situation happen. He stated, but then
25 they start talking about it's a dollar and cents' issue and things like this. He said,
26 well, with that – knowing that there is something else that could be done bothers
27 me. Knowing that that was not given to you to review before you made your
28 decision bothers me. It's almost like it was hidden from you.

29
30 Mr. McAvoy stated that they can move this to a better location, into the center;
31 that they can mitigate property movement, and they can fill in the area they
32 wanted to do to build the house that they want to build. He said he thought it
33 would be a lot better for our neighborhood.

34
35 Mr. McAvoy stated that he too is concerned; that he moved in the neighborhood
36 for a reason, because of what it is, and to move a house up close is going to
37 really impact him the most, the front is going to bother him the most.

38
39 Mr. McAvoy said that he is in defense of his neighbors; that they do have a water
40 issue there.

41
42 Mr. McAvoy stated that he has to say, openly, in front of everyone here, that City
43 staff is phenomenal. He thanked Mr. Paster on a personal note. He said that

1 City staff has been nothing but professional and they are working with them on
2 trying to mitigate their problems, but the problem he has is Mr. Paster didn't give
3 the Board the whole story; that it's not the water coming from the backyard, it's
4 the water coming down the street; that the water is still going to come down the
5 street and go under his driveway and into his front yard. He stated, so, that has
6 not changed, and it's not going to be contained in a 15-foot buffer that the City is
7 proposing; that it is still going to go back into his yard. He said he didn't care
8 what the City puts in there, it comes down the road, and the only way you're
9 going to see it is to actually see it during the storms.

10
11 Mr. McAvoy stated that, as he said at the last meeting, he has had the end of his
12 driveway literally wiped out three times to where the pavers are literally rolled
13 over because of the water flow coming down from the street, not from the
14 backyard, but that that was just another issue. He said that these issues,
15 although addressed, are still there.

16
17 Mr. McAvoy stated that as far as where the property is built this time, it is high,
18 and they talked last time about not putting any fill in. He said that we're all adult
19 enough to know when you put in a two-foot stem wall, that that is the same as
20 building up a property. He stated that they are going to have problems because
21 he has seen the water, as it stands now, going into my new neighbor's property;
22 that it's there. He said that they haven't been here when we have had some
23 good rains; that they have been here for some of the rains, but he has seen what
24 happens in the past; that it all rolls back toward their property; that it's 100-
25 percent legitimate.

26
27 Mr. McAvoy stated that there are all kinds of other concerns too because when
28 he talked to Mr. Schindler, Mr. Schindler told him, that's okay, that's the only
29 house that is going to be built. He said that he deals with panels like this on a
30 weekly basis in Osceola County and listens to these kinds of matters, and if the
31 owner of the subject property came in here today or tomorrow and says that he
32 wants to split his lot, you can't deny that; that if he splits this 4.8 acres, the next
33 thing you know we have another house being built in here; that since he owns
34 this lot, you've got to provide him with a chance to build his house. He stated
35 that he was promised that that would not occur; that you can only have one
36 house on that lot and that they would not split the property, but to this day, it is
37 not in writing. He said that he doesn't use conversations as a catch-all/know it
38 all, and that has him concerned; well, here's another variance.

39
40 Mr. McAvoy stated that he apologized for his remarks, but said that he was 100-
41 percent correct; that this is a City of variances to try and appease one individual
42 and not the community. He said that he was concerned if these type of
43 variances are going to be granted continually. He stated that the information

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1 they saw last night was a joke; that no offense is meant, but they were shown
2 when the City granted this variance or that variance, but the homes were built in
3 the 70's, and they were granting a variance for a pool like what was said that is
4 not a full house and it is not at all what we are trying to discuss here. He said if
5 staff would have had more information last night actually showing that, maybe it
6 would help get a better understanding, but he was shown nothing but a drawing
7 on a wall with a couple of houses built back before anything was written.
8

9 Mr. McAvoy stated that this is going to be a continual problem until the best thing
10 is decided for that property, but he wanted to tell the Board there are other
11 options such as the option discussed last night of the City buying the property
12 and using it for exactly what it is, a protective wetland. He said that it was
13 discussed last night that it would be cheaper to buy the property than it would be
14 to go through what we are going through today because all it is going to do is
15 continue to cause us more and more problems. He stated that this is not
16 something that he can sit here and say he's in harmony with because he's not.
17

18 Mr. McAvoy said that he moved in not knowing a thing and nobody told him, but
19 he was telling the Board now that the new neighbor they're going to build this
20 house for is going to have a water problem, as are his neighbors currently to his
21 right; that if we continue building and doing what we're trying to do here without
22 looking at other options, then we are not doing what's right and it's not in
23 harmony. He stated that he got a little bit of rain today and watched the water
24 run under his driveway and was really concerned about that, and wanted to tell
25 the Board up front that it goes on the Board, on its votes; that we should look at
26 this realistically, look at the other options provided/recommended. He said that if
27 he paid \$20,000 for 4.8 acres of land in Lake Mary, to him, it's not an option; that
28 he would build where it needs to be built and would make sure that it's done
29 properly, not stuck up front in a corner of a neighborhood and destroying what's
30 there.
31

32 Mr. McAvoy again encouraged the Board to drive down Wood Street, look at their
33 great neighborhood, but don't look at their driveways as they are destroyed; that
34 that is something he has to deal with one-on-one.
35

36 Mr. McAvoy also encouraged the Board to look at the options discussed last
37 night and provide them with better information; that what they were shown last
38 night does not at all come close to what is being done here as far as variances
39 from Chapter 160; that it really concerns him that they thought they were going to
40 kind of, for lack of better words, pull the wool over his eyes from what they are
41 trying to show him. He stated that he understood the variances, but also
42 understood Florida Statutes and what the statutes say about protecting and felt
43 this is not protecting their neighborhood.

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1 Mr. McAvoy requested the Board to recommend denial to the City Commission
2 and let them talk with the Commission one-on-one, but if the Board does
3 recommend approval of this, that they are still going to fight the Commission
4 anyway. He suggested the Planning and Zoning Board should look at all options
5 before making a decision, but that has not been done and he thought that was a
6 shame. He thought the Board was being led forward by leashes because this is
7 the only way we're going to do it. He said that this isn't the only option out there
8 and respectfully asked that be looked at.

9
10 Mr. McAvoy again thanked the Board for their time and again thanked the staff
11 very much. He stated that he thought they are really professional.

12
13 Chairman Hawkins requested Mr. Noto show him where Soldier's Creek runs
14 before he responded to the public comments.

15
16 Mr. Noto put a colored aerial on the overhead projector that indicates the
17 floodplain in blue. He said that this isn't the exact exhibit in that it shows where
18 the floodplain is. He requested the Board follow the laser pointer and indicated,
19 more or less, where Soldier's Creek runs. He then indicated the subject property
20 and stated that it is, as was mentioned, larger than what was shown on the
21 survey. Lastly, he indicated the general area where the proposed house is going
22 to go.

23
24 Chairman Hawkins then requested Mr. Noto indicate where Mr. McAvoy's house
25 is located.

26
27 Mr. Noto indicated the property across the street to the north.

28
29 Mr. McAvoy stated that if you look at the map, it doesn't show the road coming
30 through; that there is a road that comes down through there that cuts off any
31 water flow going backwards. He said that that's where their problem is; right
32 down there. He stated that it doesn't show the road in place, so it's actually cut
33 off; that the City built a barrier there when they put the road in, so that's why the
34 water congregates on his non-water trees. He said that he appreciates Mr.
35 Paster again today talking about how the City is going to take care of it; go out
36 and look at all his dead trees. He stated that he has dead trees that are not
37 water trees because the City blocked his water flow; that he didn't do it.

38
39 Mr. Noto put a copy of the survey highlighted in red and yellow back on the
40 overhead projector. He rebutted Mr. Portigiani's and Mr. McAvoy's comments by
41 saying, with regard to the options available for the property -- it's a big piece of
42 property, no doubt. This wetland -- well, first let me back up a little bit more.
43 When we receive stuff in our office, stuff being plans, projects, et cetera, they are

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1 signed and sealed by professional engineers. They are signed and sealed by
2 professional surveyors. This item that is on the overhead is signed and sealed
3 by a professional surveyor. They are, more or less, signing their life when they
4 stamp these surveys and when they stamp those engineered plans. I'm not an
5 environmentalist. I don't go out and vouch for this. We take their word because
6 that seal, that stamp is saying, yes, this is correct, period. No ifs, ands, or buts.
7

8 Mr. Noto said, that being said, we see this wetland limit line and we say, okay.
9 They are telling us that is where the wetlands are. Then they show us where the
10 100-year flood line is right there (indicating to overhead projector). There is a
11 huge piece of property that is undevelopable, period. The Land Development
12 Code does not allow development in the wetlands, period. So, your developable
13 area is everything, for lack of a better term, to the right of that wetland limit line.
14 Now, I say that with a bit of caution because between the wetland limit line and
15 this line here (indicating to overhead projector), which is the 100-year flood line,
16 this is the 100-year floodplain. You can see that there is a proposed pool and a
17 proposed porch to go in that 100-year floodplain area. The floodplain has to be
18 compensated. When you build in it, you have to compensate elsewhere. So,
19 this construction here that is being done in the floodplain has to be compensated
20 elsewhere to the right of the wetland limit. So, that being said, the house – sure,
21 it could be moved to the left a little bit, maybe to here (indicating to overhead
22 projector). That is not my call because that is a financial decision that has to be
23 made by the developer. If he finds it feasible to move it all the way to the wetland
24 line and compensate all that extra impervious, that is up to him to make that
25 decision. Could the house be flipped? Sure. Is that my call? No. That is up to
26 the developer to make that decision.
27

28 Mr. Noto stated, if this gets passed by the Commission and Mr. Goldberg comes
29 in for building permits, our number one objective is to ensure two things; that
30 historic water flow is maintained, and by doing so, all of this area here (indicating
31 to overhead projector), which is our highlighted area, if you will, making sure that
32 that goes where it is supposed to, and if it's not going on the neighbor's property
33 today, it won't be going on the neighbor's property after it's constructed. That is
34 our objective. That is my objective because I review the building permits along
35 with the Building Department, Engineering, and sometimes Fire, depending on
36 the project.
37

38 Mr. Noto said, to clarify the indemnification item, back in 2010, I think it was, we
39 had a string of 160 variances for little things, pools, sheds, and the like, in
40 different parts of the City, and one of the items that was forwarded to the
41 Commission -- and one of our Commissioners said, you know, we have had a lot
42 of these 160 variances come through. We understand that the homes were built
43 three or four decades ago, and by adding this pool, legally, we cannot deny this.

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But, what kind of position does that put us in as a City? Are we going to get sued in case something happens? The City Attorney suggested requiring Indemnification Agreements from the Applicants to the City. Just for an example, if someone builds a pool in the 100-year floodplain area and it gets flooded or something happens to it, the Indemnification Agreement basically says you're not going to sue the City, you knew what you were getting into. We're being consistent with that directive we were given by the Commission a few years ago and we have maybe a half a dozen of those agreements that have been recorded since that directive.

Mr. Noto put a yellow and blue highlighted document entitled The Applebee Residence on the overhead projector. He stated, with regards to similar variance requests, as I mentioned a few minutes ago, a few years ago we had a lot of 160 requests for little things; pools, sheds and things of that nature. This is a 160 request from the property directly to the south of this one that came in in 2005. Went to the Mayor and City Commission August 11, 2005, and it was a 160 variance because of obvious reasons, the wetlands and the 100-year flood line, etc. The yellow line is that wetland boundary. You can see how it flows all over the place moving to the north. The property to the north is the subject property we're talking about this evening. The blue line is the 100-year flood line. This lighter line here (indicating to overhead projector) is the 25-foot buffer, and I believe – I can't see it, but I believe this is the 75-foot setback line right here (indicating to overhead projector), if I'm not wrong. So, that house to the south did have to receive a full-blown 160 variance. Is it in the corner? No. Is it closer to the middle? Yes. It's set further back, but that's due to the lay of the land. The wetland line is further back, as you can see, and it gives you a little bit more space. That was eventually approved by the Commission. Again, that was in 2005. That is the only one that I could find that was truly similar to the request that is before you this evening.

Mr. Noto put a copy of the survey highlighted in red and yellow back on the overhead projector. He said, one other thing, and the last thing I will touch on, is with regards to the lot splits. That's a really, really good point because when the first gentleman came up to speak, he came and talked to us a couple of years ago – maybe it was a year ago – to Mr. Schindler and myself. At the time we didn't know what he was coming in for. We just thought, okay, he has questions about the property. The number one thing Mr. Schindler and I said before even really getting into what he wanted to talk about, which was just buying the land to live there, was you're not subdividing the property. Not gonna happen. Forget about it. Again, that wasn't what he was there to talk about, but point being we told him – the map is not on the overhead, but all the properties that are to the west that about Longwood-Lake Mary Road, there are huge environmentally-sensitive areas on those properties. A couple of months ago, we had a guy

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1 come in that wanted to do 30, 40, 50 lots. Absolutely not. Not gonna happen.
2 And we have been consistent with folks, not only on Soldier's Creek, but the
3 West Crystal Lake area that is also a part of the 160 Resource Protection
4 Standards that we are not supporting subdivision of land. That is Commission
5 policy that we have been following for years. So, while I might not be able to put
6 it physically in writing at the moment, the record will reflect that we do not support
7 subdivision of property when a 160 variance is involved. And that goes for this
8 property, too. We wouldn't support it here either. That is why he is only doing
9 one house.

10
11 Mr. Noto stated, so, I think that's all I have to follow-up with. I'll be happy to
12 clarify.

13
14 Member Miller asked, how does the construction of this home on this lot increase
15 the accumulation of water on Mr. McAvoy's property? I don't understand that.

16
17 Mr. Noto answered, I think it's more of a concern that it might exacerbate the
18 problem. I don't want to speak for him, but I think that's the gist without getting a
19 little bit – they have a problem today, and the concern is that with the addition of
20 more impervious area, that that problem will be exacerbated.

21
22 Chairman Hawkins questioned, does the water run down both sides of the
23 street?

24
25 Mr. Paster responded, it's a cold mix road which is really designed to allow water
26 to sink in through it. There is a slight crown in the road. Water runs down the
27 street in both directions actually because this is the low point of Wood Street.
28 So, water does run down both sides of the street. There are swales on both
29 sides, some more developed than others. But, as Mr. McAvoy has stated, him
30 being at the low point, the water does end up in his property and in his neighbor's
31 property. That's the direction that the flow goes. Mr. Turner's and Mr. McAvoy's
32 property is where the water goes; down the street and onto their sides. That's
33 another reason that I feel that a second pipe would equalize the water from down
34 either side of the street.

35
36 Chairman Hawkins asked, I understand that part, but are there swales on each
37 property all the way down?

38
39 Mr. Paster replied, originally, there were swales cut over the years. If you drive
40 down it, they have kind of been filled in. But, yes, the road is higher than the
41 edge of pavement on that area, and the Public Works Department re-cuts swales
42 when needed. We do that all through the downtown area. It's a very old area

1 and the same thing happens. If need be, we can cut additional swales in that 15-
2 foot area.

3
4 Chairman Hawkins questioned, does that answer your question?

5
6 Member Miller answered, I don't think I got an answer that was, yes, it does or,
7 no, it doesn't. Did I?

8
9 Mr. Paster requested Member Miller to repeat the question.

10
11 Member Miller asked, the question was would construction on the property in
12 question increase the accumulation of water on Mr. McAvoy's property?

13
14 Chairman Hawkins added, or on any other property.

15
16 Mr. Paster responded, well, the intent of our review will be, no, not to change
17 existing flow patterns. So, if any water now – whatever the flow pattern is on that
18 property, the engineer who is designing this will look at that, will look at the pre
19 and post drainage patterns, and we review it to make sure that the post-
20 construction drainage is the same as the pre-construction drainage.

21
22 Member Miller questioned, so, our expectation is the problem that he has now,
23 he will probably still have? It may be reduced, but nothing we are doing on the
24 other property will increase his water accumulation?

25
26 Mr. Paster replied, that's correct.

27
28 Chairman Hawkins asked, so, Mr. Goldberg because the water -- I guess the
29 water flows from north to south past this property?

30
31 Mr. Paster interjected answering, in this area, everything flows – I'm sorry. If I
32 may answer. Everything flows towards Soldier's Creek, which is the low spot.
33 So, it actually flows from east to west. So, this particular property -- as you can
34 see, Soldier's Creek is to the west of this property. It's not really a creek
35 anymore, it's a floodplain. It's a wetland floodplain. You couldn't find an actual
36 creek through there. It's a very large wetland area, but the water does flow
37 actually from north to south through that entire area. And from Wood Street, it
38 flows west towards the wetlands.

39
40 Chairman Hawkins questioned, so, as long as Mr. Goldberg doesn't increase the
41 height of the front of his property, the water flowing down Wood Street from north
42 to south toward Soldier's Creek, which actually is towards the south, shouldn't
43 cause anymore problems theoretically; is that right?

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1 Mr. Paster responded, that's correct.

2
3 Chairman Hawkins asked, and that's what you were saying, that whatever the
4 flow is now, the flow needs to be when it's done, whether it's east to west or
5 north to south?

6
7 Mr. Paster replied, correct. That's what we review when the site plans come in.

8
9 Member Miller said that that answers his question.

10
11 Mr. Portigiani requested to come forward to the podium again. He stated, my
12 paddock to the north is – even though – coming down the road it goes from north
13 to south. If you go out and look at the property, it's a couple of feet – right at the
14 beginning to go down into my property. So, if you put an impervious surface right
15 next to it, I don't see how it would not go onto my property, but we can see what
16 the engineers say. And, then, secondly, on the variance to the south, it should
17 be known that that property was owned way before the Resource Protection
18 Standards went into effect and there was development on the site that was built
19 in 1985. So, similar maybe, you know, perhaps not.

20
21 Hearing no further public comment, Chairman Hawkins closed that portion and
22 entertained board discussion and/or a motion.

23
24 Member Miller commented, I guess the newest thing to me is the location of the
25 home on the lot and the fact that there are options for putting it somewhere
26 adjacent to the property line. And I'm trying to remember what the gap was
27 between the property line and the home. He questioned, how many feet is that?
28 Do you recall it exactly?

29
30 Mr. Noto asked, are you talking north to south, which would be left to right?

31
32 Member Miller answered, adjacent to...

33
34 Mr. Noto interjected responding, well, the driveway, which is hard to see because
35 of the coloring, is approximately three feet from the property line.

36
37 Member Miller said, well, I understand that complaint, to have 4.8 acres and put
38 a driveway three feet from your neighbor's property, is slightly extreme.

39
40 Mr. Noto stated, the house is 28' from the side property line. The minimum
41 setback, per the zoning district, is 8', and then the front yard setback is 25', which
42 is the requirement per the zoning district.
43

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Chairman Hawkins commented, it is a driveway and not a house. It is not a house 8' from the property line. My whole neighborhood has driveways that are on the property line.

Member Miller said, you're not on five acres of property.

Chairman Hawkins commented, I'm not concerned about a driveway. I'm concerned about where the house goes.

Vice Chairman Taylor questioned, are there any setback requirements for driveways? Is there anything in the Code about setbacks for driveways from property lines?

Mr. Noto replied, we usually go by 3'. Unlike structures, there isn't a solid setback. There are setbacks from street intersections, there are setbacks from other driveways, unless I'm mistaken. Tom can clarify for me, but that is the most I'm familiar with.

Tom Connelly, P.E., City Engineer, added, if a resident is bringing a driveway from his property down to the City right of way, many of them wish to flare the driveway to make an easier access in and out of their property, and that flare usually consumes about three feet of property. So, we say if you are going to flare the driveway, the driveway needs to be set three feet back. If they want it to run straight through and have no flare, there is no restriction on that. The thing is it would have to be graded, or when they plate the driveway in, it would need to be tipped or orientated back onto the property. It can't be elevated so that it would shoot drainage onto the adjacent property. And that would be part of the engineering design of the driveway.

Vice Chairman Taylor asked, so, basically what you are saying is that during the engineering inspection of the property, the driveway would have to be graded to bring water back onto the property, not onto the neighbor's property?

Mr. Connelly answered, that's correct.

Chairman Hawkins added, or onto the street.

Vice Chairman Taylor questioned, or the street? Specifically contained within the property?

Mr. Connelly responded, yes, ma'am.

DRAFT

1 Member Miller asked, and if it doesn't do that, then they don't get a Certificate of
2 Occupancy; right? Does somebody inspect to verify that?

3
4 Mr. Noto replied, yes.

5
6 Mr. Connelly answered, I do.

7
8 Chairman Hawkins questioned, and you inspect to verify that the water flow,
9 before and after, is the same?

10
11 Mr. Connelly responded, as Bruce Paster mentioned, we have two calculations;
12 one is a preconstruction calculation where the engineer of record makes a
13 determination on what the runoff is prior to the new construction, and then there
14 will be another calculation done post construction, and any increased quantities
15 that are being generated, the re-runoff, those will need to be handled within the
16 property boundary of the site. We don't allow grader flows off – they have to
17 provide whether it's a swale or some type of stormwater drainage feature to keep
18 the amount on the properties so it's the same as what was draining off post.
19 Now, like I say, if flow is going off preconstruction, that same flow will be still
20 continuing.

21
22 Chairman Hawkins asked, but the post one would be done before they get their
23 CO?

24
25 Mr. Connelly replied, that's correct.

26
27 **MOTION:**

28
29 **Member Schofield moved to recommend approval to the City Commission**
30 **the request by ZDA, LLC/Allan Goldberg regarding the following two**
31 **variances from Chapter 160, Resource Protection Standards, to construct a**
32 **new single-family residence on property located at 328 Wood Street, Lake**
33 **Mary, Florida, consistent with staff's Findings of Fact listed in the Staff**
34 **Report and subject to the following three conditions. Member Miller**
35 **seconded the motion**

36
37 Member Miller commented that he was still concerned as to where the house is
38 proposed to be positioned on this property and wondered if there was any flexibility
39 on the developer's part relative to moving it. He added that this also seems to be
40 Mr. Portigiani's primary concern as well.

41
42 **TAPE 1, SIDE B**

43
SEPTEMBER 24, 2013-16
PLANNING AND ZONING BOARD

1 Mr. Goldberg re-approached the podium and said that this property is 4.8 acres in
2 size and the uplands of this property are only 1/3 of an acre, which is all up in the
3 front, right-hand corner, and that the only buildable area is up in the front, right-
4 hand corner. He stated that they looked into flipping the house to have the
5 driveway on the other side, but that doesn't allow you to have a pool in the
6 backyard. So, we had that restriction. I don't know if that answers your question or
7 not.

8
9 Member Miller said, it does.

10
11 **The motion carried unanimously 4-0.**

12
13 **VARIANCES:**

- 14
15 **1. Section 160.07(A) - a variance of 25' from the minimum 25-foot**
16 **environmental setback; and**
17 **2. Section 160.07(B)(2)(b) - a variance of 75' from the minimum 75-**
18 **foot building setback.**

19 **The condition of approval is that, prior to the issuance of a building**
20 **permit for any structure wholly or partly within the 100-year flood area,**
21 **the Applicant shall supply data developed as follows:**

- 22 **1. Prior to the issuance of a building permit, the Applicant shall submit a**
23 **signed and sealed plan by a Florida registered engineer showing the**
24 **location of 595 cubic feet of compensating storage for the area of**
25 **encroachment within the 100-year floodplain.**
26 **2. Prior to the issuance of a CO, the Applicant shall provide a statement from**
27 **the above-referenced engineer that the construction complies with the first**
28 **condition above.**
29 **3. The Applicant will provide the City with an Indemnification Agreement that**
30 **will be prepared for the City Commission meeting of October 17, 2013.**

31
32 Mr. Omana announced that this item will move forward to the City Commission's
33 October cycle (October 17, 2013) and staff will send out notices for then.
34
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QUASI-JUDICIAL SIGN-IN SHEET

9/24, 2013
P#2 MEETING

(please print)

Name DAN MCAVOY Phone No. 467 328-0909

Address 327 WOOD ST

Item of Interest LOT ON WOOD ST

Name Richard Portigiani Jr Phone No. _____

Address 318 Wood St (Portigiani)

Item of Interest Corner Wood St

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____

Name _____ Phone No. _____

Address _____

Item of Interest _____



MEMORANDUM

DATE: October 17, 2013

TO: City Commission

VIA: Jackie Sova, City Manager

FROM: Stephen Noto, Senior Planner

SUBJECT: Consideration of Downtown Entry Feature (John Omana, Community Development Director)

DISCUSSION: In 2009 staff brought forward a request from Mr. Terry Shaw regarding the construction of two brick columns at the corner of 4th St. and W. Lake Mary Blvd. The columns were to act as an entry feature into the Downtown and would incorporate design elements similar to elements found in the Downtown.

City staff recently had a meeting with Mr. Shaw and Mr. Mike Good regarding Downtown Identification strategies. One talking point from that meeting dealt with construction of the columns to bring additional attention to the Downtown entry of 4th St. and W. Lake Mary Blvd. Mr. Shaw provided a conceptual sketch of a brick column, and followed-up with preliminary cost estimates. Both the column design and cost estimate are provided as attachments.

Downtown Branding: A separate discussion that occurred at the meeting had to do with branding the Downtown core. Providing the core activity area with its own identity has become a topic of discussion due to the expanded boundaries of the Downtown as it relates to SunRail. The term "4th Street District" was a popular choice among the group as there are multiple businesses that utilize "4th" in their name/brand. Additionally, 4th Street is seen as the main entry point into the Downtown core from W. Lake Mary Blvd.

Mr. Bryan Nipe, Parks and Recreation Director, is in the process of creating replacement banner signs to go on the light poles Downtown that would say 4th Street District. Signage has also been added in the medians on W. Lake Mary Blvd. that state

“Downtown” and “Farmers Market”. Staff is also working with County Staff on the street signs that hang from the mast arms on W. Lake Mary Blvd.

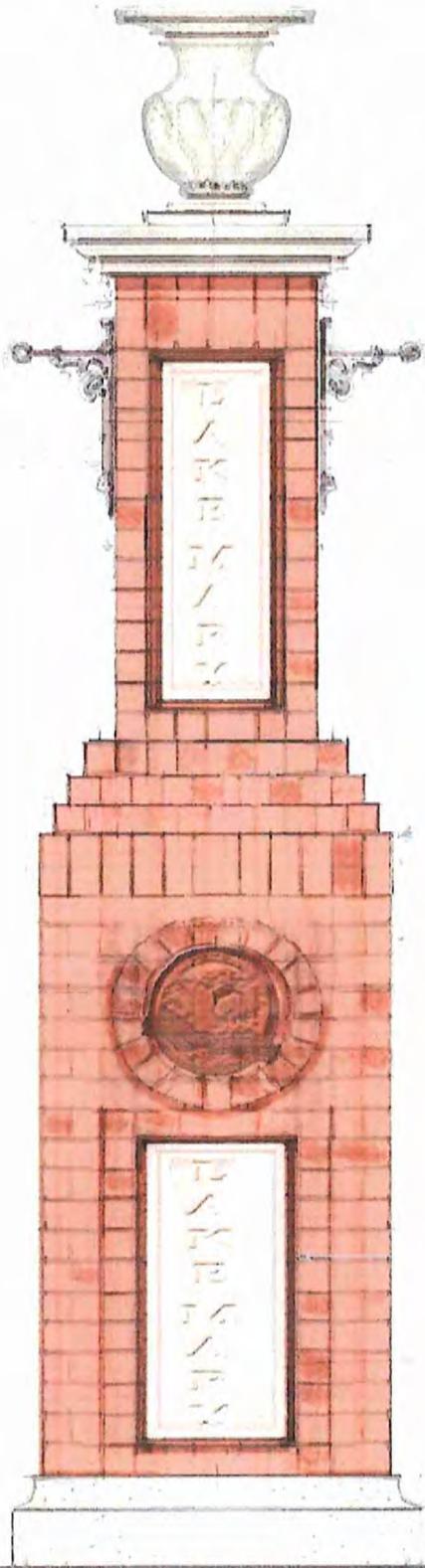
This project is currently unfunded in the FY 2014 budget as monies are currently set aside in the event Federal Funding is not approved for the Palmetto St./W. Lake Mary Blvd. entry feature.

DISPOSITION: Staff seeks City Commission input on the brick columns and downtown branding.

ATTACHMENTS:

- Conceptual brick column design and location map
- Cost Estimate

Z:\commdev\staff reports\Miscellaneous\Downtown 4th St Entry Feature.doc



Entrance feature two columns at 4th street & Lake Mary Blvd.

Dig form and pour footers as described on plan

Labor: \$3,600.00

Materials: \$1,800.00

Build block work as described on plan

Labor: \$2,400.00

Materials: \$1,600.00

Form and pour caps and columns as described on plan

Labor: \$600.00

Materials: \$500.00

Total: \$6,600.00

Prepared by: KW Masonry

Keith Woods

08/16/2013

407-947-8684

8301 Rolling Log Drive



CITY MANAGER'S REPORT

DATE: October 17, 2013
TO: City Commission
FROM: Jackie Sova, City Manager
SUBJECT: City Manager's Report

ITEMS FOR COMMISSION INFORMATION:

1. Monthly Department Reports.



MEMORANDUM

DATE: October 10, 2013
TO: Mayor & City Commission
FROM: Bryan Nipe, Parks and Recreation Director
THRU: Jackie Sova, City Manager
SUBJECT: September 2013 Parks and Recreation Report Summary

Recreation:

- The Lake Mary Little League program is currently running its fall youth baseball program at the Lake Mary Sports Complex. This fall season has seen an increase in attendance for the second consecutive season and now has over 250 participants.
- The Fall Softball League is almost at max with 17 of 18 team spots filled.
- Partner in Programming, Soccer Shots, is now training over 40 kids in soccer clinics each Saturday morning at the Sports Complex.

Lake Mary Events Center:

- Revenue for 2013 is down from 2012 approximately 5% as is operating cost. Staff has correlated the drop in revenue to an almost equal increase in cancellations.

Senior Programs:

- Shred-a-Thon has been secured for January 2014. The location is the same as last year, 660 Century Point, Lake Mary.
- 24% increase in individual participation at the Senior Center from this month last year.

Tennis Center:

- Membership continues to break records, currently at 147, compared to 114 in September 2012.
- 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.

Community Events:

- The Halloween Spooktacular is set for 10/31/13! The event is held at Central Park in Downtown Lake Mary, offering safe and fun trick or treating. The event will feature music, children's games, a costume contest as well as a kiddie train in the park. Local businesses help sponsor this free event and provide candy for the little ghouls!
- Next WineART is on November 6th.

Grounds and Facilities:

- The Lake Mary Community Center located at 140 Wilbur is currently in design. Construction is anticipated beginning in late November with completion anticipated in March 2014.
- Holiday in the Park light work begins in October.
- Heritage Park design phase I is at 100%. The goal is to combine the Park project with roadway improvements at Greenleaf and Palmetto.

MEMO



TO: Bryan Nipe, Director of Parks & Recreation

FROM: Radley Williams, Recreation Chief

DATE: October 9, 2013

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

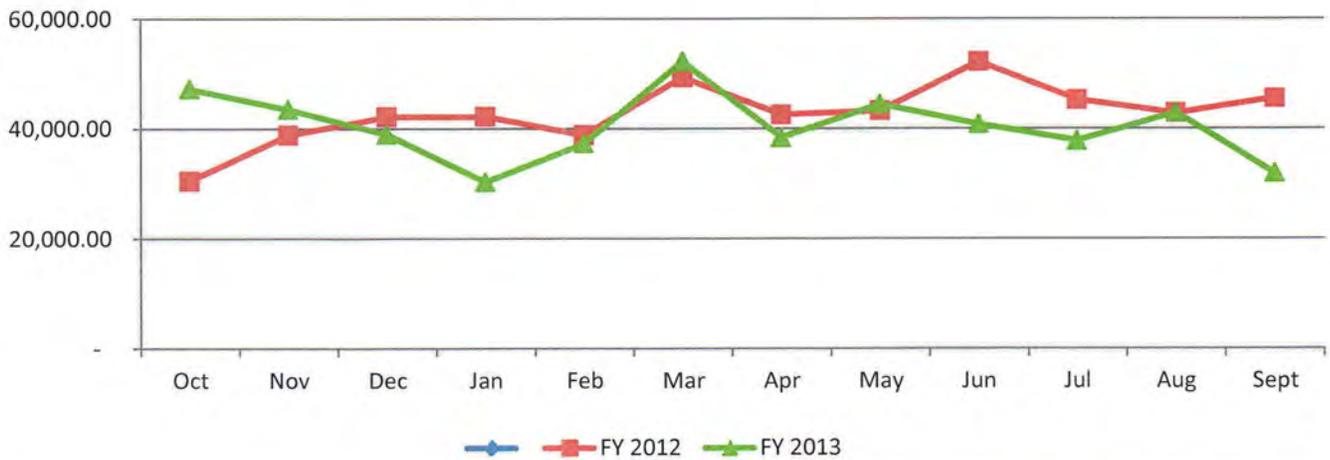
ACTIVITY	CURRENT MONTH	THIS MONTH LAST YEAR	CURRENT YTD	PREVIOUS YTD
EVENTS CENTER				
non-revenue uses	13	8	136	107
rentals	20	24	270	298
revenue	\$ 31,954.27	\$ 45,496.78	\$ 485,863.08	\$ 513,448.41
expenses	\$ 24,560.40	\$ 35,644.27	\$ 317,888.23	\$ 347,547.82

SENIOR CENTER				
non-revenue uses	3/8.75	3/7.0	30/71.75	31/76.0
rentals	0	1	14	8
classes	127	98	1,377	1,429
individual participants	1,973	1,490	21,289	20,014
revenue	\$ 1,163.08	\$ 999.79	\$ 20,362.47	\$ 18,299.68
expenses	\$ 7,500.42	\$ 8,587.98	\$ 102,717.33	\$ 105,535.62

TENNIS CENTER				
memberships	147	114		
revenue	\$ 3,199.35	\$ 3,256.81	\$ 38,435.04	\$ 50,230.69
expenses	\$ 8,625.19	\$ 16,550.52	\$ 58,252.01	\$ 80,816.29

OTHER REVENUES				
Farmers Market	\$ 1,973.84	\$ 1,882.43	\$ 29,427.80	\$ 31,378.59
Skate Park	\$ 446.91	\$ 365.07	\$ 4,215.73	\$ 8,819.43
Splash Park	\$ 1,550.00	\$ 730.20	\$ 22,810.93	\$ 24,274.16
Park Rentals	\$ 157.17	\$ 125.00	\$ 1,082.17	\$ 630.00
Sports Complex	\$ 7,307.26	\$ 7,781.94	\$ 29,293.93	\$ 27,329.98
Leagues	\$ 737.00	\$ 1,580.00	\$ 16,575.00	\$ 13,930.00
Concession	\$ -	\$ -	\$ 2,153.43	\$ 678.62
TOTAL OTHER REVENUES	\$ 12,172.18	\$ 12,464.64	\$ 105,558.99	\$ 107,040.78

Events Center Revenue Trends



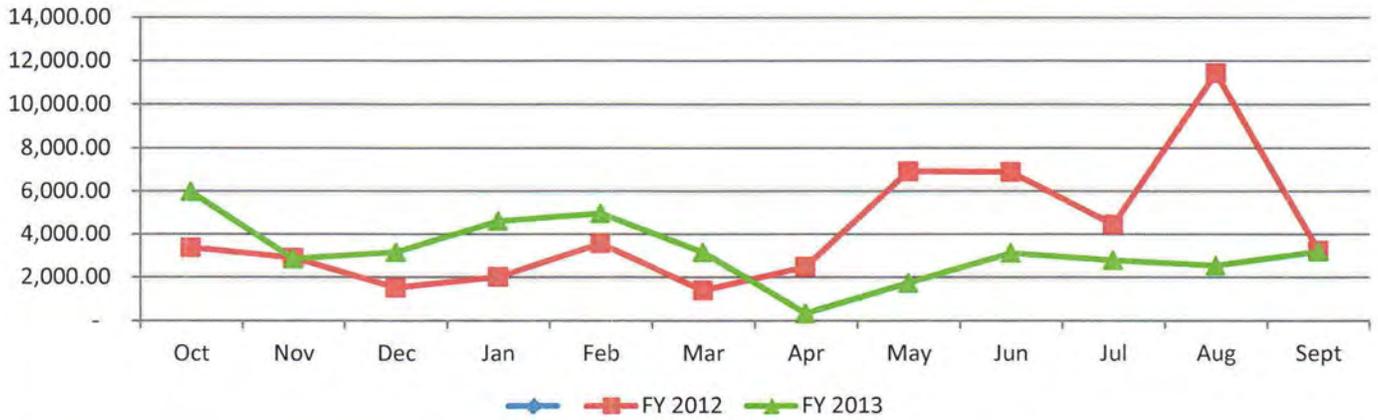
	Revenue			Expenses		
	FY 2012	FY 2013	FY 2014	FY 2012	FY 2013	FY 2014
Oct	30,627.71	47,245.73	-	36,241.32	31,837.02	-
Nov	38,877.40	43,518.38	-	25,134.01	30,195.88	-
Dec	42,152.14	38,953.78	-	32,478.58	22,787.78	-
Jan	42,192.04	30,396.63	-	30,551.40	26,904.66	-
Feb	38,834.23	37,286.87	-	24,109.15	21,878.20	-
Mar	49,320.02	52,232.16	-	23,711.04	20,927.49	-
Apr	42,489.96	38,368.11	-	26,928.96	27,325.44	-
May	43,240.91	44,423.25	-	30,217.31	34,664.38	-
Jun	52,182.65	40,785.13	-	29,033.61	24,094.37	-
Jul	45,224.94	37,826.02	-	28,925.29	28,765.21	-
Aug	42,809.63	42,872.75	-	24,572.88	23,947.40	-
Sept	45,496.78	31,954.27	-	35,644.27	24,560.40	-
	513,448.41	485,863.08	-	347,547.82	317,888.23	-

Profit/Loss Estimate			
	FY 2012	FY 2013	FY 2014
	513,448.41	485,863.08	-
	(347,547.82)	(317,888.23)	-
	(32,430.60)	(36,139.21)	-
	133,469.99	131,835.64	-

Revenues YTD
 minus Operating Costs YTD
 minus Maintenance Staff Costs YTD
Profit/Loss Estimate*

* Estimated Profit/Loss does not include repayment of bond or Facilities Maintenance work orders.

Tennis Center Revenue Trends



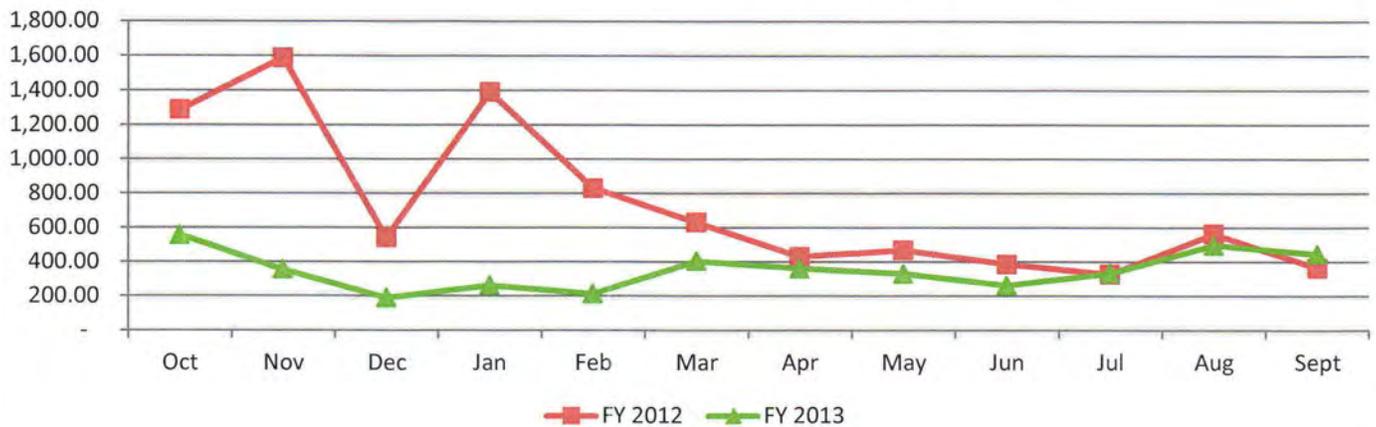
	Revenue			Expenses			
	FY 2012	FY 2013	FY 2014	FY 2012	FY 2013	FY 2014	
Oct	3,375.69	5,981.39	-	4,475.29	6,432.02	-	
Nov	2,899.54	2,848.98	-	4,319.82	3,484.87	-	
Dec	1,513.79	3,152.74	-	5,081.00	4,758.23	-	
Jan	2,011.99	4,615.52	-	4,468.32	5,950.04	-	
Feb	3,564.81	4,966.32	-	3,926.30	4,910.27	-	
Mar	1,395.36	3,157.07	-	10,603.54	11,551.92	-	
Apr	2,473.11	334.22	-	5,568.57	4,165.60	-	
May	6,926.87	1,733.60	-	6,389.06	1,811.63	-	
Jun	6,902.53	3,123.40	-	8,047.27	2,178.60	-	
Jul	4,462.91	2,788.10	-	6,039.08	2,456.01	-	
Aug	11,447.28	2,534.35	-	5,347.52	1,927.63	-	
Sept	3,256.81	3,199.35	-	16,550.52	8,625.19	-	
	50,230.69	38,435.04	-	80,816.29	58,252.01	-	

Profit/Loss Estimate			
	FY 2012	FY 2013	FY 2014
	50,230.69	38,435.04	-
	(80,816.29)	(58,252.01)	-
	(8,107.68)	(8,357.26)	-
	(38,693.28)	(28,174.23)	-

Revenues YTD
 minus Operating Costs YTD
 minus Maintenance Staff Costs YTD
Profit/Loss Estimate*

* Costs do not include Facilities Maintenance work orders.

Skate Park Revenue Trends



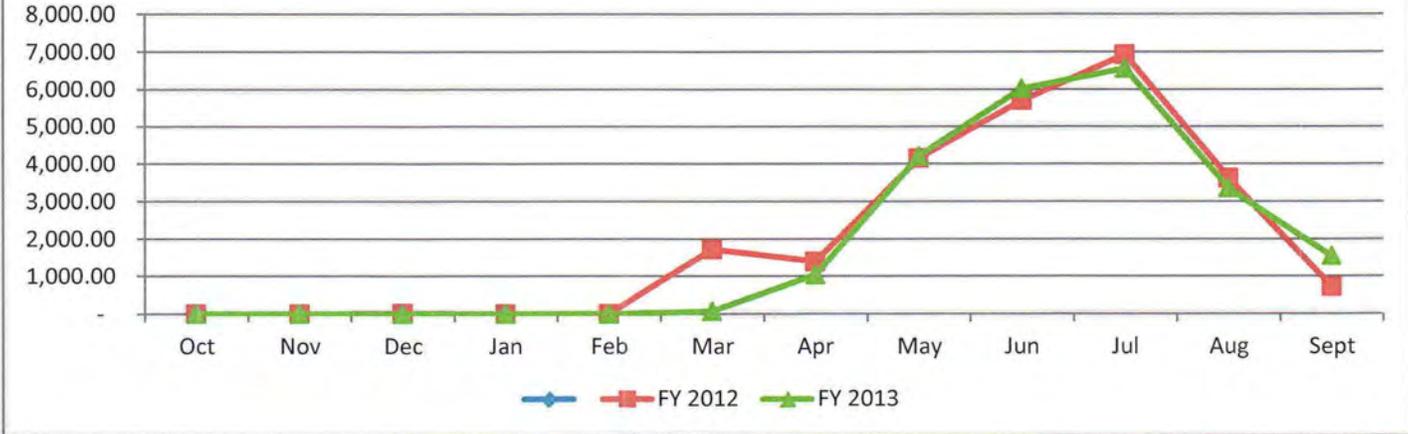
Revenue							
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Oct	1,288.54	557.51	-	-	-	-	-
Nov	1,589.61	355.41	-	-	-	-	-
Dec	542.99	189.70	-	-	-	-	-
Jan	1,392.54	263.19	-	-	-	-	-
Feb	830.14	212.25	-	-	-	-	-
Mar	631.83	404.46	-	-	-	-	-
Apr	430.87	362.29	-	-	-	-	-
May	469.22	330.92	-	-	-	-	-
Jun	386.77	262.25	-	-	-	-	-
Jul	328.28	332.76	-	-	-	-	-
Aug	563.57	498.08	-	-	-	-	-
Sept	365.07	446.91	-	-	-	-	-
	8,819.43	4,215.73	-	-	-	-	-

Profit/Loss Estimate			
	FY 2012	FY 2013	FY 2014
	8,819.43	4,215.73	-
	(27,825.71)	(26,540.22)	-
	(19,006.28)	(22,324.49)	-

FY Revenues
 minus Operating Costs YTD*
 Profit/Loss Estimate

*Costs do not include Facilities Maintenance work orders.

Splash Park Revenue Trends



Revenue							
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Oct	-	-	-	-	-	-	-
Nov	-	-	-	-	-	-	-
Dec	14.02	-	-	-	-	-	-
Jan	-	-	-	-	-	-	-
Feb	-	-	-	-	-	-	-
Mar	1,728.35	72.64	-	-	-	-	-
Apr	1,400.96	1,040.56	-	-	-	-	-
May	4,145.73	4,206.61	-	-	-	-	-
Jun	5,696.91	6,025.30	-	-	-	-	-
Jul	6,933.00	6,562.02	-	-	-	-	-
Aug	3,624.99	3,353.80	-	-	-	-	-
Sept	730.20	1,550.00	-	-	-	-	-
	24,274.16	22,810.93	-	-	-	-	-

Profit/Loss Estimate			
FY 2011	FY 2012	FY 2013	FY 2014
-	24,274.16	22,810.93	-
-	(35,447.24)	(33,264.94)	-
-	(11,173.08)	(10,454.01)	-

FY Revenues
 minus Operating Costs YTD*
 Profit/Loss Estimate

*Costs do not include Facilities Maintenance work orders

**WORK ORDER EXPENSES**

TYPE	Sep-13	YTD	Sep-12	YTD	Sep-13	YTD	Sep-12	YTD
LABOR	16%	29%	34%	37%	\$ 900.94	\$ 42,339.30	\$ 1,954.32	\$ 49,611.56
MATERIALS	5%	22%	66%	30%	\$ 295.28	\$ 32,656.00	\$ 3,823.35	\$ 36,016.80
CONTRACTOR	79%	49%	0%	33%	\$ 4,576.68	\$ 83,485.19	\$ -	\$ 65,022.17
TOTALS	100%	100%	100%	100%	\$ 5,772.90	\$158,480.49	\$ 5,777.67	\$150,650.53

WORK ORDERS BY BUILDING

FACILITY	Sep-13	YTD	Sep-12	YTD
CITY HALL	9	133	9	126
EVENTS CENTER	3	69	6	116
EMPLOYEE HEALTH CLINIC	0	9	9	14
FLEET	1	15	0	13
FRANK EVANS MUSEUM	0	18	0	19
LIBERTY PARK	0	2	0	6
MUNICIPAL COMPLEX	6	80	6	73
PARKS BUILDING	2	30	0	23
POLICE DEPARTMENT	6	89	7	107
PUBLIC WORKS BUILDING	1	40	3	38
SPORTS COMPLEX	3	34	1	33
STATION #33	2	45	0	48
STATION #37	3	41	5	52
TENNIS CENTER	0	19	2	32
TRAILHEAD PARK	2	24	0	7
WATER TREATMENT PLANT	0	15	1	24
TOTALS	38	663	49	731

WORK ORDERS BY CATEGORY

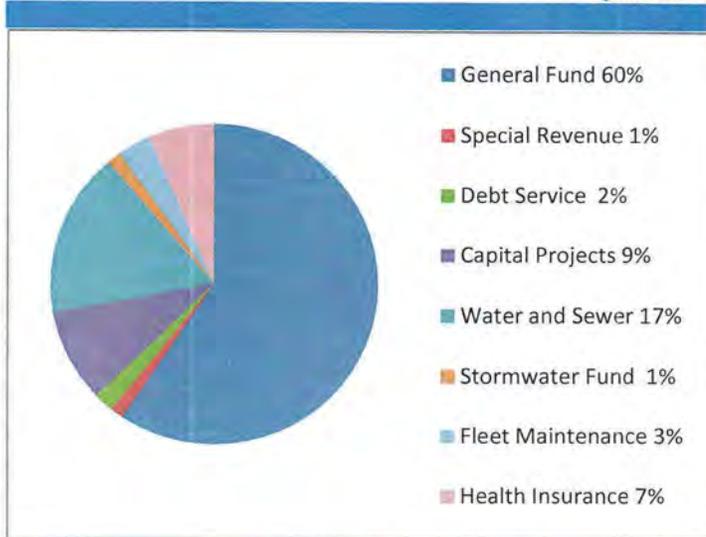
FACILITY	Sep-13	YTD	Sep-12	YTD
APPLIANCES	0	32	5	45
DOORS - INT, EXT, & HARDWARE	4	42	4	48
ELECTRICAL	15	195	17	187
FIRE ALARM SYSTEMS	1	12	0	4
FIRE SPRINKLER SYSTEMS	0	0	0	6
HVAC	3	40	1	46
JANITORIAL	1	17	2	21
MISCELLANEOUS	2	78	7	81
PAINT - INTERIOR & EXTERIOR	0	9	2	19
PEST CONTROL	1	10	0	13
PLUMBING	4	53	6	61
PREVENTATIVE MAINTENANCE	7	164	3	179
SECURITY SYSTEMS	0	9	0	12
SEPTIC TANKS	0	0	0	0
VENDING	0	2	2	9
TOTALS	38	663	49	731

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

	FY 2013		FY 2012	
	SEPT. 13	YTD	SEPT. 12	YTD
MINUTES PREPARED (SETS)	2	19	2	23
ORDINANCES CREATED	0	0	0	2
ORDINANCES PREPARED	2	6	0	11
RESOLUTIONS CREATED	0	0	0	2
RESOLUTIONS PREPARED	0	3	0	15
PROCLAMATIONS PREPARED	0	26	4	29
PUBLIC HEARING NOTICES PUBLISHED	1	14	1	20
OCCUPATIONAL LICENSES				
NEW	45	278	41	301
RENEWALS	664	1754	742	1522
TRANSFERS	2	33	0	24
REVENUE GENERATED	\$49,680.00	\$128,933.00	\$54,480.00	\$115,606.75
FOOD TRUCKS LICENSED (WineART Wednesday)	3	49	6	57
REVENUE GENERATED	\$150.00	\$2,250.00	\$ 0.00 (credit from August-rained out)	\$2,630.00
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	2	30	5	41
RECORDS DESTROYED (CUBIC FEET)	0	0	0	0

City of Lake Mary Budget Snapshot as of September 30, 2013 (preliminary)

(100% 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	5,584,025	91.8%
Business Tax Receipts	119,000	118,964	100.0%
Permits	855,415	1,652,378	193.2%
Fines & Forfeitures	47,686	101,247	212.3%
Intergovernmental	1,371,427	1,301,165	94.9%
Charges for Services	1,206,250	1,316,047	109.1%
Investment Income/Other	264,000	261,100	98.9%
Operating Transfers In	900,000	900,000	100.0%
Total Revenues	\$ 16,788,504	\$ 17,285,976	103.0%

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
City Commission	\$ 94,797	\$ 86,274	91.0%
City Manager	484,962	415,797	85.7%
City Attorney	95,000	66,740	70.3%
City Clerk	213,963	202,689	94.7%
General Government	570,403	355,147	62.3%
Risk Management	15,550	12,471	80.2%
Finance	579,599	518,053	89.4%
Community Development	649,910	564,226	86.8%
Building	471,913	408,578	86.6%
Facilities Maintenance	347,013	321,106	92.5%
Police Operations	4,724,846	4,490,421	95.0%
Fire Combat	4,399,708	4,005,304	91.0%
Fire Prevention	333,661	293,225	87.9%
Support Services	918,590	814,927	88.7%
PW Admin & Engineering	218,008	205,121	94.1%
Streets/Sidewalks	442,428	401,270	90.7%
Parks & Recreation	1,614,774	1,477,372	91.5%
Events Center	378,981	317,888	83.9%
Senior Center	112,383	102,717	91.4%
Tennis Center	86,246	58,252	67.5%
Transfers Out	882,330	882,330	100.0%
Total Expenditures	\$ 17,635,065	\$ 15,999,908	90.7%
<i>Fund Balance Forward</i>	14,418,585	16,369,093	113.5%
Current Fund Balance	\$ 13,572,024	\$ 17,655,161	130.1%

Debt Service Funds			
Revenues	Budget	Year-to-Date	%
Transfers In	\$ 574,515	\$ 574,515	100.0%
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	287,865	87.0%
Cemetery Sales	4,000	2,000	50.0%
Fines & Forfeitures	12,455	16,135	129.5%
Investment Income/Other	5,130	5,695	111.0%
Total	\$ 352,547	\$ 311,695	88.4%

Expenditures			
	Budget	Year-to-Date	%
Training	\$ 18,000	\$ 17,415	96.8%
Operating & DARE	11,710	9,058	77.4%
Contributions	12,750	12,750	100.0%
Capital	112,014	205,683	183.6%
Heritage Park	25,000	21,500	86.0%
Cemetery Operations	9,175	3,988	43.5%
Total	\$ 188,649	\$ 270,394	143.3%
<i>Fund Balance Forward</i>	1,025,912	985,368	96.0%
Current Fund Balance	\$ 1,189,810	\$ 1,026,669	86.3%

Capital Projects Fund			
Revenues	Budget	Year-to-Date	%
Investment Income	\$ 11,000	\$ 10,259	93.3%
Grants	-	28,536	0.0%
Intergovernmental/Other	2,607,500	2,212,618	84.9%
Total	\$ 2,618,500	\$ 2,251,413	86.0%

Expenditures			
	Budget	Year-to-Date	%
Capital Projects	3,539,731	3,457,719	97.7%
Total	\$ 3,539,731	\$ 3,457,719	97.7%
<i>Fund Balance Forward</i>	1,023,405	2,696,267	263.5%
Current Fund Balance	\$ 102,174	\$ 1,489,961	1458.3%

Water and Sewer Fund			
Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,275,000	\$ 1,950,418	85.7%
Sewer Revenue	1,725,000	1,864,622	108.1%
Reclaimed Water	190,000	215,807	113.6%
Water Impact Fees	255,000	187,920	73.7%
Sewer Impact Fees	110,000	73,726	67.0%
Investment Income/Other	154,500	198,582	128.5%
Total	\$ 4,709,500	\$ 4,491,075	95.4%

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	1,631,697	1,381,309	84.7%
Capital Projects	485,000	294,550	60.7%
Wholesale swr/reclaimed	1,298,300	1,184,812	91.3%
Transfers Out	949,935	949,935	100.0%
Total	\$ 4,364,932	\$ 3,810,606	87.3%
<i>Beg Unrestrict Net Assets</i>	12,782,410	13,980,865	109.4%
Available Net Assets	\$ 13,126,978	\$ 14,661,334	111.7%

Stormwater Utility Fund			
Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 378,320	\$ 369,071	97.6%
Interest/Other	5,000	4,917	98.3%
Total	\$ 383,320	\$ 373,988	97.6%

Expenditures			
	Budget	Year-to-Date	%
Operating Expenses	255,524	187,246	73.3%
Capital Projects	60,000	125,426	209.0%
Total	\$ 315,524	\$ 312,672	99.1%
<i>Unrestricted Net Assets</i>	524,891	879,916	167.6%
Available Net Assets	\$ 592,687	\$ 941,232	158.8%

Fleet Maintenance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 950,211	\$ 812,242	85.5%
Expenditures			
Operating Costs	\$ 278,539	\$ 245,434	88.1%
Vehicle Purchases	\$ 575,500	\$ 634,777	110.3%

Health Insurance Internal Service Fund			
Revenues	Budget	Year-to-Date	%
Charges for Service/Other	1,833,775	1,791,243	97.7%
Expenditures			
Health Insurance Expense	1,432,775	1,017,514	71.0%
Health Clinic Expense	\$ 357,750	\$ 220,203	61.6%

City of Lake Mary, Florida
General Fund Revenues
As of September 30, 2013 (Preliminary)

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	6,470,685	6,072,711	5,943,112	6,051,050	102%
	Franchise & Utility:							
313-10	Duke Energy - Franchise	1,229,400	1,390,771	1,283,358	1,224,950	1,219,190	1,018,006	83%
313-11	FP&L - Franchise	525,655	618,712	586,291	545,433	576,381	425,077	74%
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	423,945	101%
	Total Franchise	2,143,635	2,414,671	2,279,641	2,200,138	2,223,271	1,872,892	84%
314-10	Duke Energy - Utility	1,175,000	1,427,828	1,348,464	1,249,357	1,281,040	1,158,449	90%
314-11	FP&L - Utility	438,150	608,592	607,667	601,224	561,393	580,343	103%
314-20	Telecommunications	2,355,000	2,239,495	2,025,484	2,011,704	1,970,830	1,934,325	98%
314-80	Propane Gas - Utility	43,500	45,090	45,535	47,512	45,080	38,016	84%
	Total Utility	4,011,650	4,321,005	4,027,150	3,909,797	3,858,343	3,711,133	96%
	Total Franchise & Utility	6,155,285	6,735,676	6,306,791	6,109,935	6,081,614	5,584,025	92%
	Licenses and Permits:							
321-60	Business Tax Receipts	122,500	118,244	119,026	115,373	119,000	118,964	100%
322-10	Building Permits	469,750	446,621	501,449	851,192	755,000	1,543,078	204%
322-20	Electrical Permits	35,000	23,460	31,702	63,819	50,040	45,976	92%
322-30	Plumbing Permits	18,500	14,431	12,861	43,687	31,625	30,639	97%
322-40	Mechanical Permits	29,500	22,539	23,054	25,243	18,750	32,685	174%
	Total Licenses & Permits	675,250	625,295	688,092	1,099,314	974,415	1,771,342	182%
	Fines & Forfeitures:							
351-10	Court Fines	119,850	61,303	66,172	59,132	38,670	65,111	168%
351-30	False Alarm Fees	6,250	4,300	1,850	4,225	2,016	2,550	126%
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	101,247	212%
	Intergovernmental:							
312-41	Local Option Gas Tax	207,753	216,519	204,746	224,965	244,939	226,065	92%
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	293,595	104%
335-14	Mobile Home License	50	59	35	108	50	79	156%
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	765,028	93%
	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	1,301,165	95%

City of Lake Mary, Florida
General Fund Revenues
As of September 30, 2013 (Preliminary)

Account Code	Description	2010 Budget	2010 Actual	2011 Actual	2012 Actual	2013 Budget	2013 Y-T-D	% FYTD
Charges for Services:								
341-80	County Business License	12,500	12,368	12,665	10,715	11,000	10,836	99%
341-21	Zoning Fees	10,000	13,507	25,615	21,798	15,000	22,074	147%
341-22	Site Plan Fees	5,000	1,600	6,400	3,200	3,200	10,200	319%
341-22	Developer Bonus	-	17,000	-	-	-	-	-
342-10	Police Services	20,000	96,202	71,190	63,085	45,000	57,553	128%
342-60	Rescue Transport Fees	335,000	459,725	657,144	609,044	465,000	584,489	126%
347-10	Community/Events Center Rent	350,000	465,931	499,973	513,448	495,000	486,901	98%
347-30	Farmers Market	28,000	27,879	36,838	31,379	35,000	29,428	84%
347-40	Skate Park Fees	12,500	14,794	16,296	8,819	13,500	4,216	31%
347-45	Splash Park Fees	25,000	25,157	23,504	24,274	25,000	22,811	91%
347-50	Park Rentals	700	990	675	630	800	1,082	135%
347-60	Sports Complex Rentals	24,000	22,620	24,658	27,330	25,000	29,294	117%
347-70	Softball Leagues	16,000	17,250	16,875	13,930	17,000	16,575	98%
347-80	Concession Revenues	9,500	11,619	5,444	679	1,750	2,153	123%
347-90	Tennis Center Revenues	55,000	56,801	52,204	50,231	54,000	38,435	71%
	Total Charges for Services	903,200	1,243,443	1,449,481	1,378,562	1,206,250	1,316,047	109%
Other:								
361-10	Interest	289,000	325,340	229,730	192,570	132,000	106,758	81%
363-10	Streetlighting	-	46,643	32,802	32,780	32,000	31,587	99%
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	122,367	122%
	Total Other Revenue	389,329	530,447	392,270	437,327	264,000	261,100	99%
Transfers In:								
381-00	Transfers from W&S	850,000	850,000	850,000	850,000	900,000	900,000	100%
381-00	Transfers from Cemetery FD	-	-	-	125,000	-	-	-
	Total Transfers In	850,000	850,000	850,000	125,000	900,000	900,000	100%
	Total General Fund Revenue	17,612,193	18,685,758	17,556,995	16,494,389	16,788,504	17,285,976	103%
	Carry-forward Fund Balance	13,375,292	13,375,292	15,145,583	15,066,183	16,369,093	16,369,093	100%
	Total Available	\$ 30,987,485	\$ 32,061,050	\$ 32,702,578	\$ 31,560,572	\$ 33,157,597	\$ 33,655,069	102%

FINANCE DEPARTMENT
MONTHLY REPORT
September 2013

Purchasing/AP Activity	Sep-13	FYTD	Sep-12	FYTD
Purchase Orders Encumbered	11	376	21	354
Bids/RFPs Processed	2	12	0	5
Express Purchase Orders Processed	8	110	9	112
Express P.O. - Average \$ Value	\$305		\$238	
Checks Issued to Vendors	247	2,649	181	2,377
P-Card Transactions	158	2,800	221	2,700
P-Card Average \$ Value	\$127		\$143	

Accounting/Payroll Activity				
Journal entries Prepared and Posted	37	457	58	500
Items Deposited	3,085	36,036	3,408	38,285
Deposited Items Returned	7	54	3	54
Credit/Debit Card transactions	449	4,467	376	4,053
Credit/Debit Card Sales	\$68,768	\$633,508	\$41,317	\$522,249
Employees Paid	382	5,109	371	5,082

Utilities Activity				
Utility Refund Checks	27	301	12	203
Utility Turn-offs for Non-payment	17	233	27	215
Door Hangers for Non-pay prepared	125	1,446	145	1,582
Delinquent Letters Mailed Out	324	4,415	422	5,131
Utility Service Complaints Handled	23	234	20	276
Garbage Service Complaints Handled	10	130	5	114
Existing Utility Accounts Closed	62	847	57	759
New Utility Accounts Opened	62	817	56	756
Utility Bank Draft Customers	1,067		987	
Electronic Utility Payments	1,065		911	
Paperless Billing Customers	627		558	
Current Residential Water Customers	4,690		4,667	
Current Residential Sewer Customers	2,554		2,524	
Current Residential Garbage Customers	4,817		4,781	
Current Commercial Water Customers	440		444	
Current Commercial Sewer Customers	378		380	
Current Commercial Garbage Customers	240		243	

Items of Interest During Reporting Period



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



Monthly Report

September 2013

Administration and Emergency Operations

We responded to 340 emergency alarms, had 160 transports, and logged over 1,299 hours of training during the month of September. FY 2012-13 - We responded to 3,851 emergency alarms, had 1,772 transports, and logged over 10,454 hours of training. Annually our alarm response is up by 5%, transports by 8% and training by 13%.

Emergency Operations personnel had an additional 47 public contacts for sharps boxes, blood pressure checks, child car seat installations, public relations, etc.

New fire reporting software training was completed for the October 1st implementation.

Fire Prevention

Fire inspectors conducted 101 combined inspections and 52 plan reviews.

Activities included, training of new part-time fire inspector, planning for FD Open House, Poster Contest, creating flyers for the schools and website, and assembling hundreds of PR grab bags.

Conducted 5 lock box key replacements, three 911 tests and 97 pages of scanning.

Provided building/system follow-up following a dryer fire at 3655 W. Lake Mary Blvd.

Public Education Events –

Lake Mary Elementary – fire safety demo – 35 attendees

No Limits Church – fire safety demo – 48 attendees

4 Fire drills – 701, 801, 901, 1001 International Pkwy – 1,300 participants

Station Tour – 29 attendees

St. Peter's Church – fire safety demo – 67 attendees

Lake Mary Prep – fire safety demo – 60 attendees

2 News Broadcast Reminders for poster contest – LME and CLE

PUBLIC WORKS UPDATE

September 2013

Streets/Sidewalks – 432

1. Road Reclamation/Paving Program awarded to Roadway Management June 6th. All work should be complete by October 11th.
2. Cold Mix Paving Project was awarded to North Florida Emulsions and work will begin the second week of October.
3. Station House area parking and road improvements set to begin in October.
4. Disaster Debris Management Plan completed September 30th.
5. Parking lot on Lakeview, design is complete, Finance preparing for bid.

Water Treatment – 434

1. 12-month average daily water demand 3.02 million gallons (5% less than previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 4.84, plant capacity 9.99 MGD.
2. Repainting of elevated storage tank bid date 10/9/13.

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. 350 meters have been changed out through Sept 26th.
2. Continuing decommission of galvanized water mains downtown.
3. Lift station pump maintenance program – all stations have been repaired/modified; we are experiencing a 25% reduction in electric use over 2011.
4. New lift station SCADA system, design is complete, Finance preparing for bid.

	Sep-13	FYTD	Sep-12	FYTD
Work Orders Completed	36	363	19	379
Sidewalks Repaired (Feet)	44	699	144	1,122
Street Signs Installed	5	147	12	144
Streets Paved (Miles)	5	5.29	0	0
Paved Streets Maintained (Asphalt -Tons)	2.50	62.00	2.50	26.50
Millions Gallons Treated	90.21	1098.67	90	1160.43
New Water Meters Installed	7	39	1	26
Waterlines Installed (Feet)	0	0	0	960
Waterline Breaks Repaired	21	179	15	124
Meters Exchanged	40	451	6	436
Turn-On/Turn-Off (Customer Request)	124	1,664	113	1,485
Turn-Offs/Non-Payment	17	233	27	216
Water System Dist. Valves Exercised	30	240	40	415
Vehicle Preventative Maint. Inspections	49	570	47	541
Vehicles/Equipment Serviced	92	1,066	95	1,018

Monthly Report – SEPTEMBER 2013

Community Development Department



TO: City Commission

FROM: Gary Schindler, City Planner *MSD* *DS*

VIA: Jackie Sova, City Manager

DATE: October 18, 2013

RE: Planning and Development Activity

FY2012-2013 WORKLOAD DATA

	FY2012		FY2013	
	SEPT	Total YTD	SEPT	Total YTD
Land Use Amendments	0	4	0	2
Rezoning	0	13	0	4
Conditional Use	0	8	0	6
Subdivisions/Plat	0	4	2	8
Site Plans	0	3	0	5
Variances	0	0	0	3
Vacates	0	2	0	0
Annexations	0	0	0	0
DRI Development Agreement & Amendments	0	1	0	0
PUD Development Agreement & Amendments	0	6	0	0
Development Agreements, New	1	0	0	0
DRC Reviews	0	8	0	2
Home Occupation Review	1	46	2	41
Business License Review	10	316	33	281
Arbor Permits (non-development related)	6	141	12	163
Zoning Verification Letters	1	17	1	13
Site Permits Issued	0	6	2	13
Building Permits Review	18	477	41	519
Number of Pages Scanned	0	0	0	0

Significant Meetings & Issues:

September 3 – First Step Meeting

September 4 – FDOT Planning Workshop

September 5 – First Step Meeting & Meeting to discuss proposed Station Point development

September 6 – Meeting with resident regarding potential arbor violation

September 9 – Wood Street Area Workshop & Lake Emma Animal Hospital Pre-con Meeting

September 10 – Sanford Airport Noise Abatement Committee

September 12 – Meeting with CPH to discuss proposed traffic circles

September 17 – First Step Meeting

September 18 – SEED Meeting

September 20 – Rolex Point Site Meeting

September 24 – First Step Meeting

September 25 – MetroPlan Bike Pedestrian Advisory Committee

September 27 – MetroPlan Transportation Technical Committee Meeting & Meeting with potential developer in the SW industrial area

Building Division Monthly Report September 2013

Community Development Department



TO: City Commission
 FROM: Joe Lancaster, Building Official
 Bobbie Jo Keel, Permit/Zoning Coordinator
 VIA: Jackie Sova, City Manager
 DATE: October 2, 2013

FY2012-2013 WORKLOAD DATA

BUILDING PERMITS ISSUED					BUILDING PERMIT VALUATIONS			
ACTIVITY - PERMIT TYPE	Sep-13	YTD	Sep-12	YTD	Sep-13	YTD	Sep-12	YTD
COMMERCIAL - NEW	4	23	2	3	\$ 15,491,830	\$ 44,582,019	\$ 175,000	\$ 175,000
COMMERCIAL - ALTERATION	11	118	58	86	\$ 820,856	\$ 3,931,569	\$ 681,856	\$ 3,190,728
RESIDENTIAL - NEW	2	85	0	9	\$ 405,299	\$ 59,358,360	\$ -	\$ 1,866,200
RESIDENTIAL - ALTERATION	7	130	5	36	\$ 60,247	\$ 4,836,629	\$ 22,826	\$ 282,569
ELECTRICAL - NEW/ALTERATION	33	258	11	67	\$ 172,135	\$ 6,866,224	\$ 38,667	\$ 602,033
ELECTRICAL - TEMP/PREPOWER	7	82	0	7	\$ 700	\$ 1,725	\$ -	\$ 470
MECHANICAL - NEW/ALTERATION	16	251	31	93	\$ 2,098,561	\$ 1,739,505	\$ 375,493	\$ 1,164,136
PLUMBING - NEW/ALTERATION	24	185	5	77	\$ 83,453	\$ 338,738	\$ 75,462	\$ 249,276
ROOFING - TILE, METAL & FLAT	3	81	8	9	\$ 109,200	\$ 436,618	\$ 260,991	\$ 278,591
RE-ROOFING	6	151	10	43	\$ 59,490	\$ 784,141	\$ 549,720	\$ 721,109
SWIMMING POOL	0	15	0	6	\$ -	\$ 113,830	\$ -	\$ 122,078
SCREEN ENCLOSURE	3	20	1	7	\$ 38,987	\$ 31,269	\$ 3,675	\$ 16,675
FENCE	23	81	4	13	\$ 15,500	\$ 63,419	\$ 5,497	\$ 43,972
SIGN	5	42	5	24	\$ 27,904	\$ 70,223	\$ 15,234	\$ 68,122
FOUNDATION ONLY	0	1	0	0	\$ -	\$ 186,180	\$ -	\$ -
DEMOLITION	0	7	0	0	\$ -	\$ 75,000	\$ -	\$ -
TOTALS	144	1530	140	480	\$ 19,384,162	\$ 169,552,997	\$ 2,204,421	\$ 8,780,959

BUILDING INSPECTIONS PERFORMED				
TYPE	Sep-13	YTD	Sep-12	YTD
BUILDING	134	2278	261	2944
ELECTRICAL	88	1017	93	1150
MECHANICAL	50	433	58	453
PLUMBING	59	663	86	702
TOTALS	331	4391	498	5249

MAJOR PROJECTS

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

FIRST STEP MEETINGS

1. Advanced Dental-600 Tech.Pk.
2. Anderson St. Property-Revise Future Land Use
3. 2692 W. Lk Mary Blvd.-Remodel

Human Resources

September 2013 Report

Employment	09/13	YTD	09/12	YTD
Applications received/acknowledged	53	719	134	1124
New Hire Orientations	4	34	2	29
Resignations/Terminations	4	27	2	27
Current Vacancies (FT/PT Employment Opportunities)	4	35	4	57
Positions filled in house	0	11	1	14
Positions filled outside	4	33	2	29
Surveys Conducted/Completed	2	32	4	94
Employee Evaluations	9	185	13	176
Employee Verifications	3	57	5	79
Personnel Actions Initiated	33	345	25	525
Grievances Filed	0	0	0	2
Employee Insurance Assistance	5	236	12	352
Current Full Time Employees	175		171	
Current Part Time Employees	18		17	
Special Projects				
Preparing for Benefits Fair				
Flu shots				
Insurance				
	09/13	YTD	09/12	YTD
On the Job Injuries - Medical Attention Required	0	4	0	16
On the Job Injuries - No Medical Attention Required	0	3	1	16
City Vehicle Accidents Reported - Under \$500	1	9	0	4
City Vehicle Accidents Reported - Over \$500	1	4	0	6
Loss/Damage Reports - Under \$500	0	10	0	20
Loss/Damage Reports - Over \$500	1	4	0	0
Damage to City Property by Others - Under \$500	0	0	0	1
Damage to City Property by Others - Over \$500	0	2	1	2
Liability/Claimant Incident Reports - Under \$500	0	0	0	3
Liability/Claimant Incident Reports - Over \$500	2	6	0	1
Special Hearings/Mediations	0	1	0	0



Lake Mary Police Department

MONTHLY REPORT - SEPTEMBER 2013

	FY 2013 SEPT	FY 2013 YTD	FY 2012 SEPT	FY 2012 YTD
Monthly Call Volume	5,287	57,005	4,261	53,482
Response Times (in minutes)				
Priority 1	14.34		6.16	
Priority 2	6.31		5.28	
Priority 3	6.76		7.64	

UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	0	6	1	6
Robbery	0	2	1	2
Assault/Battery	8	100	3	50
Burglary	5	66	3	50
Theft, all other	14	211	22	235
Motor Vehicle Theft	0	11	1	9
Theft of Motor Vehicle Parts	2	11	0	15
Arson	0	0	0	0
D.U.I.	1	45	1	34

Total Arrests

Adults	20	436	23	438
Juveniles	1	40	0	29

Traffic Calls

Crashes	65	666	75	637
Criminal Citations	9	180	13	213
Citations- non criminal	364	4,456	317	3,998
Parking citations	7	103	9	175
K9 Deployments	17	86	5	48
Agency Assist; outside Jurisdiction	64	543	42	616

Alarms

Total	116	1,102	58	786
Business	76	726		
Residential	39	402		

Total Responses to City Ordinance Violations

14	201	41	446
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Lake Mary Police Department

IMPORTANT EVENTS

Patrol Division

The Honor Guard conducted the opening ceremonies for the Central Florida Crimeline Breakfast.

Sgt. Towler and Pfc. Schaefer received awards from the Sons of the American Revolution.

Criminal Investigations Division

Detective Jorge Reguero has retired and is relocating to Michigan, he will be missed!

Investigators assisted Patrol with two cases that originated from the rental home of George Zimmerman.

Cases assigned in September - Burglaries: 2 residential, 2 vehicle, 2 commercial; 6 thefts, 1 fraud, 1 lewd & lascivious, 2 property crimes, 1 death investigation, 1 sexual assault, and 1 unlawfully recording another.

Detectives Umana & Riddle attended a 40 hour *Response to Terrorist Bombing* course.

Lt. Mike Biles attended a Senior Executive Leadership course held by the Florida Police Chief's Association.

Community Relations Division

Officer Zach Hudson gave residents and staff at Spring Hills a presentation on the Seniors Intervention Group.

A class on Stranger Danger and Safety was taught at Kids City USA to 30 children.

Officer Zach Hudson acted as liaison with several national media groups regarding incidents that arose in our City involving the Zimmerman family.

Throughout September the Seniors Intervention Group provided meals and over a dozen rides to doctors' offices for low income seniors.

Officer Hudson attended a prayer breakfast on September 19th at Longwood Community Center.