

1 MINUTES OF THE SPECIAL CALLED LAKE MARY CITY COMMISSION MEETING held  
2 January 20, 2011, 5:00 P.M., Lake Mary City Commission Chambers, 100 North Country  
3 Club Road.

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I. Call to Order

The meeting was called to order by Mayor David Mealor at 5:05 P.M.

10 II. Roll Call

11 Mayor David Mealor	John Litton, City Manager
12 Deputy Mayor Gary Brender	Carol Foster, City Clerk
13 Commissioner George Duryea	Jackie Sova, Finance Director/ Assistant City Manager
14 Commissioner Shirley Gray	John Omana, Com. Dev. Dir.
15 Commissioner Jo Ann Lucarelli	Gary Schindler, City Planner
16	Steve Noto, Planner
17	Tom Connelly, City Engineer
18	Bruce Paster, Public Works Dir.
19	Bill Carrico, Parks & Rec. Dir.
20	Steve Bracknell, Police Chief
21	Mary Campbell, Deputy City Clerk
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25 Also in attendance were Larry Adams of ACi, Inc. and Daryl Spradley of Charles Wayne  
26 Consulting.

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III. Business

30 Items for Consideration

31  
32 Downtown Transit Oriented Development RFP  
33 Revision of Downtown Development Standards, building heights and Transfer of  
34 Development Rights (TDR)  
35 Downtown Site Layouts & Entry Feature at SunRail Station by ACi, Inc.  
36 Downtown Website Design  
37 Downtown SunRail Enhancements  
38 Chris Mahnken Downtown Property Update

39  
40 Mayor Mealor thanked staff, ACi and others. We are at a point now to where we have talked  
41 about the Shaw family and their investment in what we call Downtown Lake Mary and a  
42 commitment to them and others that we will try to take the next steps. He said in government  
43 and his time in Tallahassee he knew they had a number of reports that are paid for and they  
44 find their way to the shelf and gather dust. We said we want no more reports. We are now  
45 ready to take the next steps towards bricks and mortar and that is what this evening's  
46 discussions will be about. The items for consideration will be the Downtown Transit Oriented

1 Development RFP; revision of Downtown Development Standards, building heights and  
2 Transfer of Development Rights; the Downtown site layouts and entry feature at the SunRail  
3 station; the Downtown website design; Downtown SunRail enhancements; and the Chris  
4 Mahnken Downtown property update which is rather exciting. He said in his opinion it was  
5 critically important that project has to be done right.  
6

7 Mr. Litton said he wanted the Shaws to realize that we are trying to create traffic in the  
8 Downtown area. We are not trying to compete but are trying to be a part of the Downtown  
9 and hopefully that is where we are going to go with this process. Since the packets were  
10 prepared he has had inquiries from people interested in talking to the City. If the Commission  
11 approves the concept tonight, he was not going to put it on the streets tomorrow. He wanted  
12 this to play out a little bit and get some more ideas. It is going to be give and take but it is  
13 very important that we get started. He said he couldn't stress enough that they are trying to  
14 go vertical and are not trying to get that piece of paper and stick it on a shelf.  
15

16 Mr. Omana said the Mayor put it clear and well when he said "give us bricks and mortar".  
17 The Commission gave staff directive to move forward with the bricks and mortar approach.  
18 We are presenting this evening some ideas and proposals that we need the Commission's  
19 input and direction on. We are going to lay out a number of strategies and approaches that  
20 we believe will help us attain that bricks and mortar project that is so important to the  
21 development of our Downtown.  
22

23 Mr. Omana said in the packets we included a proposal for a transit oriented development  
24 RFP (Request for Proposals). This involves taking the 5.4 acres of property that the City  
25 owns that is basically comprised of the Walters Electric piece, the properties that were  
26 acquired in the last year or so along the north side of Crystal Lake Avenue, and also  
27 incorporating the police station site minus the fire substation site. Taking the aggregation of  
28 those properties and requesting proposals for a master real estate developer with the  
29 concept being we have city-owned properties, we get proposals from developers to provide a  
30 TOD-type development mix that would further kick start the downtown development scenario.  
31

32 Mr. Omana said some of the basics behind this principle involve selling the 5.4 acres to a  
33 developer at a negotiated price. It could be at a discount, deferred payments, in the form of  
34 infrastructure provided by the developer, or any other type of compensation that the City  
35 deems appropriate. The key is to make it attractive in such a way that there is a win-win  
36 situation for the developer, the City, and the Downtown. The City contracted with ACi to  
37 develop a potential yield that could be included in the RFP. He explained what he meant by  
38 potential yield is how much density and square footage we could get out of these 5.4 acres.  
39 Given our land development code and regulations, it showed that up to 230 high end  
40 apartments and approximately 6,000 square feet of commercial could be provided on those  
41 5.4 acres. He showed a scheme depicting units on the north side with a portion of them on  
42 the south side. He pointed out the Mahnken property, the police station and two buildings  
43 flanking the existing structure. The idea behind this layout is to embrace the concept of  
44 Quincy Market in Boston. If you have been up there you will see how nicely the commercial  
45 and services are provided on the first level and it invites you to be there and to interact. We  
46 are looking to have a similar concept tied into the southern area and tying it into the Chris

1 Mahnken building if possible. The Mahnken property lines up directly with the platform at the  
2 SunRail station. Everything lines up incredibly well, it ties into the TOD and transit station  
3 and you have foot traffic in Downtown which is key. In light of what Mr. Shaw and his  
4 organization have done, we find this is consistent with that in that he has been able to provide  
5 the mechanism for retail businesses, shops and restaurants to locate within the City. With  
6 this idea, we would be providing foot traffic to help support those entities. We see it as a very  
7 nice fit.

8  
9 Mr. Omana said staff feels the Mahnken property is a key piece of property. He said he could  
10 not emphasize enough how important it is, how we look at this piece of property and how it is  
11 developed.

12  
13 Mayor Meador said nothing happens in isolation but we have been very fortunate in that much  
14 of our success is predicated on the strong relationship and partnership that we have with our  
15 county. He recognized Jerry McCollum who is the County Engineer. We are having this  
16 discussion because of some of the ways the City and the County have been able to create  
17 what we are discussing this evening.

18  
19 Mr. Omana said Mr. Adams and his firm (ACi) created a number of scenarios for potential  
20 yield.

21  
22 Mr. Omana said we feel the Mahnken piece is very important, if not the key piece, to initiating  
23 development on this side of the Downtown. He said Mr. Mahnken received conditional use  
24 approval from the City Commission last year for a 22,000 square foot mass transit station.  
25 His next step is site plan approval. He said Mr. Mahnken has hired ACi to act as his architect  
26 consultant so he is very close to taking that next step.

27  
28 Mr. Omana said we are requesting authorization for a RFP. The concept is we have an asset  
29 of 5.4 acres and how do we make it attractive for a potential developer to come in and  
30 develop according to a plan that we want and we dictate according to our development  
31 standards. One of the routes we would need to take is how to put this out on the street. We  
32 talked to Mr. Litton and a number of folks internally as well as in the development community.  
33 Originally our thought was to put an ad in the *New York Times* and go nationally with this.  
34 After consulting with some of the development community and experts in this field, they felt it  
35 was better to do a statewide initiative. Given the size of the project, it didn't lend itself to a  
36 national type of effort. We are proposing to put ads in the Miami, St. Petersburg, West Palm  
37 Beach, Orlando and Jacksonville newspapers as well as other publications at a cost not to  
38 exceed \$7,500.

39  
40 Mr. Omana said the process of selection and administering the RFP would be done under Mr.  
41 Litton and his direction and through the procedures established in the City of Lake Mary and  
42 it would take its course. He said this is very similar to what he was involved with in the City of  
43 West Palm Beach in the '90's. The city aggregated a number of acres, put an ad in the *Wall*  
44 *Street Journal*, had a RFP, developers came in and it started. It served as a catalyst for what  
45 happened down there. We're hoping this will be a catalyst for what we are trying to

1 accomplish here. He said given his experience he felt confident that we are headed in the  
2 right direction with this type of approach.

3  
4 Mr. Omana said he would get into the sub-elements (Items 2 through 6 on the agenda). After  
5 staff presents those items, with all that information it would help the Commission frame its  
6 discussions on dealing with the RFP request and help clarify some issues.

7  
8 Mr. Omana said the second item is called the Revision of the Downtown Development  
9 Standards, building heights and Transfer of Development Rights (TDR). In his experience in  
10 South Florida, they used a concept called TDR (Transfer of Development Rights). In this  
11 scenario of 5.4 acres, up to 230 dwelling units on these parcels. Under our standard density  
12 of 18 units per acre, that technically wouldn't work because the density required would be  
13 higher. Under a future zoning text amendment that would come before the Commission, we  
14 are proposing to take all the lands that the City owns in the Downtown and make sure they  
15 have 18 units per acre, DDD land use designation, and assign those densities to projects  
16 such as these. It could be around the entire Downtown area.

17  
18 Mr. Omana used city hall as an example. We assign 18 units per acre. It is highly unlikely  
19 we will build residential on this property but what we can do under the proposed TDR  
20 program is to take the equivalent density and assign it to the 5.4 acres or any other project  
21 within the City. What's key about that is it provides an entitlement to allow the density to go  
22 up but does not exceed the overall cap that DCA had reviewed a few years back. Secondly,  
23 it acts as a potential revenue generator. If under this property here we end up generating 27  
24 dwelling unit equivalents then you can put a price tag on each unit and use that as a  
25 negotiating tool for a potential developer. Think of it as a TDR bank. By creating the TDR  
26 program we are creating a bank of entitlements that will have an assigned value that the  
27 Commission will assign that could be used as a negotiating tool for further development. He  
28 said Mr. Schindler would further elaborate on the TDR program.

29  
30 Mr. Omana said the next item to consider is the site layouts and entry feature at the SunRail  
31 station. He said Mr. Adams would elaborate on the densities/intensities of what went into the  
32 layout of this and how it embraces the TOD concept. They are going to provide some  
33 financials and marketing data that we feel is important to the overall scheme that we are  
34 pursuing.

35  
36 Mr. Omana said Item 4 involves the Downtown website design. We asked ourselves if we  
37 were authorized to do a RFP how are we going to market this and what mechanism are we  
38 going to do to get this out there and promote it. He said Mr. Noto worked with the IT staff and  
39 Ms. Sova to develop a specific Downtown website, and this evening would show the  
40 Commission what has been put together specifically aimed at the Downtown. It is something  
41 we are very excited about and we want to get the Commission's input and direction on it.

42  
43 Mr. Omana said the next item involves SunRail enhancements. As a result of some direction  
44 from FDOT to hurry up and get them the cost estimates and what we would like to do with the  
45 station, at the last City Commission meeting we came before the Commission with a listing of  
46 proposed enhancements which were approved. The reason we are back before the

1 Commission this evening is because FDOT gave them the wrong information. We sat down  
2 with the parties involved and we said to give it to us straight—what is it that we need to report  
3 back to the Commission. That is outlined in the memo that Mr. Noto will present and it also  
4 involves some additional items that were not on the previous memo that we feel we need the  
5 Commission’s input and direction on.  
6

7 Mr. Omana said the last item involves the update by Mr. Chris Mahnken. We have been  
8 working closely with him since the conditional use to keep him abreast of what’s going on  
9 with the platform and the FDOT project and he is going to solicit direction from the  
10 Commission because he is ready to go to the next step which is the site plan stage.  
11

12 Mr. Omana asked the Commission if they had any questions regarding the RFP and then we  
13 can go into the other items.  
14

15 Mayor Mealor suggested they continue with staff presentations and then come back to the  
16 RFP.  
17

18 Mr. Schindler said nothing ever stays the same and it is always changing and evolving. As a  
19 government we need to constantly be evolving our plans and development standards. Staff  
20 is proposing to update the Downtown Centre zoning district. Right now the DC zoning district  
21 contains the uses and the development standards. That is an acceptable way of doing it but  
22 staff would like the Commission to consider breaking out the development standards from the  
23 uses. We will keep the uses in the Code of Ordinances. We will move the development  
24 standards to a separate document that will be referred to in the code. The development  
25 standards could be amended by a resolution rather than an ordinance. It’s simply ease in  
26 revision facilitation.  
27

28 Mayor Mealor said it is similar to what we did in the ‘90’s with the Gateway/Boulevard  
29 Standards.  
30

31 Mr. Schindler answered affirmatively except it will be in a separate document that will be  
32 referenced and will be tied to Chapter 154.67. There will be language that says they can  
33 apply for a variance from the development standards and nothing will change except that it  
34 will be in a document that will be amended by resolution rather than an ordinance. Staff can  
35 go either way but would like the Commission to consider separating the uses from the  
36 development standards. He asked if the Commission wanted to discuss these individually.  
37

38 Mayor Mealor said we have six items, five eventually leading back to No. 1. He asked the  
39 Commission if there was any heartburn over the issue of separating uses from development  
40 standards similar to an overlay district. There were no objections from the Board.  
41

42 Mr. Schindler said the second item is the potential for increasing the maximum building  
43 height. Right now the Downtown Centre zoning district says the maximum height is three  
44 floors or 35 feet, whichever is greater, except for those areas with northern exposure to  
45 Grandbend and Lake Mary Avenue. Those are restricted to two floors and we are not  
46 proposing to make any changes to those areas. We are proposing this because if the

1 Commission approves the other items, it is not likely that the three floors of 35 feet are going  
2 to be sufficient. He said to forget the proposal he had. That was simply to get the  
3 Commission to think about this. If the Commission wants to go with the TDR program and if  
4 we are going to go above the maximum of what can be developed on a lot or block with  
5 townhomes, we are going to have to go above the 35 feet. If the Commission is amenable to  
6 this, we will come back with specific numbers.  
7

8 Mr. Schindler said the other issue is right now all building heights are to the top of a load  
9 bearing wall. We have had some language in the code that says you are allowed to go eight  
10 feet taller for the top of a roof. Eight feet is not necessarily sufficient. It limits the type of  
11 building that could be developed. We would like to come back to the Commission with a  
12 height to the top of the roof that would exceed eight feet. We would do this in the form of an  
13 ordinance or in the resolution for development standards. In light of everything that appears  
14 to be on our doorstep, it is likely that we are going to need to go above three floors. He said  
15 Mr. Adams would talk about what they have envisioned for some of the potential  
16 development here. He asked the Commission to consider the potential for at least four floors.  
17 That gives a great deal of flexibility and would allow more of the surface area to be devoted to  
18 parking.  
19

20 Mayor Mealor clarified that Mr. Schindler is asking direction to come back to us with a  
21 recommended height. Mr. Schindler answered affirmatively.  
22

23 Commissioner Duryea asked why he got the feeling we are trying to put eight tons in a two-  
24 ton truck. We have a limited amount of land. We have a situation where I am not convinced  
25 the infrastructure will support what is proposed. I understand Mr. Schindler is talking  
26 conceptually but I don't do well conceptually. There are traffic problems and stormwater  
27 problems and did not have to tell them the implications of increasing density. He  
28 remembered most of the people who were working on the downtown development as a  
29 concept didn't want to go over 35 feet because of the effect of creating walls and changing  
30 the atmosphere of the City and making it more urban than suburban. He asked why he was  
31 getting that impression.  
32

33 Mr. Omana said in answer to the eight tons in a two ton truck, the answer is yes, you have  
34 that perception and yes, it is that concept. When we have redevelopment we have the ability  
35 to be creative and we are taking concepts that have been used in redevelopment efforts and  
36 using them as a vehicle to promote development. He said in his experience in the TDR  
37 program, it is basically embrace the concept of clustering. We are amassing a set amount of  
38 density and are clustering in one area. It is creating a more dense project.  
39

40 Commissioner Duryea said some things can't be transferred.  
41

42 Mr. Omana said that is a policy issue that we need the Commission's direction on. The TDR  
43 program is key to any redevelopment effort that's undertaken, specifically in something like  
44 this. It gives flexibility to meet certain development characteristics but we will follow the  
45 Commission's direction.  
46

1 Deputy Mayor Brender said we only have one shot and we have to do this right the first time.  
2 He expressed concern about trying to make this too big. He was not sure the market is out  
3 there. He did not want to be a competitor of Downtown Orlando or Maitland. He wanted  
4 Lake Mary to be unique and not like everybody else that's done it. He wanted to be careful  
5 about how much they think they can fit into this but at the same time we want to maximize tax  
6 value and the feel of what we are trying to develop. We have those 5.4 acres now and  
7 wondered if down the road they could fit these 5.4 acres in with what happens on the right  
8 hand side of the road. He expressed concern that they were trying to put a lot into these 5.4  
9 acres exclusive of the 20 acres that surrounds the whole area. He didn't know how to do that  
10 because there are property owners. He asked if they could blend them.

11  
12 Mr. Omana said those are excellent questions and are the type of questions that we were  
13 expecting. These are complex matters. How do we blend this and how do we approach this.  
14 We sat internally and deliberated this. The point is we've got to start somewhere. In light of  
15 the fact that the transit station is going in basically in 2013, we control Palmetto, we've  
16 aggregated parcels we control, we've set the regulatory table on the east side through the  
17 comp plan amendments the Commission approved, and we've done what we could there  
18 given we don't own those.

19  
20 Deputy Mayor Brender said if we sit here and allow five stories on these 5.4 acres, he asked  
21 what would happen to the guy who builds over here and wants five stories. He asked if they  
22 should be identifying specific areas now where we want this extra density close to the rail  
23 station versus less density as we go out.

24  
25 Mr. Omana said that can be done. Part of the challenge is we have a number of unknowns—  
26 what's going to happen in the area surrounding the station. What was put in the memo was  
27 to address the maximum heights. We were trying to maximize it in an attempt to make the  
28 RFP and subsequent development as attractive as possible. We are not married to five  
29 stories. He said these questions are a perfect segue-way into Mr. Adams explaining more  
30 specifically the height requirements under the RFP, the number of stories involved, what kind  
31 of tweaking needs to be done so we can customize a zoning text amendment in reference to  
32 building heights and bring that back to the Commission at a later time. He said he was not  
33 saying we need to go 75 feet. That is just something we explored. We hear the concern the  
34 Commission raised. This is a perfect segue-way to get Mr. Adams to elaborate on the plan  
35 and it may help crystallize it.

36  
37 Commissioner Lucarelli said she was concerned with density and parking.

38  
39 Commissioner Gray said she was concerned with height.

40  
41 Mayor Meador said he was reminded of the discussion when Crescent Resources came  
42 forward. The development arm of Duke Power Company wanted to go up. There was  
43 heartburn generated at that time and respected the four Commissioners.

44  
45 Larry Adams, Consultant with *ACi, Inc.*, came forward. We were directed to align the vision  
46 with a financial market-driven business model that provides a return on investment to the City

1 and community. To finance that in a shared value process there has to be a reason for  
2 anybody to invest. We are not here with pretty drawings. We are here to talk about a  
3 business model that we would like the Commission to consider. Where you're headed is  
4 where we're headed and where the market is headed and that is what we call an urban  
5 blend. The brand of Lake Mary is the No. 1 small town in America. We don't all of a sudden  
6 need to change it into the new big town in Central Florida. He said what he meant by that  
7 was in terms of height and other things. There is a real importance here of making  
8 something real and creating an uncritical mass to take advantage of what people are looking  
9 for and to also make things financeable.

10  
11 Mayor Meador asked Mr. Adams if he was going to be able to capture the concern that was  
12 addressed by Commissioners Duryea and Brender.

13  
14 Mr. Adams said we would definitely address them and hope that we capture them.

15  
16 Mr. Adams said the questions we heard from staff and Commission was to start with what's in  
17 it for the City, how do we convey value, and when is it real. He thanked the County and all  
18 the visionaries because we have SunRail and it is coming. We know Lake Mary is unique  
19 and we need to keep that in mind. You have downtown that needs to continue to be  
20 supported. You have Seminole State College so we are going to relate the report on those  
21 types of drivers. No one has this market data—it is brand new. It is going to be presented  
22 tonight and it is worth a lot. It's by the underwriters experts that do all the underwriting for  
23 multi-family housing developers to the bank so we are not getting prejudice. He said he  
24 wanted to know what's real and what is the truth. We are going to hear some real details but  
25 your inbound and outbound workers are going to be critical to capturing any value. We also  
26 know this will be a great place to catch the train and head down to cultural, sports, and  
27 entertainment venues. We know that is part of any TOD.

28  
29 Mr. Adams said what we are really trying to get to is how do you become a catalyst. He said  
30 he didn't see just three stories as being a problem. There is some tweaking we would like to  
31 look at because we do see retail. We have great developers in downtown already. There is  
32 a difference in building at floor to floor height with retail on the ground floor than there is with  
33 residential or office above. There is some tweaking we would like the Commission to  
34 consider. It also makes buildings look better.

35  
36 Mr. Adams said there are drivers we have looked at and it starts with mobility in this location:  
37 housing, education, and commercial. We spent a lot of time talking to the private sector and  
38 would show the results of that information and what they say. The catalyst needs to be for  
39 what you already have, increasing property values, and creating new property taxes.

40  
41 Mr. Adams said where they left off at their last conversation was the idea of the infrastructure,  
42 the Palmetto entrance and gateway. People need to know where we are. It's not going to be  
43 real easy but could thank Jerry (McCollum) and his team for creating a fantastic arrival  
44 experience with the new FDOT SunRail Lake Mary Station. He said the best thing the City  
45 has done is invested in those properties. It is a new economy and you don't have people  
46 banging your door down to develop properties right now because it's difficult. We don't want

1 to forget the other opportunities in the existing downtown. We know there is vision there and  
2 opportunities for development.

3  
4 Mr. Adams said the white boundary that John (Omana) and Gary (Schindler) were referring to  
5 is the first phase of the TOD area. If you look at TOD's in other cities—small, large and  
6 medium—there is a concentration of density at the station. More people want to be  
7 connected to transportation. We believe there is a cost that is higher in suburban sites than it  
8 will be here to actually pay the rent. Vehicle miles traveled is a cost when you live further  
9 away from where you're trying to go. We know there is a long term view but we are trying to  
10 leverage the location.

11  
12 Mr. Adams said the future stair step park is a critical element to link what we think could be  
13 one of the most unique amenities ever built to connect the station to your Events Center and  
14 Crystal Lake.

15  
16 Mr. Adams said we are planners and should not be the ones advising the Commission on  
17 financial matters. We spent time talking to the private sector, starting with the Shaw family.  
18 No one has “a leg up”. We are not trying to identify people; we are just trying to listen. We  
19 talked about what do you really think is important and they said you'd better give us a place.  
20 We can't just make it building a project. We need to create a place where people would want  
21 to live. The train is just an alternative thinking process right now. It doesn't mean on the first  
22 day everybody is going to get on this train. We need to think about what we are trying to  
23 create and why would someone want to be here.

24  
25 Mr. Adams said there is an upper end multi-family market. There is a live/work opportunity  
26 because this is infill development. It is not bringing in formula developers that say give me  
27 ten acres and I will put up my standard prototypical housing or commercial project because it  
28 is hard to assemble ten acres here in this area. We know there will be more small  
29 commercial. There is learning/education. We kind of identified where we know the  
30 developers would be coming from but what's the capital structure and how do you build a  
31 business model. When they come to the City you need to have some answers ready. If you  
32 don't give them an indication of what is real and how you can make it work, you're devaluing  
33 your assets and devaluing the opportunity to get a return on the investment you made  
34 because you bought land and are trying to leverage that. It doesn't mean you have to do it all  
35 at once. We know we have to create something that is financeable.

36  
37 Mr. Adams said in order to make the formulas work, +100 units was the goal and we heard  
38 was pretty much average from everybody. We talked to 11 developers but not all of them  
39 wanted to be here but 10 of them did. The land price value is an estimate but is what you  
40 can expect to get for a model when you think about residential and the kinds of rents you can  
41 get. We know there would be some transit retail, primarily right at the doors when the train  
42 opens. The average unit size has shrunk on residential. We used 900 – 950 S.F. in the  
43 charts.

44  
45 Mr. Adams said the infrastructure was critical. If we are not in sync in timing with the  
46 infrastructure that people feel there is really something here and it's ready to go, including off-

1 site drainage and those types of things, it will make it hard for developers to believe that this  
2 is a good risk. The train won't do it alone. They have a good handle on the opportunities and  
3 variables for incentives for public/private. The City has done a great job with the regulatory  
4 table.

5  
6 Mr. Adams said he would like to tell the Commission why the developers believe they can  
7 make money here and why we think your property is very valuable. He introduced Daryl  
8 Spradley, Senior Vice President of Charles Wayne Consulting. He is considered the expert  
9 in Central Florida on the economy.

10  
11 Daryl Spradley, Senior Vice President of Charles Wayne Consulting, came forward. He said  
12 he wanted to tell the Commission where he's been in the metro area and Seminole County,  
13 what happened at the peak, where we are right now, and what the implications are for  
14 opportunities for Downtown Lake Mary.

15

16

17

### SIDE 1B

18 Mr. Spradley said the reality of the market is we have a shift in sizes, we have a shift in  
19 product, and a shift in terms of what values are. He showed a table of the damage report  
20 Central Florida has gone through. For single family we had 13,000 closings in 2006, which  
21 was a 76% drop. Multi-family dropped 89%. Apartments under construction at the peak of  
22 the market were 6,200 units. As of September 2010, we were down to 1,500 units under  
23 construction and out of those 1,500 units there were 600 units under repair so that takes us  
24 down to 900 new units in four counties. That's a 76% reduction in apartments under  
25 construction. That's a 17-year low in the history of Central Florida. We have never seen  
26 numbers that low. This presents the opportunity we have today not only in Orlando but in  
27 Seminole County you have a downtown.

28

29 Mr. Spradley said absorption was at 5,000 at the peak which means we had 5,000 more  
30 people in apartments compared to the prior year, and in 2010 we have 5,700. The 5,700  
31 number defies the law of economics. When everything else has declined, employment has  
32 dropped, and prices have fallen out of the market, we had 5,700 from September of '09 to  
33 September 2010 that moved into apartments. That's a 14% increase. The apartment  
34 industry is about to change dramatically this year. The apartment industry will bring Central  
35 Florida out of its funk. It will contribute significantly to new employment and the same thing  
36 will happen in Seminole County.

37

38 Mr. Spradley said in the one-year period of September 2009 to September 2010,  
39 Sanford/Lake Mary sub-area only closed 59 new homes. These are homes in production  
40 subdivisions. We closed 284 multi-family units and those were primarily discounted  
41 apartment conversion units. Activity dropped off significantly. What's important to look at is  
42 in the face of that slow economy, this market still absorbed in the Sanford/Lake Mary market  
43 154 units and did that in a 12-month period of time. What is being proposed in some of the  
44 plans by the planners is the development of urban apartments downtown. Essentially that is  
45 a one-year supply. If you look if there is a potential for that, he was suggesting that could be  
46 done and could be readily achieved.

1  
2 Mr. Spradley said I-4 and Lake Mary Boulevard are key transportation routes that contribute  
3 to the process. He showed the half mile TOD zone for Lake Mary. He said a half mile is the  
4 farthest an American will walk. There are 1,100 people in that circle and the center of the  
5 circle is where the depot is going to be located. We ran a computer analysis on that half mile  
6 and the computer says in the next five years that only 33 more people are going to move into  
7 that circle. Part of the reason for that is it's a regression. It also looks at the past and to look  
8 at the past it projects the future. What ACi is saying is there is opportunity to expand it, not  
9 rapidly but in pieces so you will have a superior environment Downtown. There will be more  
10 people and greater vibrancy. In the first three or four years you could have another 200 to  
11 300 people down there and can even grow after that if so desired.

12  
13 Mr. Spradley said we looked at the inbound employment. If we isolated the Lake Mary city  
14 limits there are 19,500 employees that every day get into their automobile and drive into  
15 those perimeters. If we look at Heathrow there is another 5,000 people that get in a car and  
16 drive every day. We have roughly 25,000 people coming into this market area. Virtually all of  
17 those people don't live in the City of Lake Mary. Just jobs alone will justify the development  
18 program you have downtown. If you captured 1% of those 25,000 people then you would fill  
19 up all the upper end apartments you build in the first three years in downtown development.

20  
21 Mr. Spradley showed a scatter chart. Those 25,000 drive as far away as Tampa every day to  
22 come to Downtown Lake Mary. On the east coast they come from the Cape. They start at  
23 Jacksonville and come down to Lake Mary and go all the way to Ft. Lauderdale back up to  
24 Lake Mary. It's a significant broadcast area in terms of where these people are coming from.  
25 We focused in on the high density portion of that traffic. The dots on the chart are the land  
26 residents coming southbound down I-4 from Orange City, Debary, and Deltona. He said he  
27 could stretch that map to Ocala and there would be dots in Ocala of people driving to the City  
28 of Lake Mary. We call these inbound missiles. You have 25,000 people getting in their cars  
29 every day. Part of this goal is you can solve your redevelopment issues in Downtown.  
30 Maybe we can get a few of those people out of their cars and will ride a transit. People  
31 commute in the southwest from Windermere, in the due south from Hunter's Creek and from  
32 the southeast from Lake Nona.

33  
34 Mr. Spradley zoomed in on the TOD zone. You have 1,100 people and about 400  
35 households. You have good income and good education. It is a good market. A TOD zone  
36 will stop at a manmade or natural barrier. Technically a TOD zone by federal definition is  
37 going to cut off of Lake Mary Boulevard so everything south of Lake Mary Boulevard is not  
38 counted in that half mile radius.

39  
40 Mr. Spradley said the people anticipated to move into the development program are defined  
41 as an "urban blend" and are going to be professionals, up and coming singles, couples,  
42 young married individuals and there would be two children. The product defined in that zone  
43 would be upper end apartments in the range of 550 S.F. to 1,250 S.F. Average rents would  
44 range from the \$.90 range to \$1.30 with the average of \$1.05. Average unit size would be  
45 900 S.F. to 1,000 S.F. range. These are very compatible with the kinds of development  
46 standards that you have Downtown. They are typically 21 to 40 years of age, they ride

1 bicycles, work out, drink coffee, and eat bagels—they are connected. They own computers  
2 and laptops and text each other. They use e-mail extensively. They attend art shows and  
3 festivals and visit microbreweries and wine bars, they attend concerts, they stroll, shop and  
4 dine, and they walk their family members (dogs). Some of the people will go to Seminole  
5 State College. We did the market feasibility study for UCF for all their major dorms next to  
6 the new football stadium so we are familiar with college campuses and the prognosis and  
7 what's likely to happen here.

8  
9 Mr. Spradley said the contributions to all of Seminole County are going to be significant. The  
10 product that will be developed in Downtown will eventually morph so you won't have a lot of  
11 students in the beginning years because we're still a commuter college, but the day will come  
12 when part of those people will be students. From Day 1 there will be faculty and staff who  
13 find it wonderful living in Downtown Lake Mary. The reason is for many of them their fondest  
14 memories are campuses like Princeton or some of the campuses in Atlanta. When you go to  
15 Downtown Lake Mary they will say this is where I want to be. I live here and only have to go  
16 a couple of miles. When we get enough of those people there will probably be a shuttle to  
17 move them along. These people will ride the rails to jobs downtown. We have six or seven  
18 hospitals that are linked from Sanford to downtown, all within a few blocks of rail stations.  
19 We know from research that many of these people will use the rail just for venues so they will  
20 go to football and basketball games and cultural events.

21  
22 Mr. Spradley said when we add up all those dog bones, bicycle tires, and workout outfits and  
23 all that money spent by the average renter based on national data comes to \$33,000 per  
24 household will be spent on consumer items. We multiplied that \$33,000 times 300 renter  
25 households and it's going to be \$10 million added to the immediate market area. The  
26 majority of those dollars are spent within two miles of where they live. Assessed values are  
27 projected at around \$21 million. We took the top five competitive apartment projects in  
28 Seminole County. At \$70,000 times 300 comes to \$21 million of assessed value. The  
29 economy improves and rents improve then apartment buildings are assessed by their  
30 revenue stream so that number is likely to increase.

31  
32 Mr. Spradley said the morphing of Lake Mary will take place as you move forward with those  
33 commitments. The transit station and parking are critical to this. That's the gateway, the  
34 landscaping, the infrastructure and the gathering places that the planning department and  
35 ACi have worked on so hard. Those are essential to attract this marketplace at this rent. It's  
36 necessary for that to happen. It doesn't have to be 100% complete but it has to be  
37 committed to and when the developers know what that is then the apartments will come in  
38 and you will begin to see local retail support. It won't happen all at once. In year one it might  
39 be one store and in year two it might be another store. He said he was not here to suggest  
40 that these national stores are going to come rushing in to Downtown. What we are going to  
41 see are entrepreneurial local stores. When we looked at opportunities for Downtown Lake  
42 Mary, he looked all across the country. He looked at 150 different cities and identified all the  
43 store types and it's fascinating. Those are the kinds of stores the market will be attracted by.  
44 The last opportunity is office and office will come down the road. It will be primarily users that  
45 decide they are tired of downtown and get rid of their staff and move to Lake Mary and build  
46 an office and work out of Lake Mary.

1  
2 Mr. Spradley said the drivers to the market are new jobs formation and population growth.  
3 The job market improved substantially in 2010. All the numbers you see on unemployment,  
4 some are bleak. All the ones that are picked up by the media are employment by place of  
5 work. That's the universal thing in the press but is the Bureau of Labor statistics. When you  
6 see any data related to a city, county or state it's by place of work. His firm gets those  
7 numbers and they put them aside and don't really look at those numbers. We look at place of  
8 residents. He said he didn't really care where you work but care about where you put your  
9 head down. Since January of last year through November 30<sup>th</sup>, Seminole County generated  
10 4,000 new jobs. You won't find that number in the other data because all the other data is by  
11 place of work only. The numbers proposed for housing units Downtown are only a portion of  
12 what's needed and necessary to meet demand. There are 9,400 apartment units in Seminole  
13 County and are about 91% occupied. By the end of 2013, every apartment building in  
14 Seminole County will be at max capacity. The number of units under construction in  
15 Seminole County as of September of last year was one unit. We track every unit that is  
16 under repair because it can't be rented. There were zero units as of September under  
17 construction. If nothing happens, Seminole County is going to be locked out of the apartment  
18 sector side of the industry by the end of 2013. Your absorption has been from 150 to 350  
19 units a year.

20  
21 Mr. Spradley said one of the cities we looked at closely was Charlotte. Charlotte is the  
22 closest dynamic to Orlando in terms of rail. Miami and Atlanta is heavy rail. The other cities  
23 just don't look like us. Charlotte is 10 miles of 15 stations. They have a football arena,  
24 basketball arena, and NASCAR Hall of Fame. It has outperformed itself by 40% since it  
25 opened in 2007. It was originally projected at 9,000 riders a weekday and it went to 14,000.

26  
27 Mr. Spradley said there is other potential in terms of the number of acres that have been  
28 rezoned. The tax base has been created and you should look at that as a good model to  
29 help you in the future.

30  
31 Mayor Meador asked Mr. Litton to make sure that each of them receives a copy of the  
32 PowerPoint presentation.

33  
34 Mayor Meador said in terms of local retail support, this past Friday evening he was part of the  
35 Sanford Chamber of Commerce Gala Event. This woman had a stunning piece of jewelry on  
36 and she said she got it in Lake Mary at Sophie & Trey. This is a woman that does not live in  
37 Lake Mary but comes here for that type of activity. That is a microcosm of what the potential  
38 may be.

39  
40 Mr. Spradley said we looked at 150 cities. Look at these little stores run by entrepreneurs  
41 that add a dimension. There are people bored with nationals and they look for opportunities  
42 like this to go shopping. You definitely have your local retail base. Five and ten years from  
43 now when it gets embellished and there are more stores and greater opportunities is when  
44 we pull people from outside that marketplace.

45

1 Mr. Omana said he would like to redirect the energy back to the issue of the height. That is a  
2 concern for the Commission.

3  
4 Mayor Mealor said he understood that was setting the tone for why we may need to be  
5 looking at that, particularly with market capture and apartment capture and the fact that there  
6 may be none.

7  
8 Mr. Omana said that was correct. When Mr. Schindler mentioned the heights exceeding 35  
9 feet we were looking at that from a global perspective and could it be this in light of demand  
10 and what the markets are dictating. He said if the RFP is authorized we would move forward  
11 with this plan that shows the maximum stories as three. The 5.4 acres would have a  
12 maximum story of three. He asked to have Mr. Adams confirm this and have a working  
13 perspective of how this site plan functions with respect to infrastructure and accessory uses.

14  
15 Mr. Adams said we wanted to make sure the City is prepared financially to generate some  
16 discussion.

17  
18 Mayor Mealor said this is critical. We are not going to get to item No. 1 if the Commissioners  
19 aren't satisfied with the other items.

20  
21 Mr. Adams said we are not trying to force something but just wanted to give a business  
22 model taking the market driven data, because we want to be correct, and also the nature and  
23 character of the vision of what Lake Mary is. This isn't just about making money or making  
24 the tax base go up. This is about how do we remain what we are and get the best out of it.  
25 When you look at the north parcel and then the land down here you will see two schemes.  
26 One is called surface parking only because developers don't like to build garages. Nobody  
27 usually makes any money doing that. The north parcel takes into account the possibility of  
28 closing First Street and it creates a tremendous focal point for the development. It creates  
29 these two wonderful public spaces but what we are really doing is featuring the station and  
30 coming into the community. There is some residential and you will see some setback there  
31 to create some park-like space and that's all three stories. The reason you will see some  
32 things change when you go to the next scheme is on the ground floor of the northern parcel  
33 we have tucked-under parking. The garages are underneath the units from the back, you  
34 have two stories of living and a front door and room on the ground floor. These are infill type  
35 projects but they are beautiful projects. Height-wise we are not talking about 50 feet. We are  
36 just trying to tweak that number because we want to make sure this looks good at the end  
37 and not everybody has chopped off roofs. He said that was well within the flexibility if he  
38 heard the Commission correctly. We felt the character was three stories. Other cities want to  
39 go for four stories but we felt this was a good balance.

40  
41 Mr. Adams said the other drive is the parking so we are kind of limited. Once we find this  
42 place we come in on Palmetto and we look at the other buildings. On the south side we have  
43 excluded use of the fire station and that will not move in the concept. What we do see is the  
44 police station with the key assumption it would be relocated and we would use that building.  
45 We have looked at and inspected the building and it is conducive for a retrofit for commercial  
46 on the ground floor and a limited amount of live/work and residential above so you have three

1 stories on this site. We can see some three and two stories movement on that so we would  
2 add some wings on either side of that building. The concept is on the Mahnken property,  
3 which is a welcome front door to Lake Mary. The doors of the train literally open up right at  
4 the building and that becomes not just and in and out. The idea is to create these  
5 passageways between the buildings. He said he didn't mean this as final but thought they  
6 had something that people can take and develop. The key thing is portion control. We need  
7 to create clarity by starting with small steps. If we said to go build something big it would be  
8 confusing to the market and they would have a hard time living up to it. You would almost  
9 shoot yourself in the foot.

10  
11 Mr. Adams said we did some walkability studies. We wanted to give a feeling for these  
12 amenities because they are very important to the developers and will be important to the City  
13 and that is this kind of feeling when you get off and come across the crossing and seeing life  
14 around it with residential and mixed uses is a spectacular way. These are what make this  
15 place stay small like a village. Where you have commercial the floor-to-floor height is not  
16 residential so you want to get above 10 feet and want to get around 14 feet and then 10/10  
17 so we do get in that range.

18  
19 Mr. Adams showed Chris's apartment in Houston that is about 450 S.F. It is a very cool  
20 place and there are some cool things happening there. We talked about gathering places for  
21 festivals. We start at the Shaw end and it ends up at the other end some day. We need to  
22 think about programming these public spaces to make them something that people will want  
23 to get off the train and be here. The public spaces and infrastructure we believe the City  
24 needs to take an immediate alignment stance on to get ready to plan that is very critical. The  
25 stair step park could be your biggest amenity. There is nothing like it anywhere and the idea  
26 of programming that for jogging, walking and all those themes that are shown. He said he  
27 was sure it wouldn't bother the Events Center. Those are the parcels we looked at.

28  
29 Mayor Meador said if we look at Timacuan Park, which appears to be a very successful  
30 project with parking underneath, two stories up, that's the concept we are looking at here  
31 except architecturally may be a little more dramatic.

32  
33 Mr. Omana said that was correct and the Commission would have the ability to guide them  
34 on the architecture.

35  
36 Commissioner Duryea said we all want the same thing. We want a successful, beautiful  
37 Downtown that everybody wants to go to. He thought conceptually it was a doable thing but  
38 was not sure to what extent because of the lack of infrastructure. No one has talked about  
39 cars and where they are going to go and how it would affect Old Lake Mary Road, Crystal  
40 Lake Avenue, Wilbur and so forth.

41  
42 Commissioner Duryea said he had no problem with the RFP and thought it was a good idea,  
43 but he didn't want anybody to be locked into this particular concept. He said he had no  
44 problem with it and thought it was beautiful but someone may come in and say I have a good  
45 idea and let's do this and that.

46

1 Mr. Omana said that was an excellent comment. The way we drafted the RFP is we are  
2 saying here is a snapshot that ACi has done with some potential yields. We want you (the  
3 developer) to use your creativity and propose something for us. Let's say we get 17  
4 proposals. The Commission will look at those 17 proposals and if you don't like them you  
5 can pull the plug on the whole thing. That's the beauty of the RFP. We say here is the  
6 concept we want you (the developer) to look at so show us what you've got and the  
7 Commission will have the final say on it. He said what the Commissioners have said is  
8 accurate: provide flexibility within the RFP and see what comes back in.

9  
10 Commissioner Duryea said he wasn't sure he read it that way.

11  
12 Mayor Mealor said he was glad Mr. Omana clarified it because that is how it is structured.  
13 We are telling them what and are not telling them how.

14  
15 Commissioner Gray asked if there would also be stores on the lower level.

16  
17 Mr. Adams said it is the Commission's vision to have a mixed use TOD. When you look at  
18 the yield and how you develop something that a developer might look at, they can mix and  
19 match where we want. We see more of a live/shop/ work environment on the ground floor.  
20 Whether the ground floor is a residential unit or a commercial space, those are the kinds of  
21 things we are talking about but there is a limit to how much parking and yield you can get.  
22 We think of the residential emphasis being on the north side that has opportunities for both  
23 live and work on the ground floor. It doesn't all have to be residential. When you trigger  
24 commercial, which we don't believe there is a big market for, we don't see a large amount of  
25 that space. What we do see is getting feet on the street to help Downtown and get more  
26 people living Downtown. On the south side, Mr. Mahnken will have commercial which is a  
27 concept that makes sense. The developer is going to have to go with what the market is.

28  
29 Commissioner Gray said she felt better going down to three stories. The density still seems a  
30 lot. She said she was excited about the apartments.

31  
32 Commissioner Lucarelli said she liked the concept as long as the RFP is clear that we are  
33 open to other ideas or if they have another idea that will work. It needs to be compatible with  
34 the market. She said her biggest concern is that they have enough parking. When it is  
35 developed and it starts getting active she could see that becoming an issue.

36  
37 Mr. Adams said the residential reduces that mentality with the train versus commercial. This  
38 is a stimulus for thinking. You might find someone who says they want to develop only two  
39 stories. We are not trying to force somebody into three stories.

40  
41 Deputy Mayor Brender said he wanted to see what we are going to get before he tells  
42 somebody what they are going to do. If somebody comes in with a whole unique design and  
43 say they need 55 feet and it will be the most incredible thing on the face of the earth, he may  
44 be open to that. He said he didn't want to limit this too much. He said he had never liked the  
45 idea of an eight-foot roof because they limit what you can put into an attic area or whether or  
46 not you could put a room up there. It does architecturally limit the building. He said he had

1 no problem with exceeding 35 feet but want to see what we are going to get for that. If we go  
2 up to 50 or 70 feet, he may want more space around it. Those are the kinds of things he is  
3 willing to negotiate. We need to look and see what we get before we start telling everybody  
4 what we are going to have.

5  
6 Mr. Adams said we know what other cities are doing. We know that this is a place where  
7 people will say I am now convinced that something can work. This is not the final plan. It is a  
8 set of guiding principles.

9  
10 Deputy Mayor Brender said the stations in Atlanta are very different. He wanted this area to  
11 be more than 230 apartments and 6,000 S.F. of commercial. Mr. Adams interjected it would  
12 be 30,000 S.F. because he didn't include the Mahnken property.

13  
14 Deputy Mayor Brender said he knew the market limits what they can do. He wanted it to be  
15 broad enough so if somebody comes in with a unique idea he didn't want him to not submit  
16 because we are stuck at 35 feet when all they need is 42. He said he had to see it first.

17  
18 Mr. Adams said that may give you some direction tonight as to how to approach the flexibility  
19 on your vote of what you would want.

20  
21 Mayor Meador said this is critically important and didn't want to rush the process. This is  
22 going to be very different but because it's different doesn't mean it's going to be deficient.  
23 Once this RFP goes out and projects start coming back to us, we cannot micro-manage to  
24 the degree that we have done in the past. He flipped back to a large scale Commission  
25 activity in the early '90's with Primera and that area. We brought a business advisory group  
26 together, they told us what we needed to do—almost our guiding principles—and we honored  
27 those for the most part and we had a very good project. We have to be comfortable that  
28 there is the global understanding of what we are going to be looking for. We've got to send a  
29 message that we are sincere about partnering and about working with somebody and not  
30 bringing them in here and trying to design/build as we conduct a meeting. We can't speak to  
31 each other so unless we are at the forum that we are right now we don't know what the other  
32 ones are thinking. He said he knew what Commissioner Brender was saying about  
33 apartments but the market analysis we just heard is basically saying that if it isn't apartments  
34 it's probably not going to be living stock.

35  
36 Deputy Mayor Brender said he wasn't saying there won't be any apartments. He said he  
37 knew Google wasn't going to buy these five acres and put up a ten-story building but whether  
38 or not we have balance should be up to the people that respond to the RFP. Let them  
39 determine the market and not us. If they think they can get 50,000 S.F. of commercial and  
40 less apartments then let's see what they have to offer.

41  
42 Mayor Meador asked Messrs. Litton and Omana if they thought from the discussions that they  
43 could craft a RFP to capture the Commission's sentiment.

44  
45 Mr. Litton answered affirmatively. He thought they would have to go back and re-craft what  
46 they have.

1  
2 Mayor Meador suggested hearing the other items and see if we can get some closure. If we  
3 talk about the next items we are going to need to talk about the site layouts, entry features,  
4 etc.

5  
6 Mr. Omana said the website design is a separate issue. It is an informational item. He said  
7 he would ask Mr. Noto to summarize the Downtown SunRail enhancements and that is a  
8 separate issue. The Chris Mahnken property is an update from Mr. Mahnken.

9  
10 Mayor Meador said regardless of how we frame the RFP, we have to have those three items  
11 on the table. He suggested doing the website design. We know we are going to have to do  
12 the SunRail enhancements because that is the cornerstone. He said he was excited about  
13 hearing Mr. Mahnken's update. We are trying to hopefully work our way back to item No. 1.

14  
15 Mr. Noto said the Downtown website can function with or without the RFP. We sat down to  
16 talk about how to market the Downtown since we have so many studies and so much  
17 information to share with people. Most of it is not on the City's current website; a lot is in  
18 offices or in our heads. We thought to make a Downtown website specifically for the  
19 Downtown so we can put out all the information that we have.

20  
21 **SIDE 2A**  
22

23 Mr. Noto said what we did internally was create a skeleton for what could be the Downtown  
24 Lake Mary web page. He showed the master plan portion of the web page. There are a few  
25 different conceptual sections. The text that is on there now is conceptual and can be  
26 changed. All the photos and graphics were done in-house and are easily interchangeable  
27 depending on the direction we get from Mr. Litton and the Commission. What you will be  
28 able to get from this web page aside from what is shown now is the Downtown Master Plan,  
29 Downtown Bypass information, the RFP, information on the infrastructure, staff contacts,  
30 history of the City, history of the Downtown. We can put anything and everything we want on  
31 this website. The reason we are showing it this evening is to get some extra input as to what  
32 the Commission wants to see on the website and any specific design parameters that they  
33 would like staff to follow, and any types of logos. We've done this in-house so we can  
34 change anything as the Commission sees fit.

35  
36 Mayor Meador said what's exciting about this is the two organizations that he works with on a  
37 daily basis, Seminole State College and the University of Central Florida, do a remarkable job  
38 with their websites. They are dynamic, they capture, they're evolving, they're changing and  
39 he could see this website doing the same kind of thing to capture that interest. Once people  
40 start they will be frequent visitors.

41  
42 **It was the consensus of the Commission to move forward with the Downtown website.**  
43

44 Mr. Noto said regarding the SunRail enhancements, in December staff came before the  
45 Commission with a list of upgrades to give to FDOT dealing with the enhancement funds.  
46 FDOT was very helpful in working with their timelines and our timelines. After we sent our

1 letter there were some cost changes and they added some items to the list that didn't have  
2 costs before. On Page 2 (of the staff report) is the new request list for the "Phase 1"  
3 enhancements.

4  
5 Mayor Meador said the request would be for a total of \$109,332.

6  
7 Mr. Noto answered affirmatively. The new items on the list that have costs attached to them,  
8 Item No. 2 which is the enhanced art and transit, those are fence rails towards the northeast  
9 portion of the site separating pedestrians from walking through the bus lanes. One of the  
10 conditions from the Planning & Zoning Board that carried forward to the Commission was  
11 they didn't want folks cutting through the fence by the trees and possibly getting injured by a  
12 bus. That is a modification to those bars to close up that area so folks use the sidewalks.

13  
14 Mr. Noto said another item was the conduit for the four future CCTV cameras at each  
15 entrance. This is not for the cameras but for the conduit so we will be doing the camera  
16 upgrades at a later date.

17  
18 Mr. Noto said the other item that was added was the 20% contingency which is a federal  
19 requirement.

20  
21 Mr. Noto said the two items that had increased costs were the Sylvester palms and the six-  
22 foot sidewalk connecting East Crystal Lake to West Lake Mary Boulevard that would run  
23 down Palmetto.

24  
25 Mr. Noto said in talking with Mr. McCollum (Seminole County Engineer) and FDOT about the  
26 project, along with this list we are going to recommend the potential to construct the sidewalk  
27 and the 504 feet of aluminum fence along Palmetto as a separate contract. That will allow us  
28 to do things possibly at a cheaper rate. We thought about doing some of these other items  
29 on our own; however, the discussion came up of liability. If we are doing upgrades while the  
30 station is being upgraded there may a potential for injury or broken equipment. We wanted to  
31 avoid that and focus on these on-site improvements of the sidewalk and 504 feet of aluminum  
32 fencing. We listed four additional upgrades that we could look into further as part of the  
33 Phase 2 with the remainder of the enhancement monies which will be well over \$300,000.  
34 That would be Items 1 through 4 on Page 2 of the staff report.

35  
36 Commissioner Gray said it looks like they are putting in St. Augustine grass instead of Bahia.

37  
38 Mr. Noto said we are starting with Bahia and going to St. Augustine. St. Augustine is a better  
39 sod to use so it was a staff preference over the long term.

40  
41 **Motion was made by Commissioner Duryea to approve the SunRail enhancements,**  
42 **seconded by Commissioner Gray and motion carried unanimously.**

43  
44 Mr. Noto said the last item he was going to talk about is the piece of property that everybody  
45 is excited about, Chris Mahnken's property, which is going to be aligning with the SunRail  
46 transit station. He showed the latest conceptual site plan received from Mr. Mahnken that

1 outlines what he is looking for at this point. He said Mr. Mahnken has hired ACi to be the  
2 architect for his project which is great since they are dealing with a lot of the Downtown  
3 Master Plan now and we can be hands-on and get some consistency with the building  
4 designs.

5  
6 Mr. Noto said when Mr. Mahnken came to us a couple of weeks ago he presented some  
7 inspirational photos of buildings at Colonial Center for the northwest portion of the City to get  
8 an idea of what he may want to construct. Mr. Noto showed the photos on the overhead. He  
9 said Mr. Mahnken is present tonight and was looking for additional direction from the  
10 Commission as it pertains to design of the site or architectural features that may be preferred  
11 for the building that will be the front door into the new portion of the downtown and the first  
12 building people see as they come off the SunRail station.

13  
14 Chris Mahnken came forward. He said he was pleased to be here tonight. He said his  
15 concern with getting started is looking at the infrastructure that the City is going to do. He is  
16 being very cautious moving forward with this project because he would like to know what the  
17 City is going to do first. It has been said this is the front door and would like that front door to  
18 the City to tie into the west side also. The Shaws have done a lot of work and felt that side of  
19 town needed to be tied into the SunRail property. We have done several conceptual site  
20 plans and was sure the one the Commission is looking at is not going to be the one that is  
21 used, but we are working with ACi. We would like to find something that is going to work with  
22 what the City has planned. SunRail will be active in 2013. He said he would like to be active  
23 shortly after that but would like to know what the infrastructure in the City is going to be and  
24 whether he is building prematurely. The RFP would help tremendously if we know what  
25 someone is going to do. The pictures that were shown were just sites that he thought were  
26 nice. He said Mr. Adams has done a couple of drawings that go beyond the pictures that you  
27 see.

28  
29 Mr. Mahnken said before he gets started his concerns are what the City is going to do with  
30 the infrastructure, with the streets, what they are doing around SunRail, how they are going to  
31 tie east into west and is that going to be done before someone develops the area on the  
32 other side of Crystal Lake Avenue.

33  
34 Mayor Meador said we have heard Mr. Mahnken's concerns. We have also heard from the  
35 Shaws and some of the dilemmas they may have faced with an architectural design standard  
36 that may have been modified over time. It is a very real and timely question.

37  
38 Mr. Omana said the issue of connectivity is something we approached as staff and as Mr.  
39 Adams pointed out, one of the key elements in terms of an east/west connection revolves  
40 around Palmetto and the segment running along Crystal Lake. We have looked conceptually  
41 at the utilization of Lakeview as a potential pedestrian connector to both sides. That would  
42 make a very nice walk, it's fairly close, and is almost in the radius of influence the prior  
43 gentleman (Mr. Spradley) talked about in his market study. We feel there are opportunities  
44 with respect to pedestrian connectivity using Lakeview, tying it into the site, and at the same  
45 time maintaining the integrity of the fire substation and cross access easements to connect

1 into Crystal Lake. That is on the radar screen and we do have some conceptual alignments  
2 that we will further explore.  
3  
4 Mayor Meador said one thing the community responded to very positively when we had the  
5 “reveal” at the Events Center when we presented the plans, several comments were that it is  
6 absolutely stunning and that looks good. He said Mr. Mahnken’s concern is he does one  
7 type and then the architectural feature is different. He asked how they tie that in right now.  
8  
9 Mr. Omana said last year ACi came in with the Downtown Design Guidelines and they made  
10 suggestions on potential architectural types. He, Mr. Schindler and Mr. Noto are in the  
11 process of taking that and putting it into a code form. We want to provide the most flexibility  
12 possible and be very cognizant of what the Commission’s desires may be for architecture.  
13 We want to be flexible so as not to shut anybody out but certainly follow the Commission’s  
14 direction. That will be coming forward at a later date.  
15  
16 Mayor Meador said Item No. 1 tonight is the RFP. He asked wouldn’t it make sense if that  
17 step was in place prior to presenting or do you feel that delimits a submittal.  
18  
19 Mr. Omana said we could look at a couple of things in revisiting the RFP. If we could set  
20 some parameters in the RFP to run concurrent with some code amendments or what we are  
21 doing on the regulatory table side, he thought that was a possible option so as not to delay  
22 the process.  
23  
24 Mayor Meador said the issue is we have all been to areas where the moment you look at  
25 something it is visually appealing. There is a comfort level and you want to be a part of it.  
26 This is not going to be successful if we don’t have that kind of feature on the front end. The  
27 Commission is saying to make sure whatever we do is part of the guiding principles.  
28  
29 Mayor Meador said we are going to give Mr. Litton direction to work on a RFP and bring it  
30 back to the Commission. He asked if that was the sentiment of the group. The Commission  
31 indicated agreement.  
32  
33 Mayor Meador said as far as Mr. Mahnken’s concern, he would say to work very closely with  
34 Mr. Noto and Mr. Omana and they would be providing us input. He said the last thing he  
35 wanted to see happen is that we direct somebody to put a building up with an architectural  
36 style and then turn around and say we really didn’t mean that. That’s not fair.  
37  
38 Deputy Mayor Brender said connectivity doesn’t mean they have to be just the same. The  
39 Shaws have built a wonderful facility. We can connect them but that doesn’t mean the  
40 Mahnken’s has to build exactly the same thing. This is the TOD and is right next to the train  
41 and wanted something on the dramatic side and little bit more to it.  
42  
43 Mr. Mahnken said part of his concern was not just the connectivity to the west side. As the  
44 Commission requests the RFP we get into the architectural design. He said he was ready to  
45 move forward with ACi to come up with conceptual drawings. He said the last thing he would  
46 want to do is build a two-story building and then find out later he could have had four stories.

1 He didn't think an architectural design had been designated for that area and would be  
2 looking for direction from the Commission. If someone comes in and wants to do something  
3 completely different than the way we are heading right now, if you don't get a developer in for  
4 two years and he goes ahead and builds his building, he didn't want a lot of changes  
5 afterwards. He wanted to find something he could do and run with it.  
6

7 Commissioner Duryea said Mr. Mahnken may have to wait a little while to see where this  
8 goes. He said he didn't think Mr. Mahnken was in a real hurry and could wait some months  
9 to see what's going on.  
10

11 Mr. Mahnken said he was not (in a hurry) and was proceeding cautiously. He looked forward  
12 to the RFP going out and seeing what comes back.  
13

14 Deputy Mayor Brender said Mr. Mahnken has a timeline because eventually that SunRail is  
15 going to show up and he had to make sure the back end of that building is ready for it.  
16

17 Mayor Meador said Mr. Litton and staff have direction. We have to deal with the Transfer of  
18 Development Rights and asked if that was something they wanted to go forward with and  
19 work on the heights. Since the Commission can't speak to each other except in this forum,  
20 he charged each of the Commissioners to work with staff, give them as much input as they  
21 can prior to them coming back, and let's see if we can set a date certain to get this back to us  
22 so we are sending a message not just to Mr. Mahnken but to the greater community.  
23

24 Deputy Mayor Brender said he had no problem working with staff. The Commission has had  
25 precious little time to exchange ideas. We got a lot of input but didn't get a lot of output. He  
26 proposed to have a work session and limit the outside input and get the five of them around  
27 the table and start shooting questions and comments.  
28

29 Mr. Litton suggested going back to a Strategic Planning concept one afternoon.  
30

31 Mayor Meador thanked Mr. Adams not only for the information presented but he had been  
32 very helpful to the City on a number of issues and we appreciate that. He thanked Messrs.  
33 Omana, Noto and Schindler. This is a daunting task. We are about to take a step that this  
34 City has never taken and we want to stack that deck for success. We have website design,  
35 SunRail enhancements and we will continue to work on the others. He thought the sooner  
36 the better to schedule that Strategic Planning Session.  
37

38 IV. Adjournment  
39

40 There being no further business, the special meeting adjourned at 6:55 P.M.  
41

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held January 20, 2011, 7:00  
2 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road.

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I. Call to Order

The meeting was called to order by Mayor David Mealor at 7:25 P.M. He apologized for the late start and explained there was an earlier meeting on the Downtown development area. He thanked everyone for their patience. We believe that earlier meeting will lead to the type of activity in this community where we all benefit.

II. Moment of Silence

III. Pledge of Allegiance

IV. Roll Call

- |                               |  |
|-------------------------------|--|
| Mayor David Mealor            | John Litton, City Manager                                |
| Deputy Mayor Gary Brender     | Carol Foster, City Clerk                                 |
| Commissioner George Duryea    | Jackie Sova, Finance Director/<br>Assistant City Manager |
| Commissioner Shirley Gray     | John Omana, Com. Dev. Dir.                               |
| Commissioner Jo Ann Lucarelli | Gary Schindler, City Planner                             |
|                               | Steve Noto, Planner                                      |
|                               | Tom Connelly, City Engineer                              |
|                               | Bruce Paster, Public Works Dir.                          |
|                               | Bill Carrico, Parks & Rec. Dir.                          |
|                               | Steve Bracknell, Police Chief                            |
|                               | Craig Haun, Fire Chief                                   |
|                               | Katie Reischmann, City Attorney                          |
|                               | Mary Campbell, Deputy City Clerk                         |

V. Approval of Minutes: December 16, 2010

**Motion was made by Commissioner Gray to approve the minutes of the December 16, 2010, meeting, seconded by Deputy Mayor Brender and motion carried unanimously.**

VI. Special Presentations

- A. Presentation of leather helmets to Firefighter/EMT E.J. Levin and Firefighter/Paramedic Jeff Para in recognition of 10 years of service

Chief Haun said he was honored to present two firefighters leather helmets. The first is Firefighter/Paramedic Jeff Para. He asked Jeff to come forward. He said Jeff reached his ten-year anniversary with the Lake Mary Fire Department on November 27, 2010. He said Jeff has been in charge of organizing EMS supply closets and instrumental in scanning the

1 backlog of EMS reports. He said Jeff is always willing to work overtime when we need him.  
2 He congratulated Jeff on his ten years of service.

3  
4 Chief Haun asked Firefighter/EMT E. J. Levin to come forward. He said on January 4, 2011,  
5 E.J. celebrated his tenth year with the Lake Mary Fire Department. He said E.J. always  
6 arrives to work with a smile on his face. E.J. has been instrumental in organizing the road  
7 rescue operations programs and researching equipment needed to implement that. He said  
8 E.J. has attained lieutenant rider status which allows him to ride the engine as officer in  
9 charge in the absence of his lieutenant. He congratulated E.J. on his ten years of service.

10  
11 Mayor Meador asked any family or friends to stand and be recognized.

12  
13 Commissioner Lucarelli read a proclamation proclaiming January 2011 as “Stalking  
14 Awareness Month”.

15  
16 Commissioner Lucarelli said as a former stalking victim she encouraged anyone who even  
17 thinks they are being stalked to report it. A lot of them go unreported because of fear, and  
18 the worst thing you can do is not report it. You need to report it right away to law  
19 enforcement and let them work closely with you to document and have witnesses. Please do  
20 not be alone—have someone with you at all times. Get a camera system if you have to.  
21 Always have your cell phone with you. Please take precautions and keep law enforcement  
22 involved and notified of what’s going on.

23  
24 VII. Unfinished Business

25  
26 A. Ordinance No. 1412 – Amending Section 150.20 of the Code of Ordinances  
27 removing language regarding interest rates and refunding of impact fees – Second  
28 Reading (Public Hearing)

29  
30 The City Attorney read Ordinance No. 1412 by title only on second reading.

31  
32 Mr. Noto stated staff had no additional comments.

33  
34 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1412. No one  
35 came forward and the public hearing was closed.

36  
37 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1412 on**  
38 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-call**  
39 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner Gray,**  
40 **Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

41  
42 VIII. New Business

43  
44 A. Request for minor site plan revision with variances for 132 N. Fourth Street, Shaw  
45 Construction and Management Services, Inc./Terry Shaw, applicant (Public  
46 Hearing)

1  
2 Mr. Noto said the item on the overhead is the original site plan for 132 N. Fourth Street that  
3 was approved by the Commission in 2008. It was an office/retail building that was going to  
4 be developed by Shaw Construction. It had a couple of variances for setbacks and part of  
5 the approval was the construction of Buildings 2, 2A and 2B which have already been  
6 constructed just to the south of the property we are talking about this evening.  
7  
8 Mr. Noto showed a sketch of the site plan that was approved for the building we would be  
9 talking about tonight. We will be referencing it as Building 1. It was to be a two-story 29,446  
10 S.F. building with retail and office type uses. Late last year Mr. Shaw came to us with a  
11 request to revise the site plan specifically for this building. It is going from a two-story 29,000  
12 S.F. building to three one-story buildings just under 5,000 S.F. each.  
13  
14 Mr. Noto showed the site plan on the overhead. With the site plan revision request, there are  
15 a couple of variance requests dealing with setbacks. The first variance request is the setback  
16 along West Lakeview Avenue. When the original project was approved, Mr. Shaw received a  
17 setback variance on that property line as well as the Seminole property line. Both of those  
18 setbacks per this request are going from a six-foot setback to a zero-foot setback. Both  
19 Building 1A and Building 1B will have a zero-foot setback on their property lines.  
20  
21 Mr. Noto said the design of the building will also be changing. He showed a sketch of the  
22 buildings. They will be one-story buildings and in between the buildings will be a ten-foot  
23 pedestrian area with arbors, fountains, restaurant seating and the like so there won't be just a  
24 ten-foot sidewalk. It will be a place for people to gather, eat and take in the sights that will be  
25 provided in between the buildings.  
26  
27 Mr. Noto said since the buildings' total square footage will be less than the original request,  
28 there is an effect on some of the other items associated with site plan such as parking. The  
29 positive side of that is the requirements are less restrictive. When Mr. Shaw constructed the  
30 white buildings he also constructed the parking associated with the project with 102 parking  
31 spaces while the requirement was for 71. Now that he is reducing the square footage he is  
32 only required to have 34 which has left him a surplus of 50. From a code perspective he is  
33 exceeding the parking requirement. From an engineering and open space standpoint he  
34 continues to meet and exceed the requirements.  
35  
36 Mr. Noto said Mr. Shaw will be providing potted plants along the Fourth Street frontage as  
37 well as along the Lakeview Avenue frontage. Mr. Shaw has communicated to us the  
38 potential for vacating a portion of Seminole Avenue and turning it into a large pedestrian  
39 plaza some time this year. Taking that into account, we didn't want to recommend heavy  
40 landscaping or an investment in landscaping along Seminole if in the near future it would  
41 have to be torn out. In one of the conditions we are recommending the landscaping along  
42 Seminole be deferred until a date when that portion of the project is completed.  
43  
44 Mr. Noto said in 2007 the Arbor Board required Mr. Shaw to plant a number of replacement  
45 trees dealing with some of the historic trees that were taken out. Another condition of

1 approval is there are five remaining live oaks that have to be planted. He noted the  
2 conditions were outlined on the last page of the staff report.

3  
4 Mr. Noto said with respect to the variances involved, there are several historic comparisons  
5 that have happened in the Downtown. The setbacks on Mr. Shaw's other projects have gone  
6 from the required ten feet to zero feet. All the criteria are met with the unique lot layouts and  
7 designs that are seen throughout the Downtown.

8  
9 Mr. Noto said on the conditions portion of the staff report you will notice that Conditions 7 and  
10 8 came from the Planning & Zoning Board. At the December 28, 2010, meeting, they voted  
11 4-0 to recommend approval of the minor site plan with Conditions 1 through 6. However,  
12 they also added Conditions 7 and 8. Condition 7 dealt with the removal of staff  
13 recommendation to have the applicant plant a roebelenii palm in the parking island in front of  
14 Building 1. The reason we asked for that was because across the street there was similar  
15 landscaping so we wanted to go along with prior Commission direction that both sides of the  
16 street be similar in landscaping. We will leave that up to the Commission as to whether or  
17 not he is to plant a roebelenii palm or use a different type of palm.

18  
19 Mr. Noto said for Condition 8 we are suggesting a deferment of this condition dealing with  
20 parking on Lakeview Avenue in the location just to the north of Building 1A. The reason for  
21 that is because right now we are reviewing Mr. Shaw's next site plan which is at the north  
22 corner of Lakeview Avenue and Fourth Street and as part of that request he has proposed  
23 parking in this area. It may be best to put that aside and come back to that when we bring  
24 that project forward.

25  
26 Mr. Noto said staff finds that the requirements for a minor site plan revision with variances  
27 have been met and recommends approval with Conditions 1 through 6 outlined in the staff  
28 report.

29  
30 Mayor Meador said in terms of the Seminole Avenue area right now, he asked if that provided  
31 access to any residence.

32  
33 Mr. Noto answered affirmatively. We have had preliminary discussions with Mr. Shaw about  
34 extending Seminole over to Fifth to continue the access to the residences.

35  
36 Commissioner Gray asked how much space was between Nico Globos and the proposed  
37 building.

38  
39 Mr. Noto said there is 24 from the curb to the start of the parking spaces and when you take  
40 the parking space into consideration, there are 32 feet and roughly a six-foot wide sidewalk  
41 so just under 40 feet. The travel space is 24 feet.

42  
43 Commissioner Gray asked Mr. Noto to say some more about vacating.

44  
45 Mr. Noto pointed out the area where they have had preliminary discussions about vacating  
46 and where Mr. Shaw would create a pedestrian plaza for restaurant seating, an arbor, and

1 potentially a fountain. There is not a formal application in yet but there have been  
2 discussions with staff.  
3  
4 Commissioner Gray said that would be after they opened up Fifth Street for the access to  
5 those residences. Mr. Noto said that would be part of the discussions.  
6  
7 Commissioner Duryea said it looks like the sidewalks would go right up against these  
8 buildings on Fourth Street. He asked if there was supposed to be a ten-foot setback from the  
9 sidewalk.  
10  
11 Mr. Noto pointed out a 14-foot setback on Fourth Street. The other two setbacks are ten feet.  
12 When the original building was proposed, Mr. Shaw requested a setback variance from ten  
13 feet to six feet so the one large building was going to be set back six feet from the Seminole  
14 frontage and the Lakeview frontage. The request tonight is to go from six feet to zero feet.  
15 The buildings would go right up to the sidewalk.  
16  
17 Commissioner Duryea asked if there was just going to be a blank wall abutting the sidewalk  
18 on Lakeview.  
19  
20 Terry Shaw of Shaw Construction came forward. He said in Winter Park at the corner of New  
21 England and Winter Park Avenue is a building that is all glass with a clothing boutique and  
22 that's what's going on that side. There will be windows with mannequins and a storefront-  
23 type look.  
24  
25 Commissioner Duryea asked about the Seminole side.  
26  
27 Mr. Shaw said if we get to that point and we all decide we want that courtyard, that is where  
28 we want a restaurant where all the doors would open up onto the courtyard with outdoor  
29 seating, fountains, and a place where people can gather.  
30  
31 Commissioner Duryea said he can't go with that might or might not happen. He said let's  
32 assume right now there aren't any plans to vacate that. He asked Mr. Shaw what he planned  
33 to do with that wall.  
34  
35 Mr. Shaw said it would probably still be a restaurant or a store. There would be windows with  
36 pots just like on the front of the building. He said he went from a 10-foot sidewalk in the front  
37 to 14 feet. He found you need 14 feet with all the people walking back and forth and all the  
38 stuff going on.  
39  
40 Commissioner Duryea said there is a bump out 34 feet by 10 feet. He asked if that was  
41 something special.  
42  
43 Mr. Shaw said that was part of the building. We are evolving and the white building showed  
44 us a lot. We see people walk up and down and they want to shop and we don't have enough  
45 stores to shop at right now. We went to one story because we want retail. He said he had

1 heard we are Seminole County's Winter Park Avenue. We have restaurants and boutiques  
2 and we are growing. On the corner is where the new Sophie and Trey will be.

3  
4 Deputy Mayor Brender said there were two stories and asked why the change. Mr. Shaw said  
5 the market. Office space you can't rent.

6  
7 **SIDE 2B**  
8

9 Mr. Shaw said to move forward we had to change it. We lost square footage but with the  
10 courtyard and people walking through there, they are going to love the feel. He said today at  
11 lunchtime there was a line out Delano's for 30 minutes and there were cars everywhere.  
12 There's no parking on Winter Park Avenue and parking garages are a pain. That's one of the  
13 things we did. We have people who come from Windermere, Winter Park and Markham  
14 Woods Road and they love it that they can pull in and find parking. He said we are losing  
15 some square footage but thought it was going to be a plus for the City and the tenants.

16  
17 Deputy Mayor Brender asked if he couldn't find anything for a residential unit on top. Mr.  
18 Shaw jokingly said he would probably get shot if he went to the bank and said "residential"  
19 right now.

20  
21 Commissioner Duryea asked about lighting. Mr. Shaw said he would do lighting and it would  
22 be in the soffit. He said he liked the way the white building had the down lighting. There  
23 would probably be some lighting on the awnings. We already have our streetlights in.

24  
25 Deputy Mayor Brender said there were ten-foot gaps between the buildings and it looks like it  
26 doesn't go anywhere.

27  
28 Mr. Shaw said it is going back about 30-something feet and there would be a courtyard,  
29 fountain or something like that. The driveway and parking in the back is going to be for  
30 employees. We want our pedestrians to be in the front of the building and back about 30-  
31 something feet in the courtyard eating with a fountain and maybe an arbor-type thing. He  
32 didn't want pedestrians to go to the back of the building with AC's and that type of stuff.

33  
34 Deputy Mayor Brender asked if the ten-foot area was an alley.

35  
36 Mr. Shaw said it would be a courtyard. You would walk in 30-something feet and there might  
37 have tables, there might be a French bakery. There will be a lot of little things going on and  
38 be a place where people can gather. He felt that is what people are looking for now.

39  
40 Mayor Mealor asked if anyone wanted to speak in reference to this request. No one came  
41 forward and the public hearing was closed.

42  
43 **Motion was made by Commissioner Lucarelli to approve the minor site plan revision to**  
44 **include all of staff's findings of facts and Planning & Zoning conditions except for No.**  
45 **8, seconded by Deputy Mayor Brender and motion carried by roll-call vote:**

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

3  
4 B. Ordinance No. 1413 – Extend lease of property to Walters Electric for an additional  
5 12 months – First Reading (Public Hearing)

6  
7 The City Attorney read Ordinance No. 1413 by title only on first reading.

8  
9 Mr. Litton said this is an extension of the existing lease with Walters Electric under the same  
10 terms and conditions except this is for 12 months and it has a 90-day termination clause that  
11 either party can terminate. It gives the City an opportunity to generate revenue back into the  
12 General Fund up to one year or we can sell it off if we decide to go forward with the  
13 Downtown development. He recommended approval.

14  
15 Commissioner Duryea said 90 days is a long time. Mr. Litton said Walters had a lot of  
16 inventory and it would take them a while to vacate.

17  
18 Commissioner Duryea announced that he would abstain from voting because Walters Electric  
19 is one of his clients.

20  
21 Mayor Mealor noted Commissioner Duryea has filled out the necessary paperwork.

22  
23 Deputy Mayor Brender asked if the 90 days was too short. Mr. Litton said he thought it was a  
24 fair amount.

25  
26 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1413. No one  
27 came forward and the public hearing was closed.

28  
29 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1413 on first**  
30 **reading, seconded by Commissioner Gray and motion carried by roll-call vote:**  
31 **Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes;**  
32 **Commissioner Duryea, Abstained; Mayor Mealor, Yes.**

33  
34 C. Resolution No. 873 – Agreement between the City and FDOT regarding the  
35 maintenance of the shoulder along the frontage road adjacent to Primera

36  
37 The City Attorney read Resolution No. 873 by title only.

38  
39 Mr. Schindler said this is a housekeeping item. The work will be done via the Primera  
40 Property Owners' Association. However, DOT will not enter into an agreement with anyone  
41 but a government. We will enter into an agreement with DOT and the City will also enter into  
42 an agreement with Primera and responsibility for the work will fall to Primera.

43  
44 Commissioner Gray said a couple of years ago they were going to do an entryway off Lake  
45 Mary Boulevard with the columns.

46

1 Mr. Schindler said they are in the process of doing that and would be upgrading the  
2 landscaping along that area. Most of the work will occur on their property, however, they  
3 realized if they beautified the property there is still this ugly stretch of DOT right-of-way. They  
4 are going to plant grass and irrigate it. That's all that will occur on the DOT right-of-way.

5  
6 Deputy Mayor Brender asked how far back they were going. Mr. Schindler said it would only  
7 be the area along the frontage road where there are the existing buildings.

8  
9 **Motion was made by Deputy Mayor Brender to approve Resolution No. 873, seconded**  
10 **by Commissioner Gray and motion carried by roll-call vote: Commissioner Lucarelli,**  
11 **Yes; Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner Gray,**  
12 **Yes; Mayor Meador, Yes.**

13  
14 D. Resolution No. 874 – Establishing a Charter Review Committee

15  
16 The City Attorney read Resolution No. 874 by title only.

17  
18 Mr. Litton said we tried to take in the Commission's comments from the last meeting. He  
19 thought it was the consensus to establish a Charter Review Committee consisting of seven  
20 members. Five of those would be electorates of the City--one each appointed by the  
21 Commission--and the immediate past Mayor and the Chairman of the Planning & Zoning  
22 Board. They would establish their own meeting time although they would be in the sunshine  
23 and they would have to have staff support. Whatever decisions or recommendations they  
24 make are just that and they would come to the Commission for final determination before  
25 they went on the ballot. He explained you can't put all the amendments together. They have  
26 to be broken out according to subject. They would have to be individually considered. The  
27 only downside he could see is the City may not have an election this fall. Two seats would  
28 be open but if no one would run then this would be the only item on the ballot and that comes  
29 down to the potential of a small number of voters to make a very important decision. We  
30 could put it on the ballot the following year when there is a general election. He thought they  
31 needed to go through the process and see what they recommend. The Charter is not broken  
32 but could stand to be tweaked in certain areas.

33  
34 Commissioner Gray asked if it was the intent for each member of the Commission to appoint  
35 someone but not themselves. Mr. Litton said that was correct.

36  
37 Mayor Meador said once this committee is formed, he asked Mr. Litton if he would do the  
38 official charge to the committee. Mr. Litton said he or the Commission could do that.

39  
40 Mayor Meador asked if they would have the City Attorney available if needed. Mr. Litton  
41 answered affirmatively.

42  
43 Deputy Mayor Brender said in the charge that the Mayor just spoke of, he asked if they limit  
44 the scope of what they could do or was that up to the seven of them.

45

1 Mr. Litton said he was not proposing that they limit the scope but if the Commission wanted to  
2 do that then they can. He said 95% of it would stay the same.

3  
4 **Motion was made by Commissioner Gray to approve Resolution No. 874, seconded by**  
5 **Commissioner Lucarelli and motion carried unanimously.**

6  
7 Mr. Litton said he would look for the Commission to bring their appointments to the next  
8 meeting.

9  
10 IX. Citizen Participation

11  
12 No one came forward at this time and citizen participation was closed.

13  
14 X. Reports

15  
16 A. City Manager

17  
18 1. Request Commission rescind award of Landscape Maintenance RFP #11-01, reject all  
19 bids, and re-advertise RFP

20  
21 Mr. Litton said at the last meeting the Commission approved the landscape maintenance  
22 contract and awarded that bid to Nanak's Landscaping in the amount of \$122, 200 to  
23 maintain the rights-of-way on Rinehart and on Lake Mary Boulevard. We went through a bid  
24 process and had a selection committee consisting of the Parks & Recreation Director, his  
25 assistant, and the Public Works Director. They went through a thorough evaluation process  
26 and made their recommendation which the Commission approved. However, staff neglected  
27 to post our intent to award on the website and one of the bidders not selected complained  
28 about that. Mr. Litton said he took the position he was right; we should have posted but we  
29 did not post. During that process it was pointed out that Nanak's had been sold. We were  
30 not notified of that nor was it disclosed. We received a letter postmarked December 16<sup>th</sup> to  
31 Kathy Gehr, Assistant Parks & Recreation Director, telling us it had been sold and there  
32 would be very few changes. Nonetheless it should have been disclosed because it was done  
33 on or before December 1<sup>st</sup> and they have admitted that.

34  
35 Mr. Litton said he had no problem with the way it was scored by the team. They complained  
36 about the way Bruce (Paster) scored it but he was scoring it from a piece of paper he was  
37 looking at which is what you're supposed to do. He thought he was very honest and  
38 forthright. He said he thought there was a technical need to reject these bids and go back  
39 out. He said he advised both companies of that and they have agreed and are okay with  
40 that. He said to avoid any litigation or any continued dialogue on the subject he thought that  
41 was the best way to resolve it.

42  
43 Mr. Litton asked the Commission to rescind award of RFP #11-01, reject all bids, and direct  
44 staff to re-advertise RFP.

45

1 Deputy Mayor Brender asked if the data received from the RFP's was public record. Mr.  
2 Litton answered affirmatively.

3  
4 Deputy Mayor Brender said that means any one of these new bidders can see what everyone  
5 else bid and maybe adjust their bids. Mr. Litton answered affirmatively.  
6

7 **Motion was made by Commissioner Lucarelli to rescind award of Landscape**  
8 **Maintenance Bid #11-01, reject all bids, and re-advertise RFP, seconded by Deputy**  
9 **Mayor Brender and motion carried unanimously.**

10  
11 2. Request Commission confirm emergency change order to Gray Development in the  
12 amount of \$38,461.50  
13

14 Mr. Litton said this is a confirmation of the emergency purchase order for North Fifth Street  
15 sewer extension we talked about at the last meeting. We originally estimated the cost of that  
16 project to be approximately \$12,050.00 and it turned out to be \$38,461.50 based upon the  
17 fact that the information we had and what the engineers provided was not accurate. That  
18 goes back to the original installation when the Boulevard was expanded from two lanes to  
19 four lanes.  
20

21 Mr. Litton said he had already signed the purchase order and had advised the Commission  
22 he was going to do that but according to the purchasing ordinance he needed the  
23 Commission's confirmation of that action. He asked the Commission to confirm the change  
24 order to Gray Development in the total amount of \$38,461.50.  
25

26 **Motion was made by Commissioner Gray to confirm the change order to Gray**  
27 **Development in the amount of \$38,461.50, seconded by Deputy Mayor Brender and**  
28 **motion carried unanimously.**  
29

30 3. Request Commission authorize purchase of replacement parks equipment through  
31 Blue and Gray Trailer, sole source local vendor, and Wesco Turf, Inc. via state  
32 contract #760-000-10-1, for a total amount not to exceed \$39,110.81. Also declare  
33 Units 515, 535, 537, and 538 surplus and authorize City Manager to dispose of  
34

35 Mr. Litton said this is the annual parks equipment replacement purchases starting with one  
36 utility trailer, \$6,500.00; one Workman with flatbed and sides, \$18,040.44; one Workman  
37 electric lift box and canopy, \$7,978.21; one Command Pro mower, \$6,592.26; for a total cost  
38 of \$39,110.91. The budget was \$46,700.00 so there is a \$7,000.00 savings.  
39

40 Mr. Litton asked the Commission to approve those purchases and declare Units 515, 535,  
41 537, and 538 surplus and authorize the City Manager to dispose of. The surplused  
42 equipment is what is being replaced.  
43

44 **Motion was made by Deputy Mayor Brender to approve the purchases and declare**  
45 **Units 515, 535, 537, and 538 surplus and authorize the City Manager to dispose of,**  
46 **seconded by Commissioner Duryea and motion carried unanimously.**

1  
2 4. Request Commission declare Sports Complex ball field lighting surplus and authorize  
3 City Manager to dispose of  
4

5 Mr. Litton said we have a grant to replace the ball field lighting in the amount of \$235,000.  
6 That leaves the 147 fixtures which includes the bulbs and ballasts which will be coming down.  
7 The vendor will be glad to take those and throw them away but he thought there was a  
8 salvage value and was trying to get that.  
9

10 Mr. Litton asked the Commission to declare those surplus. We are advertising trying to  
11 obtain some bids. At the very least he would like to give them to somebody who could use  
12 them. He said he didn't think they belong in the dumpster.  
13

14 **Motion was made by Commissioner Duryea to declare the Sports Complex ball field**  
15 **lighting surplus and authorize the City Manager to dispose of, seconded by**  
16 **Commissioner Gray and motion carried unanimously.**  
17

18 5. Request Commission confirm Elder Affairs Commission appointment of Henrietta  
19 Shisler and Mary Ann Marchetti to fill two vacant seats  
20

21 Mr. Litton said the Elder Affairs Commission has requested the Commission appoint  
22 Henrietta Shisler and Mary Ann Marchetti to their board. They have two vacancies. There is  
23 no requirement in the ordinance that they live in the City. He noted one applicant lives in  
24 Heathrow. He recommended approval.  
25

26 **Motion was made by Commissioner Duryea to appoint Henrietta Shisler and Mary Ann**  
27 **Marchetti to the Elder Affairs Commission, seconded by Commissioner Lucarelli and**  
28 **motion carried unanimously.**  
29

30 Mr. Litton said next is an update of the City's finances by Ms. Sova.  
31

32 Ms. Sova said showed a "budget snapshot" on the overhead. A copy is also in the packets.  
33 It summarizes all the activity and all of the funds. Year to date we have received just over  
34 \$3.7 million in ad valorem taxes. That is a little behind prior years but the tax collector can  
35 place liens and sell those tax certificates so eventually we will get the money.  
36

37 Commissioner Duryea thought most of that came in around November and December.  
38

39 Ms. Sova answered affirmatively but last year a lot more came in January and February than  
40 in years past and thought there would be even more of that this year. These foreclosures  
41 and empty homes are starting to fill back up.  
42

43 Ms. Sova said franchise and utility taxes look low because that lags a month. People use the  
44 power, they get billed for the power, it gets collected and then we get paid. Business tax  
45 receipts are due October 1<sup>st</sup> and get billed right before the end of the year and get collected  
46 early in the year. The good news is building permits. We had a couple of permits pulled on

1 Middle Street and the Carli building on Fifth Street and those helped things jump a little bit not  
2 only for building permit revenues but impact fees. Fines and forfeitures are running low. The  
3 hearing officers are reluctant to levy fines against people who are economically struggling.  
4 That is happening around the state.

5  
6 Ms. Sova said intergovernmental revenues include sales taxes and we haven't seen the little  
7 bump we get every year around February from holiday sales. Those are coming in just about  
8 how the state expects. The telecommunications tax comes through the state but is recorded  
9 with the utility taxes. That has been flat for several years but has finally started to decline.  
10 She thought one of the reasons was the Magic Jack. People are picking up pace with  
11 dropping their land lines.

12  
13 Commissioner Duryea said the franchise fees are well below what they should be.

14  
15 Ms. Sova said they are very slow to come in. The people use the power, get billed for the  
16 power, they pay the power company and then the power company pays us. We collect  
17 almost three months worth at the end of the year when we do the accrual in September. The  
18 17% we have in if you multiply that out they are going to come in strong again. We had a  
19 little bit of a cold winter and that will help.

20  
21 Ms. Sova said in expenditures, last year we finished up at about 10% below budget.  
22 Everyone really paid attention. We have just about got things tied up for Fiscal Year 2010.  
23 These budgets are small again this year and thought those same things were happening.  
24 Staff is being very careful and the numbers are showing it.

25  
26 Mr. Litton said he, the Mayor and Jackie (Sova) met with local FEMA representatives on the  
27 Hurricane Charlie reconciliation just before Christmas and they have agreed to help us with  
28 our appeal on the deduction for debris collection. We found out there was duplicate payment  
29 of \$100,000.00. At the end of the day we owe them \$59,353.13. That's up from the \$400.00  
30 we thought originally. After we sorted through it we found that's the fair amount that we owe  
31 them.

32  
33 Mr. Litton said the annual Shred-A-Thon will be held Saturday, January 29<sup>th</sup> from 9:00 A.M. to  
34 1:00 P.M. at the Senior Center located at 911 Wallace Court. The first three boxes are free  
35 and each additional box is \$5.00.

36  
37 Mr. Litton said Public Works has notified all residents of Huntington Point, businesses along  
38 Emma Oaks Trail and Skyline Drive as well as Sand Pond Road that the Commission will be  
39 holding a public meeting on February 3<sup>rd</sup> at 5:30 P.M. on the Sand Pond Road/Skyline Drive  
40 road improvement project. We promised them that meeting and this is to comply with that  
41 obligation. The meeting will primarily focus on the punch through. That's the area of  
42 contention. There are some strong opinions. We have the right-of-way in place, the  
43 alignment and final design so we are ready to go.

44  
45 Mr. Litton said Metroplan Orlando informed us that the quiet zone workshop they recently  
46 hosted together with Federal Railroad Administration (FRA) officials shared the process for

1 establishing these zones. They want an Assembly Diagnostic Review Team from the City to  
2 work with FRA staff to recommend the safety measures. Our component will be City Planner  
3 Gary Schindler and Lt. Mike Biles from the police department who will serve and help with the  
4 input from the City of Lake Mary.

5  
6 Mr. Litton said 13 of the cameras at the Sports Complex are operational and recording and  
7 we are waiting on a switch which needs to be replaced for the other three to be fully  
8 functional. This is the security system.

9  
10 Mr. Litton said the key fob and security system for the police department is 99% complete  
11 and should be done by Monday.

12  
13 Mr. Litton said he, Commissioner Lucarelli, Commissioner Gray and Jackie (Sova) attended  
14 the League of Cities today where Commissioner Till from the City of Apopka was sworn in as  
15 the new President. An interesting statistic she quoted was 46% of statewide voters came  
16 from the I-4 Corridor in the 2010 general election.

#### 17 18 B. Mayor

19  
20 Mayor Meador thanked Joe LeBlanc, Principal and Kelly Mitchell, Assistant Principal of  
21 Crystal Lake Elementary School for the invitation last night. It was a wonderful birthday  
22 celebration for their fifth anniversary. We were joined by Commissioner Gray, Commissioner  
23 Lucarelli, and School Board member Tina Calderone. It was a beautiful evening and was  
24 great to see such family involvement.

25  
26 Mayor Meador said on February 5<sup>th</sup> there will be an event at Colonial Town Park known as  
27 "Cars for the Cure". In Lake Mary we have had so many families that have been affected or  
28 impacted by lung cancer or lung disease and Cars for the Cure is a show for unique and  
29 classic cars to benefit the American Lung Association. That will be held Saturday, February  
30 5<sup>th</sup>, at Colonial Town Park from 10:00 A.M. to 4:00 P.M. Our immediate past Mayor has a  
31 number of beautiful cars and hopefully we will have a wonderful turnout.

#### 32 33 C. Commissioners (3)

34  
35 Commissioner Gray reminded everyone again of the Shred-A-Thon. Last year we had four  
36 trucks and had to turn people away because the trucks were filled. This year they will have a  
37 fifth truck in waiting just in case that happens again.

38  
39 Commissioner Gray said she was working on a committee with Leadership Seminole with the  
40 annual "Bowling Green" which is a fundraiser for Leadership Seminole and their ongoing  
41 programs. It's on Sunday, March 13<sup>th</sup> in the afternoon. She encouraged everyone to get  
42 their teams there. All the pizza and wings you can eat. She said she would get everyone the  
43 information.

44  
45 Commissioner Lucarelli said one of the directions we were given at the RPA meeting was if  
46 there is any kind of interlocal agreement that specifically involved any of the cities of the

1 board members that a copy be forwarded to the city attorneys for review prior to the CRA  
2 before making any kind of decision. She said Winter Springs got into a situation where a  
3 decision was made and they didn't get the packet until after the fact so there was no  
4 opportunity for input back and forth with legal.

5  
6 Commissioner Lucarelli said on February 11<sup>th</sup> at 7:00 A.M. at the Lake Mary Marriott is the  
7 annual Prayer Breakfast. She said the speaker would be Tommy Neman who is a Christian  
8 firefighter who wrote the book *Sirens for the Cross* where he shares some of his lifesaving  
9 and soul saving experiences on the job.

10  
11 Commissioner Lucarelli said on March 24<sup>th</sup> is the 5K Rescue Run in the area where we have  
12 the Lake Mary Arts Festival. It benefits the Sanford Outreach Mission homeless shelter.

13  
14 Commissioner Lucarelli said on April 2<sup>nd</sup> from 9:00 A.M. to 2:00 P.M will be Family Fun  
15 Day/Seminole State Collegiate Arts Festival Day.

16  
17 Commissioner Lucarelli said she gave everyone a packet on smoking. She said her father  
18 died a horrible death due to smoking and she has asthma problems because of it. She asked  
19 the Commission to consider adopting an ordinance or resolution regarding parks being non-  
20 smoking. The packet includes some of the cities in Seminole County that have done that,  
21 specifically Casselberry and Oviedo, so maybe we can look at how they did it. There is an  
22 issue with the tobacco industry and getting into lawsuits.

23  
24 Ms. Reischmann said this came up a long time ago in Lake Mary and there's an AGO  
25 (Attorney General Opinion) that says smoking prohibition is preempted through the state and  
26 there is a state law that says the state decides. Some staff has discovered that you can  
27 prohibit the tobacco product so there is a way around that. We are saying you can't have the  
28 products. We are not saying you can't smoke.

29  
30 **SIDE 3A**

31  
32 Mr. Litton asked if they were interested in pursuing that as a Commission.

33  
34 Commissioner Lucarelli said she was.

35  
36 Deputy Mayor Brender said he would have to get more info on that.

37  
38 Mayor Mealor asked Mr. Litton and the City Attorney to get together and have something in  
39 the packet for the next meeting under the City Manager's Report.

40  
41 Deputy Mayor Brender said he attended CALNO in Altamonte Springs. We took a brief tour  
42 of their new emergency operations center. They took the basement of one of their city  
43 buildings and converted 1,500-1,800 square feet into a nice useable emergency operations  
44 center. It was very informative. They had a central place where various cameras around the  
45 city are being monitored. He encouraged the police and fire chiefs and commissioners to

1 visit. If we decide to move our police station that is something we should build into the  
2 building.

3  
4 Deputy Mayor Brender said also at the CALNO meeting we appointed Sanford Commissioner  
5 Patty Mahany to the Seminole County Expressway Authority.

6  
7 Deputy Mayor Brender said he was in Atlanta the last week for an international gift show as  
8 part of his other hat. He said there is a little hope out there. Florida is still lagging the rest of  
9 the country. This is truly an international gift show. We handle people from all over the world  
10 but certainly more from the U.S. The interest in buying from around the country has definitely  
11 stepped up this year, although he could not say that Florida has stepped up that much.  
12 There is a little more confidence in the market. Florida is lagging the rest of the economy by  
13 six to nine months and it's plain to see when you go to a major show. We are talking four 20-  
14 story buildings all at wholesale and it is a shopper's delight. He said it gave him an  
15 interesting barometer of the economics in the country. The last two years have been  
16 somewhat depressing up there.

17  
18 Commissioner Duryea said there are some cities implementing the red light cameras. He  
19 said he was under the impression that the state put thumbs down on that.

20  
21 Ms. Reischmann said the state allows cameras. You just have to give a certain amount to  
22 the state and the cities keep \$71 or something like that. She said Winter Springs and  
23 Orlando have cameras.

24  
25 Commissioner Duryea said so the state wants us to pay for them and they get the revenue.

26  
27 Mr. Litton said he would think we would also have to share with the County.

28  
29 Mr. Litton said he and Messrs. Omana, Carrico and Schindler were at the homeowners'  
30 meeting for Lake Mary Landings. When the developer's agreement was originally adopted  
31 there was a provision that the playground would come back to the City when the HOA was  
32 turned over to the residents. He said last night they made it very clear that they were  
33 residents and voters, but they don't think it's fair they have to pay the City \$22,000 a year and  
34 open the park to the public. Right now it is private. He said we really don't want that park  
35 and Mr. Carrico would concur. We don't have the people to maintain it to the standard they  
36 are accustomed. They are used to it being manicured all the time. We are trying to reach an  
37 agreement where they might buy that back from the City. They don't want to pay \$22,000 a  
38 year to operate a public park. He said he was just putting that on the radar screen that it's  
39 coming. They are about four to five months away from buildout and that is the trigger  
40 mechanism.

41  
42 Mayor Meador said he would only speak for himself. He said he was in agreement with the  
43 homeowners. If you look at the traffic patterns and the location, he thought it was in  
44 everyone's best interest for that to remain with them.

45

