

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held February 19,
2 2015, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,
3 Lake Mary, Florida.

4
5
6 1. Call to Order

7
8 The meeting was called to order by Mayor Mealor at 7:00 P.M.

9
10 2. Moment of Silence

11
12 3. Pledge of Allegiance

13
14 4. Roll Call

15
16 Mayor David Mealor Jackie Sova, City Manager
17 Commissioner Gary Brender Carol Foster, City Clerk
18 Deputy Mayor George Duryea Dianne Holloway, Finance Director
19 Commissioner Sidney Miller Steve Noto, Deputy City Planner
20 Commissioner Jo Ann Lucarelli Bruce Paster, Public Works Director
21 Tom Tomerlin, Economic Development Mgr.
22 Bryan Nipe, Parks & Recreation Director
23 Wanda Broadway, Human Resources Mgr.
24 Frank Cornier, Fire Chief
25 Steve Bracknell, Police Chief
26 Bruce Fleming, Sr. Code Enforcement Ofc.
27 Katie Reischmann, City Attorney
28 Mary Campbell, Deputy City Clerk
29

30 5. Approval of Minutes: February 5, 2015

31
32 **Motion was made by Commissioner Brender to approve the minutes of the**
33 **February 5, 2015, meeting, seconded by Commissioner Lucarelli and motion**
34 **carried unanimously.**

35
36 6. Special Presentations

37
38 A. Proclamation – Recognition to Joel Ivey for 30 years of service on the Code
39 Enforcement Board
40

41 Mayor Mealor said the next section of the agenda is very important to our community.
42 We have a number of special presentations. The first is one is very personal simply
43 because of the kind of connotation of what this individual has done for the City of taking
44 his expertise and giving back. He asked Joel Ivey to come forward. This is recognition
45 to Joel Ivey for 30 years of service on the Code Enforcement Board.
46

1 The City Attorney read a proclamation proclaiming Friday, February 20, 2015, as “Joel
2 Ivey Day”.

3
4 Mayor Mealor presented the proclamation to Joel Ivey.

5
6 Mr. Ivey thanked the Commission and said he was honored. He said he enjoyed living
7 here and enjoyed serving his city. Being honored for doing anything for 30 years
8 inevitably made him feel a little bit old. Longevity in Lake Mary is something that goes
9 around because we have had the pleasure of a good city council for a number of years.
10 He thanked them back for their service and the honor.

11
12 Mayor Mealor asked if Item 9.E., Reappointments to Code Enforcement Board, be
13 taken up at this time. There were no objections from the Board.

14
15 Ms. Sova said we have two reappointments to the Code Enforcement Board. The terms
16 for Joel Ivey and Henry Scarfo will expire at the end of February. Both members would
17 like to continue serving if the Commission desires for them to do so. She asked the
18 Commission to reappoint Mr. Ivey and Mr. Scarfo for three-year terms.

19
20 **Motion was made by Commissioner Miller to reappoint Joel Ivey and Henry**
21 **Scarfo to the Code Enforcement Board, seconded by Commissioner Lucarelli and**
22 **motion carried unanimously.**

23
24 B. Special Recognition to City Employee of the 4th Quarter: Scott Dolby,
25 Facilities Maintenance Technician I

26
27 Ms. Sova said Mr. Dolby could not attend tonight but she spoke with him this afternoon
28 congratulating him on this award for being the City’s Employee of the 4th Quarter.

29
30 Mayor Mealor asked Mr. Nipe to express the Commission’s appreciation to him.

31
32 C. Special Recognition to employees of the Lake Mary Police Department:
33 a. 2014 Civilian of the Year – Bruce Fleming, Sr. Code Enforcement Officer
34 b. 2014 Police Officer of the Year – Sgt. Ronnie Gregory

35
36 Chief Bracknell said there are two employees he would like to recognize this evening.
37 He asked Sgt. Gregory to come forward.

38
39 Chief Bracknell said Sgt. Gregory has been serving the citizens of this state for three
40 decades—26 of those years in Lake Mary. Ronnie wears a lot of hats. At the Lake Mary
41 Police Department not only does he run a shift, which is extremely difficult to keep men
42 and women on the streets safely and making sure they go home at the end of the day,
43 but Sgt. Gregory also in his spare time heads our honor guard. He has been a key
44 figure in getting that honor guard recognized. You may see them at many events. After
45 the Commission’s approval of the upgraded uniforms they look great. He was
46 instrumental in getting those rifles (they don’t shoot). Ronnie maintains, downloads and

1 makes sure all of our body cameras are working that have been making the news for
2 some time. Lake Mary was the tip of the spear of that. We have had body cameras for
3 many years and we always have them in our police cars. Ronnie is the go to person for
4 all the IT on that. Sgt. Gregory also is a Lake Mary Police Pension Board appointee
5 through the police department. He is constantly working diligently to get the bang for
6 our buck for our officers. For his tireless dedication to the Lake Mary Police Department
7 contributing to the duties of patrol sergeant, Sgt. Gregory is the Police Officer of the
8 Year for the Lake Mary Police Department.

9
10 Mayor Mealor presented a plaque to Sgt. Gregory for recognition as Police Officer of the
11 Year.

12
13 Sgt. Gregory thanked the City of Lake Mary for allowing him to serve for the last 26
14 years. His father served here for 16 years and most of his family has worked for the
15 City of Lake Mary at one time or another. It's the leadership he gets from his bosses
16 and he had the best shift of anybody in the police department. They call them the "dino-
17 squad" because everyone is over 40 years old. They are the best and he couldn't do
18 half of what he does without their support. They are doing a great job and most of this
19 credit goes to them. They are great people.

20
21 Chief Bracknell said next he would like to recognize the Civilian of the Year and asked
22 Bruce Fleming to come forward.

23
24 Chief Bracknell said Mr. Fleming is our Senior Code Enforcement Officer. He said this
25 is for his dedication to the City of Lake Mary and his observation skills in locating and
26 assisting the Lake Mary Police Department in the arrest of a burglary in progress
27 suspect. Mr. Fleming also demonstrates his dedication day in and day out handling a
28 variety of never-ending code enforcement issues. His dedication was further
29 demonstrated back in January 2014 when while on his lunch break he witnessed a car
30 fire in the parking lot of Toojay's Restaurant. He took action and attempted to
31 extinguish the fire. Bruce does an excellent job day in and day out. He's a great
32 employee.

33
34 Mayor Mealor presented a plaque in recognition of the Lake Mary Police Department's
35 Civilian of the Year.

36
37 Mr. Fleming thanked the City for the privilege of receiving this award. He said he would
38 like to make it known that his job is made much easier with the team he works with
39 every day. It's not just him out there. We have all of the other departments and staff
40 members who work together. He came out on the top of this one but he has a team that
41 he always has to give recognition to.

42
43 D. FY 2014 Comprehensive Annual Financial Report – McDirmit Davis &
44 Company
45

1 Ms. Holloway asked Kelley Leary to come forward. We had a couple of challenges and
2 new pronouncements but we came in a month early this year. We are proud of that.

3
4 Ms. Leary said as in prior years the City got the unqualified opinion which is a good
5 opinion on your audited financial statements. You also got the Certificate of
6 Achievement for your 2013 audited financials. All the audit reports in here basically say
7 the City of Lake Mary is in compliance with laws, regulations, contracts, and grants.
8 The management letter that is required by the Auditor General's office says you are in
9 compliance with all of the rules of the Auditor General. There is a new letter this year
10 that the Auditor General required where we had to state that you are in compliance with
11 the statute on investing funds. If you have a policy you have to have specific things in it
12 and the City is in compliance. We had no findings or issues with that.

13
14 Ms. Leary said if you look through the basic financials, you had a decrease in your net
15 position for the year but it was a planned decrease. You budgeted to make a lot of
16 capital improvements, to have some economic incentives paid, so your fund balance
17 went down but it was planned that way. There is a lot of detail on Pages 50 and 51 of
18 the capital assets of the City, the buildings, the roads, the infrastructure.

19
20 Ms. Leary said the Water & Sewer Fund also had a decrease in net position and she
21 believed it was because of increases in expenses in the year.

22
23 Commissioner Miller noted a typo on Page 133. (City of Longwood needs to be
24 corrected to read City of Lake Mary.)

25
26 Ms. Leary said the City did receive the Certificate of Achievement for Excellence in
27 Financial Reporting.

28
29 Commissioner Miller said the report lends itself to self-analysis. As he was reading and
30 had a question he would look back and because of the way you displayed the
31 information it answers all the questions you have as you are reading it. It is excellent.

32
33 **Motion was made by Deputy Mayor Duryea to accept the financial report,**
34 **seconded by Commissioner Brender and motion carried unanimously.**

35
36 7. Citizen Participation

37
38 No one came forward at this time and citizen participation was closed.

39
40 8. Unfinished Business

41
42 There was no unfinished business to discuss at this time.

43
44 Mayor Mealor recognized students from Seminole State College who were present as
45 part of an assignment. Any member of the Commission or the City Manager stands
46 ready to assist if we may be helpful in any regard.

1
2 9. New Business
3

- 4 A. Request for Conditional Use Approval to allow a private retail recreational
5 facility (Extreme Youth Sports Lake Mary) in the M-1A (Office and Light
6 Industrial) Zoning District, 45 Skyline Drive, Suite 1009; Extreme Youth
7 Sports of Lake Mary/Kia Loggins, applicant (Public Hearing) (quasi-judicial)
8 (Steve Noto, Deputy City Planner)
9

10 Mr. Noto said this is a conditional use request for the Extreme Youth Sports Lake Mary,
11 45 Skyline Drive, Suite 1009. The current zoning for the property is M-1A, Office and
12 Light industrial. The type of use proposed requires a conditional use approval in the list
13 of permitted uses.
14

15 Mr. Noto showed an aerial of the location in the Sun Tech Office Park off of Skyline
16 Drive. Originally developed in the early '90's, this portion of the development underwent
17 parking lot expansion in 1993 and it has 364 parking spaces on site which is a key item
18 to review when we look at these conditional use requests. In 2012 the City Commission
19 approved a conditional use for J Groove Studios which is a similar type of business at
20 this exact location.
21

22 Mr. Noto said Extreme Youth Sports is a business that would operate Monday through
23 Friday from 7:30 A.M. to 7:00 P.M. and some other hours of operation throughout the
24 week and weekend offering a host of activities for youth, adults, karate, dance, birthday
25 parties. This is going to be the type of facility where you can bring your kids and you
26 can have some activities as an adult as well.
27

28 Mr. Noto said for conditional use requests we have the six findings of fact that are
29 outlined in the staff report. He brought attention to provision No. 2 which has to do with
30 access to the site and parking. We did a couple of site visits to see how it was
31 functionally working and there was plenty of open parking. This type of use would not
32 require any additional parking spaces versus the type of uses that would go in as
33 straight permitted uses.
34

35 Mr. Noto said the Planning & Zoning Board heard this request at their regular January
36 27, 2015, meeting and voted unanimously 4 – 0 recommending approval.
37

38 Mr. Noto said besides the J Groove mentioned before there was also a request in 2011
39 for the Super Studios located at 115 Commerce Street which was approved. He noted
40 the applicant's representative was present. Staff recommends approval.
41

42 Deputy Mayor Duryea said when this was going through review was there any talk
43 about any safety issues about how to ensure grammar school children wouldn't be
44 running out into the parking lot and get hurt. That has been a concern to us in the past
45 for preschool things. This is an industrial area and didn't think people would think kids
46 would be running out in the middle of the parking lot.

1
2 Mr. Noto said whenever we have these types of requests we have applicants go
3 through our first step process where they can talk with not only planning staff but all the
4 disciplines such as public safety and public works and such. The applicant is present if
5 you would like to ask specifically what they do. Otherwise no concerns were noted
6 internally during our meetings and they were able to handle those types of safety
7 requirements on their own inside the building.

8
9 Mayor Meador asked if anyone wanted to speak in reference to this request. No one
10 came forward and the public hearing was closed.

11
12 Deputy Mayor Duryea said he would love to have the applicant answer his question.

13
14 Jacob Loggins, co-owner of Extreme Youth Sports Lake Mary, 45 Skyline Drive, Suite
15 1009, Lake Mary, Florida 32746, came forward.

16
17 Mayor Meador said the question was the issue of young children and if access to the
18 parking lot is supervised.

19
20 Mr. Loggins said no children are allowed outside for any activities other than
21 transporting for after school. We offer after school programs where we pick them up at
22 four locations in Lake Mary where we bring them into the building. There is no activity
23 that we provide where they will be outside other than just walking into the building.

24
25 Ms. Sova asked Mr. Loggins if they would require parents to come inside and pick up
26 children at the end of their classes and won't be able to leave on their own.

27
28 Mr. Loggins answered affirmatively. After school we see them first. Upon pick-up a
29 parent will come in and sign their child out. We have the building secured and locked
30 so random people can't just come in. We have a lobby area where the parents come in
31 and sign their child out and they ring the doorbell. We see them before they come and
32 we have the child ready. Summer camp is different. We have a ten-week program so
33 they are there for a lot longer but it is the same thing. Once the programming starts
34 throughout the day the building is locked and secured. Where we are located people
35 are not coming to our facility unless they are coming specifically for Extreme Youth
36 Sports.

37
38 **Motion was made by Commissioner Lucarelli to approve the conditional use for**
39 **Extreme Youth Sports Lake Mary including all the findings of fact by staff,**
40 **seconded by Commissioner Brender and motion carried by roll-call vote:**
41 **Commissioner Brender, Yes; Deputy Mayor Duryea, Yes; Commissioner Miller,**
42 **Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

43
44 B. Request to reduce Code Enforcement Board lien, 262 Abbott Avenue; Phillip
45 Gross, Yale Mortgage Corp., applicant (Bruce Fleming, Sr. Code
46 Enforcement Officer)

1
2 Bruce Fleming, Senior Code Enforcement Officer, came forward. The Lake Mary Code
3 Enforcement Board held a public hearing on the above case which is City of Lake Mary
4 vs. Yale Mortgage Corporation, for 262 Abbott Avenue, on July 15, 2014. There were
5 no representatives of the owner present at this meeting. The Board found that the
6 property owner, Yale Mortgage, had violated the Lake Mary property maintenance code
7 by failing to comply with provisions of said code related to an unsecured swimming pool
8 filled with dirty, stagnant water. The property owner was required to bring the property
9 into compliance within 14 calendar days of the hearing or pay a fine of \$250.00 per day
10 for each day the violation continued. Code Enforcement was notified by the property
11 owner on August 21, 2014, and a subsequent inspection revealed compliance had been
12 obtained. The fine of \$5,500.00 for 22 days of non-compliance with the Board's order of
13 July 15, 2014, was attached to the property. The Code Enforcement Board convened a
14 compliance hearing on September 16, 2014, and determined that compliance had not
15 been obtained as ordered and there was no representative of the property owner
16 present at that meeting. The Board ordered that the lien of \$250.00 a day be filed for 22
17 days of non-compliance beginning July 30, 2014, through August 21, 2014.

18
19 Mr. Fleming said on February 2, 2015, the property owner submitted a request for
20 consideration by the Commission to reduce the outstanding lien of \$5,500.00 down to
21 \$500.00. They have not advised the City of an impending sale. The current
22 outstanding balance through February 28, 2015, is \$5,500.00 for the code enforcement
23 lien, \$117.78 of interest calculated at 4% per annum, and \$28.50 for filing fee. The
24 grand total outstanding is \$5,626.28 through February 28, 2015. This property is
25 currently compliant with the Board's order of July 15, 2014. Based on the Commission's
26 decision tonight, staff recommends full remittance within 30 days of this Commission
27 meeting.

28
29 Deputy Mayor Duryea said the applicant had more than enough time to rectify the
30 problems. He asked if that was correct.

31
32 Mr. Fleming said that was correct. Based on the order by the Code Enforcement Board
33 they had 14 days to rectify the problem and notify the City that the problem had been
34 corrected.

35
36 Commissioner Brender said the applicant was informed of the results of that Code
37 Enforcement Board meeting even though he was not there.

38
39 Mr. Fleming said the applicant was first notified via certified mail that a hearing was
40 pending then they were notified by certified mail, return receipt, that the hearing had
41 occurred and the findings of the Board. Finally they were notified of a compliance
42 hearing where they had an opportunity to go in and state their position as it relates to
43 Code Enforcement's position on that property. There was no response. It was also
44 sent certified mail. All correspondence from the office of code enforcement as it relates
45 to property owners with possible sanctions are sent certified mail.

46

1 Gina Frances, 3406 Fern Lake Place, Longwood, Florida came forward. She stated she
2 was the real estate agent.

3
4 Mayor Meador said the recommendation is the amount be remitted in full within 30 days
5 of this hearing. The request was to reduce the lien to \$500.00.

6
7 Ms. Frances said the bank was aware of this because she got notice to get a bid to
8 drain the pool. We got the bid and it was approved. On August 4th we started to pump
9 out. Being it was algae, thick water it took a couple of days. She believed it was
10 completed August 6th. We are remiss in keeping within that 14-day period. She
11 showed a picture of the crate that was placed on the pool.

12
13 Commissioner Brender asked how long the house had been in foreclosure.

14
15 Ms. Frances said they received it around July 9, 2012, and we have been trying to sell it
16 ever since.

17
18 Ms. Frances said in addition to the crate the house has a fence. The reason we did that
19 is the right side has a chain link which is not like a six-foot wooden fence. The left side
20 of the house has the six-foot paneled around. That's why they wanted to do that as an
21 extra protection. We did not know we had to drain the pool until we found out.

22
23 Deputy Mayor Duryea asked if they had to act on this.

24
25 Ms. Reischmann said they could deny the request to reduce the fine.

26
27 Mayor Meador said this is an agenda item with a request and we need to respond one
28 way or the other.

29
30 Commissioner Miller said he hadn't heard anything that tells him that they should
31 reduce it.

32
33 Commissioner Brender said the banks have thousands of foreclosures to deal with and
34 knew it was a radical problem but at the same time if we as cities enforce these liens
35 then the foreclosures sit. If this was a \$250,000.00 lien on a \$100,000.00 house we
36 could bend it a little. The inaction of Yale Mortgage in this case he doesn't think rises to
37 a point where there's any reason to approve a reduction.

38
39 Commissioner Lucarelli said typically when it comes to us it is going to be sold and it
40 has been fixed up then we are more reasonable to do that. That's not the case here
41 and was not inclined to grant that reduction.

42
43 **Motion was made by Deputy Mayor Duryea to deny the request to reduce the**
44 **Code Enforcement lien for 262 Abbott Avenue, seconded by Commissioner Miller**
45 **and motion carried by roll-call vote: Deputy Mayor Duryea, Yes; Commissioner**

1 **Miller, Yes; Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Mayor**
2 **Mealor, Yes.**

3
4 C. Request to reduce Code Enforcement Board lien, 128 – 130 W. Lake Mary
5 Avenue; Manuel Fernando Toro, applicant (Bruce Fleming, Sr. Code
6 Enforcement Officer)
7

8 Bruce Fleming, Senior Code Enforcement Officer, said the address shown on the memo
9 of 128 – 130 East Lake Mary Avenue is the correct address. In some of the documents
10 a typo slipped past and it is listed as 128 – 132. The parcel identification number on all
11 documents is correct and accurate. The legal description on all documents is correct
12 and accurate. Tomorrow morning he will file an amended copy of the lien as ordered by
13 the Code Enforcement Board correcting that discrepancy.
14

15 Mr. Fleming said the Lake Mary Code Enforcement Board held a public hearing on the
16 above case May 20, 2014. The Board found that the property owner, Bruce White, had
17 violated the Lake Mary property maintenance code by failing to comply with the
18 provisions of said code related to an overgrowth of grass and weeds and an
19 accumulation of miscellaneous junk, trash and debris. The property owner was required
20 to bring the property into compliance within 14 days of the hearing or pay a fine of
21 \$100.00 per day for each day the violation continued. A subsequent inspection by code
22 enforcement on June 23rd revealed that compliance had not been obtained with the
23 Board's order of May 20, 2014, and the fine was attached. The Code Enforcement
24 Board convened a compliance hearing on July 15, 2014, and determined that
25 compliance had not been obtained as ordered; therefore, the Board ordered the lien of
26 \$4,200.00 be filed for 42 days of non-compliance beginning June 4, 2014, through July
27 15, 2014.
28

29 Mr. Fleming said on January 6, 2015, this property was foreclosed by the mortgagee,
30 Federal National Mortgage, which is Fannie Mae. The code enforcement lien at that
31 time was \$21,600.00 for 216 days of non-compliance. The lien continued to February
32 10, 2015, whereby a subsequent inspection by code enforcement revealed compliance
33 with the order.
34

35 Mr. Fleming said a request for consideration for a lien reduction by a potential buyer,
36 Mr. Manuel Fernando Toro, was received by the City on February 10, 2015. The total
37 code enforcement lien at that time was calculated as \$25,579.79 through February 10,
38 2015, for 251 days of non-compliance including interest and filing fees.
39

40 Mr. Fleming said this property also has an unrelated outstanding sewer impact fee lien
41 of \$6,965.67 including interest with \$4,200.00 of that amount prepaid to Seminole
42 County. The sewer impact fee is not a code enforcement item or lien. The outstanding
43 balance including all encumbrances on this property through February 28, 2015, is
44 \$32,545.46.
45

1 Mr. Fleming said the property is currently in compliance with the Board's order of May
2 20, 2014. Staff recommends full remittance of the Commission's decision tonight within
3 30 days.

4
5 Commissioner Brender said all the orders of compliance and everything else have been
6 documented. They have been received and responded to.

7
8 Mr. Fleming said all correspondence was sent to Bruce White who was the previous
9 property owner of this property during the process of the code enforcement effort, all of
10 which came back to the office of code enforcement unclaimed which required code
11 enforcement to go out and physically post the property with a notice of code violation.
12 In addition to sending certified letters, and the property was occupied at the time, he
13 posted the property with the notice of the original hearing, the notice of compliance
14 hearing, the finding of fact and order from the Code Enforcement Board, and the order
15 imposing a lien against the property. These were all posted at the property. The
16 property was occupied until late December or early January when the foreclosure went
17 forward.

18
19 Mayor Meador said this situation is different. The gentleman requesting this is Mr. Toro.
20 He asked Mr. Toro to come forward and state his specific ask.

21
22 Manuel Hernando Toro, 619 Jamestown Boulevard, Apt. 694, Altamonte Springs,
23 Florida 32714, came forward.

24
25 Mayor Meador asked Mr. Toro if he was attempting to purchase this property.

26
27 Mr. Toro answered affirmatively.

28
29 Mr. Toro said his numbers were slightly different and Mr. Fleming's total is lower than
30 what he had. He said he was asking if the code enforcement fines could be reduced to
31 10% and remove the interest on the sewer impact fees. The fines equal more than one-
32 third of the property price.

33
34 Mayor Meador said Mr. Toro would like the lien to be 10% of the current amount and that
35 the interest fees for the impact fees be removed.

36
37 Mr. Toro answered affirmatively.

38
39 Commissioner Brender asked if they could remove the interest. He asked if that was us
40 or the County.

41
42 Ms. Reischmann said that is not part of this proceeding.

43
44 Commissioner Lucarelli announced she spoke to a relative of Mr. Toro prior to this
45 meeting. She was asking for guidance on how to go through the process and was told

1 about tonight's meeting so they could be here and understand we have to go through
2 this process. We can't just automatically approve it.
3
4 Commissioner Lucarelli said she was agreeable to the 10% on the code enforcement.
5 For the interest on the lien she asked how that would work or if it was even an option.
6
7 Ms. Sova said the City has already paid the County the impact fee. When we did this
8 particular piece of development we had to pay them all up front or the County wouldn't
9 issue us a permit to use those sewer lines. The interest that has accrued since then is
10 the City's interest. That interest is accrued at a rate by ordinance.
11
12 Mayor Mealor said we have the option to forgive it if we choose.
13
14 Ms. Sova said if you choose to forgive what's in an ordinance.
15
16 Commissioner Miller asked who owes the money. He didn't think it was the buyer. He
17 asked if the bank owed this money.
18
19 Mr. Toro said Fannie Mae owns the property currently and they have expressed no
20 interest in having to take care of these fees. He said if he wanted the property he was
21 going to have to take care of it himself.
22
23 Commissioner Miller asked the appraised value.
24
25 Mr. Toro said it was under \$90,000.
26
27 Commissioner Miller said he would like to know the financials before he gives
28 somebody additional equity in their home or before he relieves Fannie Mae of
29 obligations.
30
31 Mr. Fleming said according to the Seminole County Tax Collector's office the property is
32 appraised at \$81,600.
33
34 Commissioner Miller asked Mr. Toro what he was paying for the property.
35
36 Mr. Toro said \$89,500.
37
38 Commissioner Miller questioned why Mr. Toro was paying \$89,500 on a property
39 appraised at \$81,600.
40
41 Ms. Sova explained the property appraiser goes at about 85% of value.
42
43 Deputy Mayor Duryea believed this lien had been there for a while. It has been
44 accumulating, no one has been paying attention to it. The person who owns the
45 mortgage should be reducing that mortgage by this lien because it is to their detriment.
46 They are the ones who caused the problem.

1
2 Mayor Mealar said the individual caused the problem. Fannie Mae now inherited that
3 problem under foreclosure.

4
5 Deputy Mayor Duryea said be that as it may they shouldn't be selling a house close to
6 \$90,000 with a \$30,000 lien on it.

7
8 Commissioner Miller said we had a similar case before and he expressed the same
9 opinion he has now. Mr. Fleming does a very good job of trying to do code enforcement
10 and if we don't back him up when he comes before us then what difference does it
11 make that he issues fines. Why would anybody ever if we are always going to reduce it
12 to 10%. If there are financials in it to the City's benefit to reduce it because you can put
13 this house back into the marketplace as a house with good standing. If it's to our
14 benefit but he didn't see that with what we are doing here. If it's to our benefit then we
15 should reduce it. If it isn't to the City's benefit and is just making more profit for a bank,
16 he was not excited about it.

17
18 Mayor Mealar said the decision we made in the case just prior to this one is a perfect
19 example of what we felt would operate in the City's best interest. This is consistent with
20 some other areas where we have a willing buyer as opposed to a property sitting
21 vacant. There are constraints.

22
23 Mr. Toro said he will pay \$7,765.67. Currently it's on a septic system and he was going
24 to connect to the sewer so there are additional costs for that. There needs to be roof
25 work done, there is water damage and a lot of things going on with the property. He
26 said he was a first time homebuyer and was excited in the anticipation of being here in
27 Lake Mary. He has always wanted to live in Lake Mary and his first apartment was off
28 Sun Drive. The location is right around the corner from the Farmer's Market which he
29 frequents often. His brother is a general contractor and between the work that he can
30 do and his friend can do they will be able to gather the resources and staff required to
31 make this a nice looking property. He was excited for this to become his first house.

32
33 Commissioner Brender said on this case we have a willing buyer. The interest to the
34 City is the fact that we will have one less house in foreclosure. He could agree to the
35 reduction of the fine to 10% of the existing total. He was having trouble dealing with the
36 interest on the sewer hookup because that interest is by ordinance.

37
38 Ms. Reischmann said the interest is by ordinance so the Commission would have to
39 waive its own code. It has not been done before to Ms. Sova's knowledge.

40
41 Mayor Mealar said the request for the interest is off the table and the issue of reduction
42 we have had two commissioners speak to reducing the lien to 10%.

43
44 Commissioner Lucarelli said if the impact fees are paid does Mr. Toro have to pay a
45 connection fee on top of that.

1 Ms. Sova said he will have to connect to the system and hire his own plumber and get
2 that work done. There will be a permit fee but we don't have a connection fee on top of
3 an impact fee. There are some governments that do that.

4
5 Mayor Mealor said we would like to work with Mr. Toro but any decision that's made
6 here sets precedent and that is why the City Attorney has advised us. He said he spoke
7 out of turn when he said it was our option to remove it. We can't do that and if we
8 haven't done it he didn't have the appetite to begin that this evening. If it is agreeable to
9 the Commission we will speak only to the request to reduce the lien to 10%.

10
11 Commissioner Brender said we are talking 10% of \$25,579.89.

12
13 Mr. Fleming said that was correct.

14
15 Commissioner Miller said he wanted to make clear what he thinks his point is about this.
16 The property was foreclosed on by a mortgage holder. They may very well have
17 foreclosed on that property for \$35,000. We don't know. We don't know what the
18 investment in the house is. The mortgage holder is the one who owes these fees
19 because it is imbedded in the cost of that house. What we are doing is forgiving that to
20 Fannie Mae so they can make more money on the sale of the house. He was very
21 sympathetic to this gentleman and hopes he buys a house in Lake Mary. He said he
22 was reading the tea leaves and he was about to get his 10%. His point is that Mr. Toro
23 is the wrong person to be presenting this. He thought the bank should be sitting here
24 and if they were we would have a different behavior with them. Mr. Toro made his case
25 well and having his brother here is a big help.

26
27 Commissioner Brender said he agreed with Commissioner Miller but the problem is this
28 is not "a bank". This is Fannie Mae. He didn't know anybody he could email at Fannie
29 Mae.

30
31 Mayor Mealor said the point is well made but it's the circumstances now.

32
33 Commissioner Lucarelli said she just bought a Fannie Mae house and has been
34 renovating it. The insurance company just did an inspection and based on the
35 renovations she's done to it, and assumed Mr. Toro would do something similar, the
36 value has gone up \$50-60,000 so that's an asset now to the City.

37
38 Deputy Mayor Duryea said he agreed with Commissioner Miller on the economics of
39 this item. We have these ordinances and rules in place for a reason. He said he would
40 be willing to cut this in half but not to 10%.

41
42 Commissioner Miller said it is entirely possible that the mortgage was \$120,000 and not
43 \$36,000 because this person was not taking care of the house, they had a mortgage,
44 and it was in that timeframe. While he was making his case and picked a really low
45 number, it is entirely possible the reason Fannie Mae won't move is they have \$90,000
46 of their money in the house.

1
2 Deputy Mayor Duryea said shouldn't this mortgage be recorded.

3
4 Ms. Sova asked if we had a property history.

5
6 Commissioner Miller said we had the reputation. A bank would probably tell a potential
7 buyer if you take this before the city they will reduce it to 10%. He detected that from
8 our last case that we were willing to reduce it to 10% if we had a willing buyer.

9
10 Ms. Sova said we have the sale history and it has been quit claim deeded eight times
11 since 1987 at a \$100 value which is what everyone puts on a quit claim deed. She
12 didn't know from name to name. That would take more research but am told a
13 certificate of title happened at the foreclosure. It has been quit claim deeded in 1993,
14 1997, 2003, 2004, 2009, and 2010. There is no value that gives us a mortgage hint
15 here.

16
17 **Motion was made by Commissioner Brender to reduce the fine of \$25,579.79 to**
18 **10% of that number if paid within 30 days. The outstanding impact fees and**
19 **interest will remain. Seconded by Commissioner Lucarelli.**

20
21 Commissioner Lucarelli said in her dealings with Fannie Mae, she would rather deal
22 with any bank any day than Fannie Mae. They are no fun.

23
24 **Motion carried by roll-call vote: Commissioner Miller, Yes; Commissioner**
25 **Lucarelli, Yes; Commissioner Brender, Yes; Deputy Mayor Duryea, No; Mayor**
26 **Mealor, Yes.**

27
28 D. Resolution No. 959 – FARO Technologies, Inc. be approved as a Qualified
29 Target Industry (QTI) Business (Tom Tomerlin, Economic Development
30 Manager)

31
32 The City Attorney read Resolution No. 959 by title only.

33
34 Tom Tomerlin, Economic Development Manager, came forward. He pointed out that
35 Irma Stenman, Director of the Metro Orlando Economic Development Commission and
36 Lesli Whisenant, Director of Global Taxes, FARO Technologies, Inc., were present.

37
38 Mr. Tomerlin said this is consideration of a resolution that would recommend FARO
39 Technologies, Inc. for the state's Qualified Target Industry Program (QTI) and providing
40 for local financial support for that program from the City of Lake Mary.

41
42 Mr. Tomerlin said the state's Qualified Target Industry Program is a state administered
43 program. It is a tax refund program that is paid after the jobs are created. It requires
44 that the local community in which the company expands or locates contribute 20%
45 towards the tax refund. We anticipate a partnership with Seminole County government

1 to split that 20% local financial support with 10% for the City of Lake Mary and 10% for
2 Seminole County.

3
4 Mr. Tomerlin said FARO Technologies has been in the Lake Mary area since the early
5 1990's. This is their global headquarters. Worldwide they have about 1,200
6 employees. In the City of Lake Mary at their headquarters they have 210. FARO
7 Technologies produces, manufactures and develops 3D measurement technology that
8 includes things such as laser scanning and computer aided manufacturing
9 measurement. He had the opportunity to tour their manufacturing floor and it is a very
10 high tech operation. FARO Technologies, Inc. is a publicly traded company on the
11 NASDAQ stock exchange.

12
13 Mr. Tomerlin said this incentive award addresses new job creation beyond that 210 just
14 mentioned. It is for 51 new jobs to be located within the City of Lake Mary. Those 51
15 new jobs will pay an average wage of \$61,145. That dollar amount for average wage
16 represents 150% of what the County's annual wage is. They anticipate an estimated
17 \$749,000 in new capital investment in order to absorb those new employees.

18
19 Mr. Tomerlin said based on FARO Technologies being in a high impact sector, a
20 corporate headquarters, as well as the wage they pay qualifies for a tax refund
21 equivalent to \$6,000 per new job created. The local financial support is 20% of that
22 number. Twenty percent of that 51 times \$1,200 (which represents a 20% amount of
23 the total \$6,000 per job) results in a total local financial support of \$61,200. That
24 \$61,200 would split evenly between the City of Lake Mary and Seminole County for a
25 total of \$30,600 for the City of Lake Mary's contribution towards this incentive. That
26 \$30,600 would be paid out over the course of six years and is paid out in a lumpy
27 amount during those six years. He said he had the schedule but it was not in equal
28 disbursement across those six years.

29
30 Mr. Tomerlin said staff is recommending approval of Resolution No. 959 which
31 recommends FARO Technologies, Inc. for the Qualified Target Industry Program and
32 commits the City of Lake Mary to that local financial support. We anticipate Seminole
33 County will take this up at a later Board of County Commissioners meeting.

34
35 Commissioner Lucarelli asked if they knew which way the County is leaning because
36 she had heard they were pulling back on some of that stuff.

37
38 Mr. Tomerlin said we believe this is a fairly modest request. It is 51 new jobs which is
39 important. This is largely a business retention effort. This is a long standing company
40 in the City of Lake Mary, well known worldwide for what they do. We anticipate
41 Seminole County will be an equal funding partner.

42
43 Deputy Mayor Duryea said he was under the impression the grant program was for new
44 companies rather than existing companies but obviously that's not the case.

1 Mr. Tomerlin said the state's QTI Program can also apply to expanding companies,
2 especially in cases like this. In this particular case these jobs are location neutral.
3 There is a large facility FARO has in Pennsylvania and these positions can float either
4 way. This is a business retention effort to try to have those new jobs be absorbed in the
5 City of Lake Mary.

6
7 **Motion was made by Commissioner Miller to approve Resolution No. 959,**
8 **seconded by Commissioner Lucarelli and motion carried by roll-call vote:**
9 **Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Deputy Mayor Duryea,**
10 **Yes; Commissioner Miller, Yes; Mayor Mealor, Yes.**

11
12 E. Reappointments to the Code Enforcement Board

13
14 This item was presented and reappointments of Joel Ivey and Henry Scarfo were made
15 under Special Presentations earlier in the meeting. See Page 2, Line 12.

16
17 10. Other Items for Commission Action

18
19 There were no items to discuss at this time.

20
21 11. City Manager's Report

22
23 A. Items for Approval

24 a. None

25 B. Items for Information

26 b. Monthly Department Reports

27
28 Ms. Sova said in the packets were the monthly department reports.

29
30 Ms. Sova announced Waste Pro will begin delivering the new residential garbage carts
31 on Monday. After the current cart is emptied, please leave it at the street and it should
32 be collected on the same day as well as your new carts delivered on the same day with
33 instructional material.

34
35 Ms. Sova said the Lake Mary Little League Opening Day ceremony is scheduled for this
36 Saturday at 9:00 A.M. at the Sports Complex.

37
38 Ms. Sova said the Strategic Planning Session will be held here next Thursday at 2:00
39 P.M.

40
41 12. Mayor and Commissioners' Reports (1)

42
43 Mayor Mealor had no report at this time.

44
45 Commissioner Brender reminded everyone that we will host the Council of Local
46 Governments (CALNO) on March 4th at 6:00 P.M. We plan on dinner with food trucks

1 and that is also WineART Wednesday. After that we will have presentations by Mr.
2 Nipe and Mr. Tomerlin regarding the City of Lake Mary economic development plan and
3 for Bryan we got a request from CALNO to hear more about the Events Center.
4

5 Mayor Meador said today at the State of the County luncheon we were told there are
6 very few accredited parks groups in the country and two are in Seminole County, one
7 being the City of Lake Mary and the other being the County. That is an incredible
8 compliment to our team.
9

10 Deputy Mayor Duryea said something Chief Bracknell didn't mention was Ronnie
11 Gregory is the chairman of the Police Pension Board. The pension has done very well
12 and that reflects upon the City. It is one of the only defined benefit plans left in the State
13 of Florida so we have to fund what the expected benefit will be in the future. If the
14 investments do well then that is less the City has to kick in.
15

16 Mayor Meador said a lot of that goes to Deputy Mayor Duryea's leadership and guidance
17 over the years and thanked him for that.
18

19 Commissioner Miller said he had told the Commission that we were going to get a vote
20 on the Municipal Advisory Committee for Metroplan Orlando. The Metroplan Orlando
21 Board of Trustees approved that. He sent City Manager Sova the approval letter and
22 the expectation of a bill to come to us for an employee based percentage of the
23 \$25,000. It's not a whole lot.
24

25 Commissioner Miller said he attended the Chamber of Commerce Coffee at the
26 Community Center. He thought it was an excellent program and very well done and
27 attended.
28

29 Commissioner Miller said he had scheduled himself to attend the League of Cities
30 Legislative Session on March 17th and 18th in Tallahassee.
31

32 Mayor Meador thanked Commissioner Miller for representing them.
33

34 Commissioner Lucarelli said she wanted to mention that Ronnie (Gregory) does an
35 amazing job at the arts festival of running security and managing the site for the
36 weekend, and managing a lot of the ROTC student volunteers and making sure they
37 stay in line and don't hurt anybody. He does a great job and works very hard. The
38 whole Lake Mary Police Department, Fire Department, Public Works, Parks & Rec,
39 everybody here. She couldn't do it without them to make it such a successful event.
40

41 Commissioner Lucarelli said April 4th is Family Fun Day. This is our sixth year. We
42 have people calling us to be sponsors and hoped everyone will come out and have fun.
43

44 13. City Attorney's Report

45

46 Ms. Reischmann had no report at this time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Mayor Mealar thanked the representatives from the Forest community. They are wonderful liaisons to the City and we appreciate their input. Also the students that were here this evening are always welcome.

14. Adjournment

There being no further business, the meeting adjourned at 8:15 P.M.

David J. Mealar, Mayor

Mary Campbell, Deputy City Clerk

ATTEST:

Carol A. Foster, City Clerk