

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held March 17, 2011,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road.

3
4
5 I. Call to Order

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

8
9 II. Moment of Silence

10
11 III. Pledge of Allegiance

12
13 IV. Roll Call

14		
15	Mayor David Meador	John Litton, City Manager
16	Deputy Mayor Gary Brender	Carol Foster, City Clerk – Excused
17	Commissioner George Duryea	Jackie Sova, Finance Director/ Assistant City Manager
18	Commissioner Shirley Gray	John Omana, Com. Dev. Dir.
19	Commissioner Jo Ann Lucarelli	Gary Schindler, City Planner
20		Steve Noto, Planner
21		Tom Connelly, City Engineer
22		Bruce Paster, Public Works Dir.
23		Dave Dovan, Asst. Public Works Dir.
24		Steve Bracknell, Police Chief
25		Craig Haun, Fire Chief
26		Katie Reischmann, City Attorney
27		Mary Campbell, Deputy City Clerk
28		
29		

30 V. Approval of Minutes: March 3, 2011

31
32 **Motion was made by Deputy Mayor Brender to approve the minutes of the March**
33 **3, 2011, meeting, seconded by Commissioner Lucarelli and motion carried**
34 **unanimously.**

35
36 VI. Special Presentations

37
38 A. Proclamation – Firefighters’ Appreciation – Kiera Perrino with MDA

39
40 Mayor Meador said what we enjoy in this community is a result of the work of our public
41 safety team. He believed the hallmark of a community is a commitment to public safety
42 and this is one of those times that we can recognize them. He asked Chief Haun and
43 his team to come forward.

44
45 Mayor Meador said we don’t say enough in terms of thanks. The men and women of
46 this department also have received a great deal of state and national recognition and

1 we thank them. He read and presented a proclamation to Kiera Perrino of the Muscular
2 Dystrophy Association proclaiming March 2011 as "Muscular Dystrophy Association
3 Firefighters Appreciation Month".
4

5 Kiera Perrino of the Muscular Dystrophy Association came forward. She thanked the
6 City for recognizing the Lake Mary Fire Department for all they do for the Muscular
7 Dystrophy Association. Last year the Lake Mary Fire Department raised over \$12,488
8 for the Muscular Dystrophy Association. That provided different funding. We support
9 1,300 families in the Central Florida area, 10 of which reside in Lake Mary and
10 Heathrow. We sent 10 children to MDA Summer Camp, they repaired wheelchairs for
11 four of our members for an entire year, provided five clinic visits, eight support group
12 sessions for local members, and six flu shots to families in Central Florida. She thanked
13 the fire department and community for their generosity. Not only do they put their life on
14 the line every day but they are making a difference in the lives of families in the area
15 who have muscular dystrophy.
16

17 B. FY 2010 Comprehensive Annual Financial Report – McDirmit Davis &
18 Company LLC
19

20 Ms. Sova said tonight we have the presentation of our annual audit for fiscal year
21 ending September 30, 2010. Again this year we received an unqualified opinion. This
22 audit was more extensive than years past because of the ARRA grants that we received
23 that required additional and specific work for that funding because it was federal and the
24 amount of the dollars. She introduced Kelly Leary of McDirmit Davis & Company.
25

26 Kelly Leary, McDirmit Davis & Company, LLC, 635 East Robinson Street, Orlando,
27 Florida, came forward. She said we completed the audit for the fiscal year ended
28 September 30, 2010, and the City had an unqualified opinion which is a clean opinion
29 and the best opinion you can get. In addition the City received the Certificate of
30 Achievement for the 2009 Comprehensive Annual Report. That is a process where it is
31 submitted to the Government Finance Officers Association where a city has to meet
32 certain requirements and Lake Mary has met all of those.
33

34 Ms. Leary said the City had to have additional work done this year because of the
35 federal grants. The audit reports that the City is in compliance with laws, regulations,
36 contracts and grants.
37

38 Ms. Leary referred to the management letter and this year there were no comments and
39 there were none the prior year. She said Jackie (Sova) and her finance department do
40 a great job.
41

42 Ms. Leary said the MD&A (Management, Discussion & Analysis) is a summary of the
43 whole document. It summarizes that the assets of the City increased about \$2 million
44 this year. Most of those assets are the investments in the capital assets (infrastructure,
45 roads) and those capital assets decreased this year. Part of that was depreciation

1 expense but part was contributed land that had to be returned to the benefactor
2 because the City determined the covenants couldn't be maintained as required.

3
4 Ms. Leary said debt decreased during the year because the City made the required debt
5 payments. On Page 16, we summarized the changes in the assets and show
6 comparison from 2010 to 2009. Everything looks relatively similar from year to year.
7 There was a large increase in grant revenue and the corresponding increase in public
8 works expense which was the road resurfacing funded by the grant.

9
10 Ms. Leary said also in the financial is the Fund Financials and the General Fund is the
11 operating fund of the City. There was an increase in that fund and that was attributed to
12 additional utility tax and charges for services were higher than expected. A lot of it had
13 to do with managing expenditures. The expenditures were considerably less than
14 budget. The fund balance in the Water & Sewer Fund increased and Stormwater had a
15 slight decrease.

16
17 Ms. Leary said the one letter we do is called the Management Letter and we have to
18 address certain things that the Auditor General requires and one of those is financial
19 condition assessment procedures. The procedures look at trends within the City and
20 also we compare with other cities. Lake Mary has great ratios. They are all favorable.
21 There are a couple that are slightly inconclusive when compared to other cities but as a
22 whole the City is in a great financial condition.

23
24 Mayor Mealor thanked Ms. Leary for her presentation. He said he appreciated Ms.
25 Leary recognizing the Certificate of Achievement because Ms. Sova not only is Finance
26 Director but is Assistant City Manager and has brought a level of expertise to this city.
27 He believed that every year that she has been here this city has been recognized with
28 the Certificate of Achievement.

29
30 Mr. Litton asked the Commission accept the audit as presented.

31
32 **Motion was made by Deputy Mayor Brender to accept the audit as presented,**
33 **seconded by Commissioner Gray and motion carried unanimously.**

34
35 VII. Unfinished Business

- 36
37 A. Ordinance No. 1418 – Rezoning from A-1 to PUD/Final PUD for St. Peter's
38 Episcopal Church expansion, 700 Rinehart Road, St. Peter's Episcopal
39 Church/Reverend Charlie Holt, applicant – Second Reading (Public Hearing)
40 (quasi-judicial)

41
42 The City Attorney read Ordinance No. 1418 by title only on second reading.

43
44 Mr. Noto said there were a few minor changes in the developer's agreement but for the
45 most part stayed the same from first reading.

1 Commissioner Gray asked if there was an agreement with the property to the south.
2 The staff report says the applicant is going to coordinate with the owner of Stirling
3 Center to see about a potential agreement.
4

5 Irene Boyle of CPH Engineers came forward. She said there was some discussion with
6 Stirling representatives but at that time they were unable to do anything as far as an
7 agreement because they were still in the process of selling and didn't want to encumber
8 the site. She said Father Charlie said he would continue negotiations as they
9 progressed.
10

11 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1418. No
12 one came forward and the public hearing was closed.
13

14 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1418 on**
15 **second reading, seconded by Commissioner Gray and motion carried by roll-call**
16 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**
17 **Gray, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**
18

19 VIII. New Business
20

- 21 A. Ordinance No, 1419 – Final PUD for The Enclave at Tuscany, Via Albina and
22 C.R. 46A, Dave Schmitt Engineering, Inc./David Schmitt/Citicommunities,
23 LLC, applicant – First Reading (Public Hearing) (quasi-judicial)
24

25 The City Attorney read Ordinance No. 1419 by title only on first reading.
26

27 Mr. Noto said the next item on the agenda (Item 8-B) is the Preliminary Subdivision plan
28 for The Enclave at Tuscany. The only action being taken tonight is the first reading of
29 the rezoning. The Preliminary Subdivision cannot be approved until the rezoning is
30 approved on second reading. He said he would consolidate both presentations. When
31 we come back for second reading in April he would also do a presentation. He said for
32 tonight's meeting he would combine both if it was all right with the Commission. There
33 were no objections.
34

35 Mr. Noto said the request is for the Final PUD for The Enclave at Tuscany. In
36 September of last year the applicant came before the Commission with the Preliminary
37 PUD and it was approved. The request is for a 33-lot, single family subdivision. The
38 changes that have occurred from Preliminary to Final PUD and Subdivision process are
39 traffic circulation and the retaining wall in front of the retention pond by 46A. They
40 coordinated with the County since 46A is a County road. The entrance to the property
41 was moved to the east. The main entrance is still off of Via Albina. This was all
42 approved by Seminole County. They also coordinated with AT&T regarding the location
43 of the retaining wall and location of the new entry to the east of the property as there is
44 an AT&T easement that runs along the border of the property with fiber optic cables
45 underground.
46

1 Mr. Noto said we worked with the applicant on landscaping along County Road 46
2 throughout the PUD process. It is a very important corridor for the City and multiple
3 other agencies so we wanted to be sure that what was going to be placed along that
4 property boundary would be acceptable. The AT&T easement is located along that
5 boundary as well so they had some hurdles in going through AT&T. They will be
6 providing a brick column wrought iron fence going along the border. He showed a cross
7 section detail on the overhead projector of what it would look like from 46A. He pointed
8 out the entrance towards the east and it aligns with the elevation below it. He pointed
9 out the landscaping they would be providing which is a combination of southern
10 magnolias, red cedars, live oaks, and bald cypress trees as you move along the
11 corridor. He pointed out a dip in the property that he would emphasize more later and
12 the challenges that the applicant had with the different grades on the property. He
13 showed the end of the elevation going west on 46A and ending at the entrance at Via
14 Albina Road. All of this will be memorialized in the PUD developer's agreement.

15
16 Mr. Noto said he mentioned the challenges of the site. He couldn't emphasize it
17 enough. When developers come to staff to develop their sites, one of the things we tell
18 them is there will be no mass clearing. We have never been flexible on that. What
19 occurred when Mr. Bagley came to us is he said if they were to not mass clear there
20 would be retention walls and a smorgasbord of differing elevations throughout the entire
21 site. It would not be aesthetically pleasing and would be very difficult to maintain over
22 the long term. We said to show us what you mean and talk to Mr. Connelly and we will
23 see what we can do to work this out.

24
25 Mr. Noto showed a cross section detail of the site. The left side of the page is the
26 southernmost boundary of the property. Moving south to north, each box on the exhibit
27 is one foot and one box over is ten feet. The dotted line represents the elevation as it
28 is today. The yellow and green indicate the fill and cut that would have to occur to level
29 off the property. There is a lot towards the south, a dip, another lot, the dip and then the
30 stormwater pond. This is the information that the applicant's engineer gave to staff.
31 The City Engineer reviewed it and said the mass grading has to happen. It is the only
32 way to efficiently develop this site.

33
34 Mr. Noto said we were very sensitive to this issue. When the item went to the Planning
35 & Zoning Board, they felt the same. They were concerned that the developer may go
36 out of business and then we have this empty site. That's why we have Condition No. 1:

37
38 The Planning & Zoning Board recommended that the developer bond the
39 cost of the trees shown on the landscape plan, the cost to stabilize the
40 disturbed areas, and the cost of temporary irrigation at the time a site
41 construction permit is issued; that the City Engineer or City's Engineering
42 Inspector will inspect the premises on a regular basis and shall provide
43 notice to the developer if the developer has abandoned the site for 90
44 days thereby activating the bonds for inactivity.

45

1 Mr. Noto said the Engineering Inspector or staff goes out every day to inspect the site
2 and reports back to Mr. Omana and Mr. Connelly. This is something we will be
3 monitoring if approved.
4
5 Mr. Noto said this item went before the Arbor Board to remove seven historic trees on
6 the site. They received approval as their landscape plan goes over and above the
7 requirements of City Code.
8
9 Mr. Noto said on February 22, 2011, the Planning & Zoning Board voted unanimously to
10 recommend approval of the Final PUD and Preliminary Subdivision plan with the four
11 conditions outlined in the staff report.
12
13 Mr. Noto said staff finds the request meets all the findings of fact, is consistent with the
14 Code of Ordinances and Comp Plan and recommended approval.
15
16 Ms. Reischmann clarified that the PSP (Preliminary Subdivision Plan) is not for
17 consideration tonight so the four conditions would not be at issue tonight. We are just
18 looking at the rezoning. We have some minor changes to the PUD agreement for the
19 next meeting.
20
21 Mayor Mealor said the community has been very engaged in this particular item and we
22 want as much information brought forward and on the table as possible in the decision
23 making process.
24
25 Deputy Mayor Brender said he gathered the return of sidewalks and facilities to 46A will
26 be part of this agreement. He said he didn't know what was going to be torn up along
27 46A.
28
29 Mr. Noto said when the applicant met with AT&T, their easement extends 16-1/2 feet
30 from the north property line going into the property south. Most of the work will occur
31 behind there. Any permitting or work done towards the sidewalks is within the County's
32 right-of-way so they will have to get a site construction permit from the City and also a
33 Right-of-Way Utilization Permit from the County for any work being done there.
34
35 Deputy Mayor Brender asked what was going to happen with the folks in Via Tuscan
36 as far as signage. He asked what was in the agreement pertaining to that.
37
38 Mr. Noto said the signage is being worked out between the applicant and the Tuscan
39 HOA, however, it was his understanding that The Enclave would like to add a similar
40 sign feature to the existing column that exists at Via Albina and 46A.
41
42 Deputy Mayor Brender said that is part of the site plan but not part of the PUD
43 agreement.
44
45 Mr. Noto said it is contemplated in the PUD agreement, however, that is something we
46 look to finalize when we get to final subdivision.

1
2 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1419.

3
4 Warren Cohen, President of Tuscany HOA, came forward. He wished the developer
5 the best of luck with his development. He said he had a lot of homeowners who asked
6 him to speak for them. There were concerns as a board as well as homeowners.

7
8 Mr. Cohen said on 46A there has been a lot of talk about the fiber optic line. We have
9 not seen anything in writing, any flat maps, or any kind of indication from AT&T as to
10 exactly where the line is and what can be done. He said he had heard a lot of
11 conversation and trust that it is honest, but we have asked to see something in writing to
12 verify where the fiber optic line is and why a wall cannot be built on 46A which we feel
13 would benefit The Enclave as well as Tuscany. That is something he would like to see
14 happen. It has been told the line goes around but can't see the homes being built with
15 no wall there and the backyards facing 46A. He found that disturbing.

16
17 Mr. Cohen said coming down from Via Albina he questioned what kind of separation
18 there would be from his community aesthetically as well as for the children that walk
19 from the schools. They can just walk right into those yards or if a dog is loose it can just
20 come running over.

21
22 Mr. Cohen said he had a concern about the retention ponds. He questioned if they
23 were being fenced because a school bus does stop right there on 46A and kids walk
24 there. Technically they are supposed to be dry ponds but occasionally they get wet. It's
25 a safety issue because that is a big retention pond in the front.

26
27 Mr. Cohen said another concern was the emergency exit that we have in our community
28 that has been dismissed. We were told it was needed at one time and M/I had to put it
29 in and then were told it was not needed. He said he would like to see something in
30 writing as to who decided it was not needed. He asked if there was something in writing
31 to establish the fact that the emergency exit isn't needed. One concern would be during
32 construction if damage or blockage of Via Albina there is no other way to get in and out
33 of our community. The Planning (Department) of the City said The Enclave needed two
34 entrances and questioned why Tuscany didn't need two. He said he would like some
35 clarification on that.

36
37 Mr. Cohen said we met with our attorney and are trying to resolve the shared road
38 usage, the cost and expenses of that and hopefully we will have an agreement shortly
39 and also checking their HOA documents and concern for future repair as well as
40 maintenance of that road.

41
42 Mr. Cohen said he had concerns with value of homes and property. With things being
43 built here there are a lot of nervous homeowners in Tuscany.

44
45 Mr. Cohen said as far as drainage and clearing, the homes that back up to the wall that
46 faces Tuscany just want to be very concerned with their drainage issues there as it is

1 developed depending on how the water is going to drain, hopefully away from the wall.
2 M/I and the City worked very hard with these tremendous drainage problems in
3 Tuscany, especially the homes on the lake. The properties have dropped four feet
4 between houses with drainage issues that St. Johns and others felt was adequate.
5 There is concern when things get shifted and levels change.

6
7 Mr. Cohen said the homeowners asked him to represent them and they wish The
8 Enclave the best but looking around Lake Mary and looking at the subdivision behind
9 Target where roads were paved, walls were put up and it sits empty, as well as behind
10 ABC where Sam Snead's and other buildings sit. It is unfortunate and beyond the
11 control of everybody but it's a sight that nobody in Lake Mary ever thought we would
12 see: empty buildings, empty strip malls, and a lot of unfinished construction or things left
13 undone. There is great apprehension and we are concerned with this being developed.

14
15 Mayor Meador said he would list them as questions you and the homeowners would like
16 a response to. We will work through those.

17
18 Deputy Mayor Brender asked if we tied in the PUD the establishment of this agreement
19 on the road maintenance to the construction of the homes. He has found in the past
20 that kind of forces the hand to make sure we have an agreement on that prior to the
21 houses being built.

22
23 Mr. Noto said he didn't believe in the past that we have dictated who should pay for
24 what.

25
26 Deputy Mayor Brender said they have to come to an agreement on that prior to
27 construction of the homes.

28
29 Mr. Noto said he didn't believe it was in there now but can look into having that in before
30 second reading.

31
32 No one else came forward and the public hearing was closed.

33
34 Mayor Meador said we have worked very closely with the homeowners' association. He
35 said he had talked with Mr. Cohen in the past and there are some new items that came
36 forward this evening that were not discussed in an earlier conversation with him. In
37 fairness to the homeowners as well as the applicant, he asked Mr. Noto how he would
38 like to have those questions/concerns addressed. He asked what would be the best
39 and most effective manner to do that.

40
41 Mr. Noto said we do have a letter from AT&T regarding the easement location. For
42 some of the other items, in the past we facilitated a meeting with all parties--the City, the
43 developer and the HOA--to sit down and go through everything. We could do that and
44 make sure we're all on the same page before second reading. He thought that would
45 be the most efficient way to go about it.

1 Mayor Mealor said he could understand the anxiety and concerns on the part of the
2 residents and was very respectful of that, however, in the mid-'90's Florida Statutes
3 were dramatically altered and really do provide opportunities for private property rights.
4 The City has its hands tied in some regards. He didn't think any apply in this case and
5 thought all could be resolved.

6
7 Commissioner Duryea clarified that this is a Final PUD and is not a site plan. We have
8 another shot at it and we can get into more detail the next time.

9
10 **Motion was made by Commissioner Duryea to approve Ordinance No. 1419 on**
11 **first reading (Final PUD for The Enclave at Tuscany), seconded by Commissioner**
12 **Lucarelli and motion carried by roll-call vote: Commissioner Duryea, Yes;**
13 **Commissioner Gray, Yes; Commissioner Lucarelli, Yes; Deputy Mayor Brender,**
14 **Yes; Mayor Mealor, Yes.**

15
16 B. Preliminary Subdivision approval for The Enclave at Tuscany, Via Albina and
17 C.R. 46A, Dave Schmitt Engineering, Inc./Dave Schmitt/Citicommunities,
18 LLC, applicant – First Reading (Public Hearing) (quasi-judicial). (Action will be
19 taken on this item at the April 21, 2011, City Commission meeting)

20
21 Action will be taken on this item at the April 21, 2011, City Commission meeting if
22 second reading of Ordinance No. 1419 is approved.

23
24 C. Request for Conditional Use approval to allow an accessory school dormitory
25 with recreational and residential facilities in the M-1A zoning district for Lake
26 Mary Preparatory School, 1097 Sand Pond Road, Lake Mary Preparatory
27 School d/b/a Lake Mary Education, LLC/Dr. Spencer Taintor, applicant
28 (Public Hearing) (quasi-judicial)

29
30 Mr. Schindler said the site is 11.17 acres and is currently developed and has been
31 developed for a number of years. Although the proposed dormitories are associated
32 with Lake Mary Preparatory School, the fact that there will be no instruction,
33 classrooms, and/or administrative functions makes it similar to hotels, motels, hospitals,
34 nursing homes, adult congregate living facilities, and childcare centers which are either
35 permitted uses or conditional uses in the M-1A zoning district. It is consistent with the
36 high tech corridor overlay.

37
38 Mr. Schindler said we looked at the requested dormitory in light of the six criteria for a
39 conditional use. Staff finds the request for a conditional use for a dormitory in the M-1A
40 zoning district does not adversely affect the public interest and meets the six
41 aforementioned criteria with four conditions.

42
43 Mr. Schindler said at the February 22, 2011, meeting, the Planning & Zoning Board
44 voted unanimously to recommend approval of the proposed conditional use with the
45 same conditions.

1 Mr. Schindler said the applicant has requested some clarification of the first condition. It
2 says "the subject property is not to be used for instructional and/or academic
3 administrative functions related to the school". Mr. Schindler explained this means to
4 the general academic function. There is going to be administration related to the
5 dormitory but not to the general school and that is staff's intent.
6

7 Commissioner Duryea said he had a concern with anybody living in an industrial area.
8 He said he was not convinced it was the best thing to do. It's one of those things we
9 discussed in depth when we talked about the whole subdivision, the Rinehart Road
10 Overlay and so forth. He said he would be more amenable if the applicant could come
11 up with a more specific security plan that would not require having a policeman out
12 there all the time. Right now we have an industrial area where the police go through
13 and see if anything looks different. Now with people living out there we are going to be
14 much more careful about what's going on in that particular area because there are
15 people there in the evenings.
16

17 Mr. Schindler said Dr. Taintor was present and would be able to address that more
18 specifically. We have a number of hotels in the area so there are people there in the
19 evening, especially to the north.
20

21 Commissioner Duryea said that's true but he made the distinction that in those areas
22 you have business people and adults. It's a different clientele. We are allowing the
23 school to create an environment that they have a fiduciary duty to take care of those
24 students and we also do. There is an increased level of security on our part that is
25 going to be required.
26

27 Mr. Schindler said at the Planning & Zoning Board meeting Dr. Taintor discussed that
28 there would be on-site security.
29

30 Dr. Spencer Taintor and Mr. Buchanan of Lake Mary Preparatory School came
31 forward. Dr. Taintor said they thought about that tremendously. One of the things we
32 committed to at P&Z is hiring an outside security source. We currently negotiated and
33 as soon as we acquire the property we will be putting in place Allied Barton that is the
34 same security firm that works with UCF in all their residential facilities. Security is of the
35 highest concern for us. We plan to install video cameras throughout the building and on
36 the exterior as well. Part of our renovation plan is to install some fencing that will
37 provide the security that is needed. The parents pay a lot of money and put a lot of trust
38 in us. Over the last three years we have not had one single security incident at our
39 facilities. He said the last thing he wanted on his watch was an accident with one of his
40 students. We committed at P&Z that we would have that 24 hours a day, 7 days a
41 week.
42

43 Mr. Buchanan said that concept can be added as a condition of approval.
44

45 **SIDE 1B**
46

1 Ms. Reischmann said they could say that security officers will be on site 24 hours a day,
2 7 days a week and video cameras would be installed. She said those could be written
3 in.
4
5 Mr. Buchannan said that was correct.
6
7 Commissioner Gray questioned the ratio of supervisors to number of students.
8
9 Dr. Taintor said we don't know how many students are going to be there so we didn't
10 want to commit to a certain number of supervisors and is how we came up with a sliding
11 scale of one supervisor per 12 students.
12
13 Deputy Mayor Brender said there would be 150 kids. He asked if there would be any
14 grounds facilities outside.
15
16 Dr. Taintor said the former use of the facility before it was Workforce One was a Florida
17 Hospital rehab center and ACLF. Currently on site there is a tennis court and basketball
18 court. There is land out back that we plan to landscape and make into some intramural
19 fields. We are working on that process with the City to see exactly what we can plan
20 here. The internal facilities and the common space will be increased 20-fold than what
21 they have now. They will have a fitness room, TV room, study room, game room, and a
22 full-fledged cafeteria space. There is going to be a tremendous amount of increased
23 space than what they are currently used to. We will have activities.
24
25 Deputy Mayor Brender asked if the entire area once finished will be fenced.
26
27 Dr. Taintor said not the entire area. There is a parking lot. In terms of the recreational
28 facilities, yes. He pointed out the location of the fence on the exhibit.
29
30 Deputy Mayor Brender asked if there was a plan in place to how quickly this is going to
31 ramp up to 150 students.
32
33 Dr. Taintor answered negatively. Currently we are looking at 80 students for next year.
34 In three to five years we are looking to be at capacity but that would depend on the
35 market and the mix of students we want to bring in. We are looking to develop a facility
36 that we can build out and get to the potential that we want to.
37
38 Mayor Mealor asked if anyone wanted to speak in reference to this request for
39 conditional use approval. No one came forward and the public hearing was closed.
40
41 **Motion was made by Commissioner Lucarelli to approve the conditional use for a**
42 **school dormitory in the M-1A zoning district with the three conditions outlined in**
43 **the staff report and the modified Condition 4 to read "Provide security officers on**
44 **site 24 hours a day, 7 days a week and install interior and exterior video**
45 **cameras". Seconded by Deputy Mayor Brender and motion carried by roll-call**

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

3
4 D. Request for Conditional Use approval to allow a preschool (day care
5 operation) in A-1 zoning for No Limits Early Learning Center, 390 Longwood-
6 Lake Mary Road; No Limits Church, Inc./Paster Terry Baum, applicant (Public
7 Hearing) (quasi-judicial)
8

9 Mr. Schindler said this is a 21+ acre property and only 3.41 acres are developable. The
10 church is situated on the western eighth of the property. It has been a church for a
11 number of years. The church wants to operate a daycare center. In the A-1 zoning
12 district it is allowed as a conditional use. The state says they will be licensed for about
13 70 children, however, that may change slightly when they actually go in for their
14 licensing. They propose to operate weekdays from 6:00 A.M. to as late as 9:00 P.M.
15 depending on the situation.
16

17 Mr. Schindler said we looked at the six criteria for a conditional use and staff finds that
18 the request for a conditional use for a preschool in the A-1 zoning district does not
19 adversely affect the public interest and meets the six aforementioned criteria for
20 permitting a conditional use. They have also indicated that no new construction will be
21 required and the preschool can be handled within their existing buildings.
22

23 Deputy Mayor Brender said there is a light at the intersection with Lake Way Road. He
24 asked if there was already a signal on the church side.
25

26 Mr. Schindler answered affirmatively.
27

28 Mr. Schindler said on February 22, 2011, the Planning & Zoning Board voted
29 unanimously to recommend approval.
30

31 Deputy Mayor Brender said as long as we already have the light there we can
32 investigate timing and look at traffic flow and adjust it accordingly.
33

34 Mr. Schindler said that is a County signal and the timing of the light can be changed. It
35 operates 24/7 because they periodically have functions at the church during the day but
36 primarily it is weekends.
37

38 Deputy Mayor Brender said he was thinking 60 or 70 cars at peak hours and didn't
39 know how long that light is and might need to be changed. We will need to keep an eye
40 on it.
41

42 Commissioner Duryea asked if two or three years ago they approved something to be
43 built on that site.
44

1 Mr. Schindler answered affirmatively. The previous church had received a substantial
2 check from one of the parishioners and they proposed a significant site plan
3 modification to the site. The site plan was approved but expired through no action.

4
5 Mayor Meador asked if anyone wanted to speak in reference to this request for a
6 conditional use. No one came forward and the public hearing was closed.

7
8 **Motion was made by Commissioner Lucarelli to approve the conditional use for a**
9 **preschool in A-1 zoning at 390 Longwood-Lake Mary Road, No Limits Church.**
10 **Seconded by Commissioner Gray and motion carried by roll-call vote:**
11 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Duryea,**
12 **Yes; Commissioner Gray, Yes; Mayor Meador, Yes.**

13
14 E. Resolution No. 876 – SunRail Local Funding Agreement (LFA) from FDOT

15
16 The City Attorney read Resolution No. 876 by title only.

17
18 Mr. Noto said earlier in the year the Commission approved a list of
19 upgrades/enhancements to the SunRail site. The funding of those enhancements were
20 going to be done through an 80/20 system with DOT paying 80% and the City would
21 cover 20%. The total cost of the upgrades came to \$76,075 which puts the City's 20%
22 at \$15,215. DOT has asked the City to provide that money to them by March 31, 2011.
23 We asked DOT if there was a provision provided for refund in case something happens
24 and that is outlined in the staff report. If the enhancements are not constructed or if the
25 agreement is terminated prior to construction of Phase 1 of SunRail then the City would
26 get the money back. Mr. Noto said staff recommends approval of Resolution No. 876.

27
28 **Motion was made by Commissioner Gray to approve Resolution No. 876,**
29 **seconded by Deputy Mayor Brender and motion carried by roll-call vote: Deputy**
30 **Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner Gray, Yes;**
31 **Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

32
33 F. Ordinance No. 1420 – Amend Chapter 33 of the Code of Ordinances entitled
34 “Departments” – First Reading (Public Hearing)

35
36 The City Attorney read Ordinance No. 1420 by title only on first reading.

37
38 Mr. Litton said this is a housekeeping item. We need to establish John Omana's
39 department that has been in existence for many years. For some reason the police
40 department wasn't there but the police chief was.

41
42 Mr. Litton recommended approval of Ordinance No. 1420 that includes the Police
43 Department, Community Development Department and provides for a Community
44 Development Director.

1 **Motion was made by Commissioner Gray to approve Ordinance No. 1420 on first**
2 **reading, seconded by Deputy Mayor Brender and motion carried by roll-call vote:**
3 **Commissioner Duryea, Yes; Commissioner Gray, Yes; Commissioner Lucarelli,**
4 **Yes; Deputy Mayor Brender, Yes; Mayor Meador, Yes.**

5
6 IX. Citizen Participation

7
8 No one came forward at this time and citizen participation was closed.

9
10 X. Reports

11
12 A. City Manager

- 13
14 1. Request Commission authorize Mayor to execute three-year extension to Sister
15 City Interlocal Agreement with Wilton Manors

16
17 Mr. Litton said this is a continuation of the Sister Cities partnership agreement with
18 Wilton Manors. Back in 2004/2005 when we had the hurricanes there were certain
19 parts of the state that were hit harder than others and some were not hit at all. We
20 thought it was a good idea to have somebody in different parts of the state to be a
21 partner. In the event a hurricane or some type of natural disaster hit Wilton Manors
22 then we would help them as long as we didn't put ourselves at risk and vice versa. We
23 haven't had to use the agreement and hope we never do but it is in place. It is all done
24 in coordination with the state and we don't compromise the system that's in place. This
25 is just in the event that we can help them or they can help us in a natural disaster. He
26 asked the Commission to approve renewal of the agreement for three years.

27
28 **Motion was made by Commissioner Duryea to approve, seconded by**
29 **Commissioner Gray and motion carried unanimously.**

- 30
31 2. Request Commission authorize Florida Highway Products, Inc., piggybacking
32 from Sun 'N Lake of Sebring Improvement District Contract #08-102, to perform
33 street resurfacing in an amount not to exceed \$283,881.75

34
35 Mr. Litton said this is the annual road resurfacing program and there is a memo from Mr.
36 Dovan in the packets. The amount is \$283,881.75 and we have \$300,000.00 budgeted.
37 Timacuan Boulevard near the area of the driving range is 500 feet and will be replaced
38 both north and southbound. There has to be some repairs to the pipes underneath
39 which Timacuan is responsible for. They will make the repairs and we'll do the road
40 resurfacing. We have other problems in the Shady Oaks Circle area that we discussed
41 at the last meeting when we extended the purchase order. That has been fixed and the
42 resurfacing will be done.

43
44 Mr. Litton recommended the Commission authorize Florida Highway Products,
45 piggybacking off of Sun 'N Lake of Sebring Improvement District Contract #08-102, in
46 the amount of \$283,881.75 to perform street resurfacing.

1
2 Commissioner Gray asked if this was same company that did Timacuan Boulevard or
3 Rinehart Road.

4
5 Mr. Paster said neither but they have done a lot of work in the City. They did last year's
6 paving projects. The Rinehart project was Ranger Construction and Timacuan was
7 several years back.

8
9 **Motion was made by Commissioner Gray to approve resurfacing in an amount**
10 **not to exceed \$283,881.75, seconded by Deputy Mayor Brender and motion**
11 **carried unanimously.**

12
13 3. Request Commission appoint alternate member to Planning & Zoning Board

14
15 Mr. Litton said by the Commission's action at the last meeting there is now an opening
16 for an alternate member on the Planning & Zoning Board. He said Mr. Sean Fitzgerald
17 who is currently on the Code Enforcement Board has expressed an interest in the
18 Planning & Zoning Board or the Commission can appoint someone else. He said Mr.
19 Goodrow has submitted a data sheet for consideration.

20
21 Mayor Mealor said if Mr. Fitzgerald is appointed it would leave an opening on the Code
22 Enforcement Board. We have three applicants for the alternate to the P&Z Board.

23
24 Commissioner Gray nominated Mr. Goodrow.

25
26 Commissioner Lucarelli nominated Mr. Fitzgerald.

27
28 **Vote on Nominations:**

29		
30	Deputy Mayor Brender	Mr. Fitzgerald
31	Commissioner Duryea	Mr. Fitzgerald
32	Commissioner Gray	Mr. Goodrow
33	Commissioner Lucarelli	Mr. Fitzgerald
34	Mayor Mealor	Mr. Fitzgerald
35		

36 **Mr. Sean Fitzgerald is appointed Alternate member of the Planning & Zoning**
37 **Board.**

38
39 Commissioner Gray nominated Mr. Goodrow to serve on the Code Enforcement Board.

40
41 **There being no other nominations, Mr. Ronald Goodrow is appointed to the Code**
42 **Enforcement Board.**

43
44 Mr. Litton reminded everyone that the Splash Park would open tomorrow through March
45 27th for spring break and on Saturdays and Sundays until May 2nd at which time it will

1 open full time until Labor Day. Hours are 10:00 A.M. to 6:00 P.M. seven days a week.
2 For City residents it is \$15 for a season pass. Everybody else is daily.

3
4 Mr. Litton said the sixth annual 5K Run will be held Saturday, March 19th, beginning at
5 8:00 A.M. from Timacuan Golf Club. For more information visit www.beatrailblazer.com.

6
7 Mr. Litton said Timacuan would hold their annual meeting on March 31st. Hors d'oeuvres
8 will be served beginning at 6:00 P.M. followed by the meeting at 7:00 P.M.

9
10 Mr. Litton said Florida Yards and Neighborhoods will hold a free Florida Friendly
11 Landscape class in the Commission Chambers on Thursday, April 14th from 6:30 P.M.
12 to 8:30 P.M. To register call 407-665-5575 or e-mail fyn@seminolecountyfl.gov.

13
14 Mr. Litton reminded everyone that the April 7th meeting was canceled and the next
15 meeting will be April 21st.

16
17 B. Mayor

18
19 Mayor Meador said he had received calls from a number of groups but specifically from
20 one individual. It goes to the railroad operation. In 2005 he believed the Commission
21 received a PowerPoint presentation and also had a representative from Atlanta on
22 behalf of the Federal Railroad Administration. The whole premise of that was around
23 the noise created by the trains. He said he was under the impression that issue would
24 be addressed concurrently with SunRail coming on line.

25
26 Mr. Litton said that was a component of SunRail. Metroplan has an ad hoc committee
27 that is working on this and it is their recommendation that SunRail put the constant
28 warning time equipment in at each intersection which is a high cost item. That's not the
29 only thing but is one of the major cost items for each intersection that they were going to
30 install as far as SunRail.

31
32 Mayor Meador said he and his wife try to walk this area every evening. He found some
33 of the trains coming through the community are blatantly disregarding what would be
34 the agreed upon signalization in terms of horns. It's almost as if they are trying to be as
35 obnoxious as is possible. He said he could hear them where he lives and he is not in
36 proximity to Misty Oaks or the people in the Country Club Road communities. He
37 requested that staff give an update on this item at the April 21st meeting.

38
39 C. Commissioners (1)

40
41 Deputy Mayor Brender said he attended the Tri-County League of Cities meeting at the
42 Amway Center. It is an impressive building. Discussion centered around SunRail and
43 some of the programs currently going through sub-committees. There was some
44 discussion about high speed rail and Federal Secretary of Transportation LaHood has
45 decided to rebid the \$2.4 billion that Florida has rejected for high speed rail, and there is

1 a move afoot among certain Florida groups to rebid for all or part of that money since
2 that project is going through an entire rebid. We may be hearing more about that.

3
4 Deputy Mayor Brender said the next CALNO meeting will be the first Wednesday in
5 April at the City of Longwood and he invited everyone to attend.

6
7 Deputy Mayor Brender said we had a reprieve with the Governor's delay on SunRail.
8 He asked the status of the Strategic Planning Session about our station, construction,
9 and architectural things.

10
11 Mr. Litton said he would have Carol (Foster) schedule that.

12
13 Deputy Mayor Brender said Mr. Mahnken has requested some guidance from us as to
14 architectural guidelines.

15
16 Commissioner Duryea wished everybody a Happy St. Patrick's Day.

17
18 Mayor Meador said speaking of the Irish we are honored to have Dr. Ellen McLaughlin
19 from the Forest present this evening.

20
21 Commissioner Gray said Lake Mary Celebrates went well. They had more vendors this
22 year but less traffic. The weather was great and everyone had a good time.

23
24 Commissioner Gray said she did a fundraiser for Leadership Seminole at Longwood
25 Bowling Center. She wasn't sure how much they raised and wasn't sure how much
26 Lake Mary Celebrates raised.

27
28 Commissioner Gray said this Saturday is the 5K Run and more than 250 people have
29 signed up and there are always people that show up at the last minute. There will be
30 room and a tee shirt for everyone. Be there at 6:00 A.M. The Trailblazers are looking
31 for more volunteers to help with registration.

32
33 Commissioner Lucarelli said the Rescue Outreach Mission 5K Run is coming up
34 Thursday, March 24th at Oval Park. It starts at 6:00 P.M. but if you have a team and
35 want team pictures be there around 4:30-5:00. The gauntlet has been dropped--Lake
36 Mary Fire Department versus Sanford. She said she would not be there and would be
37 in Tallahassee with her daughter who is going to be a messenger for the House of
38 Representatives. She said she would be doing her lobbying for stalking laws and other
39 things.

40
41 Commissioner Lucarelli said she attended the RPA meeting this morning and it was
42 informative. Trans Systems did a great presentation. They are planners for transit
43 oriented development. She complimented the guy because he's the first one who has
44 been reasonable about this whole SunRail. Whether it happens or not, transit is not
45 going to happen overnight. It could be 30 to 50 years. We have to change our way of
46 thinking and the way we plan our communities and corridors. It can start as small as

1 having bike racks. She said she put a plug to Commissioner Horan about a sidewalk on
2 Emma Oaks Trail to help with pedestrian connectivity in her community. She told him
3 that residents go down Emma Oaks and it is very dangerous. She said he had the
4 three D's: Diversity (mix of uses), Design (building placement, architecture, way finding,
5 bicycle/pedestrian friendly), and Density (in appropriate locations).
6

7 Commissioner Lucarelli said Fun Day is coming up April 2nd from 9:00 A.M. until 2:00
8 P.M. Sunny 105 is coming to the festival from 9:00 A.M. to 11:00 A.M. We keep getting
9 new sponsors every day.
10

11 Commissioner Lucarelli said Relay for Life has some gags going on.
12

13 Mayor Meador said in the greater Orlando community there has been a great deal of
14 attention directed toward enhancing the arts. He asked if that was a component of Fun
15 Day.
16

17 Commissioner Lucarelli said it is. Seminole State College is going to be here with their
18 student/faculty art show. They are going to have displays and some chalk artists. She
19 wasn't talking little kid chalk art but was talking professional chalk art in the street and
20 other digital demonstrations going on. They are going to have their jazz ensemble and
21 some of their musicians playing as well. One magazine talked about the importance of
22 art in the community and how it is an economic driver. She talks to Stella at Lake Mary
23 Art Studio and she is doing a pottery wheel and art demonstrations at Fun Day and is
24 working to get a gallery in Downtown Lake Mary. It would be incredible to see that
25 whole area blossom as a nice art district.
26

27 Mayor Meador said Seminole State faculty and student art exhibits are quite impressive.
28

29 D. City Attorney 30

31 Ms. Reischmann said so many neighboring cities are preparing a moratorium on the pill
32 mills/pain clinics. She if that was something the Commission is interested in doing. Her
33 concern is if we don't do something then someone may try to enter our community
34 because the others are getting more difficult. Maitland has an ordinance in place where
35 they require permits for the facilities so they can ensure they are legitimate. Seminole
36 County is working on an ordinance and that's why a lot of the cities are holding off with
37 a moratorium until the ordinance is complete.
38

39 Commissioner Duryea asked how they would define such a thing.
40

41 Ms. Reischmann said it has been pretty well defined by the Orange County moratorium.
42 They exclude legitimate clinics. It is very detailed so hopefully they can exclude all
43 legitimate pain clinics or doctors' offices. It is pretty good the way it has been
44 sharpened over time by various jurisdictions.
45

1 Ms. Reischmann said with the killing of the drug registry, this becomes more important
2 because it was thought by law enforcement that the drug registry was going to be a
3 helpful way to combat this. Now not only the Governor but the Legislature is looking to
4 kill it. They don't feel it is effective.

5
6 Mayor Meador said he thought it was most appropriate and the sooner the better
7 because you can see some of the snipe signs starting to crop up and it is very
8 disturbing.

9
10 Ms. Reischmann said a case came out of our local appellate court that said cities can
11 no longer make their liens super priority over mortgages. They said that you are
12 basically going to get wiped out by a mortgage if a mortgage was reported before your
13 lien. Up to now we've been successful in having our liens survive and now we are
14 going to get wiped out. They are saying that the cities are preempted by the recording
15 statute which does first in line/first in right; whereas we've taken the position that
16 because our ordinance provides super priority on many of our liens and because that is
17 in place when the mortgage is entered, the mortgagee understands that's what the rules
18 are and what the law is and they enter it accordingly. The Fifth DCA has said no. You
19 are completely preempted in this field. It is when the lien is recorded. An exception
20 would be utility liens because there is a specific statute providing super priority for that
21 and special assessment liens would also be an exception. This case is being appealed
22 by Palm Bay and they are appealing it to the Supreme Court but the chances of the
23 Supreme Court taking jurisdiction are fairly low. We are following it closely and we hope
24 that the League will file an amicus if the Supreme Court does take jurisdiction which we
25 are hoping that they do.

26
27 Commissioner Duryea said this is throughout the country that government liens, IRS
28 liens and so forth have always taken priority over first mortgages.

29
30 Ms. Reischmann said that is correct and it doesn't affect those federal tax liens or the
31 state tax liens--just the cities and the counties.

32
33 Commissioner Duryea asked about property tax liens from the county.

34
35 Ms. Reischmann said it doesn't affect property tax. It's the other kinds of liens that we
36 have: code enforcement, lot mowing, administrative kind of liens, you name it, anything
37 else but not utility because of the statute. We are working closely with Palm Bay. We
38 have provided a lot of information to them about the financial impact on all the cities that
39 we represent and we are providing support to them for their brief. We hope to be
40 selected to provide the amicus brief by the League because our law firm generally acts
41 as Central Florida counsel for the League on these kinds of cases. We will keep you
42 posted.

43
44 XI. Adjournment

45
46 There being no further business the meeting adjourned at 8:40 P.M.

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14

David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

ATTEST:

Carol A. Foster, City Clerk