

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held April 21, 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 Mealor at 7:05 P.M.

8
9 II. Moment of Silence

10
11 III. Pledge of Allegiance

12
13 IV. Roll Call

14		
15	Mayor David Mealor	John Litton, City Manager
16	Deputy Mayor Gary Brender	Carol Foster, City Clerk
17	Commissioner George Duryea – Excused	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		Bill Carrico, Parks & Rec. Dir.
23		Kathy Gehr, Asst. Parks & Rec. Dir.
24		Bruce Paster, Public Works Dir.
25		Steve Bracknell, Police Chief
26		Craig Haun, Fire Chief
27		Katie Reischmann, City Attorney
28		Mary Campbell, Deputy City Clerk
29		
30		

31 Mayor Mealor said Commissioner Duryea's son is serving in the United States Navy
32 and he has an opportunity to visit him before he returns to service in the Mid-East.

33
34 V. Approval of Minutes: March 17, 2011

35
36 **Motion was made by Commissioner Gray to approve the minutes of the March 17,**
37 **2011, meeting, seconded by Deputy Mayor Brender and motion carried**
38 **unanimously.**

39
40 VI. Special Presentations

41
42 A. Train Horn Quiet Zones (requested by Commission)

43
44 Mayor Mealor said this presentation is dealing with the train horn quiet zones requested
45 by the Commission as a result of citizen input.

1 Mr. Schindler said the Commission asked for a presentation of the status of train horn
2 quiet zones. First and foremost this is a safety consideration. In order to create a quiet
3 zone, the federal government enacted special legislation. Railroads themselves are
4 less than receptive because of the safety factor. Minimum length of a quiet zone is one-
5 half mile. That half mile would encompass Palmetto, Lake Mary Boulevard, and
6 Country Club Road. In order to create a quiet zone, local government must
7 demonstrate that the crossings are as safe without the train horn as they are with the
8 train horn. We've only had one accident involving a train and automobile and that was
9 on Lake Mary Boulevard so any improvements to the roadway would be made on Lake
10 Mary Boulevard.

11
12 Mr. Schindler said in order for a train horn quiet zone to be implemented, there are three
13 pieces of equipment that must be present on the rail line itself: the cross gates with the
14 flashing lights, a power out indicator, and constant warning time equipment. What the
15 constant warning time equipment does is no matter whether the train is moving at 30
16 MPH or 60 MPH, the length of time that the train blows its horn is the same. This is the
17 piece of equipment that is missing at this point from our three crossings. We have the
18 gates and the power out indicator but we do not have this constant warning time
19 equipment.

20
21 Mr. Schindler said in late 2010 and early 2011, Metroplan sponsored a workshop on
22 quiet zones. He attended the workshop and out of it came a proposal to create an ad
23 hoc committee that would look at all the crossings in the 61-mile SunRail line. There
24 are over 100 crossings. The purpose of the ad hoc committee is to look at what would
25 be the minimum improvements necessary in order to create a quiet zone. There is a
26 formula that you plug in and come up with a certain number. He said he and Lt. Biles
27 from the police department are on this ad hoc committee. We were scheduled to begin
28 work and were going to start at the north end of the line, visit every intersection and run
29 through the numbers but it was postponed because of the Governor's inaction on
30 SunRail.

31
32 Mr. Schindler said improvements to the local roadways can be relatively minor or
33 relatively expensive. The minimum is local government is to do whatever is necessary
34 to prevent someone from going around the gates. It could be as simple as making a
35 barrier wall down the middle of a median or a street or putting un-mountable curbs
36 around the medians. That is what the committee is going to do. They are going to take
37 a look at Lake Mary Boulevard and all these 100+ crossings and determine what would
38 be the minimum necessary.

39
40 Mr. Schindler said assuming the committee is activated and we do the work, he would
41 be happy to report back to the Commission; but until such time as SunRail puts in the
42 constant warning time equipment, it is going to be much too expensive for local
43 government to take on its own. It is very expensive equipment. First of all we would
44 have to have the permission of CSX to do this but this is something SunRail is
45 proposing to do.

46

1 Mayor Mealor thanked Mr. Schindler for the explanation. He believed it was the
2 Metroplan train horn study group where the citizens brought this to our attention. Their
3 concern was if we were looking at this and if so what does that look like. This presentation
4 has given some clarity. If we go forward we know that it is going to be on the agenda.
5

6 Mayor Mealor said there are very few initiatives that have had the total regional
7 collaboration that we've had related to this particular project. The Commuter
8 Rail/SunRail issue is one that is contentious. The consistent mantra has been that we
9 want to create jobs and there's probably not a better vehicle in the state right now in
10 terms of a project than what is presented.

11
12 Mayor Mealor thanked Mr. Schindler for his presentation. It is on the agenda but we
13 need to stand down and wait and see what the result is from Tallahassee.
14

15 Deputy Mayor Brender said the committee will be working on these crossings but the
16 goal of that committee is to establish that you are going to head toward this train horn
17 quiet zone.
18

19 Mr. Schindler answered affirmatively. This is assuming that by the time SunRail begins
20 operation that all the equipment would be there, and it would be a matter of local
21 government making roadway improvements.
22

23 Commissioner Gray said this started at the Municipal Advisory Committee and we took
24 it to Metroplan. One of the things the committee said was that they would really like to
25 have minimally at each crossing the infrastructure so that if the city can't pay their share
26 at the time at least the infrastructure is there—the electric, conduit or whatever is
27 needed. She asked if that had been said at the committee meeting.
28

29 Mr. Schindler answered negatively. The committee has never met. There was a
30 workshop and out of that grew this ad hoc committee. We were scheduled to meet but
31 it was postponed.
32

33 Mr. Litton said the important thing is if SunRail goes they will pay for that infrastructure.
34

35 Mayor Mealor said his concern is that should SunRail not move forward in its current
36 form then this issue is probably cost prohibitive to the City of Lake Mary at this time.
37

38 VII. Unfinished Business

- 39
40 A. Ordinance No. 1419 – Final PUD for The Enclave at Tuscany, Via Albina and
41 C.R. 46A, Dave Schmitt Engineering, Inc./Dave Schmitt/Citicommunities,
42 LLC, applicant – Second Reading (Public Hearing)(quasi-judicial)
43

44 The City Attorney read Ordinance No. 1419 by title only on second reading.
45

1 Mr. Noto said Items 7-A and 7-B are for the same project and asked to combine both
2 presentations into one, but there will be separate motions. There were no objections
3 from the Board.

4
5 Mr. Noto provided an update from what has happened from the last meeting. At the
6 March 17, 2011, City Commission meeting, the first reading of the Final PUD came
7 forward. At that meeting members of the Tuscany at Lake Mary HOA, which is the
8 development to the south of the proposed development, voiced some concerns
9 regarding the request. Based on direction from the Commission, staff brokered a
10 meeting between City staff, the applicant and members of the Tuscany HOA. We
11 concluded a list of eight items of concern that the HOA had regarding the request.
12 Some of the items discussed were the location of the AT&T easement along the
13 perimeter of the property, use of Tract B within Tuscany, the access into The Enclave at
14 Tuscany project which includes construction access, entry signage, the shared use on
15 Via Albina Lane and parking on Via Albina Lane, and the stop light at the intersection of
16 Via Albina and County Road 46A which is also shared by the City of Sanford.

17
18 Mr. Noto said there is one outstanding item which is a civil issue between the applicant
19 and Tuscany HOA and that is the shared use agreement. Based on discussions with
20 the attorney for the Tuscany HOA, he is still working on the shared use agreement and
21 it is our understanding that the applicant is waiting to receive that agreement. Based on
22 discussion we had at the previous meeting, we modified some of the language in the
23 developer's agreement to encourage both parties working together to make a shared
24 use agreement, but at the recommendation of the City Attorney we did not make that
25 binding. He explained what he meant by that was if they were unable to come to an
26 agreement by the day the applicant wishes to start construction that the City would not
27 hold up any permits. It is a civil issue but the improvements proposed on Via Albina
28 such as the dip at 46A and Via Albina will be constructed.

29
30 Mr. Noto said if approved by the Commission, the property would be rezoned from R-3
31 Multi-Family to PUD Planned Unit Development. The PUD will allow the use of the
32 property for 33 single-family homes. This request has been before the Commission
33 multiple times. They will have 33 single-family lots and dual access off County Road
34 46A. They will have their standard ancillary uses which are the stormwater ponds to the
35 north of the property. This item has gone through Planning & Zoning Board review for
36 the Preliminary PUD, the Preliminary Subdivision, and Final PUD. Nothing has
37 changed since the March 17th meeting as far as the proposal before the Commission
38 this evening as it pertains to the lots and engineering.

39
40 Mr. Noto said the Planning & Zoning Board recommended approval of the item at their
41 February 22, 2011, meeting and staff continues to recommend approval. He noted the
42 applicant and a representative of the HOA were present.

43
44 Ms. Reischmann asked Mr. Noto to address the conditions that Planning & Zoning
45 asked for.

1 Mr. Noto said Condition No. 1 dealt with the mass clearing of the site. In order to
2 provide a mechanism to ensure that the site doesn't go vacant when it is cleared, the
3 Planning & Zoning Board recommended the bonding of the cost of the trees shown on
4 the landscape plan, the cost to stabilize the disturbed areas and the cost of temporary
5 irrigation at the time a site construction permit is issued. The City Engineer or
6 Engineering Inspector will inspect the premises on a regular basis and shall provide
7 notice to the developer if the developer has abandoned the site for 90 days thereby
8 activating the bonds for inactivity. Mr. Noto noted that the City Engineer and Inspector
9 go out on a daily basis to take a look at construction sites.

10
11 Mr. Noto said Condition No. 2 was that the developer reconfigures the backflow
12 preventer to be underground.

13
14 Mr. Noto said Condition No. 3 was that the developer moves the landscape/trees in the
15 retention ponds south of the retention wall to the north of the retention wall. He said this
16 item was addressed on a revision to the landscape plan submitted by the developer.

17
18 Mr. Noto said Condition No. 4 was added to the developer's agreement that in the side
19 yard of Lot 1 and Lots 5 through 18 that there be no fences along the property lines
20 except for pool enclosures and fences that may be permitted by code. If someone
21 wishes to build a pool there are federal requirements that they fence that in. Cages are
22 to be bronze and fencing to be aluminum if used.

23
24 Ms. Reischmann said those conditions don't need to be made part of the motion
25 because they are either addressed on the plan or in the developer's agreement.

26
27 Mr. Noto said that was correct.

28
29 Commissioner Gray suggested including the cost of installation of the trees in the bond.

30
31 Mr. Noto said point taken.

32
33 Commissioner Gray expressed concern about the traffic. There are several school
34 buses that come in and out of there—middle, high, and elementary school. It's not so
35 bad for the middle and high school as it is for the elementary because there are so
36 many cars that park on Via Albina. She asked what kind of arrangements would be
37 made for all of that. There are already homeowners upset about all the cars that park
38 there to pick up the elementary school students. She understood the parents are
39 concerned about their children and want to make sure to get them home safely.

40
41 Mr. Noto said per the construction of the project the developer will be using the
42 secondary access point for the construction entrance so the use of Via Albina will not
43 happen for construction. For day to day operation when the development is finished,
44 the HOA has told us that they have concerns about Via Albina becoming a parking lot
45 for drop off of school children. Via Albina is a private road so we suggested that the
46 HOA look into putting No Parking signs and entering into an agreement with the police

1 department so they can ticket those who park there. They are not sure if they want to
2 go through with that but that may be something the HOA may want to discuss this
3 evening.
4
5 Commissioner Gray said she was concerned about that because the parents need to
6 park somewhere but didn't know where they'd go. She said she didn't know if the HOA
7 or developer was working with the school board to maybe drop them somewhere else.
8 She said she didn't know if there was a safer place where there was more access for
9 the parents to park. All the construction vehicles will be going right in and right out. She
10 asked if that right in and right out would be permanent.
11
12 Mr. Noto answered affirmatively.
13
14 Commissioner Lucarelli encouraged them to negotiate with the school board. She said
15 they had the same issue in her neighborhood but not to the same degree because they
16 are a larger community with more space to park, but you still have to provide a safe bus
17 stop for the children. It's a matter of where and how do you negotiate all that. It may be
18 that the residents and everyone need to work together and play nice in the sandbox for
19 the benefit of the children. She strongly encouraged working with the school board and
20 discussing options with them. Someone there might have a good idea that no one has
21 thought of.
22
23 Commissioner Lucarelli said she didn't know what the open space requirements are.
24 She asked if they require them to make it parks or anything or were the ponds just the
25 open space.
26
27 Mr. Noto said residential land uses do not require a certain percentage of open space.
28 The commercial ones do. He pointed out Tract 4 that will be left undisturbed.
29
30 Deputy Mayor Brender said we have addressed the problem with the possibility of a
31 whole bunch of different kinds of fences along 46A. The only fencing that will be
32 allowed is the pool enclosure.
33
34 Mr. Noto answered affirmatively.
35
36 Deputy Mayor Brender asked if the developer was installing that aluminum fence along
37 the retention pond.
38
39 Mr. Noto answered affirmatively.
40
41 Deputy Mayor Brender said that is already going to be done.
42
43 Mr. Noto answered affirmatively.
44

1 Deputy Mayor Brender said if the folks from Tuscany need to use the offices of the City
2 with the school board by all means get hold of the City Manager and we will help as
3 best we can.

4
5 Mayor Meador announced he had talked with the applicant, have talked with residents,
6 and have visited the site. A vote will be based on information presented tonight.

7
8 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1419
9 (Final PUD) and/or the Preliminary Subdivision approval.

10
11 Andrew Thomas, 267 Via Tuscany Loop, Treasurer of Tuscany at Lake Mary
12 Homeowners' Association, came forward.

13
14 Mr. Thomas thanked Mr. Noto for summarizing. There have been some good faith
15 efforts to try and work through a number of issues we have brought before the
16 Commission on a number of occasions. We think we are moving in the right direction
17 but didn't want to indicate that everything is taken care of. We still have some
18 concerns. With the representatives from the homeowners' association and meeting with
19 Mr. Bagley, we have put the issues on the table and have discussed them. As we had a
20 litany when we started we have consistently whittled that list down. There are
21 approximately four issues still of concern but they are no different than the ones that Mr.
22 Noto just shared.

23
24 Mr. Thomas said there some concerns with the signage. We've talked about it but we
25 still haven't reached agreement. The signage that will go on 46A will be the entrance to
26 both of our complexes. We are still talking and negotiating how that is going to be
27 resolved.

28
29 Mr. Thomas said the second item is with regard to the fencing with the barriers on Lots
30 5 and 53 that abut Via Albina. Mr. Noto pointed out the lots on the exhibit. Mr. Thomas
31 said we have concerns of what will be done there. Our original understanding of the lot
32 is that was the easement for means of egress that is no longer the case so there is
33 discussion in terms of what will happen. We have a wall that was constructed, there is
34 a wrought iron fence that bridge the walls where they separate and so there is
35 discussion as to how that will be finished off since houses are being built on those lots
36 and it is no longer considered a right-of-way of egress. He thought Mr. Bagley was
37 aware and we have had conversations.

38
39 Mr. Thomas said we still have discussions with regard to the AT&T easement and
40 restrictions and what can and cannot be done and that will pertain to those two
41 particular lots. It was his understanding that the wall cannot be constructed because
42 the fiber optic wires run underneath. That has not been resolved. There have been
43 discussions with AT&T in terms of restrictions to closing that particular section.

44
45 Mr. Thomas said there is the issue of shared use of Via Albina. As we increase the
46 number of units using the road, the concern is how we share the costs with regard to

1 maintenance of the road, sidewalks, and landscaping. Those issues have not been
2 resolved. We are still discussing them and they are still on the table, and we
3 understand it may end up being a civil suit. He said it was his hope it didn't go that way.
4 We are going to be neighbors and wanted to lay a good foundation in terms of
5 collaboration and cooperation and in terms of what is needed. As that private road
6 begins to age it will not only affect us but will affect The Enclave as well. We will both
7 benefit from it or have the detriments that go along with it.

8
9 Mr. Thomas said we have been having discussions with the school board regarding the
10 bus issue. That's not just a Tuscany at Lake Mary issue and was sure The Enclave
11 would have children at that bus stop. We are all concerned and are not looking at
12 making decisions in a vacuum but at some point we will sit down as a team and look at
13 how our future is going to be impacted by the new development.

14
15 Mr. Thomas said growth is good but there are challenges that go along with that and
16 with that comes conflict. Conflict is not necessarily bad but just challenges us to think
17 about it in a new way. He hoped they could keep an open mind as they go forward and
18 accept the fact that this is not a done deal and there are still issues that need to be
19 resolved. We are committed to working through them as our attorneys are working on a
20 letter that should be coming to you very soon. He said he had nothing to indicate that
21 Mr. Bagley has not participated in good faith and hoped that continues and at some
22 point you say that we have expanded and have a great community encompassing both.
23 He submitted a copy of his presentation and is attached and made part of these
24 minutes.

25
26 Commissioner Lucarelli said regarding the shared use and shared costs for
27 maintenance, she suggested working out a percentage. The Enclave would contribute
28 to the Tuscany HOA for their contribution to the overall expenses.

29
30 Commissioner Gray said she wondered if they had visited the idea that maybe The
31 Enclave would be part of the HOA so they would have skin in the game too so it would
32 really be a shared community.

33
34 Mr. Thomas said he wasn't sure because he had not been involved in the negotiations.
35 He was hoping they have had those kinds of discussions and was hoping they will
36 continue to explore all of the options. His goal would be to come up with the best
37 solution that benefits all. We all have needs and interests that need to be met and hope
38 we walk away with something we can all be proud of.

39
40 Deputy Mayor Brender said we had a similar situation in his community where they had
41 a new development come in after an already established one was there for many years.
42 It does break down to simple percentages. He asked if they are going to be redoing Via
43 Albina as part of this development.

44
45 Mr. Thomas said he didn't believe there was a final decision but it had been put on the
46 table and was a consideration. We haven't landed the plane on some of these. We are

1 still having discussions and thought it was time to start moving towards landing the
2 plane. We need something definitive and some direction.

3
4 Deputy Mayor Brender said if Via Albina is going to be redone then they are both
5 starting fresh and by breakdown of percentages start contributing to a joint fund to
6 maintain that road. There should not be a great deal of complexity in that. If the road
7 does not start fresh then it gets more interesting. He said he would like to see these
8 things addressed by both parties prior to construction.

9
10 Jim Bagley, applicant and developer, 215 Celebration Place, Celebration, Florida, came
11 forward.

12
13 Mayor Meador said Mr. Bagley may address the Commission on any areas of concern
14 but asked that the four concerns stated by Mr. Thomas are touched on.

15
16 Mr. Bagley said he met no less than five or six occasions with a variety of
17 representatives from the HOA. The issues haven't changed a whole lot in the last six
18 months. We have made significant progress. Unfortunately Mr. Thomas has not been
19 at most of the meetings. With staff's support he would make some statements and tell
20 the Commission where they're at today.

21
22 Mr. Bagley said regarding the signage issue, we originally proposed to share a common
23 sign with Tuscany. Failing to get any response, we submitted a rendering for review.
24 We had initially proposed a sign on the east side of Via Albina on a shared column. The
25 Tuscany sign faces north. We were looking at some alternative where we could share
26 that sign. We submitted a rendering but didn't receive a response from the HOA so
27 failing that we have proposed signage very similar in form, shape, and color of the
28 Tuscany sign on the other side of the road. We will make it as similar as we can on a
29 similar column on the west side of the road. He thought that should alleviate the
30 signage issue.

31
32 Mr. Bagley said as far as Tract D, we have addressed this issue with AT&T. Tract D
33 abuts Lot 25. There is a gated opening there. He said he was not opposed to putting in
34 a brick wall but AT&T is vehemently opposed to putting anything in there because that
35 is directly across their fiber optic line. They will not let anything go in there sub-surface
36 and they are satisfied with the gate. He said if the HOA could come up with another
37 solution then he was all ears, but right now they need to be concerned that it is right
38 over the fiber optic line and AT&T is really dogged on this. He said there wasn't much
39 he could do on that.

40
41 Deputy Mayor Brender said he was familiar with the lay of that fiber optic line and the
42 importance to the network. AT&T has to have access to that line and moving that line
43 involves the possibility of tens of millions of dollars and the loss of substantial parts of
44 the east coast Internet. He said he didn't want them make AT&T out like they are the
45 bad guy. They need to have access across that point. He said he wouldn't pursue that
46 medium as much as he would try to pursue going some other way to deal with it.

1
2 Mr. Bagley said we planned to put some kind of hedgerow or landscaping there. AT&T
3 will allow planting which is the extent they will allow him to do anything in that
4 easement.

5
6 Mr. Bagley said as far as the shared use agreement, we met with the HOA on March
7 3rd. He said he met with them individually with their counsel and encouraged them to
8 develop a shared use agreement, which is a relatively straight forward document based
9 on percentage allocation. We met with them again March 30th, again with the same
10 members, asking again for the shared use agreement. We sit here today without even
11 a draft of a shared use agreement. He said although Mr. Thomas indicates we are
12 working on things, he sits waiting on a daily basis for the first draft of the shared use
13 agreement. He said he had always been available and willing to enter into the shared
14 use agreement. He thought a fair allocation is based on units or trips. The language
15 should be straight forward and didn't think it was a difficult agreement to draft. We sit
16 here almost seven weeks from our last meetings without the shared use agreement. He
17 thought there had been undue delay.

18
19 Mayor Meador said Mr. Cohen who is the president of the homeowners' association
20 stressed that both needed to operate in very good faith.

21
22 No one else came forward and the public hearings were closed.

23
24 Ms. Reischmann asked if there were any other ex parte disclosures. There were none.

25
26 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1419 on**
27 **second reading, seconded by Commissioner Gray and motion carried by roll-call**
28 **vote: Deputy Mayor Brender, Yes; Commissioner Gray, Yes; Commissioner**
29 **Lucarelli, Yes; Mayor Meador, Yes.**

30
31 B. Preliminary Subdivision approval for The Enclave at Tuscany, Via Albina and
32 C.R. 46A, Dave Schmitt Engineering, Inc./Dave Schmitt/Citicommunities,
33 LLC, applicant (Public Hearing)(quasi-judicial)

34
35 This item was presented and discussed in Item 7-A.

36
37 **Motion was made by Deputy Mayor Brender to approve the Preliminary**
38 **Subdivision for The Enclave at Tuscany, seconded by Commissioner Gray and**
39 **motion carried by roll-call vote: Commissioner Gray, Yes; Commissioner**
40 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Meador, Yes.**

41
42 C. Ordinance No. 1420 – Amend Chapter 33 of the Code of Ordinances entitled
43 “Departments” – Second Reading

44
45 The City Attorney read Ordinance No. 1420 by title only on second reading.

1 Mr. Litton said this is an amendment to Chapter 33 to add the Police and Community
2 Development Departments to the code and to also provide for a Community
3 Development Director.

4
5 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1420. No
6 one came forward and the public hearing was closed.

7
8 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1420 on**
9 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**
10 **call vote: Commissioner Lucarelli, Yes; Commissioner Gray, Yes; Deputy Mayor**
11 **Brender, Yes; Mayor Mealor, Yes.**

12
13 VIII. New Business

14
15 A. Resolution No. 877 – Partial vacation of a 15-foot wide alley adjacent to 394
16 Seminole Avenue; Jared Long, applicant (Public Hearing)

17
18 **SIDE 1B**

19
20 The City Attorney read Resolution No. 877 by title only.

21
22 Mr. Schindler said this is a request for the vacation of a portion of the alley that runs
23 east/west between Eighth and Ninth Streets between Seminole Avenue on the south
24 and Lakeview Avenue on the north. The alley was originally part of the plat for the
25 Crystal Lake Shores subdivision and it was recorded in 1927. At that time this alley and
26 all the other alleys were 20-foot wide. Some time between 1927 and present day, 2-1/2
27 feet on each side of the alley was vacated and added to the properties. It reflects on
28 the legal descriptions at the County Property Appraiser for each of the properties. This
29 is the reason we have a 15-foot wide alley instead of a 20-foot wide alley. The Property
30 Appraiser gives no indication of when this happened or why.

31
32 Mr. Schindler said Section 155.43 of the City Code of Ordinances states that when
33 considering a proposed vacation, the City shall consider the possible effect on the City
34 in general, the immediate neighborhood, and individuals near the property to vacate.

35
36 Mr. Schindler said as is the policy, vacations are always viewed by the Commission as
37 is this in the public interest. Therefore, this is the standard that the Commission will use
38 to consider this.

39
40 Mr. Schindler said the alley is not open for vehicular traffic. It does contain a water line
41 and the water line does serve properties along Lakeview Avenue. The meters on the
42 properties on Seminole Avenue have all been moved to the front yard and the water line
43 does not serve them per se. We have contacted the utilities and have requested their
44 input. We have received feedback from Brighthouse, Waste Management, and Florida
45 Public Utilities and they have no objection. We have not received any feedback from
46 BellSouth and Progress Energy even though they were contacted.

1
2 Mr. Schindler said on March 22, 2011, the P&Z voted unanimously to recommend that
3 the City Commission vacate the entire length of the alley between Ninth Street and
4 Seventh Street, inclusive of the portion of the alley adjacent to Mr. Long's property.
5 Additionally the P&Z voted to recommend to the City Commission that the City either
6 maintain alleys or vacate them. He noted the full minutes of the P&Z meeting were in
7 the packets.

8
9 Mayor Mealor said he was puzzled when he saw that. During that interim time of his
10 leaving as mayor and then returning as mayor, he believed this body implemented a
11 policy that the Commission had acted consistently on and then saw P&Z offering
12 comments. We have new members on the P&Z so in fairness was not trying to be
13 critical of P&Z. He was just trying to get his hands around the previous commission
14 policy or the stated City policy.

15
16 Mr. Schindler said if it was not in the public interest, the Commission would not vacate.
17 This has been in place for about five or more years and the Commission has been
18 consistent. In light of that, staff finds the request to vacate a portion of a 15-foot wide
19 alley adjacent to Lots A through D on the south and Lots 1 through 6 on the north of
20 Block 41 of Crystal Lake Shores subdivision is not in the public interest and is
21 inconsistent with the City's policy to retain alleys for future use. He said the purpose
22 was who knows what use we may have for these alleys in the future. It doesn't make
23 sense for the City to give away property now and have to buy property back. This has
24 been stated on several occasions. Staff finds that the request for the vacation is not in
25 the public interest and is contrary to the decisions the Commission has made previously
26 based upon retention of such rights-of-way and alleys for potential use in the future. He
27 said the Commission felt that better reflected the public interest than the vacation.

28
29 Commissioner Gray asked why the applicant wanted to vacate.

30
31 Mr. Schindler said the applicant stated he wished to increase the size of his yard by 7-
32 1/2 feet and to maintain the alley. The City does not decide who gets what portion of
33 the property. That is the Property Appraiser. Generally half goes to each adjacent
34 property owner so it is likely that the Property Appraiser will give Mr. Long 7-1/2 feet and
35 7-1/2 feet to the property owners on the north side. He said Mr. Long has indicated he
36 would like to increase the size of his yard, maintain the property, and fence it.

37
38 Ms. Reischmann clarified that the property actually reverts based on the law and the law
39 generally is that the fee title is retained by the adjacent owners even with the dedication
40 of the public alley. It just so happens that the Property Appraiser is the one that
41 determines that for tax purposes but that could be contested. It is really the operation of
42 law that determines how that property is handled. It has to do with whether it is
43 dedicated on a plat versus a fee title. In this case it is dedicated on a plat so it is half
44 and half.

45

1 Commissioner Gray said at the home she used to have part of her property was an
2 easement. It was inside a wall and she had to maintain it. It had a big tree that was
3 damaged but it was her problem even though it was on an easement. She knew there
4 was three or four feet that wasn't her property.

5
6 Ms. Reischmann said if you own fee title you have responsibility absent there being an
7 agreement with the easement holder to maintain the easement area and to maintain
8 your landscaping. The easement owner may allow you to put a tree in but would not be
9 responsible for it. Absent those kinds of agreements, the fee title—which would be
10 you—would have responsibility for maintenance.

11
12 Mr. Schindler said Mr. Paster has indicated that since there is a City water line that if the
13 Commission should wish to vacate then the vacation would be conditioned on
14 establishing an easement over the vacated property.

15
16 Mayor Mealor said based on Mr. Paster's request and the last item before us when Mr.
17 Brender was articulating the AT&T easement, technically if the gentleman wants this
18 vacated to put up a fence and maintain it then the fence becomes problematic and they
19 need to grant the City an easement. He asked if that was correct.

20
21 Mr. Schindler said we would need the easement in order to be able to access the water
22 line for any repairs that would be needed in the future. If there was a fence down the
23 middle of the easement it would be problematic and we would have to take out the
24 fence because 7-1/2 feet is not sufficient width in order for the City to get to the water
25 line for repairs.

26
27 Deputy Mayor Brender said we have spoken against vacations like this. He said he
28 could remember going back longer than five years and we have generally not vacated.
29 He had not been a strong proponent of that because we don't know what we are going
30 to use those for. Those are essentially City property. We don't know 20 years from
31 now that somebody doesn't come up with some ingenious method for picking up trash.
32 If we go to something like that and we have an alley there then we have the ability to
33 simply do the job. If we give up one easement we have to give up miles of alleyways
34 throughout the downtown area. If we give up one alley to one landowner then it will
35 open up a flood gate of the possibility of hundreds of others. In the future we may want
36 some control over that alleyway.

37
38 Commissioner Lucarelli said her biggest concern was the utilities being there. If it is
39 vacated and everyone puts fences up and the main breaks and we have to go in and fix
40 it. She didn't want to encourage that kind of behavior.

41
42 Commissioner Gray asked if they could make it an easement and the City would still
43 own it but allow them to put a fence on a case by case basis but with the understanding
44 that if we need to remove it then it would be at their cost.

1 Ms. Reischmann said they could enter into those kinds of agreements with the
2 homeowner and just say we will tear it down if we need to get to the water main. It
3 becomes difficult in the sense that the City has consistently said no fences on their
4 utility easements.

5
6 Mayor Mealor asked if anyone wanted to speak in reference to Resolution No. 877.

7
8 Jared Long, 394 Seminole Avenue, applicant, came forward. He submitted a packet of
9 information and is attached and made a part of these minutes.

10
11 Mr. Long said the reason for the vacate is that we would like to fence and maintain that
12 property. It is currently overgrown, there are old trees, brush and whatnot. He showed
13 a picture of the area between Lots 4 and 5 to the north of his property. The trees are in
14 the center of the alleyway. He showed pictures of the view looking east. In the alley's
15 current state it is not accessible by vehicle and barely walking. He said he could see no
16 negative impact to the City. It would be more positive because we would be able to
17 fence and maintain it properly. All of the adjacent property owners are in agreement
18 that they would like to do this.

19
20 Mr. Long said as far as maintaining the alleyways for future use, our property is outside
21 the downtown development district. The future designation is low density residential.
22 He did not see a need as far as drainage or garbage pickup. For other utilities uses, we
23 are on Block 41. He noted the yellow on the exhibit were vacated alleyways. The two
24 alleyways intact are Block 41 and Block 42. Block 43 has been completely vacated. In
25 Block 44 is a partial vacate. In its current state the only utility usage would be for a two-
26 block space. It doesn't seem logical that you would put something back there. On
27 Seminole is a 78-foot right-of-way and seems like that would be sufficient for any utility
28 usage.

29
30 Mr. Long showed a schematic of the water lines. It is a 1-1/2 inch galvanized line and
31 the City is moving all the meters to the PVC lines. He was told by someone at public
32 works that eventually this line will be decommissioned. In its current state it runs
33 through our alleyway onto another property which currently does not have an alleyway
34 and runs all the way down through the blocks that have the alleyways already vacated.
35 This water pipe is actually through areas that are not alleyways. If the line breaks the
36 alleyway would serve no purpose and would have to access it through the property
37 owner's property. He showed a picture of a portion of an alleyway on Eighth Street
38 looking towards Seventh and another part where the alleyway is completely blocked. If
39 the line broke two houses down you would have to go through someone's yard to get to
40 it.

41
42 Mr. Long said we wanted to take care of the yard and fence it in. If the City wants to
43 maintain the property he asked that it be maintained properly. There are some old trees
44 that may come down at some point. We would appreciate the City taking care of it.

1 Commissioner Lucarelli asked if the yellow on the map are the alleys that have been
2 vacated.

3
4 Mr. Long answered affirmatively. Lots 41 and 42 have the 2-1/2 feet but 43 has been
5 completely vacated. You can see all the vacated alleyways. It seems 41, 42 and 44
6 are oddball ones. Everything else has been vacated. He could understand it if nothing
7 had been vacated. He could understand the concern if his were the first being vacated.
8 These just seem like the last ones that are eventually going to be vacated.

9
10 No one else came forward and the public hearing was closed.

11
12 Deputy Mayor Brender asked when these other vacations were done. They were done
13 before 1992.

14
15 Mr. Omana said he had been with the City since 1998 and had seen references going
16 back to 1964. It has been a smorgasbord of dates.

17
18 Commissioner Lucarelli asked if there was a date to eliminate the galvanized water
19 mains from service.

20
21 Mr. Paster said we have already laid new 6-inch lines at the fire hydrants in the road
22 rights-of-way and are in the process of moving meters from the old galvanized lines to
23 the new PVC lines. There is a plan to decommission the galvanized pipe. Hopefully
24 within the next five years all of them will be gone.

25
26 Commissioner Gray said if we are going to keep the alleyways then we need to
27 maintain them. She said it was interesting that BellSouth and Progress Energy have
28 not responded. The other utilities have no objection.

29
30 Mr. Paster said the alleyways are maintained on an as-needed basis meaning they
31 have to be maintained for meter readers to walk through there. They are in a natural
32 state and we don't clear them if we don't need to clear them, so over the years the trees
33 have grown in the alleyways. They are periodically cleared out. People throw debris in
34 there and we clean that out. Trees fall over and we do maintain those so we can have
35 our meter readers walk through there. That was another issue in removing all those
36 water lines because it is a lot to maintain.

37
38 Mr. Litton said there are many people that do not want them maintained and want them
39 in their natural state. Safety is one reason and they don't want access back there.

40
41 Jennifer Perez, 394 Seminole Avenue, came forward.

42
43 Mayor Mealor said he was familiar with a request that came through years ago from Mr.
44 Mellonig and understood the City position and had no problem with it. In fairness to Mr.
45 Long the issue is he would like to put up a fence. He said with the setbacks he asked if
46 Mr. Long could put a fence on his property line.

1
2 Mr. Long answered affirmatively. He said to him it was more to shore up and not have a
3 gap that is overgrown. It seemed logical to shore it up so we both maintain half of it.
4 Also that pack of trees sits in the center of that alleyway so if there is a water line there
5 that has grown all around the water line.

6
7 Mayor Mealor said with the fence that is currently there now there would be a gap
8 regardless unless that individual moved his fence.

9
10 Mr. Long said the property owner said he would move his fence back as well.

11
12 **Motion was made by Deputy Mayor Brender to deny Resolution No. 877,**
13 **seconded by Commissioner Gray.**

14
15 Mayor Mealor clarified that an affirmative vote would be to deny the request.

16
17 **Motion carried by roll-call vote: Deputy Mayor Brender, Yes; Commissioner Gray,**
18 **Yes; Commissioner Lucarelli, No; Mayor Mealor, Yes.**

19
20 Mayor Mealor said in fairness this is a community issue. There were some very real
21 concerns brought up by the applicant and thought we will respond to those.

22
23 B. Conditional Use request for a pharmacy within the Professional Office (PO)
24 zoning district at 4106 W. Lake Mary Boulevard, Suite 130 (Medplex building)

25
26 Mr. Omana said he wanted to indicate some procedural issues that we pursued on this
27 matter. Based on discussion that occurred at the March 17th City Commission meeting
28 regarding pill mills and input provided by the City Attorney, we went ahead as staff and
29 in coordination with the City Manager, Police Department, Community Development
30 Department as well as the applicant investigated this matter to see if fell within the
31 parameter of the pill mill situation. After due consideration and investigation, the Police
32 Department found that the business was clean and there were no indications or history
33 indicating it was a pill mill; so we proceeded through the public hearing process through
34 the Planning & Zoning Board and subsequently this evening before the Commission as
35 a conditional use.

36
37 Mr. Noto said this property is located within the Medplex building which is on the north
38 side of Lake Mary Boulevard by McDonald's, Regions Bank, and the Walgreen's Plaza.
39 This is a form of internal capture within a building. The pharmacy will not function like a
40 Walgreen's or CVS. There will be no sale of cereal, soda or anything of that nature.
41 They will be selling medicine and other items needed after visiting a doctor such as
42 braces and things of that nature. If someone was visiting a doctor in the Medplex
43 building and needed to pick up supplies afterwards he could go into their bay on the first
44 floor to pick up the supplies he needed. This will be focused on working with
45 businesses that exist within the building.

1 Mr. Noto said the applicant has also indicated that they will be operating through
2 delivery of medicine and goods to the elderly if needed. They will be advertising
3 through mail orders and things of that nature. That is something they said they have
4 done in the past.

5
6 Mr. Noto said we reviewed this against the six findings of fact as outlined in the staff
7 report. This was reviewed by the Planning & Zoning Board and they unanimously
8 recommended approval at the April 12, 2011, meeting. Staff finds that the request
9 meets all findings of fact and recommended approval. He noted there was a
10 representative of the applicant present.

11
12 Commissioner Gray asked the operating hours. Mr. Noto said 9:00 A.M. to 5:00 P.M.

13
14 Mayor Meador asked if anyone wanted to speak in reference to this request for a
15 conditional use. No one came forward and the public hearing was closed.

16
17 **Motion was made by Commissioner Gray to approve the conditional use for a**
18 **pharmacy within the Professional Office zoning district, seconded by**
19 **Commissioner Lucarelli and motion carried by roll-call vote: Commissioner Gray,**
20 **Yes; Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Meador,**
21 **Yes.**

22
23 C. Request for a wall material waiver for property located at 1795 W. Lake Mary
24 Boulevard; Mohamedraza Aziz, applicant

25
26 Mr. Noto said the subject property is located on the south side of Lake Mary Boulevard
27 just to the southeast of our expanded downtown and it abuts Big Lake Mary. The
28 applicant is requesting a wall waiver. A wall within the front yard setback within the
29 Gateway Corridor on Lake Mary Boulevard can be built of brick. A fence or wall within
30 the front yard setback in any other part of the City would have to be a decorative fence.
31 The waiver provision allows a property owner to build a wall, with Commission approval,
32 of stucco or other material that is consistent with the home. Other waivers have been
33 approved in the past.

34
35 Mr. Noto said the applicant is currently redeveloping the property with a 14,000 S.F.
36 home. The color is an orangish/yellow and that is the color they are looking to utilize as
37 part of this wall. It will be a masonry wall with stucco that would match the color of the
38 house. It will be heavily landscaped along the entrance. There is also a note that says
39 the columns will not be higher than 7 feet within the setback and that includes the
40 ornamental feature. Out of the setback it will not be higher than 8. Both of those
41 provisions meet the code.

42
43 Mr. Noto said we reviewed previous requests and this request is consistent with what
44 has been asked in the past. As part of this construction the applicant will be extending
45 the wall along the boundaries of the property. He said that was not part of the request
46 but was an informational item.

1
2 Mr. Noto said staff finds the proposed wall waiver to be compatible with the surrounding
3 area and finds that it is consistent with the Lake Mary Code of Ordinances. We have
4 four conditions outlined in the staff report that are consistent with previous conditions for
5 wall waivers we have had in the past. He noted a representative was present.

6
7 Commissioner Gray suggested to change the ordinance and forget about the waiver.

8
9 Deputy Mayor Brender said there aren't that many properties along the Boulevard.
10 When we undo something like that we open up the door for who knows what.

11
12 **Motion was made by Commissioner Gray to approve the wall material waiver,**
13 **seconded by Commissioner Lucarelli and motion carried by roll-call vote:**
14 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Gray,**
15 **Yes; Mayor Mealor, Yes.**

16
17 D. Ordinance No. 1421 – Declaring a moratorium as to the filing and receipt of
18 any application for, or issuance of, Business Tax Receipts and Land Use
19 approvals for operation of Pain Management Clinics – First Reading (Public
20 Hearing)

21
22 The City Attorney read Ordinance No. 1421 by title only on first reading.

23
24 Ms. Reischmann said a lot of the surrounding cities and counties have adopted these
25 pill mill moratoriums in an attempt to fill the void left by the Legislature. When the
26 Legislature did act to set up this drug registry which is deemed to help in this problem
27 with multiple prescriptions for controlled substances, the Governor felt that was an
28 invasion of privacy but he has reversed course in the last few days and decided that the
29 drug registry will go forward. It is being funded by pharmaceuticals. However, it's not
30 up and running yet so there is a void. We don't want to be the only government that
31 doesn't have this moratorium. Florida is the big supplier for the nation of these
32 controlled substances.

33
34 Ms. Reischmann said this ordinance provides that we won't accept applications for
35 business tax receipts. The way the pill mill is defined is by looking at the statutory
36 definition and how the state requires registration for certain types of pain management
37 clinics. It is exempting out those clinics that are not required to be registered by the
38 state which is an attempt to get at those that operate illegally. There are six
39 exemptions. In addition, we have a section saying no pain management clinic in
40 operation may be cash only operations. There is an hours of operation provision of 7:00
41 A.M. to 9:00 P.M.

42
43 Ms. Reischmann said we are hoping that the Governor moves forward and this drug
44 registry helps to solve the problem and additional legislation is adopted to allow us to
45 combat these pill mills. This ordinance for now will hold them.

1 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1421. No
2 one came forward and the public hearing was closed.

3
4 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1421 on**
5 **first reading, seconded by Deputy Mayor Brender.**

6
7 Deputy Mayor Brender said in the six exceptions, we are not forbidding pharmacies. He
8 said he was looking at that fine line between pill mill and pharmacy.

9
10 Ms. Reischmann said it was a difficult line to draw but apparently the state has deemed
11 these exceptions to allow for pharmacies on publicly held corporations and licensed by
12 state law. If we get one that appears to be clearly a pharmacy and not a pill mill then
13 we would want to allow them to come to the Commission and ask for relief from this
14 moratorium.

15
16 Deputy Mayor Brender said he made an appeal before the Metropolitan Bureau of
17 Investigation on a particular pain management clinic in downtown Orlando next door to
18 one of his clients. One morning there were 112 people lined up at 9:00 in the morning
19 waiting for this guy to open his door. He didn't think one of them was over 30 years old
20 so he is not treating arthritis. It was almost ridiculous to consider that somebody could
21 look at this and say there's nothing going on in there. Virtually every one of the clients
22 wore their hats on backwards, had hoodies up, sunglasses, baseball caps over their
23 eyeballs.

24
25 **SIDE 2A**

26
27 Deputy Mayor Brender said he made an appeal to MBI about this. He was glad to see
28 the state and everybody else moving toward this. We have got to find a way to make
29 sure that we are drawing this line as succinctly as possible between the two because he
30 knew a lot of pharmacies pass out a heck of a lot of pills.

31
32 Mayor Meador thanked the Florida House of Representatives for taking this up
33 yesterday.

34
35 **Motion carried by roll-call vote: Deputy Mayor Brender, Yes; Commissioner Gray,**
36 **Yes; Commissioner Lucarelli, Yes; Mayor Meador, Yes.**

37
38 IX. Citizen Participation

39
40 Joanne Counelis, 136 East Alma Avenue, came forward. She asked to please have
41 SunRail. Please don't kill it like Rick Scott killed the high speed rail.

42
43 No one else came forward and citizen participation was closed.

44
45 X. Reports

1 A. City Manager

- 2
3 1. Request Commission authorize City Manager to execute landscape maintenance
4 contract with ValleyCrest Landscape Maintenance, Inc., in the amount of \$16,396
5 for a period of one year with the option to extend for two terms of one year each
6

7 Mr. Litton said this is a request to award the bid for landscape maintenance of rights-of-
8 way, primarily Rinehart Road and the median on Lake Mary Boulevard. He thanked Mr.
9 Carrico, Kathy Gehr and Jim Buck (member of Parks & Recreation Advisory Board) for
10 their due diligence in evaluating these bids. We had a great response. It was a difficult
11 decision but at the end of the day we are recommending the right thing for Lake Mary.
12

13 Mr. Carrico said Mr. Buck and Ms. Gehr put a huge amount of time into this and didn't
14 think it could be any more complete and comprehensive. The original bid was rescinded
15 because there was information we were unaware of. We repeated it through RFP #11-
16 04. He said Mr. Buck's credentials are extensive. He has been a parks & recreation
17 director for many different organizations and we are lucky to have him.
18

19 Mr. Carrico said the ranking went by several categories with cost being the main one
20 (60%). It was figured out by formula which originally came to us through our Public
21 Works Director.
22

23 Ms. Gehr said we came to 60% by subtracting the lowest bid from the highest bid and
24 the difference would have been \$125,267. We divided that by 60% and we rounded up
25 which gave us \$2,088. In order to determine the point value of all vendors' prices we
26 followed through with this process for the 11 vendors and that is how we came to the
27 total cost point value with 60% being the highest and zero being the lowest.
28

29 Mr. Carrico said Mr. John Anderson of ValleyCrest and Mr. Dave Harding were present.
30

31 Mr. Carrico said the next issue was the client/reference list. We went through an
32 extensive system of grading our individuals. This was very difficult to do and in the past
33 had been what held us back. We set up some questions and the last one was if you
34 had a choice would you hire this company again. The others we asked them to grade
35 between one and five. We called all the references we could call and then we added
36 those up and is how we came up with the grading system.
37

38 Mr. Carrico said experience is the opinion of the grader and it is subjective. The annual
39 grounds maintenance plan was also subjective and was the opinion of the grader. He
40 said he wouldn't show the difference between one maintenance plan and another but
41 one is one half page and it got zero, or one point depending on the grader, and the
42 other was 15 pages and it got the max.
43

44 Mr. Carrico said the scoring is the last part and the part that we would ask the
45 Commission to approve. He showed a spreadsheet of the evaluators' scores for each

1 vendor. He said ValleyCrest had a score of 90.95 and Carol King was 90.38. The
2 spreadsheet showed the amounts that were bid by each vendor.

3
4 Mr. Carrico said we are recommending the Commission accept ValleyCrest for a period
5 of one year with the option to extend for two terms of one year each with mutual
6 consent.

7
8 Mr. Litton said this is one time we are going to pay more in money but thought it was
9 well worth the expenditure. The best reference that ValleyCrest has is what you see out
10 there today. The Boulevard and Rinehart have never looked better.

11
12 **Motion was made by Deputy Mayor Brender to award the landscape maintenance**
13 **bid to ValleyCrest and authorize City Manager to execute contract, seconded by**
14 **Commissioner Gray and motion carried unanimously.**

15
16 2. Request Commission award RFP #11-05 for Concession Operation/Services at
17 Trailhead Park and Sports Complex to The Sweet Shoppe, LLC

18
19 Mr. Carrico said this is the bid for Trailhead Park and the Sports Complex concession
20 stands. We put out RFP #11-05 and received two responses. Mr. and Mrs. Duncan of
21 The Sweet Shoppe were present.

22
23 Mr. Carrico said they met all of our goals. Regarding responsiveness of the proposal
24 and understanding the work to be performed, both organizations understood that but
25 Mr. Alves did not choose to become involved in the Sports Complex.

26
27 Mr. Carrico said regarding experience and creativity of the vendor, including track
28 record for generating bottom line results, we felt that was a tie.

29
30 Mr. Carrico said regarding current licenses, certificates of insurance, etc., both
31 companies are currently in business and are considered capable of providing licenses,
32 insurance, etc.

33
34 Mr. Carrico said proposed products, services and pricing was another area and both
35 companies produced menus with pricing. He noted the one from Mr. Alves was ice
36 cream only and Mrs. Duncan has an extensive menu which is what we're looking for.

37
38 Mr. Carrico said in Paragraph E, proposed profit sharing, percentages and/or fee
39 guarantees to the City, there was a 25% net return proposed by Mr. Alves and a 35%
40 net return by Mrs. Duncan.

41
42 Mr. Carrico recommended that Mrs. Duncan (The Sweet Shoppe, LLC) be awarded the
43 bid for the concessionaire at Trailhead Park and for the Sports Complex.

44
45 Commissioner Gray said they need a sign on the end and side of the building and keep
46 the trees trimmed so more people know that it is there.

1
2 **Motion was made by Commissioner Lucarelli to award the bid for concession**
3 **operation/services at Trailhead Park and Sports Complex to The Sweet Shoppe,**
4 **LLC, seconded by Commissioner Gray and motion carried unanimously.**
5

- 6 3. Request Commission authorize name change on previously approved purchase
7 order from Florida Highway Products, Inc. to Roadway Management, Inc.
8

9 Mr. Litton said this is a request to reapprove an award for the annual road resurfacing
10 program in the amount of \$282,881.75. Unbeknownst to us during this process, Florida
11 Highway Products had changed names to Roadway Management. This is just a
12 cleanup of a contract that exists. We wanted the record to reflect the current vendor.
13

14 **Motion was made by Commissioner Lucarelli to authorize name change on**
15 **previously approved purchase order from Florida Highway Products, Inc. to**
16 **Roadway Management, Inc., seconded by Commissioner Gray and motion carried**
17 **unanimously.**
18

- 19 4. Request Commission authorize purchase of sniper rifles from the police forfeiture
20 fund in an amount not to exceed \$7,660, which includes credit for trade in;
21 declare three existing rifles surplus authorizing City Manager to dispose of; and
22 also authorize City Manager to execute associated budget adjustment
23

24 Mr. Litton said this is a request from the police department to spend forfeiture funds to
25 purchase two Blaser Tactical 2 sniper rifles which are primarily used by the SWAT team
26 in the amount of \$7,660 and declare the three current sniper rifles surplus (Serial Nos.
27 D6239461, G6371377, and G6471123). We will be trading those in as credit towards
28 the purchase of these two Blaser Tactical 2 snipers. We also request the Commission
29 authorize the City Manager to execute the associated budget adjustment.
30

31 **Motion was made by Commissioner Lucarelli to prepare purchase order to Lou's**
32 **Police Supply in the amount not to exceed \$7,660 for the purchase of two Blaser**
33 **Tactical 2 sniper rifles from the Police Forfeiture Fund; declare three Remington**
34 **700 sniper rifles surplus (Serial Nos. D6239461, G6371377 and G6471123) for a**
35 **credit of \$2,000 towards purchase; and authorize City Manager to execute**
36 **associated budget adjustment. Seconded by Commissioner Gray and motion**
37 **carried unanimously.**
38

- 39 5. Request Commission authorize Mayor to execute Memorandum of
40 Understanding for county-wide damage assessment services
41

42 Mr. Litton said this is a request for a Memorandum of Understanding for county-wide
43 damage assessment services. A memorandum from the building official is in the
44 packets. This is basically a first response type of thing where we help each other in the
45 event of a disaster, especially in a specific area of the County. We will work together
46 and the County will take the lead and will provide software. It is a good thing to have.

1 It doesn't obligate us to a lot—we just agree to help and they agree to help us. It will be
2 signed by all the cities and the County. He recommended approval.

3
4 **Motion was made by Commissioner Gray to authorize Mayor to execute**
5 **Memorandum of Understanding for county-wide damage assessment services,**
6 **seconded by Deputy Mayor Brender and motion carried unanimously.**
7

8 6. Request Commission declare Police and Public Works items surplus and
9 authorize City Manager to dispose of

10
11 Mr. Litton said this is a request to declare five mobile radios (Serial Nos. 722AWL0263,
12 722AWL0262, 722AWL0261, 722AWL0268, and 722AWL0254); seven radar units
13 (Serial Nos. 007824, 22702, 006556, G1916, G2S13600, G2S13609, and G2S13876);
14 one marked 2006 police vehicle (Unit #2225) from the Police Department surplus and
15 authorize City Manager to dispose of.

16
17 Mr. Litton said we have a request to declare a 1998 Haulin Trailer (Unit #46), 1995 Bush
18 Hog Mower (Unit #131), and a 1995 Box Blade (Unit #132) from the Public Works
19 Department surplus and authorize City Manager to dispose of.

20
21 **Motion was made by Deputy Mayor Brender to declare the requested items**
22 **surplus and authorize the City Manger to dispose of, seconded by Commissioner**
23 **Gray and motion carried unanimously.**
24

25 7. Request Commission allow Chief Bracknell to attend FBI Academy

26
27 Mr. Litton said this is a request to allow Chief Bracknell to attend the FBI Academy.
28 This is an opportunity to gain that training and experience. Not too many law
29 enforcement get that opportunity. It is a honor for Chief Bracknell. Mr. Litton asked the
30 Commission to allow Chief Bracknell to attend on a paid leave of absence. He said he
31 had talked to Deputy Chief Morgan who has agreed to assume the duties of Police
32 Chief. It is ten weeks and Chief Bracknell will be paying for everything other than his
33 normal check and the expenses associated with the enrollment. He asked for the
34 Commission's approval.

35
36 Mayor Mealar said we have a Lake Mary resident, the former Chief of Police in
37 Casselberry, Durbin Gatch, who attended and he talked about what a remarkable
38 experience it was. It is a wonderful opportunity for Chief Bracknell but thought it would
39 have benefits to every member of the public safety team.

40
41 Mr. Litton said Chief Bracknell agrees to continue his service for three years after
42 returning if we want him.

43
44 **Motion was made by Commissioner Lucarelli to allow Chief Bracknell to attend**
45 **the FBI Academy on a paid leave of absence, seconded by Commissioner Gray**
46 **and motion carried unanimously.**

1
2 Mr. Litton said the Charter Review Committee has been working diligently toward
3 bringing forward their charge to the Commission. It is due in June. They had a meeting
4 Monday evening where they solicited public input. We advertised that on the website,
5 posted it on the bulletin boards, etc. We had zero people show up. They will be bringing
6 that forward shortly.

7
8 Commissioner Gray asked if it was put on the back of the water bill.

9
10 Mr. Litton answered negatively because they didn't have time to do that.

11
12 Mr. Litton said the Strategic Planning Session scheduled for today was canceled due to
13 Commissioner Duryea being called out of town. The City Clerk will be rescheduling
14 that. He thought it was important to get that done as soon as we can.

15
16 Mr. Litton said the lights at the Sports Complex are in the process of being changed out
17 and should be finished by the end of next week. From the feedback they are working
18 well and it should save the City a lot of money in energy costs.

19
20 Mr. Litton said we had over \$5,000 in damage with the wind storm two weeks ago,
21 mostly at the tennis courts. We had some trees down. He complimented staff on their
22 response. They did a great job. We had a wedding scheduled at the Events Center
23 and no power but we were able to come up with Plan B on that. The Forest was out of
24 power for over 24 hours which caused some grave concern. We had two officers in the
25 Forest who did a door to door assessment of needs. The Senior Intervention Group is
26 going in there early next month for a community cleanup day. We had Waste
27 Management donate a dumpster.

28
29 Chief Bracknell said the cleanup would be May 21st from 9:00 A.M. to 3:00 P.M.

30
31 Mr. Litton said we are in the preliminary phases of the budget process and asked the
32 Commission for input or thoughts.

33
34 B. Mayor

35
36 Mayor Mealor had no report at this time.

37
38 C. Commissioners (3)

39
40 Commissioner Gray said we had just short of 200 participants in the 5K race. She
41 helped out with the registration and awards.

42
43 Commissioner Gray said she attended the Tri-County League of Cities and the speaker
44 was from the St. Johns River Water Management District. She was very passionate
45 about conserving water. The St. Augustine grass in some of our developments are
46 using potable water and we need to do something about that. She encouraged the

1 xeriscaping. Some of it is very attractive. Some are trying to conserve water and
2 conserve on money.

3
4 Commissioner Lucarelli said she had a busy month with crime victim events since this
5 was Crime Victims Week. She thanked the Mayor for coming to the candlelight vigil
6 they had for the Victim Recovery Center. She said they appreciate the support,
7 especially non-domestic crime victims in Seminole County. She appreciated Chief
8 Bracknell's support in that effort.

9
10 Commissioner Lucarelli said she attended the Crime Victims lunch.

11
12 Commissioner Lucarelli said she attended the Chamber Small Business Committee
13 meeting. She said she was on that committee and they had a power hour at a CFE
14 Credit Union and had about 54 people. It is their third event and it keeps growing. It is
15 to help the local small businesses. They are free to chamber members.

16
17 Commissioner Lucarelli said Relay for Life was a lot of fun and very successful.

18
19 Commissioner Lucarelli said Family Fun Day was a big success. We had excellent
20 weather. We had great attendance and people didn't want to leave.

21
22 Commissioner Lucarelli said today she chaired the RPA meeting. We had a couple of
23 grant requests.

24
25 Commissioner Lucarelli said she attended a Small Business Resource luncheon in
26 Orlando. The speaker was from UCF and spoke regarding the state of the Florida
27 economy. Per his information, Florida is out of the recession as of 2010 but he
28 commented that the labor market has suffered a very deep scar and will take a long
29 time to heal.

30
31 Commissioner Lucarelli said she attended the Special Olympics and Joanne Counelis
32 was a runner. She said she helped with the tennis team and there were some excellent
33 tennis players.

34
35 Deputy Mayor Brender said the regular meeting of the Seminole County Expressway
36 Authority is scheduled for May 10th at the Board of County Commission Chambers at
37 4:00 P.M. Nothing in particular on the agenda short of some discussion about the
38 Gates Amendment that is before the Legislature as well as an update on the Wekiva
39 Parkway. There is a proposal being put forward in the Legislature to defund and take
40 away the Orlando/Orange County Expressway Authority and absorb it into the FDOT
41 and Florida Turnpike operations. He thought it was a misguided effort. It takes away
42 local control, puts all the control in Tallahassee, and it would probably defund the
43 Wekiva Parkway from ever getting money because once you have a statewide pool of
44 money the money tends to go not where it's needed but where the votes are. The votes
45 in this state are either a certain bridge project in North Florida or in South Florida. He

1 asked if the Commission had contact with any of the legislators to try to make sure they
2 are not supporting that particular item.

3
4 Deputy Mayor Brender said CALNO would be held at Seminole State College on May
5 4th.

6
7 D. City Attorney

8
9 Ms. Reischmann said the Red Light Camera Bill to prohibit red light cameras is still
10 moving along. In the staff report it says if this bill passes the cities and counties won't
11 be able to have red light cameras. They are saying there is no home rule authority to
12 have red light cameras. It is interesting that staff has made that determination when
13 some judges have decided the other way.

14
15 XI. Adjournment

16
17 There being no further business, the meeting adjourned at 9:15 P.M.

18
19
20
21 _____
22 David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

23
24
25
26 ATTEST:

27
28
29
30 _____
31 Carol A. Foster, City Clerk