

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held May 16, 2013,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4
5

6 I. Call to Order

7
8

9 The meeting was called to order by Mayor David Mealor at 7:07 P.M.

10

11 II. Moment of Silence

12

13 Mayor Mealor said the son of one of the presenters is a United States Marine Captain in
14 Afghanistan scheduled to come home shortly. Our thoughts and prayers are with all the
15 men and women that are serving so we can do what we're doing this evening.

16

17 III. Pledge of Allegiance

18

19 IV. Roll Call

20

21 Mayor David Mealor
22 Commissioner Gary Brender
23 Commissioner George Duryea
24 Commissioner Allan Plank
25 Deputy Mayor Jo Ann Lucarelli

26

27 Jackie Sova, City Manager
28 Carol Foster, City Clerk
29 Dianne Holloway, Finance Director
30 John Omana, Community Dev. Dir.
31 Gary Schindler, City Planner
32 Bruce Paster, Public Works Director
33 Bryan Nipe, Parks & Recreation Dir.
34 Randy Petitt, Human Resources Mgr.
35 Steve Bracknell, Police Chief
36 Katie Reischmann, City Attorney
37 Mary Campbell, Deputy City Clerk

38

39 V. Approval of Minutes: April 18, 2013

40

41 **Motion was made by Commissioner Brender to approve the minutes of the April**
42 **18, 2013, meeting, seconded by Commissioner Plank and motion carried**
43 **unanimously.**

44

45 VI. Special Presentations

46

47 A. David W. York Award – Reclaimed Customer of the Year (Bruce Paster,
48 Public Works Director)

49

50 Mr. Paster said the Florida Water Environment Association has awards for best
51 reclaimed provider and best reclaimed customer. This year the City of Sanford
52 nominated the City of Lake Mary for Reclaimed Customer of the Year.

53

1 Mr. Paster said Lake Mary is unique. We don't have our own wastewater treatment
2 plant and we don't produce any reclaimed water yet we use quite a bit of it in the City.
3 For years we have had agreements with Sanford and Seminole County to take
4 reclaimed water starting with the Timacuan Golf Course. Over the years we have done
5 quite a bit to expand our reuse system. Several years ago we created reuse ponds at
6 the golf course. That also enables reuse water to recharge the aquifer. Our Public
7 Works staff has worked hard on the big commercial users that use potable water. The
8 Home Depot, Williston Park, Feather Edge, and Publix are the top users in the City. We
9 took a list of the top 25 and cut those 25 users' use in half. We did that work in-house
10 so there wasn't a lot of cost to get that done. We have used millions of gallons this past
11 year. We also have Lake Mary Woods with 100 residential customers on it. Between
12 our commercial, golf course, and residential customers we do something a lot of cities
13 don't do. We take other's reuse water and use it in the City and it reduced the need to
14 increase our water treatment plant. It lowers the amount of water our water treatment
15 plant has to provide for irrigation water.

16
17 Mr. Paster said all this was recognized by the Florida Water Environment Association
18 and we are proud to say that we are the Reclaimed Customer of the Year.

19
20 Mayor Meador asked Mr. Paster to let his team know how much we appreciate the work
21 they do.

22
23 VII. Unfinished Business

24
25 A. Ordinance No. 1486 – Revision to Section 154.67 (G)(2) of the Code of
26 Ordinances, parking standards for the West Village of the Downtown Centre
27 Zoning District – Second Reading (Public Hearing) (Gary Schindler, City
28 Planner)

29
30 The City Attorney read Ordinance No. 1486 by title only on second reading.

31
32 Mr. Schindler stated staff had nothing new.

33
34 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1486. No
35 one came forward and the public hearing was closed.

36
37 Commissioner Brender said as he understood this, a business coming in right now has
38 to have parking spaces for his business.

39
40 Mr. Schindler said that is correct.

41
42 Commissioner Brender said what we are doing is relaxing some of those standards
43 expecting that SunRail may bring in customers. The SunRail parking lot may provide
44 some parking even though we can't control who parks.

45
46 Mr. Schindler said that was correct.

1
2 Commissioner Brender asked if there would be any restrictions on the SunRail lot.

3
4 Mr. Schindler answered negatively. It will not be policed other than our police going
5 through periodically to make sure there is no crime. There are no gates or restrictions.
6 You can park there and walk across the street but we cannot officially count it.

7
8 **Motion was made by Deputy Mayor Lucarelli to approve Ordinance No. 1486 on**
9 **second reading, seconded by Commissioner Brender and motion carried by roll-**
10 **call vote: Commissioner Brender, Yes; Commissioner Duryea, Yes;**
11 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

12
13 B. Ordinance No. 1487 – Revision to section 154.67 (F)(5) of the Code of
14 Ordinances, City constructed parking spaces in the Downtown Centre Zoning
15 District – Second Reading (Public Hearing) (Gary Schindler, City Planner)

16
17 The City Attorney read Ordinance No. 1487 by title only on second reading.

18
19 Mr. Schindler said the City Attorney asked him to state on the record that this is not an
20 impact fee but is a user fee and that is the key element here.

21
22 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1487. No
23 one came forward and the public hearing was closed.

24
25 **Motion was made by Commissioner Brender to approve Ordinance No. 1487 on**
26 **second reading, seconded by Deputy Mayor Lucarelli and motion carried by roll-**
27 **call vote: Commissioner Duryea, Yes; Commissioner Plank, Yes; Deputy Mayor**
28 **Lucarelli, Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**

29
30 VIII. New Business

31
32 There was no new business at this time.

33
34 IX. Citizen Participation

35
36 No one came forward at this time and citizen participation was closed.

37
38 Mayor Mealor thanked the representatives of the Forest for being present. We stand
39 ready to be of assistance if needed.

40
41 X. Reports

42
43 A. City Manager

44
45 1. Promotional Agreement with CBS Radio for WineART Wednesdays

1 Ms. Sova said this is a request for a promotional agreement with CBS Radio for
2 WineART Wednesdays. We have had WineART Wednesdays for a few evenings and
3 Sunny 105.9 is here. This agreement will allow them to formalize what they are doing.
4 They are providing the sponsorship and marketing and are also showcasing one or two
5 vehicles with a car dealership. We include their sponsor logos on our WineART events.
6 This is to formalize what we have been doing for a few months now.

7
8 Commissioner Duryea asked if this would cost anything money-wise.

9
10 Ms. Sova answered negatively. We gain their sponsorship and it helps us.

11
12 Commissioner Plank asked if we had decision-making capability on the groups they
13 bring in. We do on the sponsors but there was no reference to the entertainment.

14
15 Mr. Nipe said he didn't have the agreement in front of him but believed there was a spot
16 that says the City has rights to okay any groups that CBS Radio brings in. They are
17 providing the entertainment based themes we come up with each month.

18
19 Commissioner Plank said they were doing a great job on that.

20
21 **Motion was made by Deputy Mayor Lucarelli to approve the Promotional**
22 **Agreement with CBS Radio for WineART Wednesdays and authorize the City**
23 **Manager to execute, seconded by Commissioner Plank and motion carried**
24 **unanimously.**

25
26 2. Request for Proposals #13-04 – Professional Debris Removal Services

27
28 Ms. Sova said this item is in regard to our Request for Proposals #13-04 for
29 Professional Debris Removal Services. In January we contracted with Thompson for
30 debris management monitoring and support services, and this is for the actual debris
31 removal services. This gets us in compliance with FEMA rules should we have a storm.
32 All of the firms were ranked and TAG Grinding Services from Dadeville, Alabama was
33 selected as the most responsive bidder. She said she had concern about their distance
34 but with a storm approaching they would be responsible for the staging, getting
35 everything ready, and for being here on time. In the past we did what they call "first
36 push" ourselves and we got it done but FEMA's rules these days are hard and critical
37 and we don't get reimbursed well enough to take that on ourselves. She recommended
38 hiring TAG Grinding Services for this work.

39
40 Commissioner Plank asked if the agreement stipulated that with a storm approaching
41 they are required to have equipment in the area. He said he was also concerned about
42 the distance.

43
44 Ms. Sova said they are supposed to be here, have crews recruited and trained, checked
45 in and certified by FEMA guidelines.

1 Commissioner Brender asked about site selection.

2
3 Ms. Sova said we have already been through the site selection with the County.

4
5 Mayor Mealor said he was concerned about the distance but recalled the storms of '04,
6 and Progress Energy had groups from all over the area staged within 24 hours.

7
8 Ms. Sova said when the contract is executed we will work with them on what those
9 exact plans are and who they would be working with locally so they would have a local
10 presence as well.

11
12 **Motion was made by Commissioner Plank to authorize the City Manager to enter**
13 **into contract negotiations with TAG Grinding Services, Inc. for Professional**
14 **Debris Removal Services, seconded by Deputy Mayor Lucarelli and motion**
15 **carried unanimously.**

16
17 3. Landscape maintenance renewal with ValleyCrest Landscaping

18
19 Ms. Sova said this is landscape maintenance renewal with ValleyCrest Landscaping.
20 This is the second and final extension of this contract in an amount not to exceed
21 \$116,396. This contract has been going well. This is the base rate and does not
22 include any irrigation repairs, flowers, or other special requirements we put on them.
23 This is the standard mowing for Rinehart Road, Rinehart Trail, the Municipal Services
24 Complex, and Lake Mary Boulevard.

25
26 **Motion was made by Commissioner Brender to renew the maintenance contract**
27 **with ValleyCrest Landscaping for a period of one year in an amount not to exceed**
28 **\$116,396 and authorize City Manager to execute, seconded by Deputy Mayor**
29 **Lucarelli and motion carried unanimously.**

30
31 4. Annual health insurance renewal contract

32
33 Ms. Sova said this is the annual group health, dental, vision, and life insurance
34 renewals. We have representatives present from our new agent of record firm, Anna
35 Marie Studley and John Fleming with the Gehring Group, should the Commission have
36 questions. They have only worked with us a couple of months but have worked hard
37 and quickly.

38
39 Ms. Sova said this is our first renewal after becoming self-insured. We believe it worked
40 well for us. We did have one shock loss in the half million dollar range and then another
41 large one that does affect the rates. In a fully insured perspective she thought the rate
42 increase would have been incredibly large. We have a \$75,000 stop loss so that's the
43 point the City stopped paying and the reinsurance picked up after that. The reinsurance
44 part is about an \$80,000 overall increase. There was some savings last year by going
45 from fully insured to self-insured. It was enough to cover getting the clinic opened. We
46 only have six months of the clinic being open and seven months of insurance claims so

1 we are working with some immature numbers, but it did come out very well. The market
2 trend is in the 10% range and we came in at 5.5% for a rate increase. The City did
3 absorb 65% of the rate increase to help reduce the family coverage increases for those
4 people that have to pay the family coverage.

5
6 Ms. Sova said there are costs in here related to the Healthcare Act. We have to pay
7 \$65 per year per employee. There were a lot of moving parts to this but it went very
8 well. She said she appreciated all the work that Gehring did. They will be here for open
9 enrollment and will provide all the materials. There will be eight meetings over three
10 days next week. Our employees are anxious for this information. We are staying with
11 Aetna with no changes in coverage and we got the clinic on top of it. She asked the
12 Commission to allow her to execute the contracts with Aetna, Cigna, Lincoln Financial
13 and EyeMed.

14
15 **Motion was made by Commissioner Brender to authorize the City Manager to**
16 **execute contracts with Aetna for health and reinsurance; Cigna for dental;**
17 **Lincoln Financial for basic life, AD&D, LTD, voluntary supplemental plans for STD**
18 **and supplemental life; and EyeMed for vision. Seconded by Commissioner Plank**
19 **and motion carried by roll-call vote: Commissioner Plank, Yes; Deputy Mayor**
20 **Lucarelli, Yes; Commissioner Brender, Yes; Commissioner Duryea, Yes; Mayor**
21 **Mealor, Yes.**

22
23 5. Retirement and purchase of K-9 Axel

24
25 Ms. Sova said this item is the retirement and employee purchase of K-9 Axel. After four
26 years of service and search and seizures arrests that he participated in, Axel is ready to
27 retire. The Police Department is requesting that we allow his handler, Officer Ryan
28 Snider, to purchase him for \$10. She recommended approval.

29
30 Commissioner Duryea asked if this was something that's normally done because seven
31 years is not really old for a dog.

32
33 Chief Bracknell said this dog experiences medical issues and it's time for his handler to
34 rotate out. We have been absorbing those costs for his medical. With this buy back the
35 officer will be taking care of his medical also.

36
37 Commissioner Duryea asked about a replacement.

38
39 Chief Bracknell said Lena Delgenio is our first female K-9 handler. She is 10-8 certified
40 and is serving.

41
42 Mayor Mealor said she was just recently recognized as Police Officer of the Year.

43
44 Chief Bracknell said that was correct. She is an outstanding employee and we are very
45 blessed.

1 **Motion was made by Commissioner Brender to authorize the purchase of K-9**
2 **Axel by PFC Ryan Snider for the sum of \$10.00, seconded by Deputy Mayor**
3 **Lucarelli and motion carried unanimously.**

4
5 6. Expenditure from Law Enforcement Trust Fund for donation to Lake Mary High
6 School

7
8 Ms. Sova said this is a request for expenditure from the Law Enforcement Trust Fund
9 for a donation to Lake Mary High School's Ram Tower project. The school is doing
10 funding for their Ram Tower for their band. It's modeled after FSU's Marching Chiefs
11 Tower with solar panels and LED lighting to provide illumination for the tower at night.
12 This will be a landmark at the high school.

13
14 **Motion was made by Deputy Mayor Lucarelli to approve the expenditure from the**
15 **Law Enforcement Trust Fund in the amount of \$1,000 for a donation to the Lake**
16 **Mary High School's Ram Tower project, seconded by Commissioner Brender and**
17 **motion carried unanimously.**

18
19 7. Disposal of marked Ford Police Interceptor rear seats and rear door panels

20
21 Ms. Sova said this this is a request for authorization to dispose of nine police Interceptor
22 rear seats and rear door panels. We will put it on Govdeals.com.

23
24 **Motion was made by Commissioner Brender to declare nine police Interceptor**
25 **rear seats and door panels surplus and authorize the City Manager to dispose of**
26 **through Govdeals.com, seconded by Deputy Mayor Lucarelli and motion carried**
27 **unanimously.**

28
29 Ms. Sova said the monthly reports were in the packets.

30
31 Ms. Sova said the closing on the Mixon property is scheduled for May 23rd. We will
32 proceed to get that prepared for parking shortly thereafter.

33
34 Ms. Sova said all non-emergency offices will be closed on Monday, May 27th, in
35 observance of Memorial Day. There will be no solid waste or recycling pickup on the
36 27th, however, Waste Management will provide a make-up day the preceding Saturday,
37 May 25th, for those customers with a Monday collection day.

38
39 Ms. Sova reminded everyone that the Leadership Seminole graduation is tomorrow at
40 the Westin at 11:30 A.M.

41
42 Ms. Sova said the Volunteer Appreciation Barbeque is Thursday, May 30th, 6:00 P.M. at
43 the Events Center.

44
45 Ms. Sova said WineART Wednesday featuring a Latin theme is June 5th from 5:00 P.M.
46 to 9:00 P.M. in Central Park.

1
2 Ms. Sova said we have rolled out the new website. We are still working but the new
3 appearance is there.

4
5 B. Mayor

6
7 Mayor Meador thanked Commissioner Plank and the Trailblazers for the Trailblazer 5K
8 Race that was conducted. The reviews were outstanding and the participants were
9 appreciative of the post-race activities. He believed it gets better each year. He asked
10 Commissioner Plank to communicate to the Trailblazers that we appreciated the
11 invitation to be part of that.

12
13 Mayor Meador said on that same day the Woodbridge Lakes Homeowners' group invited
14 us out for their spring gathering. It was a great time and beautiful setting.

15
16 Mayor Meador said we now have a standing quarterly meeting with the School Board
17 and the superintendent. It is for the mayors and is an update meeting. It is a great way
18 to keep communication open. Some of the dilemmas we experienced a couple of years
19 ago with issues on school closings and those types of things probably will never
20 resurface with this type of open dialogue and feedback. We appreciate the School
21 Board and Chair Almond for the hospitality.

22
23 C. Commissioners (2)

24
25 Commissioner Duryea had no report at this time.

26
27 Commissioner Plank said to build on what Mayor Meador was saying about the
28 communication with the School Board, it is much improved. We have a standing
29 committee of municipal officials and School Board officials. Our last meeting was on
30 May 1st and John Omana and others were in attendance and thought it went very well.
31 The School Board and the superintendent have emphatically assured us that there will
32 be no consideration in the near, and probably distant, future for rezoning either the
33 middle or the high schools after what they went through with the elementary schools.
34 We came out with a lot fewer students moved than had been predicted and thought that
35 was to their credit. He thought also to their credit was that the citizen participation level
36 was so dramatically higher this time than it was before that it made a complete
37 difference in the acceptance.

38
39 Deputy Mayor Lucarelli said a session was finishing up and Seminole Behavioral
40 Healthcare was happy that a lot of their funding was passed through to help with their
41 outpatient treatment programs. She thanked Senator Simmons and Representative
42 Brodeur for their help on that.

43
44 Deputy Mayor Lucarelli said she was asked to be there as Senator Simmons presented
45 a resolution declaring January as Stalking Awareness Month. We are trying to follow

1 that through to get the Governor to do it as well so perhaps next January when we hold
2 our second event he could do a ceremonial signing.

3
4 Deputy Mayor Lucarelli said she attended a Harbor House “Recognize, Refer and
5 Respond” class. It is a new app they have that can be downloaded on most
6 smartphones. It is there for the general public, law enforcement, teachers, and doctors
7 when you get in a situation where you suspect someone might be going through a
8 domestic violence case but are not sure. It goes through a series of questions and if it
9 fits A, B, C then what do you do, how do you respond to that person and get them safe
10 but not over step your bounds, and who to refer them to.

11
12 Deputy Mayor Lucarelli said she attended the ribbon cutting to Empower which was
13 formerly Intervention Services. They have a new office in Longwood on 434.

14
15 Deputy Mayor Lucarelli said she went to the Altamonte Science Incubator kickoff and
16 ribbon cutting. The Governor was not there because he got detained. It was very
17 impressive.

18
19 Deputy Mayor Lucarelli said she attended the MAC meeting. On June 6th right after the
20 regular MAC meeting they will have a quiet zone meeting and she should have an
21 update and where the progress is on quiet zones because they are now being funded
22 through Metroplan Orlando.

23
24 Deputy Mayor Lucarelli said she attended the RPA meeting. They have a new director.
25 She said Sonia (Nordelo) has wonderful expertise and knows what she’s doing. They
26 are coming up with outside the box innovative ways to streamline and speed up the
27 grant process. Right now it is a six-month process even for a mini grant which can be
28 as little as \$2,000. Winter Park can get that done in a matter of days. We are trying to
29 look at what other CRAs are doing. We are also talking about a new incentive program
30 for new and start-up businesses to help get some activity in the corridor and hopefully
31 fill up some of those vacancies in the strip malls and office complexes.

32
33 Commissioner Brender thanked his oldest daughter Sharon and her husband Mike for
34 making him a grandpa for the first time.

35
36 Commissioner Brender said he attended CALNO with the City of Oviedo hosting. We
37 had an overview of the trials and tribulations that they have had with their downtown—
38 people walking out, people coming back, where it is going to go, changes and how the
39 entire thing is being laid out. They think they have a good plan now and they have a
40 new developer so we can expect to see things happening with Oviedo’s downtown in
41 the near future.

42
43 Commissioner Brender said he did a brief interview with Channel 9 regarding the
44 Expressway Authority and the possible sale of the Wekiva Parkway exclusively to the
45 Orange County Expressway Authority and having the state back out of the program.
46 Whether that happens and whether they can do it without a toll increase is up for

1 discussion. For now Orange County is expected to take a look at some of the numbers
2 for their next two meetings and sometime immediately after that there will be some
3 other information. For right now Seminole County doesn't have a dog in the fight for
4 funding. The only thing he did reiterate was that we still want to make sure Seminole
5 County has representation on a regional board or our own board in order to make sure
6 that we are being represented where there is going to be a toll. A toll is like a tax and
7 going back to the age-old adage of "no taxation without representation", we will make
8 sure we have it.

9
10 D. City Attorney

11
12 Ms. Reischmann said the Florida Supreme Court decision that came out today found
13 there is an implied preemption in the law regarding our home rule authority regarding
14 the priority of code enforcement liens in Lake Mary as well as many other cities. This
15 happened to be in Palm Bay. We have a provision that says our code liens are like tax
16 liens and they take priority over mortgages so that the mortgage foreclosure can't wipe
17 us out. Now they can wipe us out. It is a very bad decision for us because it's
18 emphasizing that there is implied preemption. The courts are going to be able to have
19 fun with that and find implied preemption places where it isn't necessarily there where it
20 is arguable. They are making a point that this ordinance clearly conflicted with state
21 law, which we don't see that it does, but in any event that is what the law is right now.

22
23 Ms. Reischmann said we've got the red light camera case pending. She said Judge
24 Perry dissented. We have the red light camera case at the Supreme Court which is
25 also the same concept: home rule versus implied preemption. This may bode not well
26 for that case also.

27
28 XI. Adjournment

29
30 There being no further business, the meeting adjourned at 7:40 P.M.

31
32
33
34
35 _____
36 David J. Mealor, Mayor

37
38
39 _____
40 Mary Campbell, Deputy City Clerk

41
42
43 ATTEST:

44 _____
Carol A. Foster, City Clerk