

1 regarding the item being considered, the speaker shall give his/her name and
2 address for the record and state that they agree with the presentation made by a
3 previous speaker, giving the specific name of the person. When the Chairman
4 believes that no additional information is forthcoming, the Chairman shall close
5 the public hearing portion of the meeting.
6

7 VIII. Old Business

8
9 There was no old business to discuss at this time.

10
11 IX. New Business

12
13 A. 2016-ZTA-01: A recommendation to the Mayor and City Commission
14 regarding City initiated modifications to City Code Chapters 132, 155
15 Appendix I, and 157. Applicant: City of Lake Mary
16

17 Mr. Noto said this item is basically some code cleanup. As outlined in the staff report,
18 the City has taken a look at Chapter 132 and all of its subsections and found it is part of
19 the code that needs to be cleaned up, tossed out, moved around, etc. Planning staff
20 has been put in charge of shifting some items from Chapter 132 that have to do with the
21 sign restrictions and the injuring of shade trees. We moved the sign changes to
22 Chapter 155, Appendix I and Chapter 157 will be for the landscape changes.
23

24 Mr. Noto said the items from Chapter 132 having to do with signage have more to do
25 with building code issues and not so much our typical regulations. It has to do more
26 with electrical information.
27

28 Mr. Noto said the shade tree regulations have to do with injuring City-owned trees.
29 Chapter 157 already has rules and regulations as it relates to privately-owned trees so
30 this will move the City-owned tree information into Chapter 157 into a new subsection.
31

32 Mr. Noto said these items will be moving on to the City Commission meeting of June
33 2nd. Staff is recommending approval of the changes. We have a draft ordinance as part
34 of the report put together by the City Attorney so you can see more detail about the
35 rules and regulations.
36

37 Vice Chairman Taylor said in 157.24 she had a question about the structure of it. It is
38 kind of a legal question. There is no requirement of any kind of guilty mind so
39 technically the way it is written if somebody hits me and my car crashes into a City tree
40 and knocks it over, I have committed an unlawful act. There is nothing that says it needs
41 to be intentional, reckless, malicious, or anything. The federal government is trying to
42 move away from that because it traps well-meaning people in bad spots. I think the City
43 should also move away from that and then it becomes a policy decision of what you
44 want that to be. Clearly you don't want it to be accidental. She recommended
45 something along the lines of unlawful for any person to intentionally, or recklessly, or
46 maliciously remove, injure, or attempt to. She thought a mens rea and an attempt

1 qualification need to be in there. Generally in the statute it informs the person of the
2 consequence and shall be punished by whatever means you want. Is it going to be
3 codified as a secondary misdemeanor or if it's going to be punishable by City fine or
4 ordinance. She said she didn't know the answers to those but thought those were
5 things important to have in it.

6
7 Mr. Noto said we will pass those comments to the City Attorney.

8
9 Vice Chairman Taylor said in Section 4, (5) ii., it says approved by "him" which didn't
10 bother her but does get some people riled up. It should either be the Building Official or
11 by him/her for purposes of the statute.

12
13 Vice Chairman Taylor said on Page 4, vii, you want to enforce these and help people.
14 She asked if there was a quantifier that decides when something is too glaring or
15 blinding. If there is not a number or a meter that they use, she recommended to add "as
16 determined by the Building Official" or whatever person. Someone has to be the one
17 who says it. She was sure they wouldn't want the Council to have to take a vote on
18 whether it is or not.

19
20 Chairman Hawkins said he didn't receive his packet until the mail today and didn't have
21 a lot of time to research his two requests. Whether it is appropriate to put these
22 requests into this modification of the sign code or subsequently research this and make
23 a formal change, he would like to see two things added to the sign code. One is for
24 panhandlers within the City. On September 16, 2014, the Sentinel had a good article on
25 panhandlers. Sanford has an ordinance, Orange, Osceola, Hillsborough, Pasco
26 Counties all have ordinances. The Cities of Orlando,
27 Altamonte Springs, Casselberry, and Tampa all have ordinances. This is a public safety
28 issue. There has been a newspaper guy killed when he stepped off a curb in front of a
29 car. He thought that should have an exemption for non-profit people. Every year at
30 Labor Day the firefighters collect money and the Shriners collect money. All those
31 people who aren't public officials like firefighters ought to have a permit to do this. He
32 would like staff to research the panhandling ordinances and see if they can come up
33 with some appropriate legal language. This has been passed everywhere around here
34 and in Florida.

35
36 Chairman Hawkins said the second thing is to come up with some language about
37 human billboards—the roadside solicitors. That one he didn't get a chance to do much
38 research on. He thought Seminole County was headed that way but didn't know what
39 they came up with. He would like to see some research into an ordinance to prohibit,
40 license, or permit these guys twirling signs, doing dances, standing on ladders. It's a
41 public safety issue because it's like having a flashing billboard. People pay attention to
42 these and they are not paying attention to their driving.

43
44 Mr. Omana said he thought Casselberry had something along those lines. He
45 recommended letting staff take those two items forward to administration and let this

1 ordinance go on its own since it is a cleanup thing. We will bring that to the City
2 Manager's attention and move forward.

3
4 Chairman Hawkins said he knew staff had all the phone numbers and e-mail addresses
5 for all the cities and municipalities around here so they could send an e-mail asking
6 them to send their ordinance.

7
8 Chairman Hawkins asked if anyone wanted to speak in reference to this item. No one
9 came forward and the public hearing was closed.

10
11 Member York said he appreciated all the comments and suggestions that were made
12 and thought they were good.

13
14 **Justin York moved to approve 2016-ZTA-01, recommendation to the Mayor and**
15 **City Commission regarding City initiated modifications to City Code Chapters**
16 **132, 155 Appendix I, and 157 with the comments previously stated. Seconded by**
17 **Sam Aycoth and motion carried unanimously 5 – 0.**

18
19 B. 2016-R-04: Recommendation to the Mayor and City Commission for a
20 rezone of 1.4 acres of property located at 105 Palmetto Street from R-1A,
21 Residential, to DC, Downtown Centre. Applicant: Mr. John Williams

22
23 Mr. Noto showed the location map on the overhead of the subject property located at
24 105 Palmetto Street. He showed a screen shot zoomed in view of the future land use
25 map showing that this property has the Downtown Development District future land use
26 as do the neighboring properties on the north side of the Boulevard. This is part of the
27 Downtown Master Plan area that was expanded in 2009 in preparation of SunRail and
28 other development opportunities. When we expanded the Downtown boundaries, we
29 offered no charge future land use amendments to all property owners in that part of the
30 Downtown and we had a 100% participation rate.

31
32 Mr. Noto said from there we said your next step if you wish to take it is to rezone to DC
33 Downtown Centre. As shown on the zoning map, one property owner has taken
34 advantage of that. He pointed out the properties owned by the City. He said Mr.
35 Williams paid them a visit and said he wanted to start looking into redevelopment
36 opportunities for his property at the corner of Palmetto Street and Lake Mary Boulevard.
37 We told him the first step he should take is to rezone to DC Downtown Centre. The
38 code requires it anyway when you redevelop in Downtown and you don't have DC
39 Downtown Centre zoning.

40
41 Mr. Noto said on Page 2 of the staff report, we have outlined the four criteria for
42 rezoning per Chapter 154.27. The justification is that this is in the Downtown Master
43 Plan area and they are "looking" to redevelop. There is no site plan in review. He
44 received an e-mail from Mr. Williams today who could not attend the meeting this
45 evening but did not have anything else to add. In the future they are looking at some
46 sort of commercial/retail or bank. We will be working with him in the future after they get

1 a better handle on what type of redevelopment project they want to see there. DC is in
2 compliance with the DDD future land use and is in compliance with the elements of the
3 Comprehensive Plan. This is what we want to see happen in this area. We think that
4 with this request we may see more of these requests coming in the future, especially
5 given the market the way it is now.
6

7 Mr. Noto said as a point of information, we received SunRail ridership numbers for last
8 month. We have consistently had the busiest station in Seminole County for some time
9 now and there were some days where we had more riders than Winter Park, which was
10 surprising to us but great news nonetheless.
11

12 Mr. Noto said staff has found that the request has met Findings A through D in support
13 of the requested rezoning from R-1A Residential to DC Downtown Centre by
14 establishing consistency and compatibility. Staff recommends approval. This will go to
15 the City Commission in the June cycle.
16

17 Mr. Omana announced this is a quasi-judicial matter. There is a sign-in sheet in the
18 back of the room for anyone who wants to be kept abreast of this matter.
19

20 Chairman Hawkins asked if anyone wanted to speak for or against this item. No one
21 came forward at this time and the public hearing was closed.
22

23 **Justin York moved to approve 2016-RZ-04, recommendation to the Mayor and**
24 **City Commission for a rezone of 1.4 acres of property located at 105 Palmetto**
25 **Street from R-1A Residential to DC Downtown Centre, seconded by Steven Gillis**
26 **and motion carried unanimously 5 – 0.**
27

28 X. Community Development Director's Report
29

30 Mr. Omana said he was pleased to communicate that this morning he and Mr. Noto had
31 a meeting with the representative from the Florida Hospital facility located across the
32 street (105 South Country Club). We went over some sign options, we wanted to see
33 some specific details based on discussions we have been having and believe we have
34 come to a solution where it will incorporate a planter and all the code specifications. It
35 will be a lower sign. We are awaiting the resubmittal of the plans since they have no
36 permit and hopefully that will be done. He said Mr. Noto had an update on the property
37 management side.
38

39 Mr. Noto said he spoke with the property owner earlier this afternoon and he said he
40 was working with his sign contractor to get a provision in to incorporate a planter. We
41 should see that shortly.
42

43 Chairman Hawkins asked Messrs. Omana and Noto if their patience was wearing thin.
44

45 Mr. Omana said we made some calls and spoke to the respective property owners and
46 they understood our concern.

1
2 Chairman Hawkins said you call the contractor that put up the sign and say I need a
3 brick planter and can you have it done by two weeks from today. You call the sign
4 company and ask if they can cut the pole off by three feet and you call the same people
5 who put up the brick façade on the building and say can you put a brick planter. Two
6 simple easy solutions that are not time consuming. He said that was why he was
7 asking if they were running out of patience because he has. He said he was ready for
8 staff to send these guys to Code Enforcement or at least threaten them with that.

9
10 Mr. Omana said that is not necessary. He thought on this one they have been blessed
11 with the patience of Job. We have made strides with both parties and are headed in the
12 right direction.

13
14 Chairman Hawkins asked if they could give them a deadline. He asked if that was
15 unreasonable.

16
17 Mr. Omana said he didn't think it is.

18
19 Chairman Hawkins said some kind of deadline. We need to see some construction or
20 movement towards finishing these two signs or on July 1st we are going to send this to
21 Code Enforcement for levy of fine.

22
23 Mr. Omana said he thought government had excessive procedures, but Florida Hospital
24 has a set of procedures.

25
26 Chairman Hawkins said he didn't care.

27
28 Mr. Omana said he was just telling his observation. Bottom line it is going to get done.
29 There is nothing to worry about.

30
31 Chairman Hawkins said you pick up the phone and say "fix this".

32
33 Mr. Omana said comment noted.

34
35 XI. Other Business

36
37 There was no other business to discuss at this time.

38
39 XII. Reports of Other Members

40
41 Vice Chairman Taylor said three times she had seen people turning left going into that
42 exit and winces every time. She asked if they could take the median out so people
43 could make a left.

44
45 Mr. Omana said unfortunately we have something called human nature. He said Mr.
46 Blackadar was the County Engineer and is no longer with the County. We are trying to

1 get some folks to make some decisions because we want to pursue some signage or
2 some additional matter.
3
4 Vice Chairman Taylor said people don't know. She didn't think anybody was trying to
5 be a jerk or irresponsible.
6
7 Member Gillis suggested putting in those yellow delineators or a double yellow line all
8 the way down.
9
10 Chairman Hawkins suggested something like we have on Country Club or put in those
11 2-inch high speed bump lane markers. Those keep you from going over. People back
12 up traffic onto Lake Mary Boulevard because the traffic is already backed up at the light
13 coming north.
14
15 Vice Chairman Taylor said a lot of times on Saturdays when she is on Lake Mary
16 Boulevard, at the bus stop where the Burger Fi is, the trash is overflowing, there are
17 shopping carts overturned. She asked if there was anything that can be done.
18
19 Mr. Noto said he spoke to someone in Public Works about that and there is a Lynx rep
20 that is supposed to be on top of that. It is outside our jurisdiction but is along our
21 corridor. He gave the contact information to the person he spoke to in Public Works
22 and she was going to contact him to make that a higher priority.
23
24 Member Aycoth said he wasn't on the Board when the Florida Hospital property was
25 approved. The property we've approved all included signage with limits. He asked how
26 that sign got put up if it wasn't approved.
27
28 Chairman Hawkins said it still has an open permit. The sign permit and building permit
29 are separate permits.
30
31 Chairman Hawkins asked if everyone got their invitation to the BBQ. The Board
32 answered affirmatively.
33
34 Mr. Noto said as if right now, the next meeting is the first Monday in June (June 6th).
35
36 Chairman Hawkins asked why we changed it.
37
38 Mr. Noto said we are trying to assist an applicant in meeting certain deadlines they have
39 for a property closing. As of today it is still on. If it changes we will let you know.
40
41 Vice Chairman Taylor said she would not be there.
42
43 XIII. Adjournment
44
45 **Justin York moved to adjourn, seconded by Sam Aycoth and motion carried**
46 **unanimously 5 – 0.**

1
2 There being no further business, the meeting adjourned at 6:25 P.M.

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7 _____
Dr. Robert Hawkins, Chairman

Mary Campbell, Deputy City Clerk