

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held June 6, 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

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

9

10 II. Moment of Silence

11

12 III. Pledge of Allegiance

13

14 IV. Roll Call

15

16 Mayor David Mealor
17 Commissioner Gary Brender
18 Commissioner George Duryea-Arrived late
19 Commissioner Allan Plank
20 Deputy Mayor Jo Ann Lucarelli

Jackie Sova, City Manager
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Gary Schindler, City Planner
Steve Noto, Planner
Tom Connelly, City Engineer
Bruce Paster, Public Works Director
Dave Dovan, Asst. Public Works Dir.
Bryan Nipe, Parks & Recreation Dir.
Randy Petitt, Human Resources Mgr.
Steve Bracknell, Police Chief
Craig Haun, Fire Chief
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

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31 V. Approval of Minutes: May 16, 2013

32

33 **Motion was made by Commissioner Brender to approve the minutes of the May**
34 **16, 2013, meeting, seconded by Deputy Mayor Lucarelli and motion carried**
35 **unanimously.**

36

37 VI. Special Presentations

38

39 A. City Employee of the First Quarter – Lindsay Malsam

40

41 Ms. Sova asked Lindsay to come forward. She said Lindsay came to us about eight
42 months ago and hit the ground running. She had a lot to do and big shoes to fill but did
43 a fabulous job. She was nominated and selected by her peers and the other
44 employees. She is the first Employee of the Quarter to come to a Commission meeting.
45 Ms. Sova presented Lindsay with an Employee of the First Quarter certificate, four
46 hours of pay, and a gift card.

1
2 B. Star of Life Medal – Firefighters/Paramedics Danielle Scott & Steve O'Brien
3 and Firefighter Jason Roberts
4

5 Chief Haun said it was an honor and privilege to present these awards. He read the
6 basics of the situation.
7

8 Commissioner Duryea arrived at this time (7:05 P.M.).
9

10 Chief Haun said on November 30, 2012, Rescue 37 and Engine 33 were dispatched to
11 a cardiac arrest. The patient was in an outpatient surgical center at the time of the
12 incident. The on-scene medical staff provided CPR until our arrival with no change in
13 the patient's condition. Our team took over patient care and transported the patient to
14 the hospital. Two of the engine personnel were required to rescue: one to drive and
15 another to assist with patient care. Our team used various intervention methods
16 including continued CPR and drug combinations which resulted in the patient beginning
17 to breathe on his own, color returning to the skin, and a faint pulse returning while en
18 route to the hospital. The patient was transferred to ER staff. A follow up with hospital
19 staff indicated that the patient was transferred to rehab and was expected to make a full
20 recovery with no residual effects from the cardiac arrest.
21

22 Deputy Chief Joe Landreville presented the medals, ribbons and certificates to
23 Firefighters/Paramedics Danielle Scott and Steve O'Brien and Firefighter Jason Roberts
24 in honor of what these personnel accomplished.
25

26 C. Distinguished Service Medal – Firefighter/Paramedic Jason Brandt
27

28 Chief Haun said the Distinguished Service Medal is awarded to an employee of the
29 Lake Mary Fire Department for heroic or meritorious achievement for service on behalf
30 of the community, included but not limited to that in the City of Lake Mary.
31

32 Chief Haun said the American Lung Association sponsors an annual event called "Fight
33 for Air Climb" at the Bank of America building in Orlando. The firefighters must climb 26
34 floors wearing full bunker gear and air packs which is about 30 pounds of extra weight.
35 Jason Brandt distinguished himself and the City of Lake Mary Fire Department by
36 coming in first in the firefighter class of the climb. This is the second year in a row he
37 has been able to accomplish that. It is a testament to Jason's fortitude and his physical
38 ability that he was able to achieve such a feat. His personal achievement has brought
39 great pride and respect to the Lake Mary Fire Department and the City and for this
40 Jason is being awarded the Distinguished Service Medal.
41

42 Deputy Chief Landreville presented the Distinguished Service Medal to
43 Firefighter/Paramedic Jason Brandt.
44

45 Mayor Mealor said his father recently celebrated his 90th birthday and a number of years
46 ago had it not been for the firefighters and paramedics in the community he resides he

1 would not have been with us. He was brought back and thank God for the work they do
2 on a daily basis. It makes a difference.

3
4 Mayor Mealor thanked the men and women on duty for being present for the
5 presentations.

6
7 VII. Unfinished Business

8
9 There was no unfinished business at this time.

10
11 VIII. New Business

12
13 A. Request for Site Plan Review for The Station House south of Wilbur Avenue,
14 north of East Crystal Lake Avenue and west of Old Lake Mary Road at 225
15 Wilbur Avenue (Public Hearing) (Steve Noto, Planner)

16
17 Mr. Noto said this is the final step in the public hearing process for The Station House
18 project. It is a 200-unit luxury apartment project across the street from SunRail. It is a
19 transit oriented development, a medium to high density project within walking distance
20 from major transit. The PUD has been approved and all the entitlements are set. What
21 is before the Commission for approval this evening is the site plan which is the
22 authorization to build a 200-unit apartment project.

23
24 For the benefit of those in the audience so everyone can get their bearings, Mr. Noto
25 pointed out East Crystal Lake Avenue, Old Lake Mary Road, and Wilbur Avenue on the
26 survey on the overhead. The Police Department is to the south of the survey.

27
28 Mr. Noto said there were no significant changes since the PUD reading. We still have a
29 clubhouse at the western portion of the project, the pool, the main apartment structure
30 that wraps around the property, and the parking garage.

31
32 Mr. Noto said one of our conditions during PUD was that the applicant receive approval
33 from Waste Management for the location of the dumpster and they asked that the
34 dumpster angle be changed by 15° to the south. That is for ease in pickup so there will
35 be a little drive-off lane added to Wilbur. That layout has been approved by Waste
36 Management. That is the only change we have had since the PUD hearings.

37
38 Mr. Noto said this item went before the Planning & Zoning Board at their regular
39 meeting on May 14, 2013, and was recommended for approval unanimously 4 – 0.

40
41 Mr. Noto said staff recommends approval with the three conditions outlined in the staff
42 report. He noted the applicant was present.

43
44 Mayor Mealor asked if anyone wanted to speak in reference to this request for site plan
45 review for The Station House.

1 T. Gray Frazier, 137 East Crystal Lake Avenue, came forward. He asked about the
2 retention capabilities of the property, what it is going to demand of the City, where it is
3 going to be provided, and how it affects the master plan for the rest of development that
4 might occur Downtown. He asked where that storm might go if this is using up what
5 capacity we do have, where it is going to be found if we want further development
6 Downtown and that kind of thing.

7
8 Mr. Noto said we are doing work on the retention pond at the Police Department.

9
10 Mr. Frazier asked if that was excess capacity we have there.

11
12 Mr. Noto answered affirmatively.

13
14 Mr. Frazier asked if it would be all of it.

15
16 Mr. Noto said he didn't think it would take up all the excess capacity. It was designed
17 for the PD and is being modified to handle the additional runoff from this project.

18
19 Jeremy Owens, CPH Engineers, 500 West Fulton Street, Sanford, Florida, came
20 forward. He said the stormwater pond behind the police station is now being maximized
21 as much as we can within the limits of what is there. Not only does it take The Station
22 House project but also all the City improvements along East Crystal, Old Lake Mary
23 Road, and Wilbur. It is handling all the stormwater coming off those improvements.

24
25 Mr. Frazier asked if any future development on East Crystal Lake in terms of retention
26 requirements will be handled by the pond.

27
28 Mr. Owens said not at this time.

29
30 Mr. Frazier said this is using up all the capacity you have now in the present police
31 retention area.

32
33 Mayor Meador advised Mr. Frazier that he could only address this item (site plan for The
34 Station House) at this time.

35
36 Joanne Counelis, 136 East Alma Avenue, came forward. She said this sounds like a
37 good idea.

38
39 No one else came forward and the public hearing was closed.

40
41 Commissioner Brender said continuing on Mr. Frazier's comments, as of right now any
42 drainage capacity on that side of the tracks generally will be taken up by this property.
43 Any new development that comes across generally from Country Club Road towards
44 the tracks will have to come up with either their own retention or what we already have
45 planned in the stair step parks program.

46

1 Mr. Noto answered affirmatively.
2
3 Mayor Meador said Mr. Owens was representing a group that was part of a plan to
4 maximize the stair step parks.
5
6 Commissioner Duryea said he had been bringing up the situation about traffic impact.
7 The study that was done by Rockett & Associates and TEI wasn't done for this
8 particular site plan. It was done for the Downtown in general.
9
10 Mr. Noto said that was correct.
11
12 Commissioner Duryea asked how much the capacity would be hurt when this is built.
13 They are saying impacts with a 25% build out scenario will not affect level of service.
14
15 Mr. Noto said that was right. On the fourth page of the staff report where it talks about
16 the traffic impacts, the study treated the Downtown like a DRI. It studied as such in that
17 at the 25% build out scenario of just under 300,000 S.F. of retail and just over 500
18 residential units that there would be an appropriate level of service reached. With the
19 addition of this project we still have over 300 residential units that could be built at a
20 25% build out scenario in the entire Downtown. There is still capacity left. At the time,
21 the Downtown boundaries stopped at the railroad tracks so we studied that area. With
22 the addition of the expanded Downtown that we did four years ago, we can take that
23 into account in the fact that nothing is being built over there right now but at the end of
24 the day our 25% build out scenario is over 300 units and then the excess retail square
25 footage.
26
27 Commissioner Duryea said he seemed to remember that when you are building a
28 subdivision, you have to look at the traffic impact on roads around it going in and out.
29 This particular traffic study had to do with what went on inside of there, did it not.
30
31 Mr. Noto answered affirmatively. This study looked at the Downtown as a whole. This
32 is a similar study that would have been done for a Primera DRI where it takes the entire
33 project area into account. As a result of this project is why we are looking at
34 improvements on Country Club Road and the improvements directly abutting the project
35 on Palmetto.
36
37 Commissioner Duryea said he was not sure he held that to be valid because there are
38 only three roads affected by this and they are terrible to have to go through now. He
39 thought this was going to have more of an impact on the through traffic and the traffic
40 within the sector from C-15 to Old Lake Mary Road. He thought it was going to be a
41 healthy lift to the waiting time getting through Country Club Road and perhaps even the
42 danger of collisions at that intersection. He asked if there could be anything in the
43 agreement that if a certain threshold of cars is reached that they would have to
44 contribute to some sort of in and out access.
45

1 Mr. Noto said at this point none of the agreements have contemplated monetary
2 donations for traffic improvements. That would be a policy decision by the Commission
3 to ask for something like that.

4
5 Mr. Omana said back when the traffic study was done, the methodology used was
6 basically what we use in our DRIs so we looked at it as a whole. We looked at the
7 roadway networks within that spectrum of Downtown and based on the numbers that
8 were crunched, the engineers at that time concluded that there would not be an adverse
9 effect to the roadway network based on that modeling. To attempt to apply a
10 participation of some type would be a policy issue but there would be nothing in the
11 traffic studies that would provide a rational nexus to mandate that on the developer.
12 The traffic study was done and we feel comfortable with what the numbers came out
13 with. It is important to note that since we have taken over jurisdiction of Country Club
14 Road, we are in the driver's seat. We have had discussions on roundabouts and raised
15 tables on intersection approach, so we are going to have control over how we design
16 the internal Downtown roadway network. We design it to be safe, effective and provide
17 good traffic flow. The traffic study in combination with we now control the roadways will
18 help the overall program.

19
20 Mayor Mealor pointed out that under the City Manager's Report there is an item to study
21 the traffic circles.

22
23 Commissioner Brender said his point was bringing up specifically the traffic circle at
24 Country Club and Crystal Lake. He thought that would be a big help there. He thought if
25 we can start immediately directing traffic down Palmetto directly onto Lake Mary
26 Boulevard is probably going to be some more help.

27
28 Commissioner Brender said he objected to the statement that there is going to be no
29 adverse traffic impacts. There will be traffic impacts. It is hard to put 200 cars in one
30 place and say there is no traffic impact. He thought with what we have in place that we
31 can manage it. The point about us taking Country Club Road is one of the good
32 reasons why we can.

33
34 Commissioner Plank said we are all concerned about increasing traffic flow any time a
35 new project goes in. He reminded everybody that the purpose behind that building and
36 our hope is that the majority, or a good portion, of those people will take SunRail and
37 will not be getting into their cars and driving down Wilbur or any place else. That was
38 the initial reason we went along with approving this project.

39
40 **Motion was made by Deputy Mayor Lucarelli to approve the Site Plan for The**
41 **Station House (2013-SP-13), subject to the three conditions outlined in the staff**
42 **report, seconded by Commissioner Plank and motion carried by roll-call vote:**
43 **Commissioner Brender, Yes; Commissioner Duryea, No; Commissioner Plank,**
44 **Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

1 B. Request from the Hills of Lake Mary for a Neighborhood Beautification Grant
2 (Steve Noto, Planner)
3

4 Mr. Noto said this is the first request received as part of the new neighborhood
5 beautification grant that was approved at the end of 2012. We and Bruce Fleming of
6 Code Enforcement have been working closely with the HOA. We have had several
7 meetings by e-mail and face to face to discuss the grant request before the Commission
8 this evening.
9

10 Mr. Noto said we started this program in November 2012 to assist neighborhoods that
11 may need assistance in improving portions of their community. As outlined in the
12 program that is part of the staff report is entryway beautification. In 2009 there was an
13 accident at the entrance at Lake Como Drive that destroyed the eastern portion of that
14 entrance. Since then it was a major legal issue in trying to revive that entryway. After
15 this program was put in place, the HOA and property management company reached
16 out to us to see what could be done and how they could use this program to bring this
17 entryway back to life.
18

19 Mr. Noto said they have met all the requirements of the program. They gave quotes of
20 the work that needed to be done, they gave a budget and meeting minutes. All the
21 paperwork we needed they gave us. We met internally as a staff to discuss the
22 landscaping they proposed. We worked with Parks & Recreation Director Bryan Nipe
23 and his staff to make sure what was proposed to be planted would be adequate, would
24 survive and meet our landscape requirements. We are fine with all of that.
25

26 Mr. Noto said our recommendation is based on the grant program itself. The maximum
27 beautification grant that staff can recommend approval for is \$5,000. The applicant is
28 requesting the full \$25,000 amount that is available per year. We have had multiple
29 phone conversations with other communities asking about the grant and potential
30 projects. The Hills is the only community that applied. They are the first ones to get to
31 this point and get through the application and review processes.
32

33 Mr. Noto said in compliance with the grant program this item went before the Parks &
34 Recreation Advisory Board on May 6, 2013, to receive a recommendation to the
35 Commission, and it was approved 3 – 0 with two abstentions. It was recommended for
36 approval per staff's recommendation which was \$5,000.
37

38 Mr. Noto said this meets all the requirements of the grant program. He noted members
39 of the community and property management company were present.
40

41 Mayor Mealor said staff can recommend a maximum of \$5,000 and Parks & Recreation
42 cannot go beyond that in terms of their authority. The Commission does have some
43 leeway, however, there are other communities that may be coming forward. This is an
44 annual award. He asked the timeframe we would consider for submissions.
45

1 Mr. Noto said we are operating with the \$25,000 running with the fiscal year and at the
2 end of September we would say that's it for year one.

3
4 Mayor Mealor said in our budget we have \$25,000 for beautification projects citywide
5 and will run until September 30th. When we do our budget hearings and want to
6 continue this program then effective 1 October there is a new round of applications.

7
8 Mr. Noto said that was correct.

9
10 Commissioner Plank asked for clarification. On Page 5 of the application package it
11 states that any of the grant awards shall not exceed the total of \$5,000. In the event
12 land acquisition is requested the City Commission may award additional monies. He
13 asked if we had the ability to increase the amounts since land acquisition is not an issue
14 on this.

15
16 Mr. Noto said they had to purchase the land. When we structured that portion the
17 thought was no matter how it was paid for, if land acquisition was part of the overall
18 project--which in this case it is--that caveat would come into play. As part of this project
19 they did a special assessment to the entire community of \$300 per house to pay for
20 acquisition of that land which was then part of their 5% matching amount. The project
21 cost of turning dirt and planting is around \$27,000. The \$83,000 was another cost as
22 part of this project.

23
24 Commissioner Plank said we are considering the total project including the acquisition
25 of land. He said he wanted to make sure we legally were able to consider it. He said
26 he wasn't necessarily averse to increasing the amount.

27
28 Commissioner Brender said he was not sure that we can. It said in the ordinance that
29 the Commission can increase it up to \$25,000. We would have to redo the ordinance if
30 we were to increase the amount. Considering it takes several months for somebody to
31 put together this kind of packet, he couldn't believe that another homeowners'
32 association is going to be able to come up with a plan within 90 days that is going to be
33 eligible for this fiscal year. Some other homeowners' associations had approached him.
34 There are some worthwhile ones out there where we are not talking great deals of
35 money. We are talking \$800 to \$1,000 for a small neighborhood and you can make a
36 significant impact. As long as we have money coming in our next fiscal year to handle
37 those, he would encourage the smaller neighborhoods to begin the application process
38 so they can be ready October 1.

39
40 Mr. Noto said we spoke about that at length at the Parks meeting and it is a three-month
41 process to get to the Commission. We have a month of staff review, you have to get to
42 the Parks Board and then a month later the City Commission.

43
44 Commissioner Duryea said in the budgeting process when we come to the end of the
45 year and we do not spend this \$25,000 it would roll over to the next year.

1 Ms. Sova explained that all expenditures lapse. If there is unspent budget money it
2 lapses.
3
4 Commissioner Duryea said it would have to be reapproved. If we reapproved it we
5 wouldn't be using additional dollars.
6
7 Ms. Sova said we would not have to add additional dollars.
8
9 Commissioner Duryea said if we used up the whole bucket right now we would have to
10 come up with another \$25,000 next year.
11
12 Ms. Sova said that is correct.
13
14 Commissioner Brender said \$5,000 next year and then up to \$25,000 if there was land
15 acquisition. We are setting aside \$25,000.
16
17 Ms. Sova said we agreed on \$25,000 for this fiscal year. We have not adopted next
18 fiscal year's budget. If we spend \$5,000 or \$25,000 it will come out of that \$25,000 and
19 the balance will lapse. If there is \$20,000 left then next year's budget will not become
20 \$45,000. She will propose \$25,000 again.
21
22 Deputy Mayor Lucarelli concurred with Commissioner Plank. She was not disagreeable
23 to increasing the amount as long as there is funding in there and you don't feel the other
24 neighborhoods will be coming forward anytime soon.
25
26 Mayor Mealor agreed. This has a long history and is one where the Commission with
27 every good effort had their hands tied and was not able to do the will of the
28 Commission.
29
30 Ms. Reischmann said the program was established by resolution and this application
31 was the attachment so the governing rule is that the Commission may award additional
32 monies in the event land acquisition is requested.
33
34 Commissioner Brender said when they say additional monies it means up to the
35 \$25,000 amount.
36
37 Ms. Sova answered affirmatively.
38
39 Commissioner Brender said he had no objection to that.
40
41 Mayor Mealor said it appears the majority is willing to look at this request favorably.
42 Staff can do nothing but recommend the maximum amount of \$5,000 and Parks &
43 Recreation can do nothing except advise. The request is for \$25,000. It is a
44 Commission decision as to what direction we want to go related to this request.
45

1 Commissioner Brender said he was looking at the proposed budget of \$110,000 total for
2 the acquisition cost plus the expenses.

3
4 Mr. Noto said it cost \$83,000 to purchase the property so it would be \$83,000 plus the
5 \$27,000 so the overall cost of the project is \$110,000 give or take.

6
7 Commissioner Brender said they are collecting through the special assessment
8 \$95,000. He said if he did the math it is \$15,000. He asked where is the other \$10,000
9 was.

10
11 Mr. Noto said that is where the grant would come into play.

12
13 Commissioner Brender said if the total project cost is \$110,000 and now what we are
14 talking about is giving them \$120,000.

15
16 Mr. Noto said they haven't collected all of the money from the special assessment.
17 There are foreclosures and other issues within the community. There is still a gap
18 between the \$83,000 and the total project cost which is actually \$113,000 due to legal
19 costs.

20
21 Commissioner Plank said if he remembered the minutes from the Parks & Recreation
22 meeting that shortfall is about \$16,000.

23
24 Mr. Noto said give or take.

25
26 Mayor Meador said if the Commission came forward with \$15,000 we would probably
27 close the gap.

28
29 Commissioner Brender said he wanted to cover it. This has been marching around
30 since 2009. He wanted to get it settled and get that portion of 46A to start looking like
31 Lake Mary but at the same time he didn't want to overfund this if in the future they end
32 up getting the money from the foreclosures. That's not fair to the budget. He was trying
33 to figure out if they need the whole \$25,000 to do what they are doing or do they need
34 \$15,000 but need \$25,000 now because they have \$10,000 that hasn't been collected
35 yet.

36
37 Mr. Noto said staff monitors how the money is spent. If the Commission agrees to give
38 the full \$25,000 the program outlines how that money can be spent. It would be staff's
39 charge to make sure it is spent on the project.

40
41 **Motion was made by Commissioner Duryea to award the beautification grant to**
42 **the Hills of Lake Mary in the amount of whatever the cost is over and above the**
43 **assessments not to exceed \$25,000 with expenses to be monitored by staff.**
44 **Seconded by Commissioner Brender.**

1 Ms. Sova asked if staff would be monitoring the collections as well. Over and above the
2 assessments and over and above the collections are two different numbers.

3
4 Commissioner Duryea said to get it done we would have to say collections but it would
5 probably be better for the City to say assessments. At some point in time they will
6 collect on the liens.

7
8 Ms. Reischmann suggested collections as of a certain date because they may get some
9 monies trickling in but some of the assessment liens may be wiped out by the
10 foreclosures.

11
12 Mr. Noto said the grant program states that the project has to be completed within six
13 months so the money has to be spent six months from now which would be November.

14
15 Commissioner Brender said the City has up to \$25,000 and staff will be monitoring and
16 it can only be spent on project related information. If they happen to collect more than
17 they need over the next six months that relieves the City of part of it.

18
19 Mr. Noto said the applicant does not anticipate collecting any more funds from the
20 special assessment. At this point they have collected \$80,000 to \$83,000 which paid for
21 the purchase of the property and they don't anticipate collecting any more above that.
22 Per the program they would have six more months to collect anything more to decrease
23 the grant amount they receive tonight.

24
25 Commissioner Plank said based on the minutes, exactly what Mr. Noto said is the case.
26 They have the money for this and we are the reason they will or won't finish the project
27 after buying the land so there is inter-dependency between the two organizations.

28
29 **SIDE 1B**

30
31 Ms. Reischmann clarified that the motion would be for the grant to be up to \$25,000 but
32 would be decreased by the amount of the collections received subsequent up until
33 December 1.

34
35 **Amended motion was made by Commissioner Duryea award the beautification**
36 **grant to the Hills of Lake Mary up to \$25,000 but would be decreased by the**
37 **amount of the collections received subsequent up until December 1, 2013.**
38 **Seconded by Commissioner Brender.**

39
40 Commissioner Plank thought Mr. Noto just said they didn't anticipate collecting
41 anymore.

42
43 Mayor Mealor said they may not and they may.

44
45 Commissioner Brender questioned how there could be no additional collections. He
46 said he lived in a condo and they don't give up on collections.

1
2 Mayor Mealor suggested any collections prior to completion of the project.

3
4 Ms. Reischmann asked if they were saying those amounts would be refunded to the
5 City. The \$25,000 is to be provided immediately with some refunding to the City if there
6 are any collections between now and December 1.

7
8 Commissioner Plank said he thought we had a special case here with the Hills of Lake
9 Mary.

10
11 Mayor Mealor asked the motion maker and seconder if they would consider retracting
12 the collections component and simply do the award based on the fact they are ready to
13 get underway and there may not be further collection of assessments.

14
15 Commissioner Brender said if there are additional collections or if the amount of money
16 they receive exceeds the amount of money that they need, this money has to be spent
17 in a certain way. If they receive collections over and above what is spent, we cannot as
18 a city just hand money to an HOA. Every HOA in the county would be knocking on our
19 door. There has got to be a way to control this.

20
21 Ms. Reischmann said that is controlled. As part of the project staff monitors the way the
22 money is spent. They would do an audit and they would have to show that the money
23 was spent on the project and not put in their coffers so they can decrease assessments
24 down the road. We don't just hand them money and say do what you will.

25
26 Mayor Mealor said we know the differential, what has been invested, what the projected
27 costs are. We believe the \$25,000 will cover that cost and allow this project to move
28 forward in a manner in which the homeowners' association desires. Staff can audit and
29 monitor it. If done the right way this has great potential. Let's make sure we stack this
30 for success.

31
32 Mr. Noto stated "will do".

33
34 **Second amended motion was made by Commissioner Duryea to award the**
35 **beautification grant to the Hills of Lake Mary in the amount of \$25,000 and staff to**
36 **audit and monitor expenses, seconded by Commissioner Brender and motion**
37 **carried by roll-call vote: Commissioner Duryea, Yes; Commissioner Plank, Yes;**
38 **Deputy Mayor Lucarelli, Yes; Commissioner Brender, Yes; Mayor Mealor, Yes.**

39
40 Ms. Reischmann said there is one clarification that we need from the guidelines of the
41 program. There is a prohibition on project funds being spent for the regular budget
42 which is what the Commission desires but there is one loophole. She said if she was
43 correct she believed the property has already been purchased and the guidelines talk
44 about there can be no reimbursement for purchases made prior to receiving funding. If
45 some of the money would go to refund a purchase then...

1 Mayor Mealor said the \$25,000 motion is to allow bricks, mortar, dirt, planting, irrigation
2 and landscaping to commence and beautify an entry that will be compatible with the
3 beauty of the neighborhood. The vote is 5 – 0.

4
5 Mayor Mealor thanked the homeowners present for their patience.

6
7 C. Ordinance No. 1488 – Amending Section 154.21 of the Code of Ordinances
8 related to mobile food vendors – First Reading (Public Hearing) (Gary
9 Schindler, City Planner)

10
11 The City Attorney read Ordinance No. 1488 by title only on first reading.

12
13 Mr. Schindler said the Commission last saw this on April 18, 2013, as Ordinance No.
14 1485 and was denied 5 – 0. The Commission said they wanted to protect our
15 restaurants in retail areas, we need more control over the time, and they directed staff
16 to revise the ordinance and bring it back.

17
18 Mr. Schindler said mobile food trucks are no longer permitted in PO, C-1, C-2 or DC
19 zoning; there must be a 750-foot separation between location of a food truck and a
20 restaurant establishment; they can be there from 10:00 AM until 2:00 PM.

21
22 Mr. Schindler said one of the driving factors is we want to be able to provide lunch to
23 those people who would ride SunRail to employment and instead of them going to the
24 food, bring the food to them.

25
26 Mr. Schindler said at the May 14, 2013, meeting, the Planning & Zoning Board voted 3 –
27 0 with one abstention to recommend approval with the three conditions. When we
28 initially took it to the Planning & Zoning Board staff had recommended only a 500-foot
29 separation. The P&Z wanted 750 feet and staff said that was fine with them.

30
31 Commissioner Duryea said given the fact that it is not allowed in PO, C-1, C-2 or DC
32 zoning and it is 750 feet, he asked where they would put one.

33
34 Mr. Schindler said we have M-1A zoning in which we have most of our major
35 employers: North Point, Colonial Center Heathrow, and Primera. He said those were
36 zoned PUD or M-1A. They would not be allowed in the residential portion of a PUD. It
37 has to be in the non-residential portion of a PUD and then it has to be 750 feet away
38 from an existing restaurant. This is the direction given by the Commission but if they
39 wanted to loosen it up then that would be a policy decision.

40
41 Commissioner Brender said most of Heathrow could handle a food truck. He asked if a
42 food facility inside a building such as AAA would be a restaurant.

43
44 Mr. Schindler said that was a restaurant. He explained that food trucks don't have a
45 license to just go anywhere. They have to go to the owner of the property and say I
46 want to come here. It would be up to AAA to say no; we have a restaurant. The

1 internal food service is going to be a matter of market function. If the owner of the
2 property believes that the food truck is going to conflict with their operation then they are
3 not going to allow it, and there is still the 750-foot separation.

4
5 Commissioner Plank thanked Community Development for the efforts they put into
6 addressing the Commission's concerns and explaining it to P&Z.

7
8 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1488. No
9 one came forward at this time and the public hearing was closed.

10
11 **Motion was made by Commissioner Brender to approve Ordinance No. 1488 on**
12 **first reading, seconded by Commissioner Plank and motion carried by roll-call**
13 **vote: Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner**
14 **Brender, Yes; Commissioner Duryea, Yes; Mayor Meador, Yes.**

15
16 IX. Citizen Participation

17
18 Joanne Counelis, 136 East Alma Avenue, came forward. She stated 24-hour bus
19 service was needed including holidays, weekends and nighttime in all the State of
20 Florida.

21
22 Mayor Meador said Lynx was looking at that as are several other providers.

23
24 No one else came forward and citizen participation was closed.

25
26 X. Reports

27
28 A. City Manager

29
30 1. 2013 Road Reclamation and Paving Program

31
32 Ms. Sova said this is the 2013 Road Reclamation and Paving Program. She thanked
33 staff. Dianne (Holloway) put an incredible amount of effort into this this as well as the
34 City Attorney, Bruce (Paster) and Dave (Dovan) and we also worked with our consulting
35 engineers. She noted David Gierach of CPH Engineers was present. This is two years
36 of paving. We didn't do any paving projects last year. We took a new look and
37 approach and put this out to bid rather than piggybacking. It was a big job and an
38 incredible amount of work.

39
40 Ms. Sova said this year's street resurfacing program includes three separate types of
41 paving processes: full depth reclamation, milling and resurfacing, and double micro-
42 resurfacing. The full depth reclamation is needed in Cardinal Oaks Cove because they
43 had road failures, tree roots, and stormwater pipes that were fixed last year and this
44 year the remainder will be repaired. The process includes milling the existing surface
45 down to a base of 8 inches deep, injecting emulsion into the mill material, grading, re-
46 compacting, and replacing with 1-1/2 inches of new asphalt.

1
2 Ms. Sova said the milling and resurfacing is slated for Sun Oaks, Crystal Lake Estates,
3 areas of the Hills of Lake Mary, and a portion of Timacuan Boulevard.

4
5 Ms. Sova said we will be adding a double layer of micro-resurfacing in Manderley and
6 on Commerce Street. We did a single layer of micro-resurfacing in Manderley in 2008
7 and it didn't wear well. That's one of the reasons we slowed down and took a new look
8 at things this year.

9
10 Ms. Sova said we had CPH Engineers work with us on the specifications and they will
11 be working with us on some CE&I throughout the project so hopefully we can get a
12 better product than we have had before. This year we asked for a three-year warranty
13 on the work and that will be in the contract.

14
15 Ms. Sova said the best part of this is all the hard work likely paid off. One of the
16 reasons we went to every other year was \$300,000.00 in terms of paving is not much
17 budget. It is expensive to mobilize and come out and do it. With a greater budget this
18 year of \$675,000.00 we were able save 15% which is \$120,000.00 give or take.

19
20 Ms. Sova asked the Commission to authorize her to enter into an agreement with
21 Roadway Management, Inc. in an amount not to exceed \$665,512.06 for the above
22 described road work.

23
24 **Motion was made by Commissioner Duryea to authorize the City Manager to enter**
25 **into an agreement with Roadway Management, Inc. in an amount not to exceed**
26 **\$665,512.06 to perform road work as outlined in the staff report, seconded by**
27 **Commissioner Brender and motion carried unanimously.**

28
29 2. Trailhead Park Concession Agreement – Contract Amendment

30
31 Ms. Sova said this is a contract amendment to the Trailhead Park Concession
32 Agreement. The vendor, Smoothie King, has been doing some interior modifications.
33 They are the first vendor in that facility to come across some success and have
34 customers there with frequency. They would like to extend their contract based on the
35 work they are putting into the facility.

36
37 **Motion was made by Deputy Mayor Lucarelli to authorize the City Manager to**
38 **execute the amendment to the Trailhead Park Concession Agreement with**
39 **Blenders, LLC dba Smoothie King, seconded by Commissioner Plank and motion**
40 **carried unanimously.**

41
42 3. Request for authorization to proceed with design services and construction
43 documents for three traffic circles

44
45 Ms. Sova said this is a request for authorization to proceed with design service and
46 construction documents for three traffic circles: on North Country Club Road at East

1 Crystal Lake and Wilbur, and on Palmetto. We have discussed those before and
2 discussed those earlier this evening.

3
4 Ms. Sova asked the Commission to authorize her to execute proposals with CPH for
5 North Country Club Road traffic circles in an amount not to exceed \$57,740.00 and the
6 traffic circle on Palmetto not to exceed \$19,800.00.

7
8 Commissioner Brender asked if we dropped the other one on Palmetto.

9
10 Ms. Sova said this includes Palmetto. The intersection will be designed but it won't be a
11 roundabout.

12
13 **Motion was made by Commissioner Brender to authorize the City Manager to**
14 **execute proposals with CPH Engineers for North Country Club Road traffic circles**
15 **at East Crystal Lake Avenue and Wilbur Avenue in an amount not to exceed**
16 **\$57,740.00, and the Palmetto Street traffic circle in the amount not to exceed**
17 **\$19,800.00. Seconded by Commissioner Plank and motion carried unanimously.**

18
19 4. Request for expenditure from Law Enforcement Trust Fund for donation

20
21 Ms. Sova said this is a request for expenditure from the Law Enforcement Trust Fund
22 for the second annual Lake Scary 5K Run/Walk for Cerebral Palsy. This is a request for
23 \$500.00. This event will be held at Lake Mary Prep on October 26th. If approved we will
24 add it to the budget next year.

25
26 **Motion was made by Deputy Mayor Lucarelli to authorize the expenditure from**
27 **the Law Enforcement Trust Fund in the amount of \$500.00 for a donation to the**
28 **Lake Scary 5K Run/Walk for Cerebral Palsy. City Manager to include this**
29 **expenditure in the 2014 Budget. Seconded by Commissioner Duryea and motion**
30 **carried unanimously.**

31
32 5. Appointment/reappointment to advisory boards

33
34 Ms. Sova said this is a request for an appointment and reappointment to advisory
35 boards. Commissioner Duryea's term on the Police Pension Board expires on June 28,
36 2013, and he has expressed a willingness to continue to serve. We would need to
37 reappoint him for two years. The Elder Affairs Commission met on May 13th and
38 unanimously recommended Jean Fry to fill a vacant seat on their board. Her term
39 would expire December 31, 2014.

40
41 **Motion was made by Commissioner Brender to reappoint Commissioner George**
42 **Duryea to the Police Pension Board and appoint Jean Fry to the Elder Affairs**
43 **Commission, seconded by Commissioner Plank and motion carried unanimously.**

44
45 Ms. Sova said Duke Energy is planning to do significant work in the alley that runs
46 east/west between Fourth Street and Fifth Street between Lakeview and Crystal Lake

1 Avenue beginning on June 10th and through June 18th. The intent is to bring three
2 phase power to the new buildings for Shaw Construction. Staff has sent out notices to
3 all the property owners that abut the alley and have informed them about the work.

4
5 Ms. Sova said “Red, Rock & Blue” will be held on June 29th from 6:00 PM to 9:00 PM in
6 Central Park. Bring blankets and chairs. The concert will feature Rock this Town. We
7 will have food from local vendors for purchase.

8
9 Ms. Sova said we have no agenda items coming forward and asked to cancel the June
10 20th Commission meeting. Because July 4th is already canceled there will be no
11 meeting until July 18th.

12
13 **Motion was made by Deputy Mayor Lucarelli to cancel the June 20, 2013, City**
14 **Commission meeting, seconded by Commissioner Plank and motion carried**
15 **unanimously.**

16
17 Ms. Sova said all non-emergency City offices will be closed on Thursday, July 4th, in
18 observance of Independence Day. Waste Management will not collect solid on the 4th
19 but they will have a make-up day the following Saturday, July 6th, for those customers
20 with a Thursday pickup.

21
22 B. Mayor

23
24 Mayor Mealor had no report at this time.

25
26 C. Commissioners (3)

27
28 Commissioner Plank said he had no report but urged all of our citizens to take a few
29 minutes and check out the new City website. Staff has done an outstanding job on it
30 and thought they would see it getting better and better and become even more
31 important a source of information for the citizens as to what’s happening in the City.

32
33 Deputy Mayor Lucarelli said she sat in for Commissioner Brender at CALNO. It was at
34 the Princess Theater. They had a great presentation of “Celery Soup”, “Touch and Go”
35 and some of the productions they have put on. The idea behind it was stories of old
36 Sanford. She had seen it in her leadership class and was amazed that it was the first
37 time there for many of the elected officials. They had some great barbeque.

38
39 Deputy Mayor Lucarelli said she attended Metroplan today and there was a quiet zone
40 briefing. Mr. Schindler was there and he had some good input. She asked Mr.
41 Schindler to scan the information and forward it to everybody.

42
43 Deputy Mayor Lucarelli said we got into discussing liability issues with quiet zones and
44 not having a horn. There are some pictures in the packet of other existing intersections
45 where there are two crossing gates on each side of the railroad track because you don’t
46 have the horn blowing, but there is a liability issue with that. We got into who was liable

1 and they were saying we would be but we said we didn't think that was right. She
2 talked to Virginia Whittington (Project Manager) afterwards and they are going to have
3 their legal counsel look into it. We feel it would be DOT because DOT owns the tracks.
4 She said she would keep everyone posted on that. If we decide we want to proceed
5 with quiet zones, we bear the cost of any final construction plans. They are just doing
6 the preliminary concepts right now and is what they will pay for. If we decide to proceed
7 forward then that would cost us. As Gary (Schindler) pointed out, once they are in and
8 something happened or we decided we didn't like it or didn't think it was working, they
9 can be removed and go back to the horn blowing. It basically comes down to liability
10 and do we want to spend the money.

11
12 Commissioner Brender interjected that we don't know how much money yet.

13
14 Deputy Mayor Lucarelli said when we get the preliminary concept we will get some
15 preliminary cost estimates.

16
17 Deputy Mayor Lucarelli said Seminole Behavioral Health Board made a big
18 announcement that there is a merger. Seminole Behavioral Health, Lakeside Living,
19 and Center for Drug Free Living are merging and the new name will be Aspire Health
20 Partners. This has been in the works for a while but we weren't allowed to talk about it
21 but the three boards will be merging together. We are going to be the inaugural board
22 and it will be decided from there how the overall permanent board will go. It will improve
23 client services and outcomes to the community for mental and behavioral health
24 services.

25
26 Deputy Mayor Lucarelli announced that this Sunday (June 9th), Special Olympics is
27 having a bowl-a-thon at Altamonte Lanes from 3:00 PM to 5:00 PM.

28
29 Commissioner Brender said he had gotten three phone calls from people with all this
30 discussion in the paper about tolling I-4. They were calling him questioning how they
31 can toll I-4 and how are they supposed to get to Orlando. He tried to explain that this
32 was new construction. Any new lanes added at ground level to I-4 will be I-4 lanes.
33 That is interstate traffic and not tolled. There will be elevated lanes up to four lanes
34 extending from 436 to almost Polk County which will offer vehicles that want to fly
35 through Orlando with very few exits and entrances and that will be tolled. You can get
36 on at 436 and get off at downtown Orlando and pay a toll and not have to deal with the
37 five on and off ramps. They are going to be called Express Lanes. The paper has done
38 a terrible job of making it clear that these are going to be new elevated lanes so it will
39 not affect I-4 traffic. Part of the \$2.1 billion expansion is that they will be straightening
40 out the Fairbanks turn and they will be adding additional lanes to baseline I-4.

41
42 Deputy Mayor Lucarelli said there was a website you can go to and see the plans.

43
44 Commissioner Brender said we should put that as a link on our website.

45

1 Mayor Mealor said FDOT did a presentation to the East Central Florida Regional
2 Planning Council. The presentation was exceptional and clarifies a lot of the calls that
3 Commissioner Brender may be getting. We think we have access to that if we want to
4 link it.

5
6 Commissioner Duryea said he had the good fortune to be running around the State of
7 Florida and last week was in southwest Florida, Lee County, Ft. Myers, Sanibel, Captiva
8 and that area. Thank God we have not shot all the planners in Seminole County like
9 they have in Lee County. It is just an amalgamation of lack of planning. It's terrible.
10 When you come to areas like Sanibel and Captiva, it's the other end of the spectrum. It
11 is very restrictive and it has to be because it is a very environmentally sensitive area.
12 Even as far as Ft. Myers goes where the Ford and Edison Museums are, it is an
13 amalgamation of different types of buildings and uses and is piled on top of one
14 another. He was glad we have planners and glad that we were smart enough in the
15 beginnings of Lake Mary to see that we had a choice and we took the right one. He
16 complimented staff.

17
18 D. City Attorney

19
20 Ms. Reischmann said we closed on the Mixon property. We are holding back a little bit
21 of funds in anticipation of the County Commission meeting.

22
23 XI. Adjournment

24
25 There being no further business, the meeting adjourned at 8:25 P.M.

26
27
28

29
30 _____
David J. Mealor, Mayor

_____ Mary Campbell, Deputy City Clerk

31
32
33

34 ATTEST:

35
36
37

38 _____
39 Carol A. Foster, City Clerk