

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

3
4 I. Call to Order

5
6 The meeting was called to order by Deputy Mayor Gary Brender at 7:05 P.M.

7
8 II. Moment of Silence

9
10 III. Pledge of Allegiance

11
12 IV. Roll Call

13
14 Mayor David Meador – Excused
15 Deputy Mayor Gary Brender
16 Commissioner George Duryea
17 Seat 3 – Vacant
18 Commissioner Jo Ann Lucarelli

John Litton, City Manager
Carol Foster, City Clerk
Jackie Sova, Finance Director/
Assistant City Manager
John Omana, Com. Dev. Dir.
Gary Schindler, City Planner
Bruce Paster, Public Works Dir
Steve Bracknell, Police Chief
Rick Fudge, Fire Division Chief
Robin Drage, Acting City Attorney
Mary Campbell, Deputy City Clerk

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26 V. Approval of Minutes: June 2, 2011 – Strategic Planning Session
27 Regular Meeting
28

29 **Motion was made by Commissioner Duryea to approve the minutes of the June 2,**
30 **2011, Strategic Planning Session. Seconded by Commissioner Lucarelli and**
31 **motion carried unanimously.**

32
33 **Motion was made by Commissioner Lucarelli to approve the minutes of the June**
34 **2, 2011, regular meeting. Seconded by Commissioner Duryea and motion carried**
35 **unanimously.**

36
37 VI. Special Presentations

38
39 There were no special presentations at this time.

40
41 VII. Unfinished Business

42
43 There was no unfinished business at this time.

44

1 Deputy Mayor Brender announced that we are down two commissioners this evening.
2 He wanted to make everyone aware that the votes have to be 3 – 0 in order to pass and
3 the applicant may request an item be postponed to a future meeting.
4

5 VIII. New Business
6

7 A. Resolution No. 880 – Vacate a portion of an east to west alley located
8 between Fourth Street and Fifth Street and between Crystal Lake Avenue and
9 Lakeview Avenue (Public Hearing)
10

11 The Acting City Attorney read Resolution No. 880 by title only.
12

13 Mr. Schindler asked to group Items A and B together since they are both vacates.
14 There were no objections from the Board.
15

16 The Acting City Attorney read Resolution No. 881 by title only.
17

18 Mr. Schindler said Section 155.43 of the Code of Ordinances states that in considering
19 a proposed vacation, the City shall consider the possible effect on (1) the City in
20 general; (2) the immediate neighborhood; and (3) individuals near the property to be
21 vacated. At the June 2, 2011, Strategic Planning Session, the Commission gave staff
22 further direction that the vacates must be (1) associated with new development or
23 redevelopment efforts; (2) be in the public interest and benefits the public as a whole
24 and not just a singular property owner; (3) not adversely impact surrounding property
25 owners; and (4) conform to utility company regulations. Staff looked at these vacates in
26 the code requirements and the direction the Commission provided for staff.
27

28 Mr. Schindler said the first request is to vacate of a portion of a 20-foot wide alley
29 between Lakeview and Crystal Lake Avenues. The alley runs east/west from Fourth
30 Street to Fifth Street. He pointed out the area to be vacated on the exhibit. He said Mr.
31 Shaw has requested a vacation of this portion of the alley south of Lots 17 and 18 on
32 Block 36 of the Crystal Lake Winter Homes subdivision.
33

34 Mr. Schindler said regarding the general impact, historically the City has approved
35 partial vacates when the request is associated with a site plan. The most recent
36 vacates that were similar in nature were the Shaw vacate that was associated with the
37 Shaw site plan on the west side of Fourth Street north of Seminole Avenue, and the
38 police station site located between Crystal Lake Avenue and Lakeview.
39

40 Mr. Schindler said regarding the neighborhood impact and impact on adjacent
41 properties, he did not feel this has any kind of negative impact. The existing alley has
42 never been cleared or if it has been cleared it was a long time ago. The subdivision
43 was recorded in the 1920's and it is completely overgrown and is not passable and
44 there are many mature trees within the alleyway.
45

1 Mr. Schindler said regarding utilities, currently the alley is not maintained or used by the
2 neighborhood. As required by the City, the applicant has sent letters to the utility
3 providers (Progress Energy, BellSouth, Florida Public Utilities, Brighthouse Networks,
4 and the City of Lake Mary Public Works Department). To date we have not heard back
5 from any of these except the City of Lake Mary. We have noticed it is getting harder to
6 get responses from the utility providers but they have all been notified of the intent and
7 we requested that they provide information one way or the other.

8
9 Mr. Schindler said staff finds that the request to vacate a portion of a 20-foot wide alley
10 to be consistent with the Comprehensive Plan and the City Code of Ordinances with the
11 following conditions:

- 12
13 1. The applicant must coordinate with utility companies to relocate facilities, if
14 required.
- 15 2. The applicant must provide a letter of approval/denial from the utility
16 companies prior to receiving a site construction permit.

17
18 Commissioner Duryea asked why there was a little “jog” not included.

19
20 Mr. Schindler said the portion jogged out is adjacent to property that Mr. Shaw does not
21 own and the owner of the property has not indicated that he/she wishes that portion to
22 be vacated.

23
24 Commissioner Duryea said he had never heard of part of an alley being vacated and
25 not the other side.

26
27 Mr. Schindler said it is not the usual case.

28
29 Commissioner Duryea asked if that would not be inuring a benefit to one property owner
30 as opposed to another.

31
32 Mr. Schindler said if it were not for the fact that this is for the purpose of redevelopment
33 he would agree. This is a situation whereby the overall end is redevelopment and
34 economic development.

35
36 Deputy Mayor Brender interjected that is the reason we are willing to vacate this
37 alleyway as opposed to other alleyways that we have not.

38
39 Mr. Schindler said that was correct.

40
41 Commissioner Duryea said let’s look at it from a lady who lives on the second set of
42 lots. We are actually giving property to both of those landowners on Fourth Street. In
43 this particular case most of that alley is owned by the same property owner but that little
44 portion is not. He asked if that would leave the City in some sort of legal jeopardy
45 because we did this to benefit that particular property but did nothing for the property
46 where we would have normally vacated the whole portion of the alley.

1
2 Mr. Schindler deferred to the attorney.

3
4 Robin Drage, Acting City Attorney, said this was not something she had looked at from
5 this perspective. It was her understanding this was a request for a vacation and the
6 adjoining property owner has not made a request to vacate. In the absence of a
7 request to vacate, she didn't feel there is an obligation on the part of the City to vacate.
8 However, should a request come you might run into a bit of an issue because that small
9 portion could be vacated but what happens to the remainder of the alley as you go
10 further west. Each request has to stand on its own so each request would have to meet
11 the criteria that the Commission has decided. If there was a request and they met the
12 criteria then she assumed you would approve a vacation of that part of the alley. If they
13 didn't meet the criteria she didn't think it matters. In the absence of a request from the
14 property owner to vacate that little portion, there is no obligation on the part of the City
15 to vacate that portion.

16
17 Mr. Schindler said at the regular June 28, 2011, meeting, the Planning & Zoning Board
18 unanimously recommended approval of the requested vacate.

19
20 Deputy Mayor Brender said that little portion that was jogged out is going to remain part
21 of the alleyway.

22
23 Mr. Schindler said that was correct.

24
25 Deputy Mayor Brender said we have not been approached by any landowners on the
26 rest of that alleyway regarding the disposition of the alleyway.

27
28 Mr. Schindler said that was correct.

29
30 Deputy Mayor Brender said he liked having those alleyways there but for a
31 redevelopment issue like this he tended to okay it but recognizing the fact we are cutting
32 off the point of having an alleyway there.

33
34 Mr. Schindler showed a façade of the proposed building. However, the building that is
35 proposed is going to extend all the way from Lakeview to Crystal Lake Avenue.
36 Therefore, they need the 20-foot alley vacated for the building. Otherwise you've got a
37 20-foot gap between buildings.

38
39 Commissioner Lucarelli said this is the edge of the Downtown boundaries and is part of
40 the Downtown redevelopment area.

41
42 Mr. Schindler answered affirmatively.

43
44 Mr. Schindler said the second request is for the City to vacate a portion of West
45 Seminole Avenue, 58.75 feet wide right-of-way located south of Lots N and O, Block 45
46 of the amended plat of Crystal Lake Shores at the corner of the Fourth Street and West

1 Seminole Avenue intersection. The applicant is requesting the vacation of this property
2 because he is proposing to construct a pedestrian plaza. He showed a rendering of the
3 proposed plaza. It will be between the buildings to the south on the south side of
4 Seminole.

5
6 Mr. Schindler said there are three buildings proposed between Seminole Avenue and
7 Lakeview. The first one is completed, the second is under construction, and there will
8 be one more. The purpose is to allow for the opportunity for outdoor dining and an area
9 to congregate. As necessary Mr. Shaw has requested that this portion of Seminole
10 Avenue be vacated. We have looked at the request in light of Chapter 155 and the
11 criteria the Commission gave at Strategic Planning and we find what is requested meets
12 these criteria with the four following conditions:

- 13
- 14 1. The applicant must coordinate with utility companies to relocate facilities, if
15 required.
- 16 2. The applicant must provide a letter of approval/denial from the utility
17 companies prior to receiving a site construction permit.
- 18 3. The applicant shall provide any necessary easements to the City and/or utility
19 companies by July 7, 2011. He read into the record what Mr. Shaw has
20 provided:

21
22 "Shaw Construction and Management Services, Inc. will provide
23 ingress/egress for the public to access Seminole Avenue until the time
24 Seminole Avenue is made accessible to Fifth Street. At that time a 42-inch
25 sidewalk easement will be made available from Fourth Street to Seminole
26 Avenue." Mr. Schindler said he has accomplished that.

- 27
- 28 4. The applicant shall pay 100% (\$4,828.00) for engineering design of the West
29 Seminole Avenue punch through to Fifth Street.

30
31 Mr. Schindler said the Seminole Avenue right-of-way goes from Fourth to Fifth but it
32 was never opened to Fifth Street. The City, in conjunction with Mr. Shaw, envision that
33 Seminole Avenue will be put through to Fifth Street so those property owners will be
34 able to access their property from Fifth Street instead of from Fourth Street.

35
36 Deputy Mayor Brender said they essentially have a one-way entrance now and the only
37 difference is we are going to move it to the other direction.

38
39 Mr. Schindler said that was correct.

40
41 Mr. Schindler said at the June 28, 2011, meeting, the Planning & Zoning Board
42 unanimously recommended approval of the requested vacate.

43
44 Mr. Schindler said a portion of the Seminole Avenue right-of-way has already been
45 vacated. He pointed out the vacated area. What is proposed is the remainder of
46 Seminole Avenue right-of-way be opened from Fifth to serve the other lots. He pointed

1 out the lot that currently has access from Fifth Street so it is not as critical as the other
2 six properties. They would be dependent on access from Seminole Avenue.
3
4 Deputy Mayor Brender asked if there were houses on all six properties.
5
6 Mr. Schindler answered negatively. There are three existing residences.
7
8 Commissioner Lucarelli asked when the punch through was scheduled.
9
10 Mr. Paster said we just received 60% plans for the construction work to include
11 stormwater, additional parking along Fourth Street, and the continuation of Seminole
12 Avenue to Fifth Street. He expected another two months before 100% plans and then
13 we go through the bidding process. We are looking at a year from today.
14
15 Commissioner Duryea said that easement goes behind the fence for the Lake Mary
16 Centre.
17
18 Mr. Paster the existing pond is on Seminole Avenue. That existing roadway, all within
19 the Seminole right-of-way, the plan is to continue a cold mix road and have a punch
20 through to Fifth Street. It's all behind the properties that face Lake Mary Boulevard.
21
22 Commissioner Duryea said there is a ditch that comes over.
23
24 Mr. Paster said the ditch will be widened to create a long thin pond next to the road so
25 inside the Seminole Avenue right-of-way you will have a pond next to a cold mix road.
26
27 Commissioner Duryea said he was wondering what the homeowners on Seminole
28 Avenue were going to do but that has been cleared up. He wasn't aware we were going
29 to continue the road. He asked if that was at the City's expense.
30
31 Mr. Paster answered affirmatively.
32
33 Mr. Schindler said the City and Mr. Shaw have entered into a public/private partnership
34 regarding the use of the ditch. It went from being merely a ditch to a long narrow
35 stormwater retention facility with weirs to accommodate his development.
36
37 Deputy Mayor Brender said it ends up going into West Crystal Lake.
38
39 Mr. Schindler answered affirmatively. It is all within the Seminole Avenue right-of-way
40 and will be on the south side of it. All the widening will still be within the right-of-way.
41
42 Deputy Mayor Brender asked if anyone wanted to address the Commission on
43 Resolution No. 880 and/or Resolution No. 881.
44
45 Terry Shaw of Shaw Construction, 386 Pine Tree Road, came forward. He said on the
46 courtyard, he has talked to the homeowners about the issues. The other issue that

1 needs to be brought up is the safety issue. He is out there every day and sees the kids
2 coming out of the stores and walking across and it concerned him with cars whizzing in
3 and out of there. He expressed concern of a kid getting hit.

4
5 Mr. Shaw said the pond they are making will not only benefit his development but
6 benefits the City in the fact that all of Fourth Street and Lakeview and part of Crystal, we
7 have designed that pond to handle the stormwater from City roads from that area. He
8 obtained a St. Johns permit for that so we are getting a public/private stormwater
9 program going for the City and thought it was a good thing.

10
11 Greg Cressman, 181 West Crystal Lake Avenue, came forward. He asked what would
12 happen with the rest of the alley. It was pointed out before that it's overgrown and you
13 can't get through it.

14
15 Deputy Mayor Brender said as of right now the rest of the alleyway will remain as it is. If
16 the City gets requests for the vacation of the alleyway then that will be considered at a
17 future Commission meeting based upon what action is taken tonight. If we decide to
18 close off the alleyway tonight that does take away part of the sense of having the
19 alleyway through the rest of the area but that is also something that would have to be
20 looked at specifically at another Commission meeting after it's gone through staff.

21
22 Mr. Cressman said he was thinking of putting a fence on the rear of his property.

23
24 Deputy Mayor Brender advised Mr. Cressman that right now the rear of his property is
25 the alleyway and not halfway into the alleyway.

26
27 Mr. Cressman said he understood that but was considering it.

28
29 Deputy Mayor Brender advised Mr. Cressman to contact Mr. Schindler or staff and let
30 them take him through the process of what his options are. Legally right now his
31 property line ends at the alleyway.

32
33 Mr. Cressman said his second concern was the stormwater on West Crystal Lake.
34 During the hurricanes of 2004, there was a tree that went down and the water line in the
35 alleyway on the north side of the street was ruptured and it flooded the street and there
36 was nowhere for the water to go. His property is lower than Fifth Street and lower than
37 Fourth Street so the water just sits there in the middle. He wanted to make sure that
38 was taken care of, especially if you are going to be diverting more stormwater from
39 other commercial projects where you have paved areas and things like that.

40
41 Deputy Mayor Brender said we could look at that engineering-wise. The engineering
42 that's been addressed on this as of now will probably improve the stormwater
43 management within that whole area. He said he could have Mr. Shaw and Mr. Paster
44 get together and look into making sure that your property isn't adversely affected.

1 Mr. Cressman said he didn't live there at the time but the neighbors say there was so
2 much water on the street if a car was doing 10 MPH the water was coming up into their
3 doorway.

4
5 Commissioner Duryea said it was that way everywhere.

6
7 Mr. Cressman said at Fifth Street and Crystal Lake the water just stands there. It can't
8 get over the hump and into the lake. There is a 12-inch bump there and the water can't
9 get over it.

10
11 Deputy Mayor Brender said that may be something we can look into.

12
13 No one else came forward and the public hearing was closed.

14
15 **Motion was made by Commissioner Lucarelli to approve Resolution No. 880 to**
16 **include all conditions from the Planning & Zoning Board and staff, seconded by**
17 **Commissioner Duryea and motion carried by roll call vote: Commissioner**
18 **Duryea, Yes; Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes.**

19
20 B. Resolution No. 881 – Vacate a portion of West Seminole Avenue right-of-way
21 located between Fourth Street and Fifth Street (Public Hearing)

22
23 Resolution No. 881 was read by title only and presented under Item 8-A.

24
25 **Motion was made by Commissioner Lucarelli to approve Resolution No. 881 to**
26 **include all the conditions and findings of fact of staff, seconded by**
27 **Commissioner Duryea and motion carried by roll-call vote: Commissioner**
28 **Lucarelli, Yes; Commissioner Duryea, Yes; Deputy Mayor Brender, Yes.**

29
30 C. Ordinance No. 1423 – Acquire property north of Seminole Avenue west of
31 Fourth Street and east of Fifth Street – First Reading (Public Hearing)

32
33 The Acting City Attorney read Ordinance No. 1423 by title only.

34
35 Mr. Litton said on the screen were the lots we are talking about purchasing. They are
36 on the north side of Seminole Avenue approximately 70 feet east of the intersection on
37 North Fifth and Seminole. The current zoning is R-1A. The total size is approximately.
38 .52 acres. The purchase price is \$38,500 with a deposit of \$3,850 (10%) and the City
39 would pay all the closing costs. We have a 90-day window to complete the deal. We
40 have no specific plans for this piece of property at this time but thought it would be
41 invaluable to future Downtown development. He thought it was in the best interest of
42 the City to purchase this and recommended the Commission approve the ordinance.

43
44 Commissioner Duryea asked if this property was owned by different people. Mr. Litton
45 said it was owned by one individual.

1 Deputy Mayor Brender asked if anyone wanted to speak in reference to Ordinance No.
2 1423. No one came forward and the public hearing was closed.

3
4 **Motion was made by Commissioner Duryea to approve Ordinance No. 1423 on**
5 **first reading, seconded by Commissioner Lucarelli and motion carried by roll-call**
6 **vote: Commissioner Duryea, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
7 **Brender, Yes.**

8
9 D. Request for approval of Preliminary Subdivision Plan with variances for Lake
10 Mary Professional Offices Phase II located at 155, 165, 175 and 185 Middle
11 Street; Lake Mary Professional Offices, LLC (Rick Saturn), applicant (Public
12 Hearing)

13
14 Mr. Schindler said within the last year this item was before the City for a site plan for the
15 first two buildings at 155 and 165. The response was so good and the building turned
16 out so well that they decided to build two more buildings. In doing so they decided they
17 also wanted to subdivide the property. The subdivision will be for two lots. He pointed
18 out the northern two buildings north of the dark line on the exhibit and the southern two
19 buildings and retention pond south of the dark line. Right now the retention pond is
20 located where building No. 3 would be and they are proposing to fill it in and move to
21 the south.

22
23 Mr. Schindler said in reviewing the subdivision, it is contingent upon the two variances.
24 Each aspect of the subdivision meets or exceeds the City's minimum requirements
25 except that there are two landscape variances. The first is the south landscape buffer,
26 Section 157.04(3), a variance of 20 feet from the required 35-foot wide landscape
27 buffer, a variance of 7 canopy trees from the required 12, a variance of 8 understory
28 trees from the required 15, and a variance from the required 6-foot tall brick wall or 4-
29 foot high berm with 2-foot hedge.

30
31 Mr. Schindler said the second variance is from Chapter 157.04(B), a variance to allow a
32 dry retention pond within the buffer area along Washington Avenue and the southern
33 100 feet of Middle Street.

34
35 Mr. Schindler said in the wisdom of past commissions it was believed that landscape
36 variances are different from other variances and wanted to have some different
37 standards by which to review them. These variances are both on sections of unopened
38 rights-of-way. Along the south is unopened Washington Avenue and along the west is
39 unopened Middle Street. The right-of-way is there but the road is un-built. Although the
40 zoning of these adjacent properties is A-1 Agriculture, the land use to the south, east
41 and west is Commercial. The likelihood of these areas developing residentially is slim
42 to none. They are going to develop commercially unless someone comes in and
43 changes the land use and rezones them to a residential zoning category. You can't put
44 residences in a commercial land use. In light of that you have to question what we are
45 protecting against. We've got commercial, we've got a roadway, and right now there is
46 nothing planned to the east or south. To the west we have Summerville and we

1 consider that type of development as commercial. Staff finds the requested variances
2 meet the criteria as stated above. The variances are as follows:

- 3
4 1. A variance of 20 feet from the 35-foot wide landscape buffer, the 7 canopy
5 trees instead of 12, the 8 understory trees instead of 15, and no brick wall or
6 berm and hedge.
7
- 8 2. A variance to allow the dry retention pond within the buffer areas along
9 Washington Avenue and the southern 100 feet of Middle Street.

10
11 Mr. Schindler said there will be buffering between it and the street if it should ever be
12 developed.

13
14 Mr. Schindler said staff finds the proposed preliminary subdivision plan complies with all
15 relevant standards of the City of Lake Mary Code of Ordinances and recommends
16 approval with the following conditions:

- 17
18 1. Prior to approval of the Final Plat, provide the drainage easement agreement
19 with legal description.
- 20 2. Prior to the approval of the Final Plat, provide cross drainage, cross parking,
21 and cross access easement agreements.
- 22 3. Obtain a letter from Waste Management that access to dumpster enclosure is
23 acceptable prior to Final Subdivision.

24
25 Mr. Schindler said at their June 28, 2011, meeting, the P&Z voted 5 – 0 to recommend
26 approval.

27
28 Commissioner Duryea said on the east side is vacant property and pastureland. He
29 said he could see that as one big subdivision.

30
31 Mr. Schindler said it is possible but would need the land use and zoning changed. We
32 have already approved with Beach Brothers and the office building to the north
33 reduction in the landscape buffer along the east side.

34
35 Commissioner Duryea said the only thing he was concerned about was if there was a
36 necessary wall but there is no wall on the east side of the properties north of that.

37
38 Mr. Schindler said there was not but what they have done is in addition to the required
39 landscape buffer that they put in along the east, they have left the palmettos and the
40 palmettos provide a good bit of screening. Variances were granted from the
41 requirement for the wall.

42
43 Deputy Mayor Brender said if that land were to open up to residential then it would fall
44 upon the developer of the residential property to put up the wall.

45
46 **SIDE 1B**

1
2 Mr. Schindler answered affirmatively.

3
4 Deputy Mayor Brender asked if anyone wanted to speak in reference to this item.

5
6 Todd Hudson of Hudson Engineering, 2147 Rouse Lake Road, Orlando, came forward.
7 Mr. Hudson stated they agree with staff conditions and requested approval.

8
9 Deputy Mayor Brender asked if we could get additional landscaping in and around the
10 buildings or along the road.

11
12 Mr. Schindler said if it is the Commission's desire that there be additional landscaping
13 they can make it a condition of approval.

14
15 Mr. Hudson said they have added some landscaping to the frontage of the building on
16 both phases. We didn't originally show it in Phase 1 but we added it once we built the
17 buildings. As far as the buffers on the south edge along Washington we tried to mimic
18 exactly what is required along Middle Street.

19
20 Deputy Mayor Brender asked if they were going to complete Middle Street down farther
21 or would it be entered at the end of the existing entrance.

22
23 Mr. Hudson said we are going to extend Middle Street a little over 100 feet to make the
24 extra entrance. We have created an area for the fire truck to come and whip around
25 and come out.

26
27 No one else came forward and the public hearing was closed.

28
29 **Motion was made by Commissioner Duryea to approve the Preliminary**
30 **Subdivision Plan with a variance of 20 feet from the required 35-foot landscape**
31 **buffer, a variance of 7 canopy trees from the required 12, a variance of 8**
32 **understory trees from the required 15, a variance from the required 6-foot brick**
33 **wall or 4-foot high berm with 2-foot hedge, a variance to allow the dry retention**
34 **pond within the buffer areas along Washington Avenue and the southern 100 feet**
35 **of Middle Street, to include staff and P&Z conditions noted. Seconded by**
36 **Commissioner Lucarelli and motion carried by roll-call vote: Commissioner**
37 **Lucarelli, Yes; Commissioner Duryea, Yes; Deputy Mayor Brender, Yes.**

38
39 IX. Citizen Participation

40
41 No one came forward at this time and citizen participation was closed.

42
43 X. Reports

44
45 A. City Manager

- 1 1. Request Commission approve five-year contract subject to renewal annually with
2 McDirmit Davis and Company LLC for auditing services and authorize City
3 Manager to execute
4

5 Mr. Litton said this is the annual auditing services contract with McDirmit Davis and
6 Company, LLC. It is a five-year contract. The proposed pricing for the audit by year is
7 \$20,040 for 2011; \$20,300 for 2012; \$20,500 for 2013; \$20,750 for 2014; and \$21,000
8 for 2015. That doesn't include the single audit which happens from time to time. The
9 last time was with the stimulus money. The additional cost for a single audit is \$5,000.
10 They have done a good job over the years and are very thorough and complete. It is a
11 team effort and they work well with us. He recommended that the Commission approve
12 the five-year contract with McDirmit Davis and Company as outlined in the
13 memorandum.
14

15 **Motion was made by Commissioner Duryea to approve the five-year contract with**
16 **McDirmit Davis and Company, LLC for the years ending September 30, 2011,**
17 **through September 30, 2015. Seconded by Commissioner Lucarelli and motion**
18 **carried unanimously.**
19

- 20 2. Request Commission award bid for Sand Pond Road/Skyline Drive roadway
21 construction to Masci General Contractor, Inc. in an amount not to exceed
22 \$1,902,730.10 and authorize City Manager to execute contract
23

24 Mr. Litton said this is a request to approve the bid award for the Sand Pond
25 Road/Skyline Drive roadway construction to Masci General Contractor, Inc. in an
26 amount not to exceed \$1,902,730.10. We went through the competitive bid process
27 and the bid tab is in the packets. There was approximately \$70,000.00 between the low
28 bidder, which was Masci, and the second low. Masci's references check out and were
29 recommended by our engineers. This is approximately a one-year project. The actual
30 construction time is 300 days but it will take a couple of months to actually turn dirt.
31 This is something that is sorely needed and has been an ongoing item of discussion for
32 six or seven years. It includes the punch through that we have talked about in the past.
33 He recommended that the Commission approve and authorize the City Manager to
34 execute the contract.
35

36 **Motion was made by Commissioner Duryea to award the bid for the Sand Pond**
37 **Road/Skyline Drive roadway construction to Masci General Contractor, Inc. in an**
38 **amount not to exceed \$1,902,730.10 and authorize City Manager to execute the**
39 **contract. Seconded by Commissioner Lucarelli.**
40

41 Mr. Litton said the funding is from the Second Generation One-Cent Sales Tax.
42

43 **Motion carried unanimously.**
44

1 3. Request Commission authorize City Manager to execute work order with CPH
2 Engineering, Inc. for CE&I services associated with Sand Pond Road/Skyline
3 Drive Roadway Improvement Project in an amount not to exceed \$199,537.00
4

5 Mr. Litton said this is a request to authorize the City Manager to execute a work order
6 with CPH Engineering for CE&I services associated with the Sand Pond Road/Skyline
7 Drive Roadway Improvement Project. Their estimated rate is not to exceed
8 \$199,537.00. CPH does a good job.
9

10 Deputy Mayor Brender said this is a separate portion that is still coming from the One-
11 Cent Sales Tax and was not part of the \$1.9 million. Mr. Litton answered affirmatively.
12

13 Mr. Litton recommended the Commission authorize him to execute a contract with CPH
14 for CE&I services.
15

16 Commissioner Duryea asked if there were any opportunities for change orders in this
17 contract. Mr. Litton said there are always opportunities for change orders
18

19 Commissioner Duryea said there was no way to put a cap on this.
20

21 Mr. Litton said the CE&I services depend on what happens with the contractor. A good
22 example was Lake Mary Woods. We ended up extending the construction time which
23 cost us more in CE&I services because they had to spend more time on site.
24

25 Commissioner Duryea said he hated that. When you contract to do a job you make
26 sure it gets done when it's supposed to be done.
27

28 Mr. Litton said CPH has been pretty good at that. They usually get the full amount of
29 the award. You never know when you dig in dirt.
30

31 **Motion was made by Commissioner Lucarelli to authorize the City Manager to**
32 **execute a work order with CPH Engineering, Inc. for CE&I services associated**
33 **with the Sand Pond Road/Skyline Drive Roadway Improvement Project in an**
34 **amount not to exceed \$199,537.00. Seconded by Commissioner Duryea and**
35 **motion carried unanimously.**
36

37 4. Request Commission authorize purchase of padded mats from AK Athletic
38 Equipment in an amount not to exceed \$2,700.00 and authorize City Manager to
39 execute associated budget adjustment
40

41 Mr. Litton said this is a request by the police department for padded mats to be used as
42 part of their training in defensive tactics. This training is required by the Florida
43 Department of Law Enforcement. It is a minor expenditure but requires Commission
44 approval since it's coming from the Forfeiture Fund.
45

1 **Motion was made by Commissioner Duryea to approve the expenditure from the**
2 **Forfeiture Fund for the purchase of 20 padded mats in an amount not to exceed**
3 **\$2,700.00, and authorize the City Manager to execute associated budget**
4 **adjustment. Seconded by Commissioner Lucarelli and motion carried**
5 **unanimously.**

6
7 5. Request Commission declare Unit 501, a 1992 Laredo Tandem Trailer, surplus
8 and authorize City Manager to dispose of

9
10 Mr. Litton said we originally requested the Commission declare Unit 515 surplus. After
11 further evaluation we think we need to switch and surplus Unit 501 and keep Unit 515.
12 We will keep 515 for another year. He recommended the Commission declare Unit 501
13 surplus and authorize the City Manager to dispose of.

14
15 **Motion was made by Commissioner Duryea to declare Unit 501 (1992 Laredo**
16 **Tandem Trailer) surplus and authorize the City Manager to dispose of. Seconded**
17 **by Commissioner Lucarelli and motion carried unanimously.**

18
19 6. Request Commission approve the distribution of the Edward Byrne Memorial
20 Justice Assistance Grant Program for 2011 and authorize the Mayor to sign
21 letters

22
23 Mr. Litton said this is the annual approval for the distribution of the Edward Byrne
24 Memorial Justice Assistance Grant Program. These are monies that are distributed
25 through Seminole County and require the buy-in of all the entities within the County,
26 including the County. The amount set aside is \$182,023.00. They have come together
27 to agree on a rewrite to the CAFÉ program which is a recording system within the law
28 enforcement community. It needs to be updated and it benefits everybody. He
29 recommended the Commission approve the distribution and we will notify the County.

30
31 **Motion was made by Commissioner Duryea to approve the distribution of the**
32 **Edward Byrne Memorial Justice Assistance Grant Program and authorize the**
33 **Mayor to sign the letters. Seconded by Commissioner Lucarelli and motion**
34 **carried unanimously.**

35
36 Mr. Litton said we want to wish Mayor Mealar a speedy recovery from his recent
37 surgery. Hopefully he will be up and about soon.

38
39 Mr. Litton wished Steve (Bracknell) the best of luck in Quantico. He's starting tomorrow
40 and will be gone for a couple of months. Deputy Chief Morgan will be sworn in as
41 Acting Chief in the morning.

42
43 Mr. Litton said Deputy Chief Morgan had a meeting with the Broadmoor residents and
44 other affected subdivisions. It got interesting and the Commission was sent copies of
45 their minutes. It is work in progress. He said he didn't remember that in '89 there was a
46 traffic light proposed for Broadmoor. Nobody wants the traffic. It was a very productive

1 meeting and at some point in time when they get more information they want to bring it
2 back here and have a public hearing. With that we will notify everyone affected
3 individually.

4
5 Deputy Mayor Brender asked how many more meetings they were planning.

6
7 Mr. Litton said at least two. The college was very helpful.

8
9 Mr. Litton said Sergeant Kevin Pratt of the police department was awarded a Sheriff's
10 commendation at the County Sheriff's Office Award Banquet this week. Back in May a
11 husband threatened his wife with a handgun. She had barricaded herself in a bedroom
12 and Sergeant Pratt was able to get to that bedroom and get her out. They ultimately
13 made the arrest. Sergeant Pratt was a hero that night and extended congratulations to
14 him.

15
16 Mr. Litton said the "Trains, Trains, Trains" exhibit continues through July at the Frank
17 Evans Museum featuring working antique model trains and railroad artifacts from the
18 early days of railroading. Admission is free. The museum is located at 158 North
19 Country Club Road and is open Thursdays, 6:30 P.M. to 8:30 P.M., Saturdays from
20 10:00 A.M. to 2:00 P.M., or by appointment by calling 407-585-1481.

21
22 Mr. Litton said the "National Night Out" will be observed on August 2nd from 4:00 P.M. to
23 9:00 P.M. We will keep you informed of the neighborhoods that they are going to be
24 visiting and the corresponding events.

25
26 Mr. Litton said we had two recent break-ins at the Sports Complex. Thanks to the new
27 surveillance cameras we were able to make some arrests. They did their job and it
28 might send a message to those that might be thinking of doing a similar thing.

29
30 Mr. Litton said the "Red, Rock and Blue" concert was a great success. They had 400 to
31 500 people and the weather cooperated.

32
33 Mr. Litton said the Governor is on board with SunRail now. We've had a couple of calls
34 and some of the fires are getting restarted.

35
36 B. Mayor

37
38 Deputy Mayor Brender said the Seminole County Expressway Authority as of July 1st is
39 officially disbanded. The way the Expressway Authority decided to deal with this
40 problem with the state legislature is rather than try to reappoint a new board to act
41 during the next year we will be going without the Expressway Authority until July 1, 2012
42 because we have assurances from Senator Simmons and Senator Hayes that they will
43 sponsor a bill in the next legislative session to reinstate the Seminole County
44 Expressway Authority as a state recognized authority. We have determined that all the
45 tri-party agreements that have been made with the Orlando-Orange County Expressway

1 Authority, Seminole County and the Seminole County Board will stay in place. This
2 does not affect any of those.

3
4 Deputy Mayor Brender said there is some movement towards joint funding between
5 FDOT and the Orlando-Orange County Expressway authority. Contrary to what you
6 see in the papers, those negotiations are an ongoing process. We expect the state and
7 Orlando will come up with some kind of agreement on how the tolls will be shared for
8 that portion. If that agreement is reached in the next six months or so, we will be in a
9 position to start construction as early as late 2012. There are some funds available and
10 we will be hearing about the acquisition of properties. We have a Seminole County
11 resident who sits on the Property Acquisition Board for the Expressway Authority so we
12 do have a voice on how the acquisitions go. That will be an ongoing process and an
13 expensive one.

14
15 C. Commissioners (4)

16
17 Commissioner Lucarelli said she attended “Red, Rock and Blue” and it was nice. The
18 band was great.

19
20 Commissioner Lucarelli attended the Metroplan meeting this morning. She said Eric Hill
21 from the Metroplan Staff Transportation Disadvantaged Local Coordinating Board spoke
22 about some statistics. By 2015 they expect 60% of the elderly population will not be
23 within walking distance of a transit stop. They talked about their partnership with Lynx
24 as a subcontractor to provide some of this.

25
26 Commissioner Lucarelli said the next interesting tidbit was the high amount in the tri-
27 county area (Seminole, Volusia, and Orange) of pedestrian fatalities. The majority of
28 them were under the influence of alcohol and/or drugs. They talked about strategies to
29 keep the pedestrians safer, especially on major roadway crossings, whether it be
30 putting in a median, more crosswalks, or more lights. Metroplan is going to be doing
31 studies on that. She thought this was the parent’s job and not school or police officers.
32 Moms and dads need to talk to the kids about how to cross the roads safely—where to
33 cross, how to cross.

34
35 Commissioner Lucarelli said the other issue was regarding SunRail and the
36 interconnectivity. She and Mayor Durso (City of Longwood) expressed concerns with
37 the mapping and information that Lynx was showing. We are still only going to have
38 one bus route (45) and one bus that’s going to run once an hour. There is no
39 interconnectivity. They questioned how residents who want to use SunRail are going to
40 get there if they don’t have a car. We both expressed our displeasure. This is not going
41 to promote ridership. He said they were reinitiating work on a service plan and looking
42 at different scenarios like a flex route with a community circulator, scenarios for peak
43 hour and things like that to reach a goal of every 30 minutes. Longwood and Lake Mary
44 were the only ones set at an hour. Everybody else was 15 minutes. We told them that
45 we weren’t happy about that.

1 Deputy Mayor Brender said now that we have approval for SunRail, one of the things
2 brought up at the Strategic Planning Session is the possibility of some kind of
3 public/private partnership between the Heathrow area as well as the Colonial Town
4 Park area and the City getting together with some kind of trolley or service that is
5 external to Lynx that we can run on a schedule that meets the ridership of SunRail and
6 getting people that arrive at the SunRail station over to the 40,000 to 50,000 jobs that
7 exist in Heathrow. He asked Mr. Litton to start the process with some of the business
8 leaders and maybe use the Chamber as a first start. He would like to see if we can put
9 together some kind of meeting or begin some e-mail discussions about how much
10 interest there might be with the Heathrow businesses to running a joint program.
11 Having that east/west component to get people to that north/south rail line is going to be
12 critical to the success of the rail. Lynx is never going to be able to meet the
13 requirements. If you don't have those requirements ready when that train starts then
14 people continue doing what they are doing. By May 2013 we've got to be in a position
15 to be able to actually have purchased and put together insurance and drivers for some
16 kind of joint trolley service or something that will be external of Lynx.

17
18 Mr. Litton said it could be a part of Lynx. We would just have to pay for it.

19
20 Deputy Mayor Brender said he would envision something that would run every 10 to 15
21 minutes, particularly in the early and late hours such as 7 to 9 in the mornings and 3 to
22 6 in the afternoons. If Lynx wants to be a part of it then fine but if they don't then it's
23 important that we be ready to step up and do something.

24
25 Commissioner Duryea had no report at this time.

26
27 D. City Attorney

28
29 Ms. Drage had no report at this time.

30
31 XI. Adjournment

32
33 There being no further business, the meeting adjourned at 8:25 P.M.

34
35
36
37

38 _____
39 Gary L. Brender, Deputy Mayor

_____ Mary Campbell, Deputy City Clerk

40
41 ATTEST:

42
43
44
45

46 _____
Carol A. Foster, City Clerk