

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held August 18, 2016,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4
5
6 1. Call to Order
7

8 The meeting was called to order by Mayor David Mealor at 7:02 P.M.
9

10 2. Moment of Silence
11

12 3. Pledge of Allegiance
13

14 4. Roll Call
15

| | |
|--|---|
| 16 Mayor David Mealor | Jackie Sova, City Manager |
| 17 Commissioner Gary Brender | Dianne Holloway, Finance Director |
| 18 Deputy Mayor George Duryea | John Omana, Community Development Dir. |
| 19 Commissioner Sidney Miller – Absent | Steve Noto, City Planner |
| 20 Commissioner Jo Ann Lucarelli | Tom Tomerlin, Economic Development Dir. |
| 21 | Bryan Nipe, Parks & Recreation Director |
| 22 | Bruce Paster, Public Works Director |
| 23 | Steve Bracknell, Police Chief |
| 24 | Frank Cornier, Fire Chief |
| 25 | Katie Reischmann, City Attorney |
| 26 | Mary Campbell, Deputy City Clerk |
| 27 | |

28 5. Approve of Minutes: July 28, 2016
29

30 **Motion was made by Commissioner Lucarelli to approve the minutes of the July**
31 **28, 2016, meeting, seconded by Commissioner Brender and motion carried**
32 **unanimously.**
33

34 6. Special Presentations
35

36 There were no special presentations at this time.
37

38 7. Citizen Participation – This is an opportunity for anyone to come forward and
39 address the Commission on any matter relating to the City or of concern to our
40 citizens. This also includes: 1) any item discussed at a previous work session;
41 2) any item not specifically listed on a previous agenda but discussed at a
42 previous Commission meeting; or 3) any item on tonight’s agenda not labeled as
43 a public hearing. Items requiring a public hearing are generally so noted on the
44 agenda and public input will be taken when the item is considered.
45

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

1
2 8. Unfinished Business

3
4 There was no unfinished business at this time.

5
6 9. New Business

7
8 A. Request for wall material waiver for property located at 1695 West Lake Mary
9 Boulevard; Brian Montes, applicant (Steve Noto, City Planner)

10
11 Mr. Noto showed a location map of the subject property on the overhead located at
12 1695 West Lake Mary Boulevard. The applicant is building a new home on the site and
13 as part of the construction project is requesting to build a 7-foot tall privacy wall along
14 the front property line. He is requesting that it not be constructed of brick as required by
15 Chapter 158; however, Chapter 158 does have a waiver process in order to build a
16 different type of wall with landscaping and other types of buffering as we have allowed
17 in the past.

18
19 Mr. Noto said in the packet is a site plan of the property as well as a rendering of what
20 the applicant is looking to construct. The proposal is similar to proposals we have
21 received in the past from Mr. Good, Mr. Evans, Mr. Shaw and Mr. Aziz all who live along
22 Lake Mary Boulevard in that specific area. They all requested wall waivers and they
23 included landscaping, vines and other types of improvements along the wall. We have
24 all seen their improvements along the Boulevard for a number of years.

25
26 Mr. Noto said we anticipate this wall to be constructed very quickly if approved this
27 evening. The home is almost complete so Mr. Montes is looking to move on to this part
28 of the construction, receive his CO and move in.

29
30 Mr. Noto said staff has reviewed this against the findings of fact outlined in Chapter 158
31 and we find that the proposed wall waiver is compatible with the surrounding area and is
32 consistent with the Lake Mary Code of Ordinances. We are recommending approval
33 with three conditions as provided in Chapter 158: (1) the wall be architecturally
34 consistent with the principal structure as well as color; (2) the wall be landscaped with
35 ground covers and hedges that are a minimum of 24 inches tall upon planting and that
36 there be vines covering the wall; (3) the wall and column design be consistent with the
37 submitted plans. He noted the applicant was present.

38
39 Commissioner Brender said as he recalled with a previous one of these, he asked if we
40 had some kind of assurance that the wall would be maintained. Part of the reason we
41 have brick walls is because you don't have to do a lot to it. With block and stucco the
42 stucco falls off, especially if there is ivy on it. He asked if we had done that in the past.

43
44 Mr. Noto said he didn't recall. The last one we had was from Mr. Aziz and his is well
45 covered with vines and other landscaping. He said he would go back and see if we
46 have any maintenance agreements and if so we will work with the applicant on that.

1
2 Commissioner Brender said he was concerned if it's not covered in ivy and the stucco
3 starts falling off. The whole point of this is to be a no maintenance required type of wall.
4 He understood it would fit with the house if he uses block and stucco but at the same
5 time we look for a special circumstance then we can ask for the maintenance to be
6 done on it.

7
8 Mr. Noto said he is proposing vines. The condition we put in there was to be consistent
9 with the other requests.

10
11 **Motion was made by Commissioner Lucarelli to approve the wall material waiver**
12 **for property at 1695 West Lake Mary Boulevard with the three conditions outlined**
13 **in the staff report, seconded by Deputy Mayor Duryea and motion carried**
14 **unanimously.**

15
16 **CONDITIONS:**

- 17
18 **1. The wall be architecturally consistent with the principal structure as well as**
19 **color.**
20 **2. The wall be landscaped with ground covers and hedges that are a minimum**
21 **of 24 inches tall upon planting and that there be vines covering the wall.**
22 **3. The wall and column design be consistent with the submitted plans.**

23
24 B. Construction work between 10:00 P.M. and 5:00 A.M. at The Oaks Shopping
25 Center Phase III; Chuck Woide, Project Coordinator with Blue Ox
26 Construction, applicant (Steve Noto, City Planner)

27
28 Mr. Noto said we are having some construction activity at The Oaks Shopping Center.
29 They are filling in the retention pond at the northwest corner of the site and expanding
30 the pond that is in back of the site. There is no building construction that is going to
31 happen. They are just preparing for future development by filling in that pond in the
32 front.

33
34 Mr. Noto said when we had a pre-construction meeting at the end of July, the
35 contractors let us know that they needed to do some intense work within the parking lot
36 that would require shutting down the lot so they could do underground work. We know
37 how busy that plaza is and just the thought of a closed down parking lot with detours
38 and other types of MOT devices would cause an issue during the regular working day.
39 We directed the applicant to provide a request for a waiver from the noise ordinance in
40 order to do construction between 10:00 P.M. and 5:00 A.M. They provided that letter
41 and is part of the packet.

42
43 Mr. Noto said on the bottom of Page 1 of the staff report we have highlighted two
44 issues. This request would help reduce the risk of accidents and eliminate safety
45 concerns for patrons during the normal business hours and it eliminates the need for the
46 contractor to close large portions of the parking lot. The point is it is maintaining safety

1 throughout the site. In talking with the contractor since they have submitted this letter,
2 they are looking to start this work next week. They would do the work a couple of days
3 during the week, not do it over the weekend, and then the following week it would be
4 every day. They do not plan on leaving it open and dangerous. As they go along and
5 do the work they will repave the lot to keep it as safe as possible during the working
6 hours.

7
8 Mr. Noto said on Page 2 of the memo, Section 91.17 states that the Commission shall
9 balance the desires of the applicant, the community, and other persons of not granting
10 the special event exemption against the adverse impacts on the health, safety, and
11 welfare of those affected.

12
13 Mr. Noto said given the short timeframe and given the safety aspects, staff is
14 recommending approval of the exemption to the work hours of 10:00 P.M. to 5:00 A.M.
15 He noted the contractors were present.

16
17 Deputy Mayor Duryea said he was under the impression that the retention pond was
18 built for the runoff for Lake Mary Boulevard.

19
20 Mr. Noto said it was previously owned by the County and was recently acquired by The
21 Oaks landowner. That is the reason they had to expand the size of the pond in the
22 southeast corner of the site so all that extra retention would drain into the back of the
23 site. They had their plans reviewed by the County as well to ensure that those
24 conditions were taken care of as part of their improvements.

25
26 Deputy Mayor Duryea said so the County approved the retention and they went through
27 St. Johns.

28
29 Mr. Noto answered affirmatively. They did all the required permitting.

30
31 Commissioner Brender said we are talking about a two week construction.

32
33 Mr. Noto said two weeks for this part of the construction.

34
35 Commissioner Brender said no building for now.

36
37 Mr. Noto said that is correct.

38
39 Commissioner Brender said the nearest houses are on Seminole.

40
41 Mr. Noto said Seminole and on Washington.

42
43 **Motion was made by Commissioner Brender to approve the exemption to the**
44 **work hours of 10:00 P.M. to 5:00 A.M. for one week's time with the specific week**
45 **to be coordinated with City staff and staff of Blue Ox Construction, seconded by**
46 **Commissioner Lucarelli and motion carried unanimously.**

1
2 C. Resolution No. 984 – Amending FDOT Traffic Signal Maintenance and
3 Compensation Agreement (Bruce Paster, Public Works Director)
4

5 The City Attorney read Resolution No. 984 by title only.
6

7 Mr. Paster said this agreement relates to the signal at U.S. 17-92 and Weldon
8 Boulevard. It is the only state signal the City maintains. As part of the agreement,
9 FDOT reimburses the City \$4,500 which is planned for Fiscal Year 2016-17.
10

11 Mr. Paster said the amendment was a result of discussions between FDOT Central
12 Office and the local maintaining agency groups. The edits appear to favor the local
13 maintaining agencies. For example some of the maintenance items responsibilities
14 were from the maintaining agencies to FDOT. It is very favorable to the City.
15

16 Mr. Paster said we are requesting the Commission approve Resolution No. 984
17 authorizing the City Manager to execute the amendment.
18

19 **Motion was made by Commissioner Brender to approve Resolution No. 984**
20 **authorizing the City Manager execute the Amendment to the FDOT Traffic Signal**
21 **Maintenance and Compensation Agreement, seconded by Commissioner**
22 **Lucarelli and motion carried unanimously.**
23

24 D. School Resource Officer Agreement with the School Board
25

26 Ms. Sova said as we discussed briefly at budget, this year the Seminole County
27 Schools have decided they need a full time police officer in all schools and that they
28 would pay 50% of that cost. We currently have one full time Community Service Officer
29 doing the Resource Officer work and a part timer. That wasn't sufficient any longer so
30 the part timer has moved into Community Services and we have assigned a full time
31 police officer to our schools. The alternative to this was to have deputies in the schools.
32 She thought very strongly that the City of Lake Mary wanted our own officers in the
33 schools. Even though they are countywide schools our citizens expected to see City of
34 Lake Mary uniforms in these two schools. This agreement is to cover that cost to have
35 the County pay us 50% back for the cost of two police officers. That does include all
36 their equipment including a car each year.
37

38 Ms. Sova asked the Commission to authorize the Mayor to execute the 2016/2017
39 School Resource Officer Agreement with the School Board.
40

41 Mayor Mealar thanked Ms. Sova. He knew she has met with the Chair of the School
42 Board and there was concern about the wording and the request. That was quickly
43 corrected to our benefit. He thanked her for her work on that.
44

1 **Motion was made by Commissioner Lucarelli to authorize the Mayor to execute**
2 **the 2016/2017 School Resource Officer Agreement with the School Board,**
3 **seconded by Commissioner Brender and motion carried unanimously.**

4
5 10. Other Items for Commission Action

6
7 There were no items to discuss at this time.

8
9 11. City Manager's Report

10
11 A. Items for Approval

12
13 a. Federal Fiscal Year 2016 Edward Byrne Memorial Justice Assistance
14 Grant (JAG) Program

15
16 Ms. Sova said the first item is the Federal Fiscal Year 2016 Edward Byrne Memorial
17 Justice Assistance Grant (JAG) Program we have every year. This year our split
18 between the County and the cities is for \$15,501 each. Our intent is to use that money
19 for Kevlar helmets for the protection of our police officers and purchasing some active
20 vehicle alarms to prevent the movement or smashing of car windows. The name of this
21 project is Protecting Our Defenders.

22
23 Ms. Sova requested the Commission approve the distribution of funds from the Edward
24 Byrne Memorial Justice Assistance Grant Program and authorize the mayor to sign.

25
26 **Motion was made by Commissioner Brender to approve the distribution of funds**
27 **from the Edward Byrne Memorial Justice Assistance Grant Program and**
28 **authorize the Mayor to sign the letters, seconded by Commissioner Lucarelli and**
29 **motion carried unanimously.**

30
31 b. Surplus Items from various departments

32
33 Ms. Sova said next are surplus items from various departments. We made a collection
34 of all the items we have available to be disposed of at this time. She requested the
35 Commission to authorize her to dispose of these items after being declared surplus.

36
37 **Motion was made by Deputy Mayor Duryea to declare items listed in the staff**
38 **report surplus and authorize the City Manager to dispose of, seconded by**
39 **Commissioner Lucarelli and motion carried unanimously.**

40
41 B. Items for Information

42
43 a. Update on Station Point project

44
45 Ms. Sova said we have an update of the Station Point project. There are renderings in
46 the agenda packet. She noted Mr. Mahnken was present. This is about a 5,000 square

1 foot, one story commercial building with updated access and parking and landscaping
2 and a pedestrian connection to the SunRail platform. It is currently in the DRC process
3 but if anyone has any questions for our planning group or Mr. Mahnken now would be
4 the time.

5
6 Ms. Reischmann cautioned the Commission that this is going to be a quasi-judicial
7 matter that the Commission will consider so this should be more of a quick update.

8
9 b. Amount of Increase in revenues due to economic incentives

10
11 c. Monthly Department Reports

12
13 C. Announcements

14
15 Ms. Sova said we are asking folks to join our officers from the police department at
16 Coffee with a Cop from 9:00 A.M. to 10:30 A.M. at the Lake Mary McDonald's on
17 August 24th. It's an opportunity to have a free coffee on McDonald's.

18
19 Ms. Sova said for the month of July the fire department transported a total of 133
20 patients to area hospitals, 50 of which went to our new Florida Hospital ER. We felt that
21 was worth noting.

22
23 Ms. Sova said there will be free SunRail try the train tickets distributed to one of our
24 largest employers, Deloitte. The tickets will be offered in cooperation with SunRail to
25 allow employees to try the train for a week beginning August 22nd. That's also to point
26 out the Uber program that we are partnering with.

27
28 Ms. Sova said our Parks & Rec Department is participating in a service project in
29 partnership with the Florida Parks & Rec Association with Gotsneakers and
30 SolesforSouls. We are collecting used sneakers during the month of August and
31 sending them to charities for people who don't have shoes on their own. The final date
32 to contribute to the Events Center is Wednesday, August 31st. There are 27 or 28 pairs
33 of shoes and the goal is 50. They are working with a couple of our corporate offices.

34
35 Ms. Sova said all non-emergency offices will be closed on Monday, September 5th in
36 observance of Labor Day. Waste Pro will have their normal collection schedule.

37
38 Ms. Sova said the City will be holding its 9-11 ceremony on Sunday, September 11th at
39 6:30 P.M. at the Police Department.

40
41 Mayor Mealor said under Items for Information, subset b., he asked if that was
42 something that would be talked about at a later time.

43
44 Ms. Sova said we are going to do a presentation along with the budget at the next
45 meeting.

1 12. Mayor and Commissioners' Reports – 2

2
3 Deputy Mayor Duryea had no report at this time.

4
5 Commissioner Lucarelli said she, Deputy Mayor Duryea and the Mayor were at the
6 artists reception. It was a great turn out and some good artists and works of art.

7
8 Commissioner Lucarelli said she had a meeting with a lady that she would update the
9 Commission on later. It is domestic violence related. She thought it was a good
10 potential program for us to think about doing to help out with defeating domestic
11 violence in the community. She will keep the Commission updated on that.

12
13 Commissioner Lucarelli said we had an arts festival meeting and we're just plugging
14 along and will keep the Commission updated.

15
16 Mayor Mealor asked if this is the year they are moving the festival to the spring.

17
18 Commissioner Lucarelli answered affirmatively. It will be the first weekend in March
19 next year.

20
21 Commissioner Brender said we had some conversations with the School Board
22 regarding the stormwater fees. He asked the status of that.

23
24 Ms. Sova said we got informed by the School Board that they shouldn't have to pay us
25 and the ponds on their school properties were doing the job. All the city managers met
26 with the School Board and tried to explain to them why that wasn't sufficient and they
27 said they would study it. The results of their study were that their ponds are sufficient.
28 They aren't paying anything.

29
30 Commissioner Brender asked if there was any condition for argument between the
31 elected officials.

32
33 Ms. Sova said there are court rulings that are not in our favor as a city and that's what
34 they are relying on.

35
36 Mayor Mealor said it was his oversight because he didn't report on that but that was an
37 item discussed at length at the Mayors and Managers meeting over several meetings.
38 It pretty much was the consensus that based on what the City Manager just shared
39 balancing out effort versus outcome and we felt we've got a great working relationship
40 with them in a number of other areas.

41
42 Commissioner Brender said the Mayors and Managers is like your own little club and he
43 liked to be informed about what's brought up there. CALNO was talking about it a
44 couple of months ago and there was some discussion about bringing it back up but now
45 that he's heard this they are a little late.

1 13. City Attorney's Report

2
3 Ms. Reischmann had no report but wanted to let the Commission know that she missed
4 the last meeting because of the Municipal Attorney Seminar in Naples. At the next
5 meeting she is swearing in new commissioners in Casselberry and would miss that
6 meeting too.

7
8 Mayor Mealor thanked the representative of the St. Johns River Water Management
9 District for being with us this evening.

10
11 14. Adjournment

12
13 There being no further business, the meeting adjourned at 7:28 P.M.

14
15
16
17 _____
18 David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

19
20
21
22 ATTEST:

23
24
25
26 _____
27 Carol A. Foster, City Clerk