

1 MINUTES OF THE LAKE MARY CITY COMMISSION WORK SESSION held August
2 21, 2014, 5:30 P.M., Lake Mary City Commission Chambers, 100 North Country Club
3 Road, Lake Mary, Florida.
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- 6 Mayor David Meador – Late Jackie Sova, City Manager
- 7 Commissioner Gary Brender Carol Foster, City Clerk
- 8 Deputy Mayor George Duryea Dianne Holloway, Finance Director
- 9 Commissioner Thom Greene John Omana, Community Dev. Dir.
- 10 Commissioner Jo Ann Lucarelli Gary Schindler, City Planner
- 11 Steve Noto, Senior Planner
- 12 Tom Connelly, City Engineer
- 13 Tom Tomerlin, Economic Dev. Mgr.
- 14 Bryan Nipe, Parks & Recreation Dir.
- 15 Joe Laundreville, Deputy Fire Chief
- 16 Steve Bracknell, Police Chief
- 17 Katie Reischmann, City Attorney
- 18 Mary Campbell, Deputy City Clerk
- 19

20 The work session as called to order by Deputy Mayor George Duryea at 5:42 P.M.

- 21
- 22 1. Items for Consideration
- 23
- 24 A. Medical Marijuana
- 25

26 Mr. Schindler said this work shop is for the purpose of presenting some issues
27 regarding medical marijuana. Come November there will be a ballot issue and the
28 residents will have a chance to vote on whether or not medical marijuana should be
29 legal within the State of Florida. So far the polls that we have heard there is quite a
30 momentum in favor of it. Should the amendment pass, it does the following. It
31 authorizes the use of medical marijuana. It specifies certain medical conditions which
32 make a patient eligible for medical marijuana. It defines terms necessary for
33 implementation in rule making by the Florida Department of Health (DOH). It requires
34 the DOH to promulgate implementing regulations within six months. It requires DOH to
35 begin registering marijuana treatment centers and issuing identification cards to
36 qualifying patients within nine months. It permits the legislature to enact laws consistent
37 with the amendment.
38

39 Mr. Schindler said there is a lot of uncertainty about what this means for us at the local
40 level. We have contacted other governments and we go from Cocoa Beach that has
41 already enacted regulations that envision in the future going from medical marijuana to
42 recreational marijuana to those that say we haven't done anything yet. There is a broad
43 spectrum of what local governments have done and are choosing to do at this point.
44

45 Mr. Schindler said there were several issues that local governments will need to
46 consider if we are going to it. If the Commission directs us to prepare regulations for

1 our Code of Ordinances, are we going to permit it or are we going to prohibit it to the
2 impact of dispensaries on existing development? If we are going to permit it, where are
3 we going to permit it? What zoning, security standards, permitting, smoking bans, fire
4 hazards, licensing requirements? Like any other business we are probably going to
5 want to get a business tax from them. Drug testing for employees, law enforcement, and
6 then there is also the issue of how do we differentiate medical marijuana dispensaries
7 from the mainstream pharmacies like Walgreen's and CVS who can already prescribe
8 medicines with synthetic THC.

9
10 Mr. Schindler said staff has looked at this and given a lot of thought to it. We have
11 discussed it with the City Manager. What we would like to bounce off of you is the
12 proposal that we treat medical marijuana dispensaries comparable to how we treat pain
13 management centers. He said he was talking about the ones that do not qualify from
14 the exemption of the State Department of Health. It is those that have to register.

15
16 Mr. Schindler said right now pain management centers are allowed only in the M-1A
17 and M-2A zoning districts. They are allowed as conditional uses which mean that they
18 come back to the Commission and it is the Commission's decision that they do or do not
19 meet all the conditions that are required. We also have separation requirements for pain
20 management centers that we would propose for medical marijuana dispensaries. It
21 would be separation between dispensaries and pain management clinics, separation
22 from clinics, daycare centers, houses of worship, schools, congregate living facilities,
23 nursing homes, and residences. There is a lot to consider but we have regulations in
24 place for pain management that we believe are working well. It would seem they could
25 be applied to medical marijuana dispensaries as well.

26
27 Mr. Schindler said included in the packet were several documents that the City Attorney
28 provided. They deal with various aspects of the issue. The City Attorney is here to
29 address it from a legal perspective.

30
31 Deputy Mayor Duryea asked Mr. Schindler to summarize some of the adverse primary
32 and secondary effects.

33
34 Mr. Schindler said there is always the issue of crime. Crime has always been a concern
35 and Chief Bracknell will be the first to tell you that they are concerned about that
36 because there is big money in this. These dispensaries are going to be very profitable
37 and they become targets. There is also the issue of prescriptions getting into the hands
38 of juveniles and/or an adult may have a prescription and turn around and sell it on the
39 street. There is a lot of opportunity for abuse of the system. As we found out with pain
40 management clinics, there are unscrupulous doctors that would sell pills and have
41 people lined up waiting to get a prescription at a pill mill. The same thing could happen
42 at a medical marijuana dispensary. You can get physicians to issue a prescription to
43 someone who has no real need for it.

44
45 Commissioner Brender asked if it was going to be a separate dispensary. It was his
46 understanding a pharmacist will be handling this much like they handle Tylenol with

1 codeine. This is not recreational use marijuana like it is in Colorado where there are
2 stores where you walk in and buy yourself some pot. He asked if it was going to be a
3 separate dispensary.

4
5 Mr. Schindler said that was unclear yet. We are waiting to see what's going to come out
6 of the legislature. He and John Omana have taken advantage of some of the webinars
7 on rulemaking from the state and we know there is going to be a lottery system where
8 they are going to set up five growers. He asked the City Attorney if she had any
9 information as to whether or not there will be dispensaries.

10
11 Ms. Reischmann said we have legislation now for the Charlotte's Web and that is
12 providing for one dispensary per each of the five regions. That will be a separate
13 dispensary license. That is what the legislation provides. The Department of Health is
14 coming up with the draft rule that they have to organize where those separation
15 dispensaries will be placed. It was her understanding the reason for a separate
16 dispensary is in part because of all of this confusion because marijuana is still prohibited
17 by federal law so you are not going to have a prescription for marijuana. You are going
18 to have a certificate from a doctor saying that you should be eligible to utilize it because
19 you fit the bill. It is not going to be a prescription because that would be considered in
20 violation of federal law. In answer to Deputy Mayor Duryea's question, part of the
21 concern is banks won't take deposits from the dispensary and therefore the
22 dispensaries are loaded with cash and become the target of robberies.

23
24 Commissioner Brender said that has been a problem in Boulder. In most small
25 businesses the owner takes an envelope of cash to the bank. In Boulder they have
26 Brinks trucks that pull up to these marijuana dispensaries because there is that much
27 cash.

28
29 Deputy Mayor Duryea said the paper in the packets states very clearly that store front
30 marijuana business is prey for criminals and easily create identifiable victims. Not only
31 is the establishment in front of the gun but so are the people coming in and out.

32
33 Commissioner Greene asked how many pain clinics were in the City of Lake Mary.

34
35 Chief Bracknell said he was thinking of two.

36
37 Mr. Schindler said when you say pain clinics we have to make a distinction between
38 those that are exempt from registering with the state and those that are not. Our code
39 makes a distinction. Since our code has been changed to address pain management
40 clinics, we have not had any clinic come in that required registering. They have all been
41 exempt from state registration and we don't consider them a pain management clinic.
42 They are like any other physician office.

43
44 Commissioner Greene asked the fee for someone to open one of those clinics as far as
45 the license.

1 Mr. Schindler said the conditional use is \$300 and the Deputy Clerk would need to
2 address the cost of the business tax receipt. There would be a business tax receipt for
3 the establishment itself and a business tax receipt for each physician.

4
5 Ms. Campbell stated it would be \$50 per physician.

6
7 Commissioner Greene asked if we had to accept the dispensaries and if we do, since
8 there are these potential problems that have been brought to our attention, can we act
9 accordingly in their business license fee.

10
11 Ms. Reischmann said we have to abide by the statute on business tax receipts so we
12 have to put them in a category that most fits them. That is one she would have to look
13 into. We can't just establish a number. It has to be based on what category they fit
14 under. As to if we have to accept them, the Charlotte's Web law provides for one per
15 region so if they picked Lake Mary then under that law we would have to accept it.
16 Under the new constitutional amendment your guess is as good as mine. There has
17 been one case out of California where a city banned the dispensaries and it was upheld.
18 In Colorado the state law allows the cities to ban dispensaries. We don't know what the
19 legislature might say. They might say cities can or they might say everything is
20 preempted to the state. She said she didn't know of anybody that has come out with an
21 ordinance banning them because they feel that is not going to fly. If everybody banned
22 we would not have proper access for people with medical issues and that would be
23 challengeable. Somebody has got to want it and if nobody wants it then we are in a
24 pickle. It is very uncertain. One possibility is a moratorium to give us time to study or
25 just put something in place in the industrial region with the distance restrictions and so
26 forth and make it fairly restrictive.

27
28 Deputy Mayor Duryea said he didn't believe there is anyone on the Commission who
29 believes this is a good thing. Assuming we are all trying to do our best to mitigate this
30 situation, he asked what staff and the City Attorney were recommending and what
31 options we have. He asked if they could make an ordinance that says if you want a
32 marijuana clinic dispensary do it somewhere else.

33
34 Ms. Reischmann said you can always do that.

35
36 Ms. Reischmann said some of the cities have addressed cultivation inside residential
37 houses.

38
39 Deputy Mayor Duryea said that had been going on for a long time here in Lake Mary.

40
41 Commissioner Brender said that is one of the reasons the state made it so strict on
42 nurseries and growers. When you are talking about 300,000 plant management you are
43 a big time nursery.

44
45 Deputy Mayor Duryea said there would still be underground to a certain extent because
46 there's too much money.

1 Commissioner Brender said that underground is there anyway. He said it was his
2 understanding a dispensary will not be able to buy marijuana from anybody but these
3 licensed growers.

4
5 Ms. Reischmann interjected for the existing law and then we have the new amendment
6 yet to be seen. It would seem logical the department of health is going to have the
7 same regulation.

8
9 Ms. Reischmann asked Mr. Schindler if he was aware of any city that has adopted an
10 ordinance banning.

11
12 Mr. Schindler answered negatively.

13
14 Ms. Reischmann said there is a concern that will be waving a red flag to people that will
15 say they have a debilitating disease and have no place to go and you are making me
16 sicker than I was before.

17
18 Deputy Mayor Duryea said the situation isn't any different now. If people need it now
19 they get it through the pharmacy. He asked what we can do. He asked if the other
20 cities were waiting for the shoe to drop to see what is going to happen before they do
21 something or are they being proactive.

22
23 Ms. Reischmann said there is a real mix. A lot of cities feel there is going to be this lag
24 time where the legislature is going to act and the department of health is going to act
25 and six to nine months is the timeline after the amendment presumably passes. There
26 is a little breathing room but if you read what happened in Los Angeles where all of a
27 sudden they had 200 dispensaries.

28
29 Deputy Mayor Duryea said he was sure there are people ready to go right now.
30 Perhaps a moratorium along with some other things.

31
32 Ms. Reischmann said she thought a moratorium as long as we can show we are
33 actively working and looking at other possibilities. If the other cities have fleshed it out
34 fully we can pick a choice that we can live with such as making it a conditional use in
35 the industrial area with distance restrictions, licensing and so forth.

36
37 Commissioner Brender said the intent of this legislation is to legalize marijuana. He
38 said he could tell that because when a kid approaches him at Old Lake Mary Days and
39 says would you sign the program to get medical marijuana and is 25 years old, he does
40 not have cancer and need medical marijuana. The intent of this is plainly to legalize
41 marijuana in this state, add on a few more states and before you know it there will be
42 national legislation. We are talking about this as if it's going to legalize marijuana. It is
43 not. It is supposedly medical marijuana so why do I need to separate a medical
44 marijuana dispensary from a pharmacy. They both are dispensing drugs for cancer
45 patients or any other patient.

46

1 Deputy Mayor Duryea said in Los Angeles there are more dispensaries than
2 pharmacies.

3
4 Mr. Schindler said one of the reasons we want to distinguish is we do not want to have
5 medical marijuana in PO zoning. Pharmacies can go in PO zoning, M-1A and M-2A. If
6 we treated them the same then we could have medical marijuana dispensaries along
7 Lake Mary Boulevard. That's why we want to make a distinction.

8
9 Deputy Mayor Duryea said sometimes making a distinction is almost as bad as
10 prohibiting it.

11
12 Mr. Schindler said staff is here to take direction from the Commission as to how you
13 want to proceed or if you want us to proceed. The City Attorney e-mailed him a list of
14 local jurisdictions and the actions they have taken. He showed the list on the overhead.
15 It is a hodgepodge. Some have adopted it and some have said we are waiting to see.
16 He said this list was more comprehensive than the one in the packets.

17
18 Deputy Mayor Duryea said Mt. Dora prohibits the dispensaries and then it says
19 dispensaries only with conditional use permit. He asked for an explanation.

20
21 Ms. Sova said it prohibits non-medical marijuana sales.

22
23 Commissioner Brender said if we address this from the standpoint of where it is going,
24 which is the legalization of marijuana, then that's another discussion. He thought they
25 should accept the fact that we are going to want to take a look and see what other cities
26 are doing and maybe pursue the moratorium idea. We don't know what the legislation
27 from the state is going to say. If the state says we are going to run the whole thing and
28 the cities can't do anything then we are putting staff through a lot of work for nothing.
29 He was confident we could use a standard similar to the pain management clinics as a
30 baseline to say we are examining this and have actually started something and now we
31 are going to have a moratorium for 12 months until we have a chance to see how this is
32 going to adopt. Otherwise we are passing a piece of legislation that may be dead the
33 moment the state votes on it.

34
35 Deputy Mayor Duryea said there is a voice for proactiveness. For instance Mt. Dora
36 doesn't allow non-medical marijuana production which is federal law. It is in the code.
37 They put restrictions. He asked if they could pass an ordinance or resolution that says
38 on the condition that it does pass.

39
40 Ms. Reischmann said you can always pass an ordinance and then repeal it or you can
41 make it effective at a future date. It would be messy to say this is only effective if this
42 passes.

43
44 Mayor Mealor arrived at this time (6:13 P.M.).

45

1 Ms. Reischmann said in response to Commissioner Greene, he was asking if they could
2 regulate through a license fee as opposed to the business tax receipt. Regulating
3 through a license fee is a legitimate way to go. A main way that cities have been
4 regulating is charging a license fee related to the cost of administering the various
5 permits and zoning and so forth.

6
7 Deputy Mayor Duryea said a while ago we came to the conclusion that if we did that it
8 couldn't be discriminatory in the sense that we couldn't charge them \$3,000 and
9 somebody else \$300.

10
11 Ms. Reischmann said the business tax receipt is in its own category in the statute but
12 the license fee as long as we can justify it based on the cost just like we have the pill
13 mills.

14
15 Ms. Reischmann said the question about if we say the medical marijuana dispensaries
16 have to go in the industrial area with distance restrictions then we are effectively
17 banning them and doesn't that put us in a bad spot as much as if we were banning
18 them. Her response would be like our adult entertainment as long as there are potential
19 sites then it's up to them to figure out how to purchase the property and create that
20 dispensary. The other issue is the fact that just because you say this is medical
21 marijuana we know from California that the vast majority of those with medical
22 conditions are the youth. Effectively the doctors have been bought to hand out these
23 certificates willy-nilly.

24
25 Commissioner Brender said all we are doing is expanding the scourge that pain clinics
26 have been.

27
28 Deputy Mayor Duryea said we realize that is a good possibility but we are trying to
29 come up with a strategy to offset any adverse effects if it is passed. We are thinking
30 about a moratorium. He asked a reasonable time for that.

31
32 Ms. Reischmann said generally one year. Above one year starts to implicate the Burt
33 Harris Act.

34
35 Commissioner Greene suggested taking it a year from the election. If it is turned down
36 it doesn't make any sense. He suggested the first meeting after the election we could
37 make it for a year. We don't have to give up. There is still capitalism out there and if we
38 ban them in Lake Mary and Sanford, Longwood, and Casselberry opens them it would
39 be a hard time for someone to argue in a court of law that they have no access to
40 marijuana dispensaries by having to drive four miles to Sanford.

41
42 Deputy Mayor Duryea said there is always that discrimination issue. We are absolutely
43 banning them so therefore we are breaking our own laws so to speak. He asked where
44 they wanted to go with this.

1 Commissioner Brender said he thought to treat it like a pain clinic and draft an
2 ordinance.
3
4 Mayor Meador said he heard the word "moratorium" and thought that was wise. Should
5 this pass on November 4th then at the next Commission meeting have the City Attorney
6 come back with a moratorium and simultaneously have staff look at the appropriate
7 zoning category as to where they are allowed to operate within the State of Florida.
8 This is much like adult entertainment and thought that would be the appropriate zoning
9 category for that.
10
11 Ms. Reischmann suggested the moratorium go before P&Z before the election. There's
12 the possibility that in the meanwhile there will be some kind of county effort. Maybe the
13 cities might want to have some kind of uniformity which has worked in other areas with
14 the pill mills where some of the counties got together and drafted one regulation.
15
16 Mayor Meador said he chaired the Mayors/Managers group and we have School Board
17 and County Commission representatives. The sheriff did present to us in June that
18 concept. Sometimes it's hard to get us all on the same page on certain issues. That is
19 an option he didn't want to rule out but for our sake what he heard here from the
20 commission is probably the direction he was more comfortable with. It's not that we
21 can't fold in and maybe look at a larger picture but right now forewarned is forearmed
22 and if you look at the most recent poll the largest county democratic parties endorsed
23 this amendment this week. It is polling at 80% now and in late May it was 57-58%.
24 There will be a huge media barrage starting in September.
25
26 Commissioner Brender said he liked the moratorium and if you guys wanted to start
27 looking ahead and use the pill mills as an example then we will have that in our back
28 pocket so we are ready. If this does pass then we are going to have to get on board
29 quick.
30
31 Commissioner Greene said he understood what Gary was saying but didn't want us to
32 be restricted to the pill mill. With the industrial zoning and adult entertainment, if we put
33 our marijuana dispensaries next to our adult entertainment it may work out okay. Don't
34 give up on the concept of banning. We are not preempted by the state and the City
35 Attorney has given us good legal advice that it is possible we can do that.
36
37 There being no further business, the work session adjourned at 6:22 P.M.

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held August 21, 2014,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4

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6 1. Call to Order

7

8 The meeting was called to order by Mayor David Mealor at 7:05 P.M.

9

10 2. Moment of Silence

11

12 3. Pledge of Allegiance

13

14 4. Roll Call

15

16 Mayor David Mealor
17 Commissioner Gary Brender
18 Deputy Mayor George Duryea
19 Commissioner Thom Greene
20 Commissioner Jo Ann Lucarelli

Jackie Sova, City Manager
Carol Foster, City Clerk
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Gary Schindler, City Planner
Steve Noto, Senior Planner
Tom Connelly, City Engineer
Tom Tomerlin, Economic Dev. Mgr.
Bryan Nipe, Parks & Recreation Dir.
Radley Williams, Recreation Chief
Bruce Paster, Public Works Director
Joe Laundreville, Deputy Fire Chief
Steve Bracknell, Police Chief
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

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32 5. Approval of Minutes: August 7, 2014

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34 **Motion was made by Commissioner Brender to approve the minutes of the**
35 **August 7, 2014, meeting, seconded by Commissioner Greene and motion carried**
36 **unanimously.**

37

38 6. Special Presentations

39

40 A. Establishing a SunRail "No Train Horn Zone" in Lake Mary – Tim Dietrich,
41 Quiet Zone Consulting

42

43 Ms. Sova said we have had a long standing need for quiet zones and have been
44 hearing about train horns since before we had SunRail. We are excited to bring this
45 forward especially after the amount that Metroplan presentation looked like it was going

1 to cost. This is significantly less. Mr. Omana would open for us and then we will hear
2 from Mr. Dietrich.

3
4 Mayor Mealor thanked Deputy Mayor Duryea and Commissioner Lucarelli. A number of
5 our citizens have approached us about this and both of our colleagues have taken leads
6 on this at various times.

7
8 Mr. Omana said we have been coordinating with Metroplan and FDOT jointly on this
9 issue over a year and a half. It has been on our radar screen going back seven or eight
10 years. This has always been an issue of importance to the City of Lake Mary.

11
12 Mr. Omana said he and Mr. Schindler have had an opportunity to meet in a number of
13 meetings with the Metroplan folks as well as their consultants to help us better define
14 what type of treatment these crossings need to have. From our initial meetings with the
15 consulting engineers, a full comprehensive assessment was done on a number of
16 crossings within the City's jurisdiction. The methodology used equated to \$1.4 million to
17 do this. He said Mr. Schindler was quick to ask if they had thought about using the
18 calculator method. Their response was they don't utilize that type of methodology. To
19 be proactive we took that calculator methodology and ran with it. He had Mr. Schindler
20 look through a number of consultants in a nationwide assessment and was able to run
21 into the Quiet Zone Consulting firm. He said Mr. Tim Dietrich is the owner and was
22 present this evening and is an expert in this field. Tim was able to come down and
23 make an assessment of the situation, apply the calculator method, and go from \$1.4
24 million for quiet zones to under \$30,000 for quiet zones. We found that to be amazing.

25
26 Mr. Omana said another important aspect to look at is we pretty much set the trend on
27 this issue in Seminole County. We asked the difficult questions, we asked for
28 alternative methodology, and Seminole County has jumped on board and hired Mr.
29 Dietrich and his firm to look at their issues accordingly. We have other cities interested
30 in looking at what the City of Lake Mary is doing. We are setting the trend by asking
31 those questions that needed to be asked. He asked Mr. Schindler to provide some
32 commentary on some of the technical aspects and then have Mr. Dietrich get into the
33 presentation.

34
35 Mr. Schindler said we were flabbergasted when we got the information from Metroplan
36 and that it was going to be \$1.4 million to implement quiet zones for Lake Mary. Were
37 they wrong? Yes and no. They took an approach that is very different and was overkill.
38 They looked at every conceivable safety measure. There is no question that had every
39 conceivable safety measure been implemented, we would have had quiet zones but the
40 point is we don't have to do that. We have four crossings in Lake Mary: Pedigo Point
41 (which is private), Palmetto (which is a City street), and Lake Mary Boulevard and South
42 Country Club.

43
44 Mr. Schindler said we contacted Mr. Dietrich and said we need someone to do quiet
45 zones for us, we need an analysis, and someone who is willing to do the calculator
46 method. He contacted a number of firms and they either said it would be a conflict of

1 interest for us to do it or I don't believe in using the calculator method. We contacted
2 Mr. Dietrich who came well recommended through a number of engineers and the more
3 he spoke with Mr. Dietrich the more he knew he was the man for us. We went to the
4 City Manager and said we can send out all these RFPs or we can do a sole source
5 contract and she said do a sole source contract. He said he believed they would be
6 pleased they have done so. He introduced Tim Dietrich who is the owner of Quiet Zone
7 Consulting in Sussex, Wisconsin.

8
9 Tim Dietrich, Quiet Zone Consulting came forward. He stated he lived at North 1062
10 Silver Spring Road, Sussex, Wisconsin 53089. He thanked the Commission for inviting
11 him tonight.

12
13 Mr. Dietrich said in establishing the quiet zone there are a lot of components but there
14 are two key ingredients and those are the ASMs and the SSMs. The SSMs are the
15 Supplementary Safety Measures and the ASMs are the Alternative Safety Measures
16 and every quiet zone is going to need one, two, three, four depending on how many
17 crossings you are going to do. They all have to have these safety measures. This is
18 what establishes the quiet zone. The key to establishing the quiet zone is the
19 calculator. You enter your information into the calculator, all the calculations generate
20 numbers, and the numbers tell you where you are at with that.

21
22 Mr. Dietrich showed examples of SSMs and ASMs. He said some of the supplemental
23 safety measures are used at the quad gates, the channelization. If you create a quiet
24 zone with all SSMs, you do not need to file an application with the FRA. You give them
25 a notice of intent and declare yourself as a quiet zone. That goes before all the powers
26 that be such as FDOT, the county, state or whoever has control of these roads and they
27 have 30 days to comment.

28
29 Mr. Dietrich said the ASMs are trickier and we try to avoid those when we can but they
30 are necessary in some cases. Examples of SSMs are quad gates. A gate on each
31 corner of the crossing prohibits cars from entering the crossing from either direction
32 from either lane. That is the desired SSM but those run about \$250,000 per crossing.
33 They have non-traversable medians that is a median constructed with some sort of
34 barrier where they can't get up over and cross onto the other side. Those are more
35 common and more affordable. The problem with those is in order to be a SSM you
36 have to have 100 foot on either side of the gate. A lot of intersections don't allow that
37 so then you have to go into SSMs. You lose credits for that. SSMs are the most
38 desirable, ASMs is the alternative.

39
40 Mr. Dietrich showed a median barrier that was recommended by Tom Drake from the
41 FRA in Atlanta. You put a cement curb in the middle to prevent cars from going to the
42 other side and crossing the crossing. He talked to Seminole County and they are
43 against this. They feel it is a motorcycle killer and would prefer some other type of
44 delineation.

1 Mr. Dietrich showed examples of the quick curb delineators and are traversable. They
2 also serve as a barrier to prevent cars from going over to the other side and breaching
3 the crossing. A one-way street is an alternative. That is not always an applicable
4 situation but it prevents traffic coming from the other direction crossing the tracks.

5
6 Mr. Dietrich said SSMs are not really defined. They are whatever you can come up with
7 to serve the purpose. When you use ASMs you have to apply to the FRA for your quiet
8 zone. They look at each specific one and discount from the SSM how many points you
9 lose for compromising the barriers. A lot of times you end up with half of what you
10 would get if you had a regular SSM.

11
12 Mr. Dietrich said you start with South Country Club Road that is the first crossing. He
13 showed a picture from the south looking north. We have more than 100 feet north of
14 the gate arm. On the south side of the gate arm down to the double yellow stripes is
15 about 80 feet from the gate arm. When you have an intersection in the quadrant you
16 compromise the SSM by 75 feet and you still get full credit with an intersection of a
17 street or a business. Because of the 100 feet on the north, the 75 feet on the south with
18 the intersection, you get a full SSM.

19
20 Mr. Dietrich said on Lake Mary Boulevard we have this beautiful median on both sides
21 of the crossing that is more than 100 feet on each side. With the proper treatment you
22 have a full SSM here as well. Some of the things we looked at was having planted
23 material in the median. The problem with just planted material is it is not permanent.
24 You would have to have a concrete barrier as well to protect the traffic from going over
25 to the other side.

26
27 Mr. Dietrich said on Palmetto Street, that crossing would be an ASM crossing. On the
28 south side of the track is about 150 feet. You have more than your 100 feet but on the
29 north side you are right in the intersection so it wouldn't allow you to have the 100 feet
30 which would mean if you needed this crossing you would have to have the
31 compromised point system.

32
33 Mr. Dietrich said you then have Pedigo which is a private crossing. That does not fall
34 under the FRA jurisdiction. Private crossings are done between the people that own the
35 road and the crossing. He showed the requirements that the FRA wants to see and
36 Pedigo has got all of the stuff. Now it is a matter of getting together with the property
37 owners. If Lake Mary wants that to be a quiet crossing as well we will have to get
38 together with the property owners and put them with the railroad and the state and work
39 out some sort of agreement.

40
41 Mayor Mealor interjected that he believed that family would be very agreeable.

42
43 Mr. Dietrich said when you have a quiet zone that uses ASMs, if there is a problem and
44 you have an accident, it has an effect on the numbers for your calculator score and you
45 can lose your quiet zone. If you establish a quiet zone with all SSMs then you have a
46 quiet zone for life. There is no losing or challenging it. You have all the right things.

1 One ASM in there knocks you out of the box. He said he did the calculator and put an
2 explanation in the packets.

3
4 Mr. Schindler said what Mr. Dietrich has told us is that we will need improvements at
5 Lake Mary Boulevard and South Country Club Road. We will not need any
6 improvements at Palmetto. Those at South Country Club and Lake Mary Boulevard are
7 both SSMs. We do not have to petition FRA for a quiet zone. We simply have to go
8 through the process of declaring them a quiet zone. No improvements are needed at
9 Palmetto. We are bringing to the Commission where we are and asking direction for
10 staff to continue on with the process. He said Mr. Blackadar has asked to address the
11 Commission. The County is proposing a countywide quiet zone. One of the issues is
12 are we going to join in with the County or are we to go our own way. That is a policy
13 decision.

14
15 Brett Blackadar, County Engineer, 100 East First Street, Sanford, Florida, came
16 forward. He thanked City staff because we have hired Mr. Dietrich and he is doing a
17 report countywide. Mr. Dietrich is going to give us a report for the remaining crossings
18 in Seminole County in early October. We met with the other cities early this week and
19 we are trying to form a partnership with the remaining three cities to do a quiet zone for
20 the entire county. If the City of Lake Mary goes by themselves we have a couple of
21 concerns because if we want to establish a full quiet zone we have to establish a quiet
22 zone to the north and a quiet zone to the south so we would basically be managing
23 multiple quiet zones. The other issue is the SSMs that were presented tonight are on
24 two County roads. We would not get benefit of those SSMs in our quiet zone because
25 our quiet zone would not include them. They would be to the north and south so we
26 would lose those benefits of two of our County roads.

27
28 Mr. Blackadar said the proposal we made to the City on Tuesday is that we would pay
29 for the SSMs improvements on the county roads and state roads and the cities would
30 pay for it. For the countywide quiet zone your cost might be zero because we would
31 pay for Country Club Road and Lake Mary Boulevard as part of our quiet zone. There
32 is still a chance that the other cities aren't willing to participate. There is a chance that
33 our board isn't willing to move forward but we don't know that as of yet, but we are
34 setting ourselves up to be able to put together a grant application for the state grants
35 that are due October 15th. On the County we ask that you would be willing to at least
36 participate with us and consider a quiet zone for the entire county because we would all
37 benefit from that.

38
39 Mayor Meador said although he can't speak for the County Commission but as the
40 County Engineer Mr. Blackadar is presenting this on behalf of the County. We have
41 had a remarkably good collaborative relationship on the TOD, the development of
42 Station Point and a couple of other projects. It appears to be a reasonable request to
43 maybe a date certain so if it appears to stall at the county level we can move forward.
44 This appears to be something that can be incredibly helpful to our community and the
45 County. Our citizens have made this an issue for a number of years and we are at a
46 point where maybe we can do something that might be helpful.

1
2 Commissioner Brender said with the calculator you come up with a certain number and
3 that number is above or below a certain level established by FRA and that is the
4 determining factor. If you make the improvements above that number and you come
5 out two points above it, he asked if it changed the function of liability and if there was a
6 liability risk for the City if we have an ASM or SSM at a certain intersection and
7 somebody finds a way to go through or around it. He asked if there was a liability risk
8 for us because we were right at the calculated SSM measure, or just two points above it
9 or 50 points above it.

10
11 Mr. Dietrich said if you are using ASMs and you have to send in an application to the
12 FRA, you have to include pictures of the calculator showing how things came out. It is
13 something they hang their hat on. They use it, it works. The calculator is designed to
14 have risk index with horns and when you remove the horns, the risk index goes up. You
15 put in SSMs or ASMs and it brings the risk index back down. As long as you are below
16 the risk index with horns, you are the same as if you had the horns and didn't have the
17 improvements. He said the Commission had copies of the numbers he put together in
18 their packets. Example 1 shows the calculator with no improvements, no SSMs for
19 Palmetto, Lake Mary, and Country Club. The risk number to the right are risk numbers
20 that are assigned to each one of those crossings. When you create a quiet zone you
21 add those three numbers together and divide it by the number of crossings in the quiet
22 zone and is how you get your quiet zone risk index number. In Example 2 we added
23 two SSMs, one for Lake Mary Boulevard and one for South Country Club Road, that if
24 you compare the two you went from 64,000 on Lake Mary Boulevard to 16,000. That is
25 a significant improvement. It is much safer with the horns off and the SSMs in place.

26
27 Commissioner Greene said joining in with the County on a countywide zone is
28 something we should strongly consider. We could share the cost or have no cost at all.
29 As was pointed out if the County gets delayed we can always move forward.

30
31 Commissioner Greene said it appears since SunRail started there is more horn noises
32 but they are less loud compared to the old trains that used to go through that made an
33 enormous amount of noise. He asked if he was imagining things or was that reality.

34
35 Mr. Dietrich said that was reality. The freight trains have 110 decibels and the
36 passenger commuters are in the low 90's.

37
38 Commissioner Greene asked how many citizens of Lake Mary have you determined are
39 affected by the noise.

40
41 Mr. Schindler said in part that means to what degree they are affected. Tom Connelly
42 has said he lives seven miles from the tracks and when the wind is right at night he can
43 hear the train. It depends on if you're talking about people who live along Country Club
44 that back up to it or people on Old Park Way. Those people are affected but there
45 people who live within blocks that say they are also affected. It is a matter of what
46 degree they are impacted.

1
2 Commissioner Greene said it was fair to say a significant portion of our population is
3 affected by the noise.

4
5 Mr. Schindler answered affirmatively.

6
7 Commissioner Lucarelli said she was agreeable with a shared cost with the County
8 within reason, establishing if it is zero or is not going to exceed what it would have been
9 with Mr. Dietrich's plan and as long as it is not drawn out. We have been working and
10 waiting on this for a very long time so the sooner the better. She was willing to wait and
11 see which way the County wants to go but if the County says no then let's go with Mr.
12 Dietrich's plan.

13
14 Mr. Omana said during this process one of the issues that came to the surface was
15 what happens when we do or if we do the consolidated effort with Seminole County.
16 What are the potential pros and cons to that. One argument presented by Brett is your
17 chances of getting some of that money are increased because of the consolidated
18 effort. One of the cons is if you are part of that overall quiet zone and on the north end
19 there is an accident, there is the potential that your quiet zone could be completely
20 wiped out and you would have to start from scratch or you would have some difficulty in
21 restarting that process. One of the issues you would have to look at and weigh is
22 whether we do a consolidated effort with the County or do we take the issue of going in
23 right now with the SSM and you as the body declare this area a quiet zone. That way
24 we would have it in the bag.

25
26 Mayor Mealar said Mr. Dietrich is in a very difficult situation. He is a consultant to the
27 City of Lake Mary but has also been brought on board by the County. He said he would
28 get Mr. Dietrich off the hook and bring it back to the Commission.

29
30 Commissioner Lucarelli said she was not understanding why a wreck on the north end
31 would cancel the whole thing out.

32
33 Mr. Schindler said if one of the intersections is an ASM instead of a SSM then it has to
34 be reevaluated because it would have been approved as an entire quiet zone. If they
35 are all SSMs we are like golden. The South Country Club crossing as proposed the
36 SSM will not in any way hamper either emergency vehicles or pedestrian vehicles from
37 turning into or out of Old Park Way.

38
39 Mayor Mealar asked the pleasure of the Board. We have the opportunity to join with the
40 County as they explore the options and if they are all SSMs we are in great shape. We
41 can declare it a quiet zone and wait for a time certain from the County or we can move
42 forward as an individual body.

43
44 Commissioner Brender asked if they could change their mind. He asked if we could go
45 with the County and a year from now we are still sitting on this.

1 Mr. Blackadar said we will know October 15th when we submit an application. What we
2 won't know is if we got grant funds. He wasn't sure how quickly it will take DOT to
3 respond to that. He spoke to the County Commissioners about this and they are in
4 favor of us moving forward countywide. The last thing he wanted to do was stand in the
5 City of Lake Mary's way of implementing quiet zones. We hope we can make the
6 application to DOT. We may make the decision even if we don't get grant funds and still
7 move forward with quiet zones. He said Tony Nelson of his staff was present and
8 asked if he knew a date that they will respond with grants.

9
10 Mr. Nelson answered from the audience that they did not give a date.

11
12 Mr. Blackadar said he was hoping by the first of next year they would know on the grant.
13 He said Tim is also exploring implications of multiple quiet zones and we are still
14 researching that. There may be a way we look at everything and that is not a bad thing.
15 He wanted to come here tonight because it was worth it for you to realize what the
16 County is doing and he appreciated the Commission's time.

17
18 Mayor Mealor said we have had a remarkable relationship and have done things truly in
19 a collaborative spirit. There is shared ownership, shared responsibility, and this is one
20 of those times. He asked staff if it was their recommendation that we declare this a
21 quiet zone area and move forward.

22
23 Mr. Omana said you wouldn't be doing that this evening but if that is the course you
24 want to take you would give staff that direction. Based on input received from our
25 consultant and staff, having the ability to do that now with the SSMs is a very favorable
26 position to be in.

27
28 There were no objections from the Board.

29
30 Ms. Sova said she would like to comment regarding the grants. That is \$10 million
31 statewide and Miami-Dade is going after that money very strongly and also All Aboard
32 Florida.

33
34 B. Changing the Disability Symbol – National Spinal Cord Injury Association

35
36 Commissioner Lucarelli said she had been working with these folks for a couple of
37 years and met them when they opened a facility in Sanford. They do amazing work for
38 the disability community. They are very strong advocates, going as far as D.C. and
39 beyond. She introduced Hector Del Valle who is the Central Florida Chapter President
40 of the National Spinal Cord Injury Association.

41
42 Hector Del Valle came forward. He said he was wearing two hats today as he was the
43 President of the National Spinal Cord Injury of Central Florida Chapter and as he is the
44 Southern Regional Coordinator for the AIP (Access Icon Project) and is what they were
45 here to present tonight. He presented his wife who is the Executive Director of the
46 National Spinal Cord Injury Association of Central Florida Chapter.

1
2 Mrs. Del Valle said we all recognize the accessible icon. It has been around since the
3 late '60's. We are here because we think it is time for a change. We happen to be the
4 Central Florida Chapter of what is now the nation's largest and oldest non-profit
5 organization dedicated to defending, supporting, and moving forward with the rights of
6 disabled individuals. In Central Florida the Christopher and Dan Reeve Foundation did
7 a survey and Orlando ranked in the Top 10 cities most livable for wheelchair users.
8 Statistically they said 1 in 50 Americans use a mobility device and 1 in 8 Americans
9 have some type of disability. The icon is representative of a huge number of citizens.

10
11 Mrs. Del Valle said the icon represents a large part of the population. The founders are
12 an assistant professor of philosophy and an art graduate. They spent two years in
13 study to see how people reacted and how they felt. That symbolism is a huge part of
14 that society and sometimes it is ingrained. Hector is the Southern Regional Coordinator
15 which is a new position. Also amongst our colleagues with United Spinal and NCIA is
16 Finn Bullers who is the Midwest Regional Coordinator. Finn is unstoppable.

17
18 Mrs. Del Valle showed the new icon on the overhead. You can see the new dynamic of
19 the accessible icon: the head position and what research found that to mean, the arm
20 angle, the wheel cut out, the limb rendition and the leg position. Everything is pointing
21 to somebody who is an active participant in life. It is not a thing about wheelchairs. It is
22 a thing about engaging actively in your life.

23
24 Mrs. Del Valle said visual representation matters. The disabled population has a long
25 history of the able-bodied population making the decisions that affect us. That icon has
26 stood since man walked on the moon. The rendering of the icon on the overhead
27 showed the differences between the two. She showed a list of AIP partners and listed
28 Lake Mary because they are hopeful we will be the first in Florida. Governor Cuomo
29 signed into law in celebration of the anniversary of ADA. Next year is the Silver
30 Anniversary and we are hoping that Lake Mary will be the beginning of many
31 communities to come on board and celebrate the differences and the improvement and
32 the life affirming symbolism. She showed a list of college and university partners. We
33 think Florida is going to follow in those footsteps. She showed the media and advocacy
34 and services partners. Momentum is gaining daily. In the beginning we reached out
35 and are now finding that we are receiving phone calls and e-mails on a daily basis with
36 municipalities and citizens who are interested in being a part of this. Angela Rockwood
37 who is one of the Push Girls from the reality series was in Kansas City recently and was
38 embraced and supportive and they intend to utilize the icon on the show. There is a
39 myriad of corporate/business partners and restaurant partners. We have got internet
40 groups.

41
42 Mrs. Del Valle said the challenge has been is the wheelchair representative when you
43 talk about the non-mobility challenged disabled community. We have accepted that is
44 the icon and it is recognized as the accessibility icon. Now it is just an improvement on
45 the icon. The new icon is ADA compliant. The Jaguars was the first sports team to
46 embrace the change.

1
2 Mrs. Del Valle said cost is the biggest concern for the Commission. Stickers are
3 relatively affordable and many municipalities have opted to purchase the stickers to put
4 over existing signage and then take on the expense of replacing signage as it would
5 come due for replacement anyway so there isn't a financial burden to the municipality.
6 We would appreciate the support of the Commission.
7

8 The City Attorney read a proclamation adopting the active accessibility symbol.
9

10 **It was the consensus of the Commission to adopt the active accessibility symbol.**
11

12 Commissioner Lucarelli thanked the Commission for considering this item. She works
13 with a group that deals with developmentally and physically disabled adults. She loved
14 the motto they are using of "Don't dis my ability". Even when she was a child you just
15 had a vision of them just sitting and doing nothing. If you be around these guys enough
16 and involved in what they are involved in, there are a lot of extremely active wheelchair
17 users. It is definitely time that we portray them in a much more positive, able light than
18 what they have been in the past. Commissioner Lucarelli presented the proclamation to
19 Hector Del Valle.
20

21 7. Citizen Participation 22

23 Ellen McLaughlin, 401 N. Niblick Lane, came forward. She said she had lived in Lake
24 Mary since 1992 and moved into Seminole County in 1970. You can see sometimes
25 how difficult it can be to keep everything smooth and wonderful in Lake Mary. She
26 wanted to thank the Commissioners, especially the Mayor, for all the good things that
27 they do for the City. She goes to the gym five days a week and it is near the colleges
28 so the young people come in and she gets a chance to talk to them. When she is
29 talking to them she asks them how they like being in Lake Mary and has had some
30 great responses. One of the girls was on the treadmill next to her and she said she was
31 looking for a job. She had just finished at the state college. Ms. McLaughlin said why
32 don't you go and look in Lake Mary because she knew Verizon had many opportunities.
33 The girl said she didn't know what they do and Ms. McLaughlin said they do a lot of
34 things because they are hiring 3,000 people and they had a sign out at one point. She
35 told the girl to go down and do a cold interview. The next day the girl went down and
36 this young lady was hired right away because her grades were so good in school and
37 she took the opportunity. Now they are going to help her pay for her master's degree.
38

39 Ms. McLaughlin said without all the hard work of the Commissioners, we wouldn't have
40 these opportunities for our young people. She goes to Planet Fitness and there are a
41 lot of young people coming and going and they are living here in Lake Mary and are
42 interested in being here. The hard work of our people, especially the people we forget
43 who are the people behind the scenes that help us make this a wonderful city. She
44 thanked the Commissioners and the Mayor for being there for our young people. The
45 young people need all the support they can get from the people who are a part of Lake
46 Mary.

1 Mayor Mealor said that young lady is very fortunate that Dr. McLaughlin cared enough
2 to reach out. He thanked her for that guidance.

3
4 Tom Abraham, 1930 Hillside Avenue, Orange City, Florida, came forward. He said he
5 was a District 3 Council member for Orange City for the last six and one-half years. He
6 said this is not the first time he had visited Lake Mary. Four or five years ago he
7 attended a function outside and enjoyed it. Today since 4:30 this morning he went
8 through the Lake Mary budget. He found a great budget book which is of educational
9 value for other cities like Orange City. When he examined his city budget he compared
10 it to other cities. Last year he did it with Deland. This year when he got through this
11 Lake Mary budget book he understood that you are beating Deland. There were so
12 many details. The credit goes to the City Manager and the Finance Director, Dianne,
13 whom he met this morning. He asked her a couple of questions and she was very
14 generous in answering his questions. The City Clerk's office also received him very
15 politely and respectfully. He considered his day blessed today by coming here. This
16 2015 budget saying "Reflecting on the past, focused on the future". He said that is what
17 he sees in this budget, focusing on the future. It gives details of the expenditure with
18 graphs and is something unique which he doesn't find in his city and some other cities.
19 This is only a prelude. On September 4th he will find time to come back and join the
20 other citizens who definitely will be here with more appreciations about this budget.

21
22 No one else came forward and citizen participation was closed.

23
24 8. Unfinished Business

25
26 A. Ordinance No. 1509 – Comprehensive Plan Text Amendments to the
27 Transportation Element – Second Reading (Public Hearing) (Steve Noto,
28 Senior Planner)

29
30 The City Attorney read Ordinance No. 1509 by title only on second reading.

31
32 Mr. Noto said this is a follow up to the transmittal hearing that we had a couple of
33 months ago. This is the adoption hearing for these comprehensive plan amendments.
34 This was a request from FDOT to update the Transportation Element of the Comp Plan
35 stating that I-4 would be a six general use lane plus four express lane type highway so
36 they could gain federal funding to do their I-4 beyond their ultimate study. The DEO
37 reviewed the amendments and they had no comments. They sent us their final letters
38 on July 17th so we are here to adopt.

39
40 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1509. No
41 one came forward and the public hearing was closed.

42
43 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1509 on**
44 **second reading, seconded by Commissioner Brender and motion carried by roll-**
45 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
46 **Commissioner Greene, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

1 Mayor Mealor announced Item 9-D under New Business, Resolution No. 945, has been
2 pulled from the agenda.

3
4 9. New Business

5
6 A. Request from Woodbridge Lakes Subdivision for a Neighborhood
7 Beautification Grant (Steve Noto, Senior Planner)
8

9 Mr. Noto said it has been almost two years since we initiated the Neighborhood
10 Beautification Grant Program. In June of 2013 the Hills of Lake Mary were the first
11 recipients of grant funding in the amount of \$25,000.00. The Feather Edge subdivision
12 was awarded monies in November of 2013 in the amount of \$4,146.75 and the last
13 community to receive funding was Misty Oaks this past June in the amount of
14 \$5,833.95. We have just over \$15,000.00 remaining in this year's pot. We are at the
15 point now of mid-August and if any other applicants came in between now and the end
16 of the fiscal year, they likely wouldn't get in to the Commission for funding until after the
17 fiscal year. This is most likely the last application as part of this funding cycle.
18

19 Mr. Noto showed an overhead aerial of Woodbridge Lakes. The yellow lines indicate
20 the lengths of the request so it is 280 feet to the north and 240 to the south. They are
21 requesting funding to install commercial grade, high quality lighting along their wall and
22 landscape area in front of the community. They have had issues with quality lighting up
23 to this point. Based on information received a lot of their lighting has been DIY type
24 application that is falling apart, has not done a good job lighting the area, poor
25 warranties and things of that nature.
26

27 Mr. Noto said the request is unique in that they are proposing a 50/50 dollar-for-dollar
28 match. The previous applicants he read off, the Hills was the outlier; they had an
29 extremely unique situation. Feather Edge and Misty Oaks both gave the minimum 5%
30 in their match. For Woodbridge Lakes the total project cost is \$13,830.00. Their
31 proposed vendor is Lighthouse. They have a great product lined up. They have a
32 fantastic warranty and they chose the best product out of the vendors they were going
33 through. They are proposing to split this 50/50 with the City so their match would be
34 \$6,915.00 and we would put in \$6,915.00 if approved as requested. That far exceeds
35 the 5% minimum.
36

37 Mr. Noto said like the other proposals and the way the grant program is outlined, staff
38 can only recommend up to \$5,000.00 unless there is a unique scenario which there was
39 with the Hills of Lake Mary and Misty Oaks subdivisions. While this may not be unique
40 in the same way those projects were unique, this is unique in that they are proposing a
41 dollar-for-dollar match and are going to give more than just a couple hundred bucks.
42 They are meeting us halfway. The product they are going to get from their vendor
43 Lighthouse is high quality, will have a situation where along the borders of the project
44 will have well-lit landscaping, the wall, and potentially some spillover lighting onto the
45 trail which at this point isn't lit in that area after the sun sets.
46

1 Mr. Noto said the Parks & Recreation Board heard this request at their August 4, 2014,
2 meeting and voted unanimously 6 – 0 to recommend approval as was proposed by the
3 applicant. They had one condition that the applicant provide a dollar-for-dollar match of
4 \$6,915.00 which is what they are proposing.

5
6 Mr. Noto said staff cannot recommend anything above \$5,000.00 so our
7 recommendation is the Commission finds a unique circumstance exists in that the
8 applicant has proposed to provide an exact match of \$6,915.00 which exceeds the
9 minimum 5% match by over \$6,000.00 and that you find that to be the unique situation
10 in this case. He noted the applicant was present.

11
12 Skip Cann, 358 Lake Dawson Place, applicant, came forward. He stated he had lived
13 there since 2001.

14
15 Mayor Mealor said it was stated there was approximately \$15,000.00 left. He asked if
16 they continued the Neighborhood Beautification Project in this year's budget.

17
18 Ms. Sova answered affirmatively in the amount of \$25,000.00 again.

19
20 Mayor Mealor said staff can't request anything over \$5,000.00 and the request is for
21 \$6,915.00. Since we have \$15,000.00 and we will have no more requests, we could if
22 we wanted to since we did the Hills of Lake Mary which was a unique circumstance but
23 let's not forget that Woodbridge Lakes was put in a very difficult situation with the
24 Progress Energy taking of the trees and vegetation which he believed were put in at the
25 homeowners' expense. He asked if that was correct. He asked if it was the
26 homeowners' expense to put those in.

27
28 Ms. Sova said it was.

29
30 Mayor Mealor said he wanted to acknowledge the fact that Woodbridge Lakes did suffer
31 an economic loss with the taking of the trees by the power company.

32
33 Mr. Cann said they felt that way.

34
35 Commissioner Lucarelli said she had no problem supporting the additional funding,
36 especially since they are kicking in 50% which is above and beyond what the others
37 have.

38
39 Commissioners Brender and Greene agreed.

40
41 **Motion was made by Commissioner Lucarelli to approve the award of a**
42 **Neighborhood Beautification Grant in the amount of \$6,915.00 to Woodbridge**
43 **Lakes subdivision including the findings of fact and the one condition that the**
44 **applicant provide a dollar-for-dollar match in the amount of \$6,915.00. Seconded**
45 **by Commissioner Greene and motion carried unanimously.**

1 Mayor Meador asked Mr. Cann to communicate to the homeowners and the board how
2 much they appreciate the invitation to their spring event.

3
4 B. Resolution No. 943 – Corrective pedestrian access easement for Lot 1 of
5 Pine Tree Terrace (Steve Noto, Senior Planner)
6

7 The City Attorney read Resolution No. 943 by title only.
8

9 Mr. Noto said this is a cleanup item for the Pine Tree Terrace subdivision which was
10 recently approved by the City Commission. When the building permit came in for Lot 1
11 for the model home, we noticed there was a sidewalk that went from the right-of-way
12 onto private property. We immediately contacted the applicant and said there should be
13 an easement there for the public so legally they can traverse on the sidewalk. M/I
14 Homes agreed and adopted an easement without having staff reviewing it. We said this
15 was great but should take a step back and send us something else and we will take it
16 through the regular process. Resolution No. 943 is taking care of the original easement
17 that they put together and adopting the easement we have put together with the
18 assistance of the City Attorney. Staff recommends approval.
19

20 **Motion was made by Commissioner Brender to approve Resolution No. 943,**
21 **seconded by Commissioner Lucarelli and motion carried by roll-call vote: Deputy**
22 **Mayor Duryea, Yes; Commissioner Greene, Yes; Commissioner Lucarelli, Yes;**
23 **Commissioner Brender, Yes; Mayor Meador, Yes.**
24

25 C. Resolution No. 944 – Establishing a fee for Parks and Recreation’s Kickball
26 Program (Radley Williams, Recreation Chief)
27

28 The City Attorney read Resolution No. 944 by title only.
29

30 Radley Williams, Recreation Chief, came forward. He said he was present to get fees
31 approved for their kickball league. In an effort to diverse recreation opportunities to the
32 local adult population, staff has researched the possibility of starting a kickball league.
33

34 Mr. Williams said kickball is similar to baseball and softball but requires much less
35 equipment and much lower skill level to participate in. Our goal with this league is to
36 increase the recreational opportunities for adults in a co-ed fashion who might not be
37 willing or interested in participating in a softball league where there is much more
38 equipment required and a higher degree level of skill and athletic ability. Kickball is
39 growing in the area and Winter Garden and Debary have started their own leagues and
40 have been successful. There is also sport and social clubs in the Orlando area that run
41 kickball leagues. We think it is a great opportunity for the City to expand the offering
42 and provide a new recreational opportunity for people that might not have been taking
43 advantage of the offerings we are currently providing.
44

45 Commissioner Greene asked if this was the type of sport that would be covered under
46 our umbrella liability policy. He asked how that would be dealt with.

1
2 Ms. Sova said this would be covered just like all the other activities at the Sports
3 Complex. We don't have to do anything separate.

4
5 Commissioner Greene asked if we would have any type of releases signed by the
6 participants.

7
8 Mr. Williams said similar to our softball program we would have a release waiver roster
9 that everyone would sign and acknowledge releasing liability of the City.

10
11 Commissioner Greene asked if that was something the City Attorney would review.

12
13 Ms. Reischmann said she believed they have some they have used for years.

14
15 Mr. Williams said they could provide the standard release to the City Attorney if she
16 would like to take a look at it.

17
18 **Motion was made by Commissioner Brender to approve Resolution No. 944,**
19 **seconded by Commissioner Lucarelli and motion carried unanimously.**

20
21 D. Resolution No. 945 – Repealing the Surplus Property Ordinance and adopting
22 a new policy on Tangible Personal Property (Dianne Holloway, Finance
23 Director)

24
25 **This item was pulled from the agenda.**

26
27 10. Other Items for Commission Action

28
29 There were no items to discuss at this time.

30
31 11. City Manager's Report

32
33 1. Donation of Fire Department Bunker Gear

34
35 Ms. Sova said this is a request for donation of Fire Department bunker gear to a fire
36 department in Peru. A firefighter from the City of Casselberry goes to Peru on vacations
37 and also helps departments there with basic protective equipment and teaching them
38 better firefighting methods. They could use this equipment. It is outdated as far as we
39 are concerned but is still useable. He has guaranteed us that he will remove our logo
40 information from it.

41
42 Ms. Sova asked the Commission to authorize the donation of the bunker gear to
43 firefighters in Peru.

44

1 **Motion was made by Commissioner Lucarelli to approve the donation of Fire**
2 **Department bunker gear to firefighters in Peru, seconded by Commissioner**
3 **Greene.**

4
5 Commissioner Greene asked why they were removing our logo. He thought it would be
6 a nice PR thing if we kept it on.

7
8 Deputy Fire Chief Joe Laundreville came forward. It is their policy for one and we
9 wanted to not upset anybody so if we took it off then there would be no question. We
10 also are not giving any warranty to the product. They understand the limitations. The
11 pluses are huge for them but they understand the limitations as well.

12
13 **Motion carried unanimously.**

14
15 Ms. Sova said all non-emergency city offices will be closed on Labor Day. No solid
16 waste or recycling will be picked up on September 1st but Waste Management will
17 provide a makeup day on the preceding Saturday, August 30th, for those customers that
18 have the Monday pickup day.

19
20 Ms. Sova said WineART Wednesday featuring the Daily City.Com Food Truck Bazaar
21 will be held September 3rd from 5:00 P.M. to 9:00 P.M. in Central Park.

22
23 Ms. Sova said we are still looking for volunteers to serve on the Historical Commission.
24 This advisory board meets on the third Tuesday of every other month at 5:30 P.M. If
25 anyone is interested they can complete a Board Appointment Form from the website or
26 call the City Clerk at 407-585-1423.

27
28 12. Mayor and Commissioners' Reports – 2

29
30 Mayor Mealor had no report at this time.

31
32 Deputy Mayor Duryea said he noticed in Tom Tomerlin's report that he had met in July
33 with SunRail and got an update on ridership. He asked how that was going.

34
35 Mr. Tomerlin said the last ridership numbers he got was for the month of July. He didn't
36 have the numbers in front of him but the Lake Mary Station stop had the most ridership
37 leaving from that station stop among Seminole County stations. Along the entire
38 system the Winter Park Station is No. 1 by a very large margin.

39
40 Deputy Mayor Duryea asked Mr. Tomerlin if they gave an indication of whether or not
41 the ridership is where they expect it to be or is it increasing. He asked the trend.

42
43 Mr. Tomerlin said right now they are probably meeting their year-end goals of an
44 average of 4,000 riders per day. They are currently meeting that threshold that they
45 thought they would meet at the end of one year of operation.

1 Commissioner Greene had no report at this time.

2

3 Commissioner Lucarelli had no report at this time.

4

5 Commissioner Brender said the CALNO meeting for September was canceled. The
6 County was going to sponsor and there was some kind of conflict. We will be moving
7 on to the School Board in October.

8

9 Commissioner Brender said he got an update from one of the consulting engineers on
10 the Wekiva Parkway. The timeline is continuing on that project. As you drive around 46
11 to the west you can see they are doing a great deal of construction on that end. The
12 plan is still for a continuation of the work in Lake County. Seminole County will be last
13 in the process. They are beginning to do what they are calling "friendly land
14 acquisitions" in Seminole County. Anybody who wants to sell and are in the way then
15 they are going ahead and selling. The eminent domain process will probably start
16 sometime in late 2015 or early 2016. Subsequent to that you will have construction
17 looking towards 2016 and completing in 2018 or 2019. He thought it was important to
18 let folks know the work is continuing and while the eminent domain type of land
19 acquisitions are going to be coming, they are still a couple of years away for people to
20 have to be concerned about that.

21

22 13. City Attorney's Report

23

24 Ms. Reischmann had no report at this time.

25

26 14. Adjournment

27

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

29

30

31

32

33 _____
David J. Meador, Mayor

34

33 _____
Mary Campbell, Deputy City Clerk

35

36 ATTEST:

37

38

39

40

41 _____
Carol A. Foster, City Clerk

42