

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held September 6,  
2 2012, 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 Mayor David Mealor at 7:05 P.M.

7  
8 II. Moment of Silence

9  
10 III. Pledge of Allegiance

11  
12 The Pledge of Allegiance was led by Margo Miller.

13  
14 IV. Roll Call

15		
16	Mayor David Mealor	Jackie Sova, City Manager
17	Deputy Mayor Gary Brender	Carol Foster, City Clerk
18	Commissioner George Duryea	Dianne Holloway, Finance Director
19	Commissioner Allan Plank	John Omana, Community Dev. Dir.
20	Commissioner Jo Ann Lucarelli – Absent	Gary Schindler, City Planner
21		Bruce Paster, Public Works Director
22		Bryan Nipe, Parks & Recreation Dir.
23		Randy Pettit, Human Resources Mgr.
24		Steve Bracknell, Police Chief
25		Bruce Fleming, Code Enforcement Off.
26		Craig Haun, Fire Chief
27		Katie Reischmann, City Attorney
28		Mary Campbell, Deputy City Clerk
29		

30 Mayor Mealor said there has been a request to postpone Item 8-D, Resolution No. 906,  
31 to September 20, 2012.

32  
33 **Motion was made by Commissioner Plank to postpone Resolution No. 906 to**  
34 **September 20, 2012, seconded by Deputy Mayor Brender and motion carried**  
35 **unanimously.**

36  
37 V. Approval of Minutes: August 16, 2012

38  
39 **Motion was made by Deputy Mayor Brender to approve the minutes of the August**  
40 **16, 2012, meeting, seconded by Commissioner Plank and motion carried**  
41 **unanimously.**

42  
43 VI. Special Presentations

44  
45 The City Attorney read a proclamation proclaiming September 17, 2012, through  
46 September 23, 2012, as “Constitution Week”.

1  
2 Mayor Mealor presented the proclamation to Margo Miller. He thanked Ms. Miller for all  
3 the work that she does and she is working directly with Lake Mary High School.  
4

5 Margo Miller said the DAR Sally Harrison Chapter, which is based out of Sanford, is  
6 sponsoring Constitution Week all over the country. We are focusing on Lake Mary High  
7 School. She said last year they went to another high school and we got maybe 20  
8 people interested in joining the poster contest. We celebrated the week, gave awards  
9 and that was the end of it. They went to Lake Mary High School and met with the  
10 administrators, principal, assistant principal, and the teachers and they have 600  
11 children in contests with posters, making tee shirts, essays and anything they want to  
12 do. The teachers are going to judge them all week long and there will be awards on  
13 Friday. They are doing it from the 18<sup>th</sup> to the 21<sup>st</sup> because there is a school holiday on  
14 Monday.  
15

16 Ms. Miller thanked Mayor Mealor and Deputy Mayor Brender because they were the  
17 first people to volunteer to speak to the students. We have six speakers who are state,  
18 U.S. and local officials. She has more people answering her bid to speak to the  
19 students. There are 600 students and a lot of classes that have to be addressed. If any  
20 other commissioner would like to speak they should give her a call. She left the  
21 Commission her business card.  
22

## 23 VII. Unfinished Business

### 24 A. Ordinance No. 1467 – Amending the Property Maintenance Code – Second 25 Reading (Public Hearing) (Bruce Fleming, Sr. Code Enforcement Officer) 26 27

28 The City Attorney read Ordinance No. 1467 by title only on second reading.  
29

30 Bruce Fleming, Sr. Code Enforcement Officer, came forward. Mr. Fleming stated there  
31 were no changes to the proposed ordinance.  
32

33 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1467. No  
34 one came forward and the public hearing was closed.  
35

36 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1467 on**  
37 **second reading, seconded by Commissioner Duryea and motion carried by roll-**  
38 **call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes;**  
39 **Commissioner Plank, Yes; Mayor Mealor, Yes.**  
40

### 41 B. Ordinance No. 1468 – Small scale amendment to the Future Land Use 42 Element related to Policy 1.4; Table GOP-1; Policy 8.2 of the City's 43 Comprehensive Plan related to the Downtown Economic Policy Initiative 44 (DEPI) & Future Land Use Map revision for 3.03 acres of property in the 45 Downtown from DDD (Downtown Development District) and TOD 46 (Transportation Oriented Development) to DDD (Downtown Development

1 District), TOD (Transportation Oriented Development) and DEPI (Downtown  
2 Economic Policy Initiative) land use designations – Second reading (Public  
3 Hearing) (Gary Schindler, City Planner)  
4

5 The City Attorney read Ordinance No. 1468 by title only on second reading.  
6

7 Mr. Schindler stated staff had nothing additional to add.  
8

9 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1468. No  
10 one came forward and the public hearing was closed.  
11

12 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1468 on**  
13 **second reading, seconded by Commissioner Duryea and motion carried by roll-**  
14 **call vote: Commissioner Duryea, Yes; Commissioner Plank, Yes; Deputy Mayor**  
15 **Brender, Yes; Mayor Meador, Yes.**  
16

17 VIII. New Business  
18

19 Mayor Meador said the City Attorney would read and they would discuss Ordinance No.  
20 1469 and Ordinance No. 1470 simultaneously, will hold public hearings on both items,  
21 and vote on those items individually.  
22

23 A. Ordinance No. 1469 – 2012/2013 Tentative Millage Rate – First Reading  
24 (Public Hearing) (Jackie Sova, City Manager)  
25

26 The City Attorney read Ordinance No. 1469 by title only on first reading.  
27

28 Ms. Sova said tonight we begin the final steps in adopting the Fiscal Year 2012/2013  
29 budget. As presented previously in the budget message and at the budget workshops,  
30 the total budget is \$29,104,286. Of that figure \$17,635,065 is attributable to the  
31 General Fund which is the primary operating fund of the City. The ad valorem tax rate  
32 of 3.6355 mills will represent \$5,943,112 in revenues, some \$46,069 less than last year.  
33 Only one new employee is planned in the budget and is a police officer. For employees  
34 overall we will review the pay plan to ensure that our job classifications are competitive.  
35

36 Ms. Sova said new items in our robust capital improvement plans include Downtown  
37 area improvements of \$2,450,000 including roundabouts, additional roadway,  
38 stormwater infrastructure, and the potential for a new community building. Flooring will  
39 be replaced at the Events Center and Senior Center and we will be upgrading police  
40 radios to be compliant to the new P-25 platform. Technology service improvements will  
41 include implementing a disaster recovery program. The annual resurfacing and cold-  
42 mix paving programs are being brought forward as a two-year program to achieve  
43 economies of scale and the projected cost savings we can achieve from that.  
44

1 Ms. Sova said the overall budget increase of 1.5% reflects the determination to maintain  
2 a flat budget while providing for significant accomplishments. When excluding fund-to-  
3 fund transfers and the new self-insurance fund, this budget is a decline of 6%.

4  
5 Ms. Sova said the action required by the Commission tonight will be to adopt the millage  
6 rate at 3.6355 mills, a .54% decrease from the rolled back rate of 3.6552 mills, and by  
7 separate action adopt the Fiscal Year 2013 budget.

8  
9 Mayor Mealor said he believed this is the same millage rate we have had in the past.

10  
11 Ms. Sova said for five years.

12  
13 The City Attorney read Ordinance No. 1470 by title only.

14  
15 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1469. No  
16 one came forward and the public hearing was closed.

17  
18 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1469 on**  
19 **first reading setting the millage rate at 3.6355 mills, seconded by Commissioner**  
20 **Plank and motion carried by roll-call vote: Commissioner Plank, Yes; Deputy**  
21 **Mayor Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

22  
23 B. Ordinance No. 1470 – 2012/2013 Tentative Budget – First Reading (Public  
24 Hearing) (Jackie Sova, City Manager)

25  
26 Ordinance No. 1470 was read by title only and presented under Item 8-A.

27  
28 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1470. No  
29 one came forward and the public hearing was closed.

30  
31 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1470 on**  
32 **first reading, seconded by Commissioner Duryea and motion carried by roll-call**  
33 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**  
34 **Plank, Yes; Mayor Mealor, Yes.**

35  
36 Mayor Mealor thanked Ms. Holloway and the other department heads. In these difficult  
37 times is if we are asked to provide for our citizens, the return on their investment is how  
38 we utilize their tax dollars. This is one of those examples where we continued to  
39 provide an outstanding service at a very reasonable cost and give staff all the credit for  
40 making sure that we provide the best possible service. It is effective and efficient and  
41 this budget illustrates that.

42  
43 C. Ordinance No. 1471 – Extend moratorium on Pain Management Clinics until  
44 December 31, 2012 – First Reading (Public Hearing) (Gary Schindler, City  
45 Planner)

1 The City Attorney read Ordinance No. 1471 by title only on first reading.

2  
3 Mr. Schindler said this is an ordinance requesting an extension of the moratorium until  
4 December 31, 2012. This will give staff time to get the finished product from Seminole  
5 County and then craft a document that is compatible with Seminole County but yet  
6 unique to the City's zoning districts and conditions.

7  
8 Ms. Reischmann pointed out that under the recent amendment to the Bert Harris Act,  
9 which is the act that allows people a remedy for an inordinate burden to their property  
10 and is something short of a taking, the Legislature provided that moratoriums over one  
11 year are sufficient to give someone the right to claim a cause of action into the Bert  
12 Harris Act. She wanted the Commission to be aware of that because we are going over  
13 one year with this. That doesn't mean someone automatically has a claim but is  
14 something that has been changed recently.

15  
16 Mayor Meador said the request is to allow us to piggyback off the County. Mr. Schindler  
17 answered affirmatively.

18  
19 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1471. No  
20 one came forward and the public hearing was closed.

21  
22 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1471 on**  
23 **first reading, seconded by Commissioner Duryea.**

24  
25 Commissioner Plank asked the City Attorney to clarify what the impact of that would be  
26 if they did file and how it would affect the City of Lake Mary.

27  
28 Ms. Reischmann said it is hard to say. There are a lot of hurdles that the person would  
29 have to jump through in order to show an inordinate burden on their property. The Bert  
30 Harris Act requires appraisals and so forth and a lot of people don't meet those  
31 requirements or don't meet them timely. Assuming someone could meet those  
32 requirements, the City Commission would still have the ability to quickly deal with that  
33 issue by simply ending the moratorium. There are a number of ways the City could deal  
34 with it. It's not like there would be any kind of immediate potential negative to the City  
35 or any required payment. It could be handled many other ways, including the fact that  
36 they didn't meet the steep entry requirements for filing a Bert Harris claim.

37  
38 **Motion carried by roll-call vote: Commissioner Duryea, Yes; Commissioner**  
39 **Plank, Yes; Deputy Mayor Brender, Yes; Mayor Meador, Yes.**

40  
41 D. Resolution No. 906 – Property Acquisition – 140 East Wilbur Avenue and 143  
42 East Lake Mary Avenue (Jackie Sova, City Manager)

43  
44 Resolution No. 906 was postponed to September 20, 2012, earlier in the meeting. See  
45 Page 1, Line 33.

1 E. Resolution No. 905 – Approval of the Community Development Block Grant  
2 Cooperation Agreement with Seminole County and authorizing the Mayor to  
3 execute (Jackie Sova, City Manager)  
4

5 The City Attorney read Resolution No. 905 by title only.  
6

7 Ms. Sova said on May 17<sup>th</sup> the Commission approved the new agreement for the grants  
8 with Seminole County. Since then we have received a letter from Seminole County that  
9 wants two additional amendments: (1) That the agreements specifically say that if the  
10 City elects not to participate in the next three-year qualification period, it will notify HUD  
11 directly; and (2) That in Section 12 “Status of the City” be stricken because it is  
12 duplicative.  
13

14 **Motion was made by Commissioner Plank to approve Resolution No. 905,**  
15 **seconded by Deputy Mayor Brender and motion carried unanimously.**  
16

17 IX. Citizen Participation  
18

19 No one came forward at this time and citizen participation was closed.  
20

21 X. Reports:  
22

23 A. City Manager  
24

25 1. Safehouse request to serve alcohol at upcoming event  
26

27 Ms. Sova said we have a request to serve alcohol at a proposed event in our park. The  
28 Seminole County Victim’s Rights Coalition Safehouse is planning a silent auction of  
29 purses to benefit Safehouse. They are having a band with amplification. They would  
30 like to serve alcohol but that has to be approved by the Commission. She noted a  
31 representative of Safehouse was present.  
32

33 Mayor Mealor said we have Michelle Jewett who is the Outreach and Prevention  
34 Specialist for Safehouse of Seminole. He said she was currently working with the City  
35 of Altamonte on education and training related to domestic violence and awareness and  
36 is something she has offered to the City of Lake Mary should we choose to take  
37 advantage of that. We have put her in touch with our HR Director.  
38

39 Deputy Mayor Brender asked if they were just doing beer and wine.  
40

41 Michelle Jewett of Safehouse of Seminole came forward. She said it is just going to be  
42 beer and wine and it will be small cups and not like a full bar. It will be services donated  
43 by a few businesses who will hand out samplings of the beer and wine. We have a  
44 police officer who will be checking ID’s and we will have wristbands available to those  
45 who are of age to get alcohol.  
46

1 Commissioner Plank asked if this was a belated request because the original  
2 application said you were not serving alcohol.

3  
4 Mr. Jewett said that is correct. We had a lot of talk in the office and there were women  
5 who heard about the event and said it would be nice "if" so we opened the door to see if  
6 that would be available.

7  
8 **There were no objections from the Board.**

9  
10 2. Award of RFP #12-05 to Smoothie King

11  
12 Ms. Sova said this is the award of RFP #12-05 to Smoothie King. She said it has been  
13 Bryan Nipe's mission in life to get something in the Trailhead Park building. We put a  
14 RFP out and he met with Smoothie King and came up with a contract to have them be  
15 the concessionaire at Trailhead Park.

16  
17 Mr. Nipe said since he's been with the City it has been his mission in life to get that  
18 building filled. It has been standing stagnant for some time. We wanted to reach out to  
19 the community businesses to see which business would come forward with an  
20 opportunity for a healthful type of retail concession opportunity and we think Smoothie  
21 King fits the bill. They are branded so they will bring folks off the road and the trail. We  
22 think we have a good agreement in place.

23  
24 Commissioner Plank said he was happy to see the menu they are proposing is more in  
25 line with the people who would be using the trail for healthful reasons. We have had  
26 some interesting choices in the past.

27  
28 **Motion was made by Commissioner Duryea to award RFP #12-05 to Smoothie**  
29 **King and authorize the City Manager to execute agreement, seconded by**  
30 **Commissioner Plank and motion carried unanimously.**

31  
32 3. Agreement with Seminole County for shared maintenance of two pedestrian  
33 bridges

34  
35 Ms. Sova said this is an agreement with Seminole County for shared maintenance of  
36 the two pedestrian bridges. Right now without a special request there isn't anybody  
37 getting up into these pedestrian bridges and blowing or sweeping them out and that is  
38 mostly what this agreement will do. They have had agreements in place with Oviedo  
39 since 2009 and it's a catch up asking us to do it. She said she was very specific that  
40 this was only trash and debris and we would not take care of graffiti. They told her the  
41 agreement included painting and she made them go in and make sure they included the  
42 graffiti. She didn't want any question on that in the future. We will be cleaning the trash  
43 out and a broken bottle or something could be dangerous for the children.

1 **Motion was made by Commissioner Duryea to authorize the Mayor to execute the**  
2 **agreement with Seminole County for maintenance of two pedestrian bridges,**  
3 **seconded by Deputy Mayor Brender and motion carried unanimously.**  
4

5 4. Agreement with Control Specialists Company for traffic signal maintenance  
6

7 Ms. Sova said this is an agreement with Control Specialists Company for traffic signal  
8 maintenance of six signals that are wholly within the City of Lake Mary. We have done  
9 this since 2006 and it works well and is more economical than using the County directly.  
10 We would like to continue for another two years and maybe another one-year term after  
11 that.  
12

13 **Motion was made by Deputy Mayor Brender to authorize the Mayor to execute**  
14 **agreement with Control Specialists Company for traffic signal maintenance,**  
15 **seconded by Commissioner Duryea and motion carried unanimously.**  
16

17 5. Expenditure from Law Enforcement Trust Fund for purchase of lock boxes  
18

19 Ms. Sova said this is a request for expenditure from the Law Enforcement Trust Fund.  
20 Expenditures from this fund need to come before the Commission. This is a  
21 continuation of the Lock Box Program. We have run out of lock boxes and they have  
22 purchased another 48 at the cost of \$18.95 a box for a total of \$909.60. This is a  
23 program well received by the citizens.  
24

25 **Motion was made by Commissioner Duryea to approve the expenditure from the**  
26 **Law Enforcement Trust Fund for the purchase of 48 lock boxes for a total cost of**  
27 **\$909.60, seconded by Deputy Mayor Brender and motion carried unanimously.**  
28

29 6. Donation to Kicks 4 Guns  
30

31 Ms. Sova said on August 16<sup>th</sup> the Seminole County Sheriff's Office in cooperation with  
32 all Seminole County police departments, Real Radio 104.1, and Crimeline held their  
33 Kicks for Guns program. We participated in that but we used the Law Enforcement  
34 Trust Fund monies and we need approval for the \$1,000 utilized for that program.  
35

36 **Motion was made by Commissioner Duryea to approve the expenditure from the**  
37 **Law Enforcement Trust Fund for a donation in the amount of \$1,000 to the Kicks**  
38 **for Guns program, seconded by Deputy Mayor Brender and motion carried**  
39 **unanimously.**  
40

41 7. Surplus of Glock handgun  
42

43 Ms. Sova said this is a surplus of one Glock handgun. We are requesting to surplus  
44 Serial #EYU432US from our inventory. Officer Prince has elected to retire from the City.  
45

1 **Motion was made by Commissioner Plank to declare one Glock handgun (Serial**  
2 **#EYU432US) surplus and to be presented to Lt. David Prince as a retirement gift**  
3 **from the City, seconded by Deputy Mayor Brender and motion carried**  
4 **unanimously.**

5  
6 8. Surplus of color laser printer  
7

8 Ms. Sova said this is a request to surplus a color laser printer that has been in service  
9 since 1999. We would like to surplus Asset Tag #010239.

10  
11 **Motion was made by Deputy Mayor Brender to declare color laser printer, Asset**  
12 **Tag #010239, surplus and authorize the City Manager to dispose of, seconded by**  
13 **Commissioner Plank and motion carried unanimously.**

14  
15 9. Appointments to Elder Affairs Commission and Code Enforcement Board  
16

17 Ms. Sova said this item is appointments to the Elder Affairs Commission and Code  
18 Enforcement Board.

19  
20 Mayor Meador said there is a request that we appoint Ms. Dellamorte and Ms. Blanchard  
21 to the Elder Affairs Commission.

22  
23 **Motion was made by Commissioner Duryea to appoint Celia Dellamorte and**  
24 **Sharon Blanchard to the Elder Affairs Commission, seconded by Commissioner**  
25 **Plank and motion carried unanimously.**

26  
27 Mayor Meador said we have two applicants for the Code Enforcement Board, Mr.  
28 George Ludwig and Mr. Henry Scarfo.

29  
30 **Commissioner Plank nominated Henry Scarfo. Nomination carried unanimously.**  
31

32 Ms. Sova said qualifying ended last Friday at noon with only the incumbents qualifying.  
33 She congratulated Mayor Meador, Commissioners Brender and Plank who will serve  
34 another two-year term.

35  
36 Ms. Sova said the Splash Park will only be open on weekends from 10:00 A.M. to 6:00  
37 P.M. until early October. The playground will remain open year round.

38  
39 Ms. Sova said we had 25 Impalas affected by the recent recall and they are in the  
40 course of being repaired with David Maus under warranty.

41  
42 B. Mayor  
43

44 Mayor Meador had no report at this time.

45  
46 C. Commissioners (3)

1  
2 Commissioner Plank said he had no report but reminded everyone that the History of  
3 Lake Mary exhibit is still open at the museum. The museum is open 6:30 P.M. to 8:30  
4 P.M. on Thursdays and 10:00 A.M. to 2:00 P.M. on Saturdays. It's well worth taking the  
5 time to visit.  
6

7 Deputy Mayor Brender said he attended CALNO at Seminole County. Some of the  
8 people there were part of a group called ReThink that is part of District 5 DOT. Their  
9 job is to make commuting easier for people and encourage public transit and other  
10 transit systems all the way down to walking and biking. What he found interesting is  
11 there is an opportunity in the Florida Code as well as the federal tax codes to set up a  
12 transit account for an employee. Somebody who takes mass transit is allowed to set  
13 aside pre-tax dollars of up to \$125 a month for public transit. That could involve  
14 anything from a van pooler to trains or buses. Somebody using public transit on a  
15 regular basis can have \$125 a month taken out of their pay and paid directly to a  
16 service provider such as Lynx or SunRail. It encourages people to use mass transit. If  
17 the City of Lake Mary ever decided to go into some kind of transit system, either  
18 public/private partnership with businesses in Heathrow, there may be some possibilities  
19 that we could actually work up a system that they withhold the pay pre-tax, they pay us  
20 and then the City and the businesses run some kind of bus.  
21

22 Deputy Mayor Brender said the difficulty he is having with Lynx 45 and the Lynx  
23 program is that people who work in the Heathrow area who live in Deltona or Debarry  
24 are not going to ride SunRail, get on a Lynx bus that they hope will be there when they  
25 get there, and then stop 12 times before they finally get to their office on the Heathrow  
26 side. He didn't think Lynx would be able to do it. Functionally they just can't make  
27 enough stops to fill enough buses to make this work. He was trying to see if we could  
28 build some kind of public/private interest in running some kind of trolley system or  
29 something that would take people directly from SunRail to one or two stops along  
30 Heathrow International Parkway and then back again. That way it is an easy 10-minute  
31 ride. With this ReThink program and tax proposal where the money is taken pre-tax, it  
32 is something like a health savings account where the money is taken out and used for  
33 public transit. He said he would be in touch with the director of DOT and will bring back  
34 more information.  
35

36 Mayor Mealar asked Deputy Mayor Brender to keep Mr. Omana and the City Manager  
37 in the loop. There are a number of different groups meeting trying to identify and/or  
38 solve problems. He appreciated Deputy Mayor Brender's lead on that.  
39

40 Commissioner Duryea said SunRail has been going great guns and suddenly is at a  
41 dead stop. He asked if they were behind or ahead of schedule.  
42

43 Ms. Sova said they just moved further up the line. They are probably busy in Longwood  
44 right now moving up to Altamonte. They are working in segments.  
45

1 Deputy Mayor Brender said they are trying to get them all done at the same level at the  
2 same time and then they come back and start doing another group the next step.

3  
4 Ms. Sova said we have all these school crossings and they wanted to get done while  
5 school was closed.

6  
7 D. City Attorney

8  
9 Ms. Reischmann said there was another decision from a trial court upholding that the  
10 Mark Wandall Act, the Red Light Camera Act, is being perceived favorably by the  
11 courts.

12  
13 XI. Adjournment

14  
15 There being no further business, the meeting adjourned at 7:50 P.M.

16  
17  
18  
19 \_\_\_\_\_  
20 David J. Meador, Mayor

\_\_\_\_\_   
Mary Campbell, Deputy City Clerk

21  
22  
23  
24 ATTEST:  
25  
26  
27  
28 \_\_\_\_\_  
29 Carol A. Foster, City Clerk