

1 MINUTES OF THE LAKE MARY CITY COMMISSION WORK SESSION held
2 September 20, 2012, 5:00 P.M., Lake Mary City Commission Chambers, 100 North
3 Country Club Road, Lake Mary, Florida.
4

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6 Mayor David Mealor Jackie Sova, City Manager
7 Deputy Mayor Gary Brender Carol Foster, City Clerk
8 Commissioner George Duryea – Arrived Late Dianne Holloway, Finance Director
9 Commissioner Allan Plank John Omana, Community Dev. Dir.
10 Commissioner Jo Ann Lucarelli Steve Noto, Planner
11 Bruce Paster, Public Works Dir.
12 Randy Petitt, HR Manager
13 Bryan Nipe, Parks & Recreation Dir.
14 Steve Bracknell, Police Chief
15 Craig Haun, Fire Chief
16 Mary Campbell, Deputy City Clerk
17

18 The work session was called to order by Mayor David Mealor at 5:05 P.M.
19

20 Items for Discussion:
21

- 22 I. Epoch Multifamily Project, The Station House – Project Overview (John
23 Omana, Community Development Director)
24

25 Ms. Sova said we are going to have an overview of The Station House project. We
26 have CPH present to begin showing us where we stand with the project they have
27 submitted.
28

29 Javier Omana of CPH Engineers came forward. This is the beginning of a very
30 exciting time for the Downtown, TOD and SunRail related developments. He noted
31 the design team and owner representative were present. We are going to provide
32 an overview and bring the Commission up to date. The name of the project is The
33 Station House.
34

35 Javier Omana showed an aerial depicting the site. It is approximately 3.2 acres and
36 is ideally located across the street from the future commuter rail station. This is the
37 center of a lot of synergy about to occur. The future land use designation is
38 Downtown Development District and the zoning is Downtown Centre. The request is
39 of a PUD because it affords the opportunity to provide design ideas that are not
40 necessarily spelled out in the code and gives flexibility for design enhancements to
41 make this project better. The proposed density is 62.45 acres. It works because it is
42 synergy between population, the building itself and what is needed to create a viable
43 Downtown TOD and work with SunRail.
44

45 Javier Omana said the proposal is for 200 multi-family units with a host of amenities
46 to include a clubhouse, fitness center, swimming pool, and dog park. Parking is a

1 combination of on-site parking and parking structure for a minimum of 300 spaces
2 which works out to 1.5 parking spaces per unit. Stormwater is where the
3 public/private partnership comes in where we are working with the City and the City
4 will provide stormwater for the project. The utility provider is the City.
5

6 Javier Omana showed an aerial interpretation with an overlay of what the project
7 looks like. He pointed out the location for the apartments, parking, and parking
8 garage. On Wilbur Avenue is angled parking, on Old Lake Mary Road we have
9 parallel parking, and on Crystal Lake Avenue we have angled parking. Some
10 interesting conditions is the vacation of the southern portion of First Street and a 99-
11 year lease to take care of the northern portion of First Street and the alley on the
12 north side of the property. We are ideally located next to the commuter rail station.
13

14 Javier Omana showed the engineering site plan and is part of the package
15 submitted and is under review by staff. We have numerous notes requesting and
16 explaining what we are after as far as buffer, setbacks, building heights, how the
17 infrastructure is going to be working, how the parking is going to relate to the
18 building itself, to our users, and the commuter rail users.
19

20 John Cunningham of ACi Architects came forward. He said there are 200 units and
21 are one, two and three-bedroom units. The unit sizes range from 665 S.F. for the
22 one bedroom up to 1,237 S.F. for the three-bedroom units. There are 112 one-
23 bedroom units, 76 two-bedroom units, and 12 three-bedroom units. Construction
24 sequencing is a word that is not synonymous with phasing. It is going to be one
25 phase. All 200 units are going to be built but when this comes in for final you may
26 hear words about sequencing. Sequencing is that you build the garage, you build
27 the parking, you build the clubhouse and a portion of the building so you can pre-
28 lease early. There is one phase but with sequencing. It's going to be one
29 continuous build but the sooner we can lease it the sooner we can bring money in.
30

31 Commissioner Duryea arrived at this time (5:15 P.M.).
32

33 Mr. Cunningham said with regard to style, we were not trying to pick a specific style.
34 We were trying to be aggressive, transitional, and familiar with styles to create
35 timelessness and a unique quality all in one. We are not going to be able to call this
36 colonial or cracker. This is for Gen X and Gen Y and the younger people. With
37 groups like Epoch Properties, these types of projects are incubators for people who
38 are going to buy nice homes. When you look at what the rents equate to, they are
39 significant types of homes. The rents drawn from these are a good thing. These are
40 incubators for people who want to live in Lake Mary.
41

42 Mr. Cunningham said materials would be brick and stucco, board and batten siding,
43 glass insulated windows, architectural grade shingle roofs and metal roofs. The
44 general palette is better served in the packets than what is on the screen. We don't
45 have a final palette because we like to put sample panels on the site. We are

1 looking for a general agreement of where we are heading and not a specific
2 agreement.

3
4 Mr. Cunningham said the first view is looking from your back to the west near the fire
5 station looking to the north by east. He pointed out the clubhouse that is two stories,
6 a terrace/garden area where the pool is, and the entertainment area. The two-story
7 porch with the craftsman type columns is where the clubhouse and leasing office is
8 and where the fun events are taking place. There is great undulation and
9 articulation in the architecture. The deepest setback averages around 9 to 18 feet
10 so there is a lot of movement along these facades. A typical rule of thumb in smart
11 growth and good planning is that every 30 feet you have an 8 or 10-foot wide and 3
12 to 6-foot setback and we far exceed that. He thought that was important going
13 forward for the community and the Commission to feel comfortable there is
14 articulation here.

15
16 Mr. Cunningham said the average eave height is 45 to 46 feet. The typical roof
17 height is 61 to 64 feet and the iconic tower is between 71 and 75 feet. We are giving
18 a range because we are not yet in final drawings. The top wall of the garage is 52 to
19 53 feet tall. He showed the view with your back to the cemetery looking at the
20 northwest and are looking down East Crystal to the west. Old Lake Mary, Crystal
21 and Palmetto all come together and there will be an iconic tower. The top of the
22 tower will have a light glow and will be able to see from Lake Mary Boulevard across
23 the parking lot. This building might be four stories tall but it is shielding the
24 residential neighborhood which is like a grove of live oaks. Until Seminole County
25 has the land turned over to it from FDOT for development of that site, it's going to be
26 a large parking lot.

27
28 Mr. Cunningham showed a view from Lake Mary Boulevard. There will be a pocket
29 park at the apex of Wilbur and Old Lake Mary Road and will be some development
30 taking place there. You have these stair towers that are open, inviting and safe.
31 Through the articulation there is much movement between these facades along Old
32 Lake Mary Road.

33
34 Mr. Cunningham said the gross apartment building footprint is 60,510 S.F. and
35 including the four floors is about 242,000 S.F. of building area.

36
37 Commissioner Duryea asked what they were seeking from the Commission.

38
39 John Omana said tonight is strictly an introduction to the project. This is a quasi-
40 judicial matter and has to go through the rezoning process. There is no decision
41 required by the Commission this evening.

42
43 Commissioner Lucarelli said she liked it and appreciated they paid attention to her
44 comments. She likes the broken up façade and the different textures. It was what
45 she was looking for.

1 Scott Toschlog of Dix Lathrop Landscape came forward. He said this is a very
2 urban project. The focus was on streetscape and what everybody would be seeing.
3 We wanted to take advantage of the fact that we are right across from SunRail. We
4 came in off of Crystal Lake and Old Lake Mary and using some creative design
5 techniques we have a nice façade on both those roads of nice silver gates that will
6 help buffer the building and help create a strong streetscape appearance. With the
7 angled parking we came out into the roadway of Crystal Lake with large live oaks to
8 break up the space. The building has a lot of articulation to it and we have taken
9 advantage of that with the landscape by putting in sabal palms and crape myrtles to
10 soften it up. We have a dog park on the corner of the site that will be heavily
11 landscaped with oak trees. The parking garage on the north we have gone in with
12 heavy bamboo screening plantings to buffer that from the adjacent residents. We
13 have created a strong buffer to the roads to soften the building.

14
15 Commissioner Duryea asked what they had planned for the building that leads this—
16 the first one you would see coming down Old Lake Mary Road. It looks like plain
17 façade.

18
19 Mr. Toschlog said we have five or six silver gates lining the streetscape and as the
20 building steps back we came in with a cluster of sabal palms softening that. We also
21 have evergreen hollies which are six to eight feet tall planted along that buffer. We
22 have a heavy evergreen screening along with that treatment.

23
24 Commissioner Duryea asked if the outside staircase was to comply with the
25 requirement for dual access.

26
27 Mr. Cunningham said it is not meant to be utilitarian. Those are very well articulated
28 columns, cornices and trims. We break the stair out because it takes the massing of
29 the building down and creates a positive experience for people. They are fire egress
30 stairs meant to look like porches rather than a big blank wall. These guys are willing
31 to spend more money so it looks porch-like. It adds character. From a safety
32 standpoint the ground floor of the stair is enclosed and from a security standpoint
33 people can't get in there. We are trying to promote health and rather than people
34 using elevators if you have an open stair they feel more comfortable when they are
35 able to be seen by others from a distance.

36
37 Mayor Mealor said he wasn't trying to design the project but Commissioner Duryea
38 had a concern and suggested some trim or something on the first building on the
39 right. It could be something external.

40
41 Mr. Cunningham said we will look to articulate that right-hand element a bit more.

42
43 Jeremy Owens, Civil Engineer, came forward. He said water and sewer for this site
44 is existing. There are water mains along all three roads except for Old Lake Mary
45 Road. Sewer service is existing on Wilbur and Crystal Lake so we will be able to tie
46 into those. For stormwater treatment, the City is in an agreement with Epoch and

1 the City will be providing extra stormwater south of the police and fire stations for
2 this site. There is a row of off-street parking north of the building off Crystal Lake.
3 The remainder of the parking is in the parking garage and there are additional spots
4 along Wilbur, Old Lake Mary Road, and East Crystal Lake.
5

6 Mr. Owens said permitting for the site is the City, and St. Johns will be taken care of.
7 There will be a letter modification once we get the full permit in for the stormwater
8 treatment south of the police station. The City is in the process of taking ownership
9 of the Old Lake Mary Road right-of-way so the City will be the sole permitting agency
10 when it comes for site improvements after that fact. There will be a few per DEP for
11 water and sewer lines and individual services that will have to be done.
12

13 Commissioner Duryea said this development is bordering on three roads which are
14 relatively old. He assumed they would do a traffic element for this site.
15

16 John Omana said when the Downtown land use designations were changed to 18
17 units per acre back when DCA existed, staff conducted an umbrella type of
18 assessment on the traffic which allowed for so many hundred thousand feet of
19 commercial plus so many dwelling units within the Downtown. We took those
20 parameters that were approved by DCA and applied it to this particular project. In
21 terms of those concurrency issues, they have met the criteria for traffic and level of
22 service. During the development review process we will be looking at issues such
23 as geometry, templates for fire trucks and safety vehicles and making sure the
24 radiuses are accommodating.
25

26 Commissioner Duryea said what he is hearing is that these 200 apartments and the
27 ancillary structures are not going to have any effect on the traffic in that area.
28

29 Deputy Mayor Brender said it is going to have an effect because we are going to
30 have 350 cars parked around that building.
31

32 John Omana said there would be an effect that way. From a planner's standpoint
33 when a project comes in, you address the issue of level of service and concurrency.
34 We had already looked at this and established concurrency levels back with DCA. It
35 falls with those concurrency levels. Will it have an impact on the adjoining roadway
36 network with respect to angled parking and circulation, absolutely yes. As a whole
37 from a concurrency standpoint, the project does meet the criteria and that is what we
38 have to base approval on.
39

40 Commissioner Duryea asked if this project affected other people's capacity by
41 allowing this increase in traffic or dwelling units. He asked if they were using up
42 somebody else's capacity down the road.
43

44 John Omana said they are using up the available capacity that was originally created
45 as a baseline when we did the DCA analysis. That is very common whether it is
46 downtown redevelopment or concurrency throughout the City. A roadway network

1 or area will have X capacity. As development comes in it will take away from that
2 capacity.

3
4 Commissioner Duryea said because of the size of this development, somebody
5 wanting to do something down Crystal Lake Avenue or on Wilbur will be in a
6 detrimental position because the Epoch project was here first.

7
8 John Omana said first come takes advantage of what's available. The next person
9 in line will have to deal with the balances available. Within the downtown
10 redevelopment area under new legislation, there are mechanisms and creative ways
11 to address levels of service and circulation.

12
13 Commissioner Duryea said he had a concern we might have a situation at some
14 point where we have two or three big buildings and then little bungalows on the rest
15 of the street because capacity is used up.

16
17 John Omana said he understood and would keep track of that as projects come in.

18
19 Deputy Mayor Brender asked the percentage this project is taking up.

20
21 John Omana said right now we are doing the DRC review and are looking at a
22 number of thresholds. He said he wouldn't speculate what that number is but could
23 bring that up when the item comes before the Commission at a public hearing.

24
25 Commissioner Duryea said when we originally discussed this, he asked if we were
26 locked into or agreed to the 200 units and four stories plus the roof. He asked if that
27 was part of the original agreement or part of the sale.

28
29 John Omana said as he recalled under the contract agreement reviewed back in
30 January/February, he recalled language that the City Attorney had to put in
31 indicating that this contract was not a land use approval. As a result of that
32 language, once it came in through PUD and final site plan, that would be land use
33 approval and at that point the Commission would have the ability to make their final
34 decision. The contract for purchase does not vest the entitlements. What vests the
35 entitlements is the Commission's action under PUD/site plan approval. That is in the
36 process and will come to the Commission at a later date.

37
38 Commissioner Duryea said he was concerned about the straight up and down look
39 and the height of this building. It's not something we had envisioned for the
40 Downtown in the beginning. He wasn't saying he wasn't flexible but hadn't expected
41 such a large looking building. Even if the top floor was indented like a penthouse
42 kind of a thing it wouldn't give such a straight up canyon look.

43
44 John Omana said he understood. One of the things we dealt with before their
45 submittal during our discussions was definitely provide articulation. We hammered
46 these guys on foundation and landscaping and told them they had to soften the look

1 of the building. Their landscape plan will show an extensive landscape program
2 which will help soften that look.

3
4 Commissioner Plank asked the next stage on this.

5
6 John Omana said it is currently going through the DRC review. Next week we will
7 have the Development Review Committee review. If at that meeting all issues have
8 been addressed as well as the legal review of the parking structure agreement and
9 PUD agreement, it will be set up for public hearing at the Planning and Zoning
10 Board. The Planning and Zoning Board will review the project and make their
11 recommendation to the Commission and then there will be a public hearing for the
12 Commission's consideration of the project.

13
14 Commissioner Plank asked when this was set in stone.

15
16 John Omana said the vesting occurs at Final PUD. Once the Final PUD is done,
17 they have to come in with the 100% engineering plan which will be reviewed by staff
18 and will go to P&Z as the terminal board.

19
20 Commissioner Lucarelli said there are public notice requirements and assumed all
21 the people behind this development would be notified.

22
23 John Omana said we have a 300-foot radius that Mr. Noto and staff will put together.

24
25 Deputy Mayor Brender expressed concern of how they are going to get traffic in and
26 out. He realized this is urban and a lot of these people will be getting on SunRail but
27 they are not going to get on SunRail all the time. They are probably going to have a
28 car. He was concerned about getting traffic out of where the garage is going to be
29 and what direction people are going to want to go. We will probably end up needing
30 a light at Lake Mary Boulevard.

31
32 Deputy Mayor Brender said he liked the articulation and the color breakup but this
33 looks like they took the design from Maitland. It is not particularly unique. We talked
34 about curves and roof designs and this doesn't present the kind of unique
35 architecture he was looking for. Whatever they can do to soften this would be
36 appreciated. He asked if this was the drop-dead date for design.

37
38 Justin Sands for Epoch Properties came forward. We have submitted but are here
39 to hear feedback and can take that into consideration.

40
41 Deputy Mayor Brender said the design is done and the only thing we can do now is
42 talk about softening and landscape elements.

43
44 Mr. Sands said the Commission is in charge and if you say we need to go back to
45 the drawing board then we can do so. What we put in front of you is something we
46 feel strongly about. Although it might not be as extreme by some people's taste it's

1 middle of the road. We are experimenting with other color palettes to give it more of
2 an impressive look. If we do get to one of the extremes then other people may find it
3 less attractive at that point. We are trying to keep a balance. What we have put
4 before the Commission is not only the civil engineering plans but also these
5 renderings.

6
7 Deputy Mayor Brender said he understood they were talking about 200 units and
8 four stories. When we were talking about Downtown ten years ago, we didn't
9 envision having a commuter rail station at that point. That changed the dynamics of
10 what we need here. He was just hoping for something a little more "out there" on the
11 architectural side that would make this stop along this SunRail be something where
12 people would get off the train because it looks so interesting. We then want them to
13 walk around Downtown Lake Mary. Whatever we can do from this point to move
14 that is what he was talking about.

15
16 Mr. Sands said we will work with staff in terms of what leeway we have after the
17 PUD review and being able to alter the architecture. It is not final. The next step is
18 to complete the 100% drawings. We thought we had a good start on things but we
19 can look at details and ways to take it one direction or another. Colors and materials
20 can do a lot to alter the look. Although the building is not changing those can steer
21 the look. We will continue to study that and maybe come up with alternatives.

22
23 Commissioner Plank asked how staggered were the individual buildings. He asked
24 if it was possible to stagger the buildings to some degree so you are creating the
25 appearance of individual buildings.

26
27 Mr. Sands said in the rendering he didn't think the landscaping was true to the plan
28 because it was done in advance of the landscape plan. In terms of certain corners
29 being too harsh, he thought the buffering had been thought through the landscape
30 plan but they are not seeing here. In terms of undulations and comparing it to
31 Maitland he couldn't speak to, but said they have done their best with the building
32 blocks that they have which are the unit components to create movement in the
33 façade wherever we can.

34
35 Mr. Cunningham said in Maitland there are four to six-inch movements. Here there
36 are movements of up to ten feet. Every 30 feet or less there is a forward and back
37 movement. There is a lot of articulation.

38
39 Commissioner Plank said the effect we are looking for in the Downtown area is not
40 one massive façade but a series of individual buildings. He understood they had to
41 have the continuity of the development as well. That is something they may want to
42 make clearer.

43
44 Mayor Mealor said the one thing he was emphatic about is that we as a group need
45 to reach consensus that this is the direction we want to go. The County has been
46 very emphatic about their support for us on the Transit Oriented Development

1 District. The densities are a concern to everyone. Epoch has stepped out but they
2 stepped out with a sense of partnership with the City. They are investing a lot of
3 money on the front end, and we are willing to step up in a public/private partnership.
4 His concern is this conversation is going to end up costing Epoch more money. He
5 thought it was imperative that if any individual commissioner has any concern, now
6 is absolutely the time to sit down with staff before the next phase takes place. We
7 need to speak in one voice on this project because what we are doing is very
8 different. We are going to be met with opposition if it hasn't already started. We
9 have to look at what will be in the long-term best interest of this community. He said
10 he and Commissioner Duryea sat on this Commission at a time where we were
11 going to bury utility lines on Lake Mary Boulevard and it split this community for
12 several years. In retrospect it was one of the best things the commission had the
13 courage to step forward and do. He said the premise he was operating on is this is
14 going to be in our best long-term interest in terms of opportunity. His concern was if
15 they are not unified as a group, we are not being fair to Epoch and was not sure we
16 are being fair to the community. He didn't think there was anything talked about
17 tonight that hasn't been presented by staff as a concern for us to address. The
18 rendering is better than what he anticipated from some of the earlier renderings. He
19 felt good about it. This is one time we absolutely make sure Commissioners
20 Duryea's, Brender's and Plank's concerns are taken into account.

21
22 Mr. Sands said he appreciated what was said and considerable time has been
23 devoted to this. We tried to bring something pleasing. The architecture is a little bit
24 safe but we are trying to maintain a balance. We want something that everybody is
25 pleased with and feels good about the decision.

26
27 Mayor Mealor said one concern brought to their attention by others was is 200 the
28 right number to make this project work or did it need to be more. We have already
29 said he were not going more. It has to be stacked for success on the front end. He
30 said the City Manager sent a rendering from a TOD area in California and that
31 rendering is not much different than what we have before us.

32
33 Commissioner Lucarelli said a specific commissioner has something he needs to get
34 with staff on and he keeps saying the same thing over and over but was not giving
35 specifics. "I want to see something unique" but what? She suggested coming up
36 with some examples to give them direction.

37
38
39 **SIDE 1B**

40
41 Mayor Mealor said when ACi did the community forums, this rendering is reflecting
42 back to what the community preferred.

43
44 Mr. Cunningham said that was correct.
45

1 Javier Omana said we are at the preliminary final master plan submittal, the
2 developer's agreement is being looked at by the City Attorney and Epoch's attorney,
3 the school concurrency has been signed off by the Seminole County School Board
4 as of today. We look forward to reaching the last item which is the opening and
5 leasing. We are scheduled to go before the DRC next week and then we go to P&Z
6 and City Commission. Hopefully we will go before the Commission on December 6th
7 for the Final PUD approval. This is the beginning of a great dialogue. He thanked
8 staff for their patience.

9
10 II. SunRail Entry Feature (John Omana, Community Development Director and
11 Bryan Nipe, Parks and Recreation Director)

12
13 Ms. Sova said as part of redevelopment on the eastern section of Downtown in
14 conjunction with SunRail, we have some enhancement funds. We have talked before
15 about an entrance feature and Mr. Noto has some items to present tonight. We have
16 some conceptual designs that we have worked on along with Bryan Nipe and part of his
17 crew.

18
19 Commissioner Duryea asked where this would be located.

20
21 Ms. Sova said at Palmetto and Lake Mary Boulevard. The County Engineer has
22 sounded in on this item in regards to placement in case there would be a request for a
23 traffic signal in the future. We have coordinated with the County. Since the lot has
24 cleared, the telephone and power poles stick out like a sore thumb. Within these
25 enhancement funds we believe we have the funding to bury those and are working on
26 estimates with Progress to have that done. This is one time we can do that little piece
27 without a lot of controversy.

28
29 Commissioner Duryea asked if we wanted this to look like the station or like other things
30 in the City. He said he was trying to get an idea of what everybody thinks.

31
32 Mayor Mealor said we have renderings tonight that are a combination of both. He said
33 he was open to any suggestions. If you travel I-95 north and leave the State of Georgia
34 and come into South Carolina, the one thing that does catch your eye is the entry
35 feature to the state. That monument is very attractive and well done. He said he had
36 that same feeling when he was looking at some of the renderings being presented this
37 evening,

38
39 Mr. Omana said we have been working closely with FDOT and the County to get a
40 location of an entry sign feature as you come onto Palmetto. A challenge is that
41 Palmetto is only 40 feet wide so our intention in the future is to get additional right-of-
42 way as these properties come in. We are in conversation with the property owner on
43 the east side for a sign entry easement and looks to be encouraging. In talking to the
44 County they cautioned us to be careful in how we place this in the event a signal was
45 warranted in the area in the future. The last thing we want to do is put this in and then
46 have the County tear it out for purposes of placing the standard.

1
2 Mr. Noto said the exhibits were a journey of something different to something more
3 traditional that you may see in the City. The one thing harmonious through all of the
4 designs is the Welcome to Lake Mary and the slogan "Where Everyone is Waiting for
5 You". Another common theme is the column look that has two City seals. He showed a
6 rendering with palm trees that was a little more traditional and reminded him of Rinehart
7 Road. We used stone with aluminum rail on either side. The one shone was 25 feet
8 wide but could be modified. The third option has palm trees but they took off the
9 "wings" of the monument. We spoke with the City Manager for feedback on where we
10 were heading and had an interesting concept come up and that was tying in more of
11 Central Park along with the Epoch development. We went with the City brick and then
12 went with the design queues from the tower portion of the Epoch project. He said
13 Bryan's (Nipe) staff came up with a design that stick with elements in the Central Park
14 area. That is evidenced by the design page showing the items they used as inspiration
15 such as the gazebo, fountain, clock tower and bringing in a much more focused
16 pedestal and bringing in the City brick look. We are seeking Commission direction.

17
18 Commissioner Plank asked if we had any idea what the design is going to be on the
19 train station as far as materials.

20
21 Mr. Noto said he was not aware of the materials but the general understanding is that it
22 will have steel or white poles.

23
24 Commissioner Plank asked if we were moving towards any consideration of continuity
25 within the City for our entrance signs. We are all over the map right now.

26
27 Mr. Noto said he thought this opportunity we have with the sign is unique in that we are
28 having this discussion and with the Epoch project they have an entry sign. It's making
29 us think twice about how we are going to take those two and make them look similar to
30 what design elements we already have in the Downtown area. Recently we created the
31 Downtown Lake Mary logo with the incorporation of the sand hill crane. We are having
32 those discussions now, especially with the Epoch project and these designs moving
33 forward.

34
35 Commissioner Plank asked if we were moving toward a brick and mortar design.

36
37 Mr. Noto said we are looking for direction from the Commission on that.

38
39 Commissioner Plank said that wasn't his favorite. He thought it was dated and we have
40 an opportunity to refresh the image of the City. He liked the stone effect just as a
41 change.

42
43 Commissioner Duryea said there is a sign in the museum with a finger pointing and it
44 says: "Lake Mary – A Friendly City". He suggested considering that as the slogan as it
45 is historic.

46

1 Commissioner Lucarelli said she would like to see something fresh but need to think
2 consistency as we move forward because it gets too hodge-podge after a while.

3
4 Deputy Mayor Brender agreed. He looks at the TOD area as being a different sector of
5 Downtown. He didn't think that over there is going to look like what Shaw Development
6 has done over here. There can be consistency between them but didn't think they have
7 to look alike. He liked the second rendering with the wings. He would like to do the
8 same thing as we did on Rinehart and curve it. He suggested curving it around the
9 corner so it is visible from Lake Mary Boulevard and Palmetto and keep it out of the way
10 of the light that we are going to need there. He thought there was a way to create a
11 synergy between the two sides but thought what we put on this side of Country Club
12 versus what we put other there may be two different things.

13
14 Commissioner Plank said he liked all the designs except the first one.

15 16 III. FlexBus

17
18 Ms. Sova said on August 22nd staff attended a meeting with Altamonte's Growth
19 Management regarding the FlexBus project that Altamonte, Casselberry, Longwood,
20 and Maitland have been working on in conjunction with Lynx. There is a grant with Lynx
21 for \$3.3 million to study FlexBus, do some initial design, and find out how they could it
22 operate. At this point we would like to discuss whether or not the City of Lake Mary
23 would like to become a participant and what we think about FlexBus as a whole. We
24 would have to work out in another work session transportation as a bigger project and
25 what the possibilities are coming from the SunRail station. This afternoon we got some
26 responses on additional information on what trolley systems cost and could we look at it
27 from a private vendor operating.

28
29 Mayor Mealor noted that Louis Rotunda was present and is the Governmental Affairs
30 representative for the City of Altamonte.

31
32 Mr. Omana said we have been invited to participate in the FlexBus program and he and
33 Mr. Noto had a tag team to look at the issue, try to understand the issue, and try to
34 identify areas of concern and opportunity. He would defer to Mr. Noto on the technical
35 front as it relates to the system, modeling, etc.

36
37 Mr. Omana said his job on the tag team was to ask some difficult, to-the-point
38 questions. He attended a meeting at a SunRail TAC Committee meeting and they had
39 as a special item the FlexBus project. At that point the existing partners were in
40 attendance, specifically Altamonte Springs, Casselberry, Longwood, Maitland, Lynx and
41 the TransSystems project consultants. They shed light on the issue of technology,
42 current status, what is the status of the current modeling and things of that nature.
43 There were very interesting concepts and technology. The fact that you can press a
44 button and have a vehicle show up with 12 minutes is fascinating.

1 Mr. Omana said he asked who was funding this and if we become a partner, what
2 portions are we going to have to pony up. The response he got was it's up in the air
3 right now. He said that was not defined and how could he gauge the amount of
4 responsibility or effort without knowing that. After the meeting we talked a bit and the
5 issue came back to who was going to fund it and for how much. Again he didn't get any
6 clarity.

7
8 Mr. Noto said his portion of the tag team deals with technology. We brought this item to
9 the Commission's attention in November of last year when FlexBus started gaining
10 steam and word was getting out that the four cities were pushing this project. We
11 presented to the Commission a general overview of the project. This map is from then
12 so it may or may not have been updated. It does show the four cities, the four funding
13 partners of Maitland, Casselberry, Longwood, and Altamonte. This is the service area
14 for FlexBus. Smartphone technology is moving insanely fast and that is the technology
15 portion of it of how this FlexBus system would work. You could use your Smartphone or
16 strategically located kiosks to call a vehicle. At this point the vehicle to be used is
17 undetermined. You call for a vehicle and within 10 to 12 minutes the vehicle would pick
18 you up within the service area and would take you anywhere within that service area.
19 It's not like Link 45 on Lake Mary Boulevard that runs on Lake Mary Boulevard and runs
20 from A to B and only the portions along that route. The FlexBus system could take you
21 anywhere within that system. It's static and not static at the same time. It is utilizing
22 that breakneck technology.

23
24 Commissioner Plank said this is a change from Lynx's concept of FlexBus where you
25 set up an appointment two hours in advance and go to one of the stops.

26
27 Mr. Noto said that is currently known as the Neighbor Link.

28
29 Deputy Mayor Brender said we are completely open on the funding question. When
30 government funds Lynx you are not funding the riders that are riding to your city but end
31 up funding buses and stops all over their system. He remained skeptical about Lynx's
32 ability to provide the specialized kind of service and make it profitable which eventually
33 Lynx is going to have to do because governments are running out of money to fund it. If
34 we don't pony up for bus transportation then it goes away. This is a separate
35 discussion from SunRail because people on the train are not going to call when they're
36 10 minutes away from Lake Mary and you're not going to have 50 people calling looking
37 for a pickup at SunRail in 10 minutes so they can go to Heathrow. What he is seeing
38 happening is 50 people getting off the train and all of them are going to want to go to
39 Heathrow. He was not sure how much the City would gain in participating. He would
40 have to see a lot of numbers.

41
42 Commissioner Duryea said there were too many "ifs" for him.

43
44 Commissioner Lucarelli said being on the Metroplan board and asking these similar
45 questions to Lynx it has always been that Lake Mary doesn't have the ridership. She
46 didn't know where they picked that out. She didn't like the open-ended blank check and

1 was not agreeable without knowing a specific number. She would look more to the
2 private sector to have a solution to this. She didn't think government public
3 transportation was ever profitable.

4
5 Mayor Mealor said at Mayors/Managers we have asked if there could be a briefing. We
6 know there are a number of consultants out there and a lot of different projects going
7 on. He said he couldn't get his arms around all of them and was not sure that he even
8 comprehended what the ultimate end of game is for some of the consultants. We will
9 monitor the progress of the four cities, wish them success, and see where we go from
10 there.

11
12 IV. Adjournment

13
14 There being no further business, the work session adjourned at 6:28 P.M.

15

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held September 20,
2 2012, Lake Mary City Commission Chambers, 100 North Country Club Road, Lake
3 Mary, Florida.

4
5 I. Call to Order

6
7 The meeting was called to order by Mayor David Mealor at 7:03 P.M.

8
9 II. Moment of Silence

10
11 III. Pledge of Allegiance

12
13 The Pledge of Allegiance was led by the home-schooled children,

14
15 IV. Roll Call

| | | |
|----|-------------------------------|-------------------------------------|
| 16 | | |
| 17 | Mayor David Mealor | Jackie Sova, City Manager |
| 18 | Deputy Mayor Gary Brender | Carol Foster, City Clerk |
| 19 | Commissioner George Duryea | Dianne Holloway, Finance Director |
| 20 | Commissioner Allan Plank | John Omana, Community Dev. Dir. |
| 21 | Commissioner Jo Ann Lucarelli | Steve Noto, Planner |
| 22 | | Bruce Paster, Public Works Dir. |
| 23 | | Randy Petitt, HR Manager |
| 24 | | Bryan Nipe, Parks & Recreation Dir. |
| 25 | | Steve Bracknell, Police Chief |
| 26 | | Bruce Fleming, Sr. Code Enf. Off. |
| 27 | | Craig Haun, Fire Chief |
| 28 | | Katie Reischmann, City Attorney |
| 29 | | Mary Campbell, Deputy City Clerk |
| 30 | | |

31 The order of the agenda was changed and the proclamation for Home Schooled
32 Student Government Day was presented at this time.

33
34 A. Proclamation – Home Schooled Student Government Day

35
36 The City Attorney read a proclamation proclaiming September 20, 2012, as “Home
37 Schooled Student Government Day”.

38
39 Mayor Mealor presented the proclamation to Sylvia Healy.

40
41 The Commission returned to the regular order of the agenda at this time.

42
43 V. Approval of Minutes: September 6, 2012

44

1 **Motion was made by Commissioner Duryea to approve the minutes of the**
2 **September 6, 2012, meeting, seconded by Commissioner Plank and motion**
3 **carried unanimously.**
4

5 B. Proclamation – National Community Planning Month
6

7 The City Attorney read a proclamation proclaiming October 2012 as “National
8 Community Planning Month”.

9
10 Mayor Mealor presented the proclamation to John Omana, Community Development
11 Director.

12
13 VII. Unfinished Business
14

15 A. Ordinance No. 1469 – 2012/2013 Final Millage Rate – Second Reading
16 (Public Hearing) (Jackie Sova, City Manager)
17

18 Ms. Sova requested to read both ordinances, have simultaneous public hearings, and
19 vote separately.
20

21 The City Attorney read Ordinance No. 1469 and Ordinance No. 1470 by title only on
22 second readings.
23

24 Ms. Sova said she wanted to affirm that the tax rate of 3.6355 mills is being adopted for
25 the fifth year in a row. It is .54% lower than the rolled-back rate of 3.6552.
26

27 Commissioner Duryea gave a thank you to staff, City Manager and Commission. We
28 are again the lowest millage rate in Seminole County by 1.2 mills.
29

30 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1469. No
31 one came forward and the public hearing was closed.
32

33 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1469 on**
34 **second reading establishing the millage rate at 3.6355 mills and the rolled-back**
35 **rate of 3.6552, a .54% decrease, seconded by Commissioner Lucarelli and motion**
36 **carried by roll-call vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes;**
37 **Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**
38

39 B. Ordinance No. 1470 – 2012/2013 Final Budget – Second Reading (Public
40 Hearing) (Jackie Sova, City Manager)
41

42 Ordinance No. 1470 was read by title only on second reading and presented under Item
43 8-A.
44

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

1 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1470 on**
2 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
3 **call vote: Commissioner Duryea, Yes; Commissioner Plank, Yes; Commissioner**
4 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

5
6 C. Ordinance No. 1471 – Extend Moratorium on Pain Management Clinics until
7 December 31, 2012 – Second Reading (Public Hearing) (Gary Schindler, City
8 Planner)
9

10 The City Attorney read Ordinance No. 1471 by title only on second reading.

11
12 Mr. Not stated staff had no further comments.

13
14 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1471. No
15 one came forward and the public hearing was closed.
16

17 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1471 on**
18 **second reading, seconded by Commissioner Plank and motion carried by roll-call**
19 **vote: Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
20 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

21
22 **SIDE 2A**
23

24 VIII. New Business

25
26 A. CEB 04-92-006 John Graney, Respondent, 203 Hurst Court (Bruce Fleming,
27 Senior Code Enforcement Officer)
28

29 Bruce Fleming, Senior Code Enforcement Officer, came forward. He said this matter
30 was heard by the Lake Mary Code Enforcement Board on October 20, 1992. At issue
31 for the board's consideration was violation of Lake Mary's Code as it pertains to land
32 use, specifically Chapter 150, the Building Code, and Sections 150.06, Permits
33 Required. The property owner of 203 Hurst Court installed a cinderblock concrete fence
34 around the property. He showed the fence on the overhead projector. The City
35 attempted on numerous occasions to develop compliance by way of sending certified
36 notices, doing stop work orders, and routine things we do for providing notice on a code
37 violation. There was no response from that property owner.
38

39 Mr. Fleming said the Code Enforcement Board determined that the penalty for this
40 infraction would be \$50 per day for each and every day until this property was brought
41 into compliance. The property still remains non-compliant. The number in the memo of
42 \$648,000.00 is the bank's number. He re-calculated the penalty for 20 years as well as
43 interest and his number is \$514,439.87. The amount due September 30, 2012, is
44 \$514,439.87.
45

1 Mr. Fleming said the bank foreclosed on this property around July 2012 and in doing so
2 the title search revealed that there was an outstanding code enforcement lien. The
3 bank has contacted the City of Lake Mary and due to the circumstances surrounding the
4 foreclosure and the 20 years of continued violation, the bank has asked that the City
5 consider a complete forgiveness of the current obligation.
6

7 Mr. Fleming said in his research, he gave options he felt was appropriate. The first is
8 the lien will expire after 20 years and the City Commission could take no action. Twenty
9 years will expire approximately November 18, 2012, at which time the code case dies
10 and the violation remains. Code Enforcement would have to have another hearing and
11 do the process all over again. He cautioned the Commission that the Code
12 Enforcement Board on situations like this go as high as \$250 per day as opposed to \$50
13 per day that was originally assessed so you run the risk of the penalty being reassessed
14 by the Code Enforcement Board and be substantially more.
15

16 Mr. Fleming said the second option is you could foreclose the lien on this property so
17 long as the action is filed before November 18, 2012.
18

19 Mr. Fleming said the third option is the City could pursue a new code violation on the
20 wall with the same findings and file a whole new lien and starting over again.
21

22 Mr. Fleming said he spoke with the Community Development Department to ascertain
23 whether the City would allow such a structure in a residentially zoned district if they
24 were to ask for a permit. The answer was negative. The City would not allow this type
25 of wall to exist. In order to bring this property into compliance they would have to
26 remove the wall in its entirety or the City would allow them to cover it with a brick façade
27 as long as the front of the house is decorative. They would have to have a 25-foot
28 decorative front end on the wall in order for it to remain.
29

30 Ms. Sova said we cannot ascertain the structural integrity of this wall. We are uncertain
31 of that at this point because it never was inspected when it was built. The pictures show
32 the condition and one of the pictures shows what appears to be some sections missing.
33 Maybe over the 20 years the sections have come down or been removed. That is of
34 great concern as well.
35

36 Commissioner Duryea asked the City's legal rights.
37

38 Ms. Reischmann said the lien expires after 20 years. That's the way the State Statutes
39 reads. It is a public policy of not letting these things linger in perpetuity.
40

41 Commissioner Duryea asked what would be the downside of foreclosing, fixing the
42 property and selling it.
43

44 Ms. Reischmann said the downside would be attorney's fees to foreclose and if the
45 bank fights us on it, they may have some defenses. There may be the possibility that
46 they fight us hard on it in which case the attorney's fees could escalate. The City would

1 own the property but maybe they don't want the property. Other than the costs and the
2 cost of ownership it would solve part of the problem.

3
4 Commissioner Duryea asked if the City was sitting in front of that mortgage holder if we
5 decide to go that process.

6
7 Ms. Reischmann said there is no mortgage anymore because they foreclosed. Most
8 likely what happened here is they did not include the City in the foreclosure when they
9 should have. The lien was 20 years ago and assumed their mortgage was subsequent
10 to that so they were foreclosing on a junior lien. She didn't know the state of the title but
11 generally that means they take subject to our lien. They are subject to the lien until
12 November. We have the option of bringing a new case which is going to cause another
13 lien and will escalate quickly.

14
15 Commissioner Plank asked if the City could require as a condition of forgiving the fines
16 that the bank bring the wall into compliance and assure its stability.

17
18 Ms. Reischmann answered affirmatively. Typically you wouldn't entertain a request to
19 reduce or eliminate a lien if they haven't brought it into compliance. That is the City's
20 policy. In this case it was brought because we are about to lose our lien so the
21 Commission needs to decide to foreclose if we are going to keep the lien.

22
23 Commissioner Plank said they could outweigh us and we would be required to file a
24 new lien.

25
26 Commissioner Duryea asked if there was another option between now and November
27 to negotiate with the bank and come to a number we could live with, we have an
28 agreement that they are going to take down the wall, and we will release the lien. If not
29 we have that month of October to file it.

30
31 Mayor Mealor said the Bank of America letter stated that it was their intent to correct the
32 situation. The Bank of America holds the rights to the property. We want to negotiate a
33 set amount with the proviso that it will be their responsibility to bring that property into
34 compliance before there is any change of status or we can reinstitute action again.

35
36 Mr. Fleming said that is correct. We have a representative of the bank who wants to
37 speak to the Commission.

38
39 Deputy Mayor Brender asked if the house was empty.

40
41 Mr. Fleming has the house has been empty for a number of years.

42
43 Deputy Mayor Brender asked how this could exist for 20 years. We place the lien and
44 then let it exist for 20 years. He asked if that was the only thing they could do.

1 Mr. Fleming said City staff brought this matter for consideration in 2002. At that time the
2 lien had been there for 10 years. At that time the bank that owned it was superior to the
3 City's lien so we had to back off and leave it alone. The mortgage had federal and state
4 tax liens and then the City's lien. It would not have been cost effective to get involved
5 and pursue a foreclosure.

6
7 Todd Luna of Exit Real Estate Results came forward. He stated he was the listing
8 agent for Bank of America for this property. We were assigned this property through
9 Bank of America on July 23rd which was about 11 days after they received Certificate of
10 Title. During that time we did our due diligence and is when this code violation came
11 up. When we got the property it was not well maintained and our policy is to make sure
12 the properties are maintained and not become an eyesore for the community. Bank of
13 America wants to make sure this is remedied. We have it under contract and our
14 repairs are needed for that transaction to go through. We got a couple of bids to have
15 the fence removed of \$15,000 to \$20,000.

16
17 Mayor Mealor said as long as the lien is sitting they are not going to move the property.
18 Let's find a creative solution and put a family in that home. We have a situation that
19 needs to be corrected and believed Mr. Luna was stating he was willing to take the wall
20 down or bring it into compliance.

21
22 Mr. Luna said whatever we can do to get this. It is currently listed at \$160,000 with
23 \$25,000 of repairs which we are renegotiating to try and reduce that cost. When the
24 \$648,000 lien came up we said what do we have here. We took it upon ourselves to
25 find out what it would cost to get the wall removed and we are waiting to find out what
26 we can do.

27
28 Mayor Mealor said this lien sunsets within two months. He asked Mr. Fleming if he felt
29 comfortable working with Mr. Luna that if we are willing to forgive it the proviso is that
30 goes away in November 2012, however, should the wall not be taken down or brought
31 into compliance that we will initiate a new process.

32
33 Mr. Fleming said generally the way it works in these types of situations is the owner,
34 through its representative, would provide to the City in writing what its intents are and
35 what timeframe it seeks on trying remove the violation. We will take that but we need to
36 have it in writing and have it on file. If they say they are going to do it and didn't and
37 misrepresented the facts then the Code Enforcement Board will deal with them
38 accordingly.

39
40 Mayor Mealor suggested to task Mr. Luna to go to Bank of America and have them put
41 something in writing to Mr. Fleming and the City. He has a two-month window. He
42 asked Mr. Luna if he was comfortable doing that.

43
44 Mr. Luna answered affirmatively. Besides the demolition of the wall there was mention
45 of making the wall decorative. The parts missing from the wall he wasn't sure if it was
46 ever completed in that area.

1
2 Mayor Mealor said by law we have to have the structural integrity because we have had
3 this public discussion and it is on the record. Should anything happen out there then we
4 are liable and was not willing to assume that risk on behalf of the taxpayers.

5
6 Mr. Fleming clarified that the determination by the Commission is that the lien will be
7 forgiven so long as they provide in writing how they intend to remediate the violation.
8 He asked if that was correct.

9
10 Deputy Mayor Brender said they could take the wall down or if they check the structural
11 integrity then recover it with brick.

12
13 Mr. Fleming said that would be in the permitting process and in that process staff would
14 demonstrate for the owner that these are the things we require to allow the wall to
15 remain standing which will include engineering, brick façade and things of that nature.

16
17 Deputy Mayor Brender said in either case that will be the bank's responsibility realizing
18 they will have to spend \$20,000 to remove the wall, \$40,000 to fix the wall, or \$514,000
19 to pay the lien.

20
21 Mr. Fleming said the letter will stipulate specifically how they intend to proceed.

22
23 B. Approval of Developer's Agreement for McDonald's, 4210 West Lake Mary
24 Boulevard, CPH Engineers, Inc., applicant (Public Hearing) (Steve Noto,
25 Planner)

26
27 Mayor Mealor said this item was postponed from an earlier meeting at the request of the
28 applicant. The original P&Z minutes were quite pointed and the latest P&Z minutes
29 were very agreeable.

30
31 Mr. Noto showed an aerial of the McDonald's property at 4210 West Lake Mary
32 Boulevard. They came to staff earlier in the year for a site plan revision to update the
33 building. He showed a rendering of the proposed update. This is the treatment that
34 McDonald's has started to give many of its restaurants in the nation.

35
36 Mr. Noto said they needed to do some site improvements along with this revision. The
37 issues were number of seats inside the restaurant and number of parking spaces on
38 site. It didn't line up code-wise. After we went to P&Z, CPH came back to staff and we
39 did some digging. Twenty-something years ago before the McDonald's was developed,
40 the property was owned by Sun Bank. A developer's agreement was entered into
41 between the City and Sun Bank that when McDonald's was developed there would be
42 cross access between the Medplex property and McDonald's property. That was done
43 and is there today. In having the public hearings, talking with folks in Medplex, and
44 knowing the issues with parking and the interior seats, we eventually agreed that the
45 number of seats would be decreased to 80, which was the originally approved number
46 of seats in the restaurant. When the site work was to be done that parking spaces

1 were to be removed to allow for the second drive-thru lane. They are moving three
2 parking spaces from the north to the south portion of the site and closing access to
3 Medplex. We have a letter from the Medplex board agreeing to this closure, moving
4 three spaces to this area, adding a motorcycle space, and adding ADA connection to
5 the sidewalk on Sun Drive. Originally they were going to add rumble strips but will be
6 adding a raised crosswalk to better identify the exit to the building on the west side of
7 the property so folks can make it safer to their parked cars and new sidewalk.

8
9 Mr. Noto said the site plan was approved by P&Z on August 28th. The item before the
10 Commission is the amendment to the 1990 developer's agreement. That developer's
11 agreement states that there is to be cross access between Medplex and McDonald's.
12 With the site plan revisions approved by the Planning & Zoning Board, they also
13 recommended approval of the amendment to the developer's agreement. The
14 developer's agreement needs action by the Commission to allow for the closure of that
15 cross access.

16
17 Mr. Noto noted representatives of CPH were present. Staff recommends approval of the
18 amendment to the developer's agreement.

19
20 Deputy Mayor Brender asked what percent decrease in the number of parking spaces
21 by adding a drive-thru.

22
23 Mr. Noto said we had many discussions about that. With the reconstruction of the
24 building—the exterior and interior—they are making their kitchen more efficient to work
25 with. With the addition of the drive-thru they are adding technologies and changed their
26 work flows so the folks going through the drive-thru are served quicker and more
27 efficiently. When McDonald's initially came through they found customers wanted
28 things a certain way but now it has gone to more folks using the drive-thru and less the
29 inside. For the City that doesn't matter. The code says if you have this many seats and
30 this many employees you have this many parking spaces. The initial request was to
31 keep the number of seats that they had in the restaurant which exceeded the required
32 number of parking spaces. They had 112 and were short about 10 to 12 spaces. The
33 original request had a variance tied with it to decrease the number of parking spaces.
34 The P&Z action happened so they came around and said they would do 80 seats and
35 came back with the parking. Even if this new configuration does decrease the demand
36 for parking, our code requirements do not recognize that and they have to have the
37 number needed.

38
39 Deputy Mayor Brender said he understood they were talking code but he was talking
40 about the reality check side. Right now there is overflow parking that goes into the
41 Medplex. He thought McDonald's would have some idea that with two drive-thrus that
42 their number of seat requirements are going to drop.

43
44 Mr. Noto said their philosophy is it may decrease but still want to have seats inside for
45 folks who want to come and eat. The wall that exists they will be adding decorative
46 fencing and toward the north and south portions.

1
2 Commissioner Duryea said he was against taking out the cross access easement
3 because it is there so people don't have to go out on Lake Mary Boulevard and there is
4 no decal lane in front of McDonald's to alleviate that problem. It is very difficult to
5 maneuver in that parking lot because when you turn in from Lake Mary Boulevard you
6 have to make a sharp right-hand turn. If they increase the amount of drive-thru it
7 increases the traffic. It's a very narrow site. He said he didn't think this was a good
8 idea.

9
10 Commissioner Plank asked if McDonald's had this dual order lane in place in other
11 stores.

12
13 Mr. Noto said at Lake Mary Boulevard and 17/92.

14
15 Commissioner Duryea said that one has multiple entrances and has an entrance off
16 Lake Mary Boulevard.

17
18 Commissioner Plank said this one had an entrance off Sun Drive.

19
20 Justin Polk of CPH Engineers, 550 West Fulton Street, Sanford, Florida, came forward.
21 In regard to the question of how the drive-thru affects the capacity issues, when
22 McDonald's first put in drive-thrus in the '70's, 25% of our customers went through the
23 drive-thru. It was a new evolution and nobody utilized it. Throughout the '80's and '90's
24 that number grew to half of our customers. Today more than two-thirds of our
25 customers go through the drive-thrus and at many locations up to 80% more.

26
27 Mr. Polk said he had been designing McDonald's over the state with CPH for eight
28 years. One of his first projects he was tasked with was when side by side drive-thrus
29 were coming out. In all of Central Florida this store in Lake Mary was targeted to do
30 this. At the time there were issues we could not overcome so that did not go through
31 and we have come back now to try and alleviate that. Numbers show that when we
32 have a single drive-thru lane, only about 60 cars an hour can be processed through.
33 When we put the side-by-side drive-thrus that number goes in the triple digits per hour
34 and have had upward 120 to 150 an hour. We are not bringing more customers in but
35 are processing the customers faster. We have been in the situation where we pull up to
36 a McDonald's and all you want is a coffee and the woman in front of you has six kids in
37 the car and they order for ten minutes and they get to the window and the order is not
38 ready. With the side-by-side entry, if that person clogs that lane up, the outside lane is
39 still moving. Five, six, seven, eight cars can go through the outside lane before the
40 inside lane order is processed. It stops these backups.

41
42 Mr. Polk said a perfect example is the store at 17/92 and Lake Mary Boulevard.
43 Routinely that store used to back up onto 17/92. A year ago we put the side-by-side in
44 and you almost can't witness a drive-thru backup. On French Avenue in Sanford we
45 finished that side-by-side less than a month ago and we are getting less backups. We
46 are getting the customers into the site and are eliminating the safety issue of them

1 backing up. You may say what will that do to parking. A lot of problems we have with
2 this store is the drive-thru lane will get backed up on Lake Mary Boulevard so customers
3 park and go in. This will eliminate those customers from parking and that is where we
4 are reducing some of the parking demand. He couldn't say this will never back up
5 because there will be occasions when it will. In increases flow and reduces the demand
6 of the store.

7
8 Mr. Polk said regarding the closing of the cross access, closing a cross access is
9 normally something you never want to do. A cross access is meant to keep people off
10 the arterials. We wouldn't even look at that option if Sun Drive didn't exist. Sun Drive
11 acts as a cross access for all the businesses in between Sun Drive down to Rinehart
12 Road. Medplex was one that brought up the issue of the cross access and people
13 parking and walking over and they asked us to eliminate that. It is part of the
14 negotiation and compromise we have been working on with staff and property owners.

15
16 Commissioner Duryea expressed concern of adding another drive-thru lane on the east
17 side of the building where you are hard pressed to back out of the space without hitting
18 anybody now.

19
20 Commissioner Plank said the additional lane is only at the order point.

21
22 Mr. Noto said that was correct. There will continue to be only one lane used for drive-
23 thru on the east side. There are two windows but they are both on the north side. He
24 pointed out the area that is currently the median landscape area where they are
25 punching through and adding the additional lane. You will continue to have your bypass
26 travel lane.

27
28 Mr. Polk said we still want the lane to queue on one lane. If you queue two lanes wide
29 and you happen to get stuck behind that person in the mini-van he spoke about, the
30 whole theory just went out the window. We queue one lane and as you get to the tip of
31 that island is where the cars will diverge. There is signage and pavement markings.

32
33 Mayor Mealor asked if anyone wanted to speak in reference to this request. No one
34 came forward and the public hearing was closed.

35
36 **Motion was made by Commissioner Lucarelli to approve the amendment to the**
37 **developer's agreement for McDonald's, seconded by Commissioner Plank and**
38 **motion carried by roll-call vote: Commissioner Lucarelli, Yes; Deputy Mayor**
39 **Brender, Yes; Commissioner Duryea, No; Commissioner Plank, Yes; Mayor**
40 **Mealor, Yes.**

41
42 C. Conditional Use Approval of a city-owned health clinic in R-1A zoning, 170
43 Seminole Avenue (Public Hearing) (Gary Schindler, City Planner)

44
45 Ms. Sova said this is the conditional use for the City's Health Clinic on Seminole
46 Avenue. It is the house we are converting for the clinic.

1
2 Mr. Noto said Mr. Schindler was the project manager for this item but is out of town.
3 The subject property is to the west of City Hall. It is a 1,600 S.F. home in R-1A zoning.
4 A community service facility is considered a conditional use in the R-1A zoning district.
5 We reviewed this conditional use against the seven findings of fact that we do for every
6 conditional use and we find that all findings of fact met or exceeded the code and
7 comprehensive plan requirements.

8
9 Mr. Noto said the Planning & Zoning Board heard this item at their August 28, 2012,
10 meeting and voted unanimously to recommend approval. Staff recommends approval.

11
12 Deputy Mayor Brender asked if there would be a separate parking area for the clinic.

13
14 Ms. Sova answered negatively. We will utilize the on-street parking because it will be
15 middle of the day usage. We will have a handicap parking space in the existing
16 driveway.

17
18 Mayor Meador asked if anyone wanted to speak in reference to this conditional use
19 request. No one came forward and the public hearing was closed.

20
21 **Motion was made by Deputy Mayor Brender to approve the conditional use for a**
22 **city-owned health clinic in the R-1A zoning district, seconded by Commissioner**
23 **Lucarelli and motion carried by roll-call vote: Deputy Mayor Brender, Yes;**
24 **Commissioner Duryea, Yes; Commissioner Plank, Yes; Commissioner Lucarelli,**
25 **Yes; Mayor Meador, Yes.**

26
27 D. Resolution No. 906 – Property Acquisition – 140 East Wilbur Avenue and 143
28 East Lake Mary Avenue (Jackie Sova, City Manager)

29
30 The City Attorney read Resolution No. 906 by title only.

31
32 Ms. Sova said we heard earlier in the summer from the Trailblazers that they had a
33 business plan for participating with the City to create a community center. That
34 community center would be in the building that was the former Junior Academy and
35 then became the dormitory for Lake Mary Prep students. It is at 140 East Wilbur
36 Avenue and there is an adjacent parcel at 143 East Lake Mary Avenue. We have
37 looked at the business plan and have done some additional work to get a basic rough
38 estimate on what it would take to remodel the interior of the building and would take
39 approximately \$175,000. That's without bidding and getting competitive with the
40 numbers.

41
42 Ms. Sova said she and Bryan (Nipe) have worked on some additional information. We
43 looked at what revenues used to be in the old community center, the types of meetings,
44 and additional revenues from the Events Center when the whole building could be
45 scheduled for an evening and not be interrupted by smaller meetings in smaller rooms.

46

1 Mr. Nipe said the center is 6,000 S.F. and a number of options have been tossed
2 around of dividing into two and possibly three rooms. This would give the ability to
3 program in a number of different ways. (1) Rental of the space for any one of our
4 community groups or families. (2) Use of contractors for Zumba, aerobics, and a
5 number of different uses in terms of recreational activities where we would partner with
6 the contractors and receive a certain percentage. (3) We haven't had summer camp in
7 a number of years and this will allow us to contract with camp counselors create a
8 program model to run a good summer camp.

9
10 Mr. Nipe said the \$175,000 demo and renovation is a base and we could go out to bid.
11 That was given to us by a local contractor.

12
13 Commissioner Duryea asked if there was a sense of what the property is worth.

14
15 Ms. Sova said based on comparables and one of the comparables happens to be
16 Walter's Electric which the City now owns.

17
18 **SIDE 2B**

19
20 Ms. Sova said they had a \$1.1 million appraisal a few years ago and updated it with
21 about the same number. They want out from under this and want to be good
22 community partners with the City. Several months ago when we met with them about
23 another property and they talked about they had this piece on the market the number
24 they wanted was significantly higher. The \$625,000 is what they agreed to.

25
26 Commissioner Duryea said that is about \$100 a square foot and includes the land. We
27 couldn't build it for that.

28
29 Ms. Sova said that was true. We looked at that. Commissioner Plank and the
30 Trailblazers priced out St. Peter's and their new activity center. We have an opportunity
31 with this particular location that isn't going to come back our way.

32
33 Mayor Mealor said the intent is there will be some revenue recapture.

34
35 Mr. Nipe said all programs will be self-supportive.

36
37 Mayor Mealor asked if anyone wanted to speak in reference to Resolution No. 906. No
38 one came forward and the public hearing was closed.

39
40 Deputy Mayor Brender said if we are going to do this, let's do it right. Let's not do what
41 we did with the Events Center and engineer out some of the things we just spent a lot of
42 money on to put back.

43
44 **Motion was made by Deputy Mayor Brender to approve Resolution No. 906,**
45 **seconded by Commissioner Duryea and motion carried by roll-call vote:**

1 **Commissioner Duryea, Yes; Commissioner Plank, Yes; Commissioner Lucarelli,**
2 **Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

3
4 IX. Citizen Participation

5
6 Edwin Lawrence, 252 Bald Eagle Run, came forward. He said his hope is to get on the
7 agenda for next month to present a more detailed explanation of what we're seeking.
8 He expressed concerns with the expansion of the SunRail project. As a community we
9 have many people being directly affected with the expansion of the new rail and the
10 demolition of the trees. They are very respectful of everyone's property but it doesn't
11 eliminate the noise, dust, and equipment working. We are here as a group this evening
12 and are asking to be permitted to go on next month's agenda so we can have more time
13 to prepare and bring photographs to show the conditions existing in our backyards.
14 They are literally a foot away from my fence. We have contacted the SunRail folks and
15 they assure us there is nothing in their long-range plans to replant shrubbery, plants,
16 greenery, or fences. Their way of appeasing us is telling us the trains will not be as long
17 and as noisy as the existing freight trains and the horn will be mounted at track level
18 instead of on top of the locomotive. That may be well and good but just the aesthetics.
19 He said he could read a book that one of the passengers is reading as he is passing by
20 because the train is so visible because of the demolition of the trees. He said he didn't
21 know the procedure for getting on next month's agenda.

22
23 Mayor Mealor said it will not be necessary for Mr. Lawrence to get on the agenda. The
24 City Manager or staff will schedule a meeting and will make sure all his information is
25 presented and find a way to bring it to resolution, and if not we will address it as a
26 commission.

27
28 Mayor Mealor said he spoke with the Chairman of the County Commission yesterday
29 about this item and they too have been in touch with the Florida Department of
30 Transportation.

31
32 No one else came forward and citizen participation was closed.

33
34 X. Reports

35
36 A. City Manager

37
38 1. Youth Golf Program Agreement

39
40 Ms. Sova said this is a Youth Golf Program Agreement. She said Bryan has been at
41 work trying to find a way to keep our parks busy and get us a cut of the action.

42
43 Mr. Nipe said this is another program that has come to us. The contractor happens to
44 be a PJ professional who wants to run a program for kids 3 to 8 years old at our multi-
45 use field during a time when it's not getting any use. We are looking to enter into an
46 agreement with them. There is some revenue sharing involved so maintenance is offset

1 in that regard. He thought it was a good program. The kids will be swinging on plastic
2 balls and hitting off mats so they won't be doing any damage to the grass.

3
4 **Motion was made by Commissioner Duryea to authorize the City Manager to**
5 **execute one-year contractual agreement with Little Linksters, LLC and Brendon**
6 **Elliott to operate a golf instruction program at the Sports Complex, seconded by**
7 **Deputy Mayor Brender and motion carried unanimously.**

8
9 Ms. Sova said in the packets is the Financial Report with an investment summary.

10
11 Ms. Sova said also in the packets is the letter from the Seminole County Public Schools
12 that they are going to discontinue paying our stormwater fee. They are doing that
13 throughout the County. There is a little of this going on throughout the state. The
14 League of Cities has two committees to work on legislation to solve this once and for all.
15 This has been going on basically since stormwater fees came into inception.

16
17 Ms. Sova said the City of Altamonte Springs in partnership with the Seminole County
18 Public School Board, Seminole County Regional Chamber of Commerce, Progress
19 Energy, the Adventist Health Systems and other sponsors are having a grand opening
20 of their science incubator tentatively for November 1st or November 2nd at the Lake
21 Lotus Parks Facility. Please let the City Clerk know if you want to attend.

22
23 Ms. Sova said the Food Truck Crave will be back September 30th at Central Park from
24 4:00 P.M. to 7:00 P.M. Bring your chairs, blanket and family and have a good time.

25
26 B. Mayor

27
28 Mayor Mealar said we were represented at a number of functions. Commissioner
29 Brender and Ms. Sova have been involved in Leadership Seminole Government Day
30 and thanked them.

31
32 Mayor Mealar said he had an opportunity with Greenwood Lake Middle School to
33 commemorate 9/11 with a Freedom Walk. He thanked the administrators and teachers,
34 especially Mr. Perry who heads up the Junior ROTC program for a remarkable morning.

35
36 Mayor Mealar thanked the Lake Mary Council and Commissioners for the community
37 update we were able to provide. We appreciate what they do for the community.

38
39 Mayor Mealar said he was invited to attend the Heathrow Women's Club's 25th
40 anniversary. The Lake Mary Women's Club celebrated their 50th in the spring. They do
41 a remarkable amount of work for the community and we thank them for that.

42
43 Mayor Mealar said as part of Constitution Week, earlier this week was able to address
44 students at Lake Mary High School and Deputy Mayor Brender would be doing that
45 tomorrow.

1 Mayor Meador said after he left Lake Mary High School he was at Seminole High
2 School. If the students he interacted with are any indication, we have a remarkable
3 future. They are incredibly talented and respectful. He expressed thanks for the
4 invitation from Lake Mary and Seminole High Schools.

5
6 C. Commissioners (4)
7

8 Commissioner Lucarelli said Leadership 21 was able to celebrate the grand
9 opening/ribbon cutting of the new dental center. It is very much needed in the
10 community. Last Thanksgiving she had an issue with her brother needing serious
11 dental care. She was proud her class was able to accomplish that.

12
13 Commissioner Lucarelli said she attended the BeFit Health Center ribbon cutting.

14
15 Commissioner Lucarelli said she attended Tri-County and talked about her stalking
16 initiative. She thanked Chief Bracknell for his support during her stalking situation and
17 invited him to be attendance at their September 27th press conference at the
18 courthouse. It will be inside at 2:00 P.M.

19
20 Chief Bracknell thanked Commissioner Lucarelli for the invitation and that he would be
21 there.

22
23 Commissioner Lucarelli asked if there was any provision to stop the Lake Jessup Basin
24 monitoring. We are why below she questioned why we needed to keep doing it.

25
26 Mr. Paster said he had that same question and have spoken to then about this. They
27 still want the data to put into the new model. When he first presented this the model
28 had a lot of uncertainties. They are going to redo the model at the five-year mark. We
29 are three and a half years in, they are working on a new model now, and they still want
30 all of this information. At the time they redo the model he thought it would be obvious to
31 say our portion is insignificant and maybe can get out entirely. He wanted to make sure
32 he gave them five years of data to prove it is not a pollute or seasonal item.

33
34 Deputy Mayor Brender said he would be at Lake Mary High School in the morning
35 talking about the Constitution and was looking forward to it.

36
37 Commissioner Duryea said there was a special meeting at the Events Center this
38 evening by Americans for Prosperity. They had a speaker, Dick Morris, a political
39 commentator who was involved in the Clinton Administration. It was very interesting
40 and was nice to see people get involved. He thought it was very helpful. There was
41 over 250 people there.

42
43 Commissioner Plank said he had occasion to represent the City and Mayor on a
44 SunRail dry run. We left from Deland and took the Amtrak train down to Kissimmee.
45 Along the way they showed us each of the stations and was happy to say all have
46 broken ground except one. There was a high level of enthusiasm among the cities

1 involved in the project. They took the time in Kissimmee to show us what is happening
2 with SunRail. There were representatives from Lynx, SunRail and Mayors'
3 Commission. It was very interesting trip. He was anxious to see this come back and
4 hopefully in the not too distant future will have the cars to sample the run and
5 scheduling.

6
7 D. City Attorney
8

9 Ms. Reischmann distributed a handout on public records and Sunshine Law issues.
10 There is a probe of Miami Beach officials. That probe by the state attorney was
11 launched because someone said they saw two commissioners speaking at a pause in
12 the meeting. She wanted the Commission to be aware that those things can happen
13 and suddenly the state attorney is involved looking into Sunshine Law violations.

14
15 Ms. Reischmann said we have been getting a lot of public records requests in other
16 cities for E-mails. It's such a hassle when they ask for E-mails for a year's time and you
17 are trying to find it on a particular subject. She wanted to be sure all commissioners are
18 forwarding anything they get on their personal computer to their City E-mail address.
19 That is crucial; otherwise, you could have your personal computer opened for review by
20 a judge and then it starts racking up a lot of costs for the City for attorney's fees.

21
22 XI. Adjournment
23

24 There being no further business, the meeting adjourned at 8:25 P.M.
25
26
27

28 _____
29 David J. Meador, Mayor

_____ Mary Campbell, Deputy City Clerk

30
31
32
33 ATTEST:
34
35
36

37 _____
38 Carol A. Foster, City Clerk