

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held November
2 3, 2011, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country
3 Club Road.

4
5 I. Call to Order

6
7 The meeting was called to order by Mayor David Mealor at 7:05 P.M.

8
9 II. Moment of Silence

10
11 III. Pledge of Allegiance

12
13 IV. Roll Call

14		
15	Mayor David Mealor	John Litton, City Manager
16	Deputy Mayor Gary Brender	Carol Foster, City Clerk
17	Commissioner George Duryea – Absent	Jackie Sova, Asst. City Manager
18	Seat 3 – Vacant	Dianne Holloway, Finance Dir.
19	Commissioner Jo Ann Lucarelli	John Omana, Com. Dev. Dir.
20		Gary Schindler, City Planner
21		Steve Noto, Planner
22		Bruce Paster, Public Works Dir.
23		Steve Bracknell, Police Chief
24		Craig Haun, Fire Chief
25		Katie Reischmann, City Attorney
26		Mary Campbell, Dep. City Clerk
27		

28 V. Approval of Minutes: October 20, 2011

29
30 **Motion was made by Deputy Mayor Brender to approve the minutes of the**
31 **October 20, 2011, meeting, seconded by Commissioner Lucarelli and**
32 **motion carried unanimously.**

33
34 Mayor Mealor welcomed students from Seminole State College that were present
35 for a class assignment. Any student from Seminole State or any of our public
36 education entities are always welcome. Any member of the Commission or staff
37 would be happy to address or follow up any concerns you may have related to
38 the meeting or the assignment.

39
40 Mayor Mealor announced they would amend the agenda and move Resolution
41 No. 884 (Item 8-E) to Special Presentations and will follow the proclamation for
42 the 25th Annual Lake Mary-Heathrow Festival of the Arts.

43
44 VI. Special Presentations

45
46 A. Proclamation – 25th Annual Lake Mary-Heathrow Festival of the Arts

1
2 The City Attorney read a proclamation proclaiming November 5, 2011, and
3 November 6, 2011, as "Lake Mary-Heathrow Festival of the Arts Days".

4
5 Mayor Mealor said on behalf of the Commission and City Manager, it was his
6 pleasure to present this proclamation recognizing the 25th anniversary of one of
7 the most remarkable art shows in the State of Florida. He congratulated
8 DeLores Lash, Chair of the Lake Mary-Heathrow Arts Festival, for a job well done
9 and presented her with the proclamation.

10
11 DeLores Lash thanked the Mayor, City Attorney, City Manager and Councilmen
12 for this opportunity to have the arts festival. She appreciated the help the City
13 gives. We are starting ours off with Veterans Day too. We have a veteran's band
14 from Orlando which Congressman John Mica's office helped us to get. That will
15 be at 10:30 Saturday morning.

16
17 Ms. Lash presented copies of the arts festival poster with the artist's signature
18 and number to the Commission, City Manager and City Attorney.

19
20 Commissioner Lucarelli said the original oil painting is up for auction with bids
21 starting around \$575.

22
23 Ms. Lash served brownies and ice cream.

24
25 Mayor Mealor asked Raquel Sanchez from the Seminole County Health
26 Department to come to the podium.

27
28 B. Resolution No. 884 – Supporting initiatives limiting youth access to all
29 forms of candy or fruit flavored tobacco and nicotine products.

30
31 The City Attorney read Resolution No. 884 by title only.

32
33 Commissioner Lucarelli thanked the students for this initiative. You have no idea
34 what an impact you are making on your community and fellow students. She
35 said her father died from smoking and has seen firsthand the seriousness of it.
36 She commended them for their efforts.

37
38 Mayor Mealor said we are going to have a student presentation. These are
39 students from Seminole County high schools.

40
41 Kayla Ordonez, Akeem Bivens, Jessica Howley, and Shirley Costillo of SWAT
42 (Students Working Against Tobacco) came forward.

43
44 Kayla Ordonez thanked the Commission for having them to talk about candy
45 flavored tobacco in Seminole County. We are here to ask for your support to
46 pass a resolution urging all tobacco companies and retailers to make an effort to

1 stop the marketing and selling of flavored tobacco in Seminole County. We are
2 not the only ones that have done this. Thirty-seven other cities and counties
3 have passed a resolution regarding flavored tobacco in their county. We hope to
4 do the same and strengthen Seminole County's "Protect Our Youth and Our
5 Future".

6
7 Ms. Ordonez said this is important because almost 90% of all tobacco users
8 have started before the age of 18. 8.6% of middle school and 20.3% of high
9 school students have used tobacco once or more within the last 30 days; 9.9% of
10 middle school and 22.8% of high school students have tried tobacco products;
11 7.1% of middle school and 18.6% of high school students have tried flavored
12 cigars; and 18.9% of high school students have tried flavored hookah.

13
14 Jessica Howley said the Harvard School of Public Health has found that big
15 tobacco companies are now trying to cover or mask the harsh toxic properties
16 that are found in regular tobacco with candy flavor.

17
18 Ms. Howley said we know they are targeting youth by a nationwide survey of
19 teens and adults of how likely they see flavored tobacco products and
20 advertisements for them. Teens are more than twice as likely to have seen
21 flavored tobacco advertisements. Sweetness can impart a different delivery taste
22 dimension which younger adult smokers may be receptive to as evidenced in
23 their taste wants in other product areas.

24
25 Shirley Costillo said luckily for us in June of 2009 the Family Smoke and Tobacco
26 Act was passed. This gave the FDA the power to regulate tobacco sales and
27 subsequently ban candy flavored cigarettes. However, this did not affect
28 smokeless tobacco, snus, cigars and hookah which are some of the most
29 common flavored tobacco products. To date, 100% of the surveyed retail outlets
30 in Seminole County sell and advertise at least one form of flavored tobacco
31 products such as cigarillos, Black and Mild, blunt wraps, flavored chewing
32 tobacco, snus, and hookah. All of those flavored tobacco products were in
33 attractive packaging and advertises with bright colors that might attract our youth.
34 She showed on the overhead products currently being test marketed by the
35 tobacco companies and very similar characteristics to candy. This is being test
36 marketed to counteract the Clean Indoor Air Act. She showed a picture of all the
37 candy flavored tobacco targeting our youth.

38
39 Ms. Costillo said read a resolution:

40
41 **A resolution of the Lake Mary City Commissioners urging all**
42 **tobacco retailers to make every effort to help stop the sale of**
43 **flavored tobacco products.**
44
45

1 **WHEREAS**, tobacco use is the number one cause of preventable death in
2 the United States, and almost 90 percent of tobacco users started before they
3 were 18 years old; and
4

5 **WHEREAS**, research from the Harvard School of Public Health found that
6 tobacco manufacturers are targeting youth with flavored products that mask the
7 harsh and toxic properties found in tobacco smoke and spit residue; and
8

9 **WHEREAS**, tobacco manufacturers are banned from directly or indirectly
10 targeting youth in advertising, marketing and promotion of tobacco products
11 aimed at initiating, maintaining or increasing youth use of tobacco in ordinance
12 with the 1998 Master Settlement Agreement; and
13

14 **WHEREAS**, internal tobacco industry documents strongly suggest that
15 manufacturers intentionally target youth through the various flavors in tobacco
16 products in their marketing; and
17

18 **WHEREAS**, tobacco companies use youth-oriented colorful and stylish
19 packaging, and exploit adolescents' attraction to flavors such as Green Apple,
20 Cherry, Root Beer, French Vanilla, Grape, Mango, Peach and numerous other
21 flavors identified in retail outlets in Seminole County; and
22

23 **WHEREAS**, according to the 2010 Florida Youth Tobacco Survey, 20.3%,
24 or nearly 20,000, middle and high school students have already used flavored
25 tobacco products; and
26

27 **WHEREAS**, a survey of tobacco-selling merchants conducted by the
28 students working against tobacco, students found that 100% of retailers in
29 Seminole County sell flavored tobacco; and
30

31 **WHEREAS**, flavored tobacco products are defined as loose tobacco, snuff
32 flour, plug and twist tobaccos, fine cuts, long cuts, chewing tobaccos, dissolvable
33 tobaccos, snus, shisha tobaccos, cigarettes, cigarillo, cigars, other smoking and
34 snuffing products, and all other forms of tobacco that is designed to be
35 characterized of a flavor of either tobacco or the byproduct it produces.
36

37 Ms. Costillo said in the support packs we have given the Commission, you will
38 find over 500 signatures we have collected from the concerned public who
39 wishes to stop the targeting of our youth with flavored tobacco products.
40

41 Ms. Costillo said on behalf of herself and her colleagues, we appreciate your
42 continued support and consideration of our priorities and thanked the
43 Commission for having them.
44

45 **Motion was made by Commissioner Lucarelli to approve Resolution No.**
46 **884, seconded by Deputy Mayor Brender and motion carried by roll-call**

1 **vote: Deputy Mayor Brender, Yes; Commissioner Lucarelli, Yes; Mayor**
2 **Mealor, Yes.**

3
4 Mayor Mealor announced that some of the students present from Seminole State
5 College are on their very successful baseball team.

6
7 C. Presentation on TIGER III Grant, Flex Bus, and Link 45 – John Omana
8 and Steve Noto, Community Development Department
9

10 Mr. Omana said this is the fruit of a number of intergovernmental coordination
11 efforts taken by staff. We have been busy with the Regional Planning Council,
12 Metroplan, Seminole County and our colleagues in the municipalities in Seminole
13 County. The coordination effort is focused on the issue of SunRail and how we
14 maximize our options and create efficiencies given that project is moving forward.
15 This summarizes some of the fruits of our labors and we will be available for any
16 questions.

17
18 Mr. Noto said he would provide a snapshot of the TIGER III Grant, the Flex Bus
19 project that is occurring in south Seminole County, and Link 45 that runs along
20 Lake Mary Boulevard.

21
22 Mr. Noto said TIGER is an acronym for Transportation Investment Generating
23 Economic Recovery grant. This is the third round of this grant and it came out
24 earlier this year. The purpose of the grant is for us to take advantage of projects
25 that focus on sustainability, connectivity, and quality of life. There are four bullet
26 points in the staff report that give more description as to what these projects
27 need to be such as long term economic competitiveness, energy efficiency and
28 things of that nature.

29
30 Mr. Noto said when we were informed about the grant process, Metroplan and
31 the East Central Florida Regional Planning Council took the lead because the
32 emphasis from the federal government was to work in collaboration with each
33 other—all the cities, all the agencies, all the transportation agencies—because
34 they wanted big applications. They didn't want piecemeal applications from all
35 the different governments. They wanted to see that everyone is working
36 together.

37
38 Mr. Noto said we were part of many phone conferences and face-to-face
39 meetings to see what type of projects that the cities had shovel ready for this
40 grant. He emphasized "shovel ready" because that is one of the items you have
41 to meet in order to get this funding. The governments are required to provide a
42 20% match for these projects and that is a great segue way into the Flex bus
43 project.

44
45 Mr. Noto said the Flex Bus project has been undertaken by the City of Altamonte
46 Springs and Casselberry. Altamonte has been working on this project for at least

1 ten years. Even with their TIGER application for the project, which now includes
2 Casselberry as a funding partner as well as the County, the project will also
3 encompass Longwood and Maitland who are not funding partners. There is no
4 guarantee they will get funding for it. Casselberry is providing \$8.7 million for this
5 project; Altamonte Springs is putting forward \$5.2 million; and Seminole County
6 is putting forward \$226,000. The total project is roughly \$35 million.

7
8 Mr. Noto pointed out the general service area of the project on the exhibit. The
9 top of the paper is just north of the Longwood SunRail station so it is essentially
10 quite a bit south of our city limits and our main roadway which is Lake Mary
11 Boulevard. We are at a geographical disadvantage for this project, however, one
12 thing we agreed upon at the staff level was that we don't have the traffic volume
13 of 436 or 17-92 to worry about. This project not only requires millions of dollars
14 in matching funds, it has also been a shovel ready project for some time. We
15 also have the benefit of Link 45.

16
17 Mr. Noto said Link 45 is a very important mass transit line in the City. He pointed
18 out the current route of Line 45 on the exhibit. It goes down Lake Emma Road,
19 comes around Greenwood, and then goes north on International Parkway. We
20 met with Lynx in September to start talking about how this line would interact with
21 the SunRail station. We wanted to make sure it works well with SunRail and
22 when the train comes to the station that the buses will be there to get folks to our
23 major employment centers on the western portion of the City. SunRail is roughly
24 three to four years away so we have some time to work with them to make sure
25 the timing of the stops are in order.

26
27 Mr. Noto said we talked about the portion of Link 45 that does not capture the
28 rest of the employment centers west of I-4 which is the northern portion of
29 Colonial Center south of 46A. We started discussing potential improvements to
30 Link 45 and how we can attract more users to the system and get these folks
31 who may work north of AAA Boulevard to their office. He said the red line on the
32 exhibit indicates a potential addition to Link 45 going north to 46A, east over I-4
33 and running south on Rinehart Road, possibly cutting through Primera.
34 Conceptually Lynx didn't have an issue with this but they need to do their specific
35 research to make sure it wouldn't interfere with their timing of the line. This isn't
36 set in stone but is something the City is asking Lynx to look into. We also asked
37 them to look at Link 45 running on Sundays and holidays. We have asked them
38 for some cost estimates and are waiting for a response.

39
40 Mr. Noto said staff will continue working with the different agencies in the region.
41 We have a very good working relationship with Metroplan, the East Central
42 Florida Regional Planning Council, and the other municipalities so they do a
43 good job of keeping us in the loop of new federal grant opportunities.

44
45 Mr. Noto said we are also looking at ways where we can incorporate pedestrian
46 safety measures in the Downtown. There is a picture in the packets about these

1 pedestrian flashing beacons. There is one on North International Parkway by the
2 Weston Hotel. They appear to be very popular and they work well in the Tampa
3 area. It is something we are looking at and we will continue to research other
4 methods as we move along.

5
6 Deputy Mayor Brender said it was mentioned that Casselberry came up with \$8
7 million. He asked if that was money they had invested in transportation like the
8 local option gas tax.

9
10 Mr. Noto said it was his understanding it was in their budget as something they
11 could use for something like this. He said he didn't know specifically where they
12 took it from in their budget but they had it available to use for this type of project.

13
14 Deputy Mayor Brender said that money is going to be spent on a Flex Bus
15 service.

16
17 Mr. Noto said Flex Bus, sidewalk improvements, pedestrian improvements and
18 things of that nature.

19
20 Deputy Mayor Brender said he remains unconvinced that Lynx is going to be the
21 answer for getting SunRail riders to the Heathrow side of the City. If you look at
22 the route and multiply it by the number of stops on Lake Mary Boulevard and the
23 number of stops all the way around, it is a 35 or 40-minute ride which means
24 nobody is going to wait 40 minutes for a bus to take them to work. He believed
25 we are going to have to work with our Heathrow business partners to try to come
26 up with some kind of joint-use trolley or something in order to move people over
27 there. We owe that much to SunRail because if we cannot provide near
28 instantaneous transportation to get them from the SunRail station to their place of
29 work nobody is going to get on SunRail. He emphasized he didn't mean within
30 three to six blocks of where they work but right to their front door.

31
32 Mayor Meador said we want to be creative and look at options but we also don't
33 want to forget Florida Chambers' five pillars of quality of life because three of
34 them are met by Seminole State College in terms of arts, education, and
35 economic development and the link to take any potential student from our station
36 to the college is something we want to be able to look at also. He thanked staff
37 for the presentation and update.

38
39 VII. Unfinished Business

40
41 There was no unfinished business at this time.

42
43 VIII. New Business

- 44
45 A. Fifth Amendment to the Third Amended and Restated Development
46 Order for Colonial Center Heathrow Planned Unit Development, James

1 Johnston, Esquire, with Shutts & Bowen, LLP, for Colonial Realty
2 Limited Partnership and Ed Wright, applicants – First Reading (Public
3 Hearing)
4

5 Mr. Noto asked to combine the presentations for Items A and B. There were no
6 objections by the Board.
7

8 The City Attorney read Ordinance No. 1447 by title only on first reading.
9

10 Mr. Noto said Item A, Fifth Amendment to the Third Amended and Restated
11 Development Order, will just be a hearing tonight. He explained there was an
12 advertising issue with the Sanford Herald. Since it is on the agenda it can be
13 heard tonight but action will be taken on November 17th along with second
14 reading of the rezoning (Ordinance No. 1447).
15

16 Mayor Mealar clarified that we will vote on Ordinance No. 1447. Mr. Noto said
17 that was correct.
18

19 Mr. Noto said this is a regulatory table that has been set many times and we are
20 just putting some new silverware on the table. Usually DRI amendments are
21 done through NOPCs with coordination from the state, East Central Florida
22 Regional Planning Council, and other agencies. However, the change that is
23 requested was very minor. We coordinated with Mr. Fred Milch at the East
24 Central Florida Regional Planning Council and asked if was necessary to do a
25 full blown NOPC and since the change was so minor he advised us to do a
26 regular amendment. We can do this through our process here this evening.
27

28 Mr. Noto said what they are doing with the DRI amendment is shifting the
29 entitlements from townhomes to apartments. They have maxed out the Lake
30 Mary apartment number at 340 dwelling units which is allowed in the
31 Comprehensive Plan. Action will be taken on this item on November 17th.
32

33 Mr. Noto said the rezoning is necessary to change the different development
34 patterns and development requirements for the specific lot that this project is for
35 which is Community B, the 108-unit apartment project that's currently in DRC
36 review. That will eventually go to Planning & Zoning for site plan approval. We
37 anticipate that item to be brought forth in December.
38

39 Mr. Noto said the changes to the PUD are outlined on Page 3. They are very
40 basic modifications removing one or two words from different sections. He
41 highlighted in the Public Safety section that the applicant agreed to contribute
42 \$50,000 to the City for a new fire/rescue vehicle. That money will be available
43 when the City issues the site construction permit.
44

45 Mr. Noto said the Planning & Zoning Board heard both of these items at their
46 October 11, 2011, meeting and unanimously recommended approval 5 – 0. The

1 DRI amendment has four conditions that are consistent with previous conditions
2 we brought forth with the other amendments to the DRI. The rezoning has no
3 conditions. Staff recommends approval of both items. He noted the applicant
4 was present.

5
6 Mayor Mealor asked if anyone wanted to speak on these two items. He
7 reminded everyone that they would only be voting on Ordinance No. 1447. No
8 one came forward at this time and the public hearings were closed.

9
10 B. Ordinance No. 1447 - First Amendment to Fourth Amended and
11 Restated Commitments, Classification and District Description,
12 Colonial Center Heathrow Planned Unit Development, James
13 Johnston, Esquire, with Shutts & Bowen, LLP, for Colonial Realty
14 Limited Partnership and Ed Wright, applicants (Public Hearing)

15
16 Ordinance No. 1447 was read by title only on first reading, presented, and public
17 hearing held under Item 8-A. See Page 7, Line 45.

18
19 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1447**
20 **on first reading, seconded by Commissioner Lucarelli and motion carried**
21 **by roll-call vote: Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes;**
22 **Mayor Mealor, Yes.**

23
24 C. Ordinance No. 1448 - Rezone two City-owned properties from R-1A
25 (Residential) to DC (Downtown Centre), south side of Greenleaf Lane
26 and Lake Street – First Reading (Public Hearing)

27
28 The City Attorney read Ordinance No. 1448 by title only on first reading.

29
30 Mr. Schindler said these are the last two of the City owned properties in the
31 Downtown to be rezoned. They had the land use changed to Downtown
32 Development District and we are now changing the zoning to Downtown Centre.
33 They meet or exceed all the minimum standards required for rezoning.

34
35 Mr. Schindler said on October 11, 2011, the P&Z voted unanimously to
36 recommend the proposed DC zoning.

37
38 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No.
39 1448. No one came forward and the public hearing was closed.

40
41 **Motion was made by Commissioner Lucarelli to approve Ordinance No.**
42 **1448 on first reading, seconded by Deputy Mayor Brender and motion**
43 **carried by roll-call vote: Deputy Mayor Brender, Yes; Commissioner**
44 **Lucarelli, Yes; Mayor Mealor, Yes.**

1 D. Ordinance No. 1449 - Providing for proposed amendments to the
2 Charter to be placed on the ballot for the January 31, 2012, election -
3 First Reading (Public Hearing)
4

5 The City Attorney read Ordinance No. 1449 by title only on first reading.
6

7 Mayor Mealor said there are a couple of recommendations and we will need to
8 make some decisions. We will discuss this after we have a public hearing.
9

10 Ms. Reischmann said the questions generally include information on what the
11 current charter is and then a question based upon what the change is. The
12 numbers the Charter Review Committee suggested to go first are 1, 2, 3 and 9.
13 She said the numbers in the memo changed because Carol picked up on the fact
14 that old No. 5 could be done by ordinance and that was confirmed. One, 2, 3
15 and 9 are the Preamble, the residency requirement, the filling of vacancies on the
16 Commission, and the technical amendments that the Charter Review Committee
17 felt should go first or however the Commission wanted to handle that. Four, 5, 6,
18 7 and 8 would go at a later date. Typically you attempt to put into your question
19 a single subject. Not that you have to but you try to make your question focus on
20 one particular subject to avoid any possible challenge to your question. You can
21 always get a challenge that the ballot question is confusing as we have seen
22 happen at the state level.
23

24 Mr. Litton said the Charter Review Committee originally recommended that we
25 go forward with ten but now is reduced to nine. There was concern we may
26 create voter fatigue and end up not getting what we felt was necessary. We
27 directed them to prioritize and is what they did.
28

29 Deputy Mayor Brender said we are taking those four and putting them on the
30 January 2012 ballot and we can hold the other five until possibly November
31 2012.
32

33 Mr. Litton said the Commission could do whatever they wanted.
34

35 Deputy Mayor Brender said that was the suggestion that's coming forward.
36

37 Mr. Litton answered affirmatively based upon the Commission's direction to the
38 Charter Review Committee.
39

40 Mayor Mealor said we were adamant when we met with the Charter Review
41 Committee that the public be well informed of the rationale for the recommended
42 changes. He thought the Charter Review Committee felt with the time
43 constraints between now and a January election, coupled with the holiday period,
44 the intervening timeframe would be reduced and it may not be fair to the citizens
45 to try to load a ballot without proper explanation.
46

1 Ms. Reischmann said that was correct.
2
3 Mayor Mealor asked if anyone had any questions for the City Attorney or Mr.
4 Litton. No one had questions at this time.
5
6 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No.
7 1449, providing for proposed amendments to the Lake Mary City Charter. No
8 one came forward and the public hearing was closed.
9
10 Deputy Mayor Brender said by voting for Ordinance 1449 they would be
11 establishing two election dates. He asked if that was correct.
12
13 Ms. Reischmann answered negatively. The way 1449 is written it has all nine
14 questions. The Commission could move 1449 eliminating questions 4, 5, 6, 7,
15 and 8 and have a first reading.
16
17 Mayor Mealor said we have opened it up for public input, we have had a number
18 of forums where the community has been invited, we have reached out to
19 different constituencies, and it was his understanding that the Charter Review
20 Committee had no public participation.
21
22 Mr. Litton said that was correct.
23
24 Mayor Mealor asked the Commission if they wanted to go forward with any ballot.
25
26 **It was the consensus of the Commission to go forward with a ballot.**
27
28 Mayor Mealor said we are intimately familiar with the nine items. He thought the
29 public would quickly grasp what those issues are and based on comfort level with
30 the Commission would vote accordingly. He asked the Commission if they
31 wanted to consider all nine questions for the January election.
32
33 Deputy Mayor Brender said that was the hard part of him. Regardless of how well
34 informed our constituents may be, he was not sure we can give all nine of these
35 items a fair hearing or anything other than a single mailing piece out that
36 describes all nine items. If we are not in any rush and there is no need to put all
37 nine on one ballot, he leaned toward splitting them up.
38
39 **It was the consensus of the Commission to split the questions up.**
40
41 Mayor Mealor asked the Commission if they were comfortable with the Charter
42 Review Committee's recommendation of questions 1, 2, 3, and 9 appearing on
43 the January ballot.
44
45 **It was the consensus of the Commission to place questions 1, 2, 3 and 9 on**
46 **the January ballot.**

1
2 **SIDE 1B**
3

4 Mayor Mealor asked the City Attorney's recommendation on how this should be
5 presented prior to a vote.
6

7 Ms. Reischmann suggested to move approval of Ordinance No. 1449 lessing out
8 Charter Amendments 4 – 8.
9

10 **Motion was made by Commissioner Lucarelli to approve Ordinance No.**
11 **1449 on first reading lessing out Charter Amendments 4 through 8,**
12 **seconded by Deputy Mayor Brender and motion carried by roll-call vote:**
13 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor,**
14 **Yes.**
15

16 Mayor Mealor said the City Charter had not been reviewed in a significant period
17 of time. He thanked former Mayor Thom Greene who served as the chair of that
18 Charter Review Committee, the Chairman of the Planning & Zoning Board Dr.
19 Robert Hawkins, Mr. Sid Miller, former Commissioner DeLores Lash, Darrell
20 Jarvis, Allan Plank, and Brian Loe for their dedicated service. He thanked Jackie
21 Sova for her direction in coordinating that committee outcome.
22

23 Mr. Litton said at the next meeting we will bring a staff recommendation on how
24 to educate the public on this. We have the holidays coming up and it is
25 imperative that we get the word out. We would look for the Commission's input.
26

27 E. Resolution No. 884 - Supporting initiatives limiting youth access to all
28 forms of candy or fruit flavored tobacco and nicotine products
29

30 Resolution No. 884 was read by title only, presented, and approved under
31 Special Presentations. See Page 2, Line 28.
32

33 IX. Citizen Participation
34

35 Joanne Counelis, 136 East Alma Avenue, came forward. She said she would
36 like to have the bus on Longwood-Lake Mary Road and 434 on Sundays and
37 holidays, along with any other days and at nighttime.
38

39 No one else came forward and citizen participation was closed.
40

41 X. Reports
42

43 A. City Manager
44

45 Mr. Litton said he had no action items tonight but had a couple of
46 things/reminders to bring to the Commission's attention.

1
2 Mr. Litton said Daylight Savings Time ends Sunday, November 6th, at which time
3 customers will revert to once a week lawn and landscape irrigation. In
4 accordance with the St. Johns River Water Management rules, residents with
5 odd numbers or no addresses are allowed to irrigate on Saturdays and
6 residential units with even numbers can irrigate on Sundays. Irrigation may not
7 occur between 10:00 A.M. and 4:00 P.M.

8
9 Mr. Litton reminded everyone of the election on Tuesday, November 8th. The
10 polling place is City Hall in the Commission Chambers. Polls will be open from
11 7:00 A.M. to 7:00 P.M. Early voting begins tomorrow (November 4th) from 10:00
12 A.M. to 6:00 P.M. at the Supervisor of Elections office located at 1500 East
13 Airport Boulevard in Sanford. It continues on Saturday and Sunday from noon
14 until 4:00 P.M. on both days. Absentee ballots can be obtained from the
15 Supervisor's office. For additional information contact the City Clerk at 407-585-
16 1423.

17
18 Mr. Litton said the new commissioner, along with Commissioners Lucarelli and
19 Duryea, will be sworn into office at 6:00 P.M. on November 17th prior to the
20 regular meeting.

21
22 Mr. Litton said all non-essential City offices will be closed Friday, November 11th,
23 in observance of Veterans Day.

24
25 Mr. Litton reminded everyone of the County meeting to deal with SunRail which
26 has been scheduled for November 15th at 1:30 P.M. in the BCC Chambers.

27
28 Mr. Litton said he had the opportunity to have lunch with the new County
29 Manager and he is very willing to work with us. He said the County Manager
30 asked him to send a letter regarding the City taking over Country Club Road. He
31 was very amenable to that. He said he wanted to make sure the Commission
32 still wanted to accomplish that.

33
34 Deputy Mayor Brender said he realized there would be some expenses tied to it.

35
36 Mr. Litton said what concerned him the most was the culvert by Liberty Park but
37 thought it was worth the risk.

38
39 **It was the consensus of the Commission to direct the City Manager to send**
40 **a letter to the County Manager regarding the City taking over Country Club**
41 **Road.**

42
43 Mr. Litton encouraged everyone to stop by the Lake Mary Museum beginning
44 Saturday to see the "Holly Dolly Christmas" exhibit. Over 400 donated vintage
45 and collectible dolls will be on display and for sale. This is a great way to start a
46 doll collection or add to an existing one. Admission is free. The museum is

1 located at 158 North Country Club Road and is open Thursdays from 6:30 P.M.
2 to 8:30 P.M., Saturdays from 10:00 A.M. to 2:00 P.M., or by appointment by
3 calling 407-585-1481.

4
5 Mr. Litton said he had three meetings left but would like to continue to complete
6 his term as Chairman of Public Risk Management which ends October 1, 2012.
7 With the Commission's permission he would like to continue in that role.

8
9 Mayor Meador asked if that could come to them at the November 17th meeting
10 from Ms. Sova through Mr. Litton. That way we will formalize it so there will
11 never be any doubt as to why you are doing that. The service Mr. Litton is
12 rendering to us is invaluable.

13
14 B. Mayor

15
16 Mayor Meador had no report at this time.

17
18 C. Commissioners (4)

19
20 Commissioner Lucarelli said she attended a lot of festivals. She attended the
21 Fall Festival at Grace United Methodist Church. The fire and police were there
22 and they did an awesome job. She attended the Marching Band Festival at Lake
23 Mary High School and it was incredible. Hagerty High that has won
24 championships did their winning performance. They got a standing ovation.

25
26 Commissioner Lucarelli said she attended the Kids' House open house and EBC
27 barbeque.

28
29 Commissioner Lucarelli said yesterday was a Leadership Seminole Coffee and
30 Conversation. She said Mayor Meador was there with Alex Martins from the
31 Orlando Magic and he had some good words of wisdom for conquering
32 challenges when you are in a leadership role, building teams together,
33 overcoming personalities, and building the cohesiveness.

34
35 Commissioner Lucarelli said this morning at Good Morning Seminole they talked
36 about health care reform. She said Craig Bair from South Seminole Hospital,
37 Andrea Herr from AGIS insurance, a surgeon, and another lady spoke. It was a
38 scary conversation as to how it could impact not only doctors and hospitals but
39 us as consumers. She agreed with Andrea's remarks 100%. We need to stop
40 attacking doctors and the insurance agencies so much and focus on where we
41 have come over the past few decades in our food and agriculture industries,
42 giving growth hormones and steroids to chickens or cows to make them grow
43 faster and bigger, and how that has impacted our health and increased health
44 risks. That needs to get more of a focus on it.

1 Commissioner Lucarelli said she received an e-mail from an old high school
2 friend who was dining at Peach Valley with his dog outside and was asked to
3 leave saying dogs weren't allowed in Lake Mary and it was a health code
4 violation. She said she didn't think so because she had seen them outside at
5 Jack's. She asked if there was some kind of Lake Mary thing or was this Peach
6 Valley passing the buck.

7
8 Mayor Meador said neither one was in the City of Lake Mary.

9
10 Deputy Mayor Brender said he wasn't aware of a County ordinance for outside.

11
12 Ms. Reischmann said usually communities have doggy dining ordinances that
13 specifically allow dogs to dine outside. She said she wasn't sure what the right
14 answer to that is.

15
16 Deputy Mayor Brender said he attended CALNO that was hosted by Seminole
17 State College at the Heathrow campus. He said Joe Sarnovsky gave an update
18 on the college and their new enrollment number is now 32,000 making it the third
19 largest community/state college in the state. About 60% of those students are
20 going to the Lake Mary/Sanford campus and the rest to the Altamonte, Oviedo,
21 and Heathrow campuses. They are not counting on a lot of state money coming
22 in so they are trying to put together public/private partnerships for construction of
23 buildings, particularly with the large piece of land they have acquired in the
24 Altamonte Springs area by their existing building. They have closed on both of
25 the car lots all the way down to Maitland Boulevard, and it adds a substantial
26 amount of land to what is now a single 100,000 S.F. building and over the next
27 five to ten years could go into hundreds of thousands of square feet.

28
29 D. City Attorney

30
31 Ms. Reischmann had distributed an easement agreement earlier in the meeting
32 for an easement to be given to the City from Bentley Park. It is replacing a
33 temporary easement that they gave to provide access to the County lift station.
34 She asked the Commission to approve the agreement and authorize the Mayor
35 to sign.

36
37 **Motion was made by Commissioner Lucarelli to approve the Utility**
38 **Easement Agreement with Bentley Park Associates, Ltd. and authorize the**
39 **Mayor to sign, seconded by Deputy Mayor Brender and motion carried**
40 **unanimously.**

41
42 Ms. Reischmann said there was a significant Florida Supreme Court decision
43 that came out in favor of governments. It reversed a 5th DCA opinion involving a
44 landowner who had sought a permit from the St. Johns River Water Management
45 District and St. Johns proposed what the court felt was an unconstitutional
46 condition to the permit requiring some off-site work be done. The owner

1 appealed the permit denial and won and was granted the permit but then he also
2 asked for inverse condemnation damages because he had been asked to do
3 something he considered unconstitutional. He was awarded almost half a million
4 dollars in damages. There were many appeals. It ultimately went to the Florida
5 Supreme Court. The Florida Supreme Court put in italics *“Nothing was taken*
6 *from him and that governments should have the ability to evaluate permits and*
7 *negotiate conditions without being afraid of having to pay damages if ultimately a*
8 *condition is considered unconstitutional”*. Ms. Reischmann said it was a very
9 exciting, good decision.

10
11 Deputy Mayor Brender asked the date of Holiday in the Park. Mr. Litton said
12 December 2nd.

13
14 XI. Adjournment

15
16 There being no further business, the meeting adjourned at 8:10 P.M.
17
18
19

20
21 _____
22 David J. Mealor, Mayor

20
21 _____
22 Mary Campbell, Deputy City Clerk

23
24
25 ATTEST:

26
27
28
29 _____
30 Carol A. Foster, City Clerk