

1 MINUTES OF THE SPECIAL CALLED LAKE MARY CITY COMMISSION MEETING
2 held November 6, 2014, 6:15 P.M., Lake Mary City Commission Chambers, 100 North
3 Country Club Road, Lake Mary, Florida.

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5
6 I. Call to Order

7
8 The meeting was called to order by Mayor David Mealor at 6:15 P.M.

9
10 II. Roll Call

11		
12	Mayor David Mealor	Jackie Sova, City Manager
13	Commissioner Gary Brender	Carol Foster, City Clerk
14	Deputy Mayor George Duryea	Dianne Holloway, Finance Director
15	Commissioner Thom Greene	John Omana, Community Development Dir.
16	Commissioner Jo Ann Lucarelli	Gary Schindler, City Planner
17		Tom Tomerlin, Economic Development Mgr.
18		Wanda Broadway, Human Resources Mgr.
19		Bryan Nipe, Parks & Recreation Director
20		Steve Bracknell, Police Chief
21		Bruce Fleming, Sr. Code Enforcement Officer
22		Joe Landreville, Deputy Fire Chief
23		Katie Reischmann, City Attorney
24		Mary Campbell, Deputy City Clerk
25		

26 III. Approval of Minutes: October 16, 2014

27
28 **Motion was made by Commissioner Lucarelli to approve the minutes of the**
29 **October 16, 2014, meeting, seconded by Commissioner Greene and motion**
30 **carried unanimously.**

31
32 IV. Unfinished Business

- 33
34 A. Ordinance No. 1518 – Amending, moving and repealing portions of Title V,
35 Public Works, of the Code of Ordinances – Second Reading (Public Hearing)
36 (Dianne Holloway)

37
38 The City Attorney read Ordinance No. 1518 by title only on second reading.

39
40 Ms. Holloway said the City water and wastewater systems were established
41 approximately 40 years ago. Regulations as currently crafted the language is outdated,
42 operations have changed in a way that conditions no longer apply, and there is a need
43 to update current policies and practices that may not be specifically addressed. The
44 proposed amendments address changes in nomenclature, eliminate unnecessary
45 sections, clarify ambiguities, and ratify current practices. The overall intent is to
46 combine common elements of the code, move them to more appropriate sections and

1 titles so that it becomes more user friendly for transparency reasons. The effective date
2 is 90 days out to satisfy any statutory requirements. She clarified there were no
3 changes to fees or charges.

4
5 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1518. No
6 one came forward and the public hearing was closed.

7
8 **Motion was made by Commissioner Brender to approve Ordinance No. 1518 on**
9 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**
10 **call vote: Commissioner Brender, Yes; Deputy Mayor Duryea, Yes;**
11 **Commissioner Greene, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

12
13 B. Ordinance No. 1519 – Franchise Agreement with Waste Pro of Florida, Inc.
14 for Solid Waste Services – Second Reading (Public Hearing) (Dianne
15 Holloway, Finance Director)

16
17 The City Attorney read Ordinance No. 1519 by title only on second reading.

18
19 Ms. Sova said as directed by the Commission, we issued an RFP in March 2014 that
20 did conclude with contract negotiations for a new franchise with Waste Pro of Florida for
21 solid waste, recyclables, yard trash, and bulk waste from residents within the city limits
22 and also solid waste from commercial customers inside the city limits. There is some
23 rate restructuring and is a small rate reduction for residential collection and some rate
24 reductions for the larger dumpsters. We have begun our transition meetings and
25 process so we are ready to go on March 1 when this becomes effective.

26
27 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1519.

28
29 Shirley Gray, 755 Oakland Hills Circle, Apartment 109, Lake Mary, Florida, came
30 forward. She said she didn't want this to happen with Waste Pro. Four five years ago
31 and it never happened after John Litton threw a picture that I took and sent it to him
32 when they were negotiating on a table with maggots crawling all over it. The dumpster
33 had broken down in the apartment complex, which happens, but it took days and days
34 for them to bring a dumpster back. We never want to see that again and we haven't
35 seen it since. The apartment management is right on that. Waste Management took
36 care of it. When one would break down they would bring another one back in. She
37 would just like them to keep on top of that.

38
39 Susie Dolan, Local Municipal Marketer for Waste Pro, came forward. She wanted it
40 noted that Ms. Gray has her business card as of this moment and should she have any
41 issues at any time she is more than welcome to call.

42
43 No one else came forward and the public hearing was closed.

44
45 **Motion was made by Commissioner Brender to approve Ordinance No. 1519 on**
46 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**

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

3
4 V. Swearing In – The Honorable Donna McIntosh

5
6 A. Mayor David Mealor

7
8 Judge McIntosh and Mayor Mealor came forward. Judge McIntosh administered the
9 Oath of Office to Mayor Mealor.

10
11 B. Commissioner Gary Brender

12
13 Commissioner Brender came forward. Judge McIntosh administered the Oath of Office
14 to Commissioner Brender.

15
16 C. Commissioner-elect Sidney Miller

17
18 Commissioner-elect Miller came forward. Judge McIntosh administered the Oath of
19 Office to Commissioner-elect Miller.

20
21 Mayor Mealor said he would like to acknowledge the work of Thom Greene. Mayor
22 Greene served this community beautifully at a time that was very troubling for us
23 because we lost one of the dearest colleagues one could ever want to serve with. He
24 was willing to come back, we didn't miss a beat, and got us through the budget process.
25 It is so appropriate that the leadership Mayor Greene provided for eight years took this
26 city to another level and how appropriate that Mr. Miller was serving on the Planning &
27 Zoning Board at that time.

28
29 Commissioner Greene said he was honored and privileged and appreciated the
30 Commission allowing him to serve out the rest of Allan's term. Allan was a great man
31 and he did a great job and was honored to sit in this seat again. You keep up the good
32 work. You have done an amazing job for the City of Lake Mary. He was sure Sid would
33 do his part because he has the experience to do it. Good luck.

34
35 Commissioner Miller said Randy Barrage is here and Randy is noted for giving
36 speeches where he mentions everybody in the audience at least once. Randy is here
37 with his wife Sharon and David Lindberg. He said he could see Owen Wentworth but
38 his wife Sandy was unable to make it. Gene and Sherry Anderson are here, Carol
39 Logan, Izzy and Peyton are here, and Dick Fess is here. He gave a special thanks to
40 Randy Morris. He would not be sitting here if it were not for Randy Morris, Roger Penn
41 and Gene Anderson. They had more to do with his decision to do this. He said he
42 wished he could show the marvelous brochure. He was going to campaign like a tiger.
43 We did the world's greatest brochure; it is magnificent. It has him and Martha and his
44 children. It is just loaded with stuff. He recognized his grandchildren; Lydia Gwinn; his
45 daughter Diane Miller; his younger son Chris; and Pat and Sonny Blake. He said Pat
46 had something to do with his making this decision.

1
2 Commissioner Miller said Allan Plank was a magnificent commissioner but was also the
3 heart and soul of the Trailblazers and a lot of things. He took Allan's place on the
4 Trailblazers and because of that was in touch with the last part of his life. He thought
5 when he was passing away it was a sign to him. He always wanted to have a bigger
6 role in Lake Mary and this is the opportunity. To follow behind Allan Plank sounded like
7 a great thing for him. He thanked Thom Greene for keeping the sit warm. Thom did a
8 great job. He said he counseled with Shirley Gray early on in his campaign and she
9 waxed eloquently all the things I should not do. Carol Logan was a big help as well. He
10 said his wife Martha would be here if she could. His wife loved Lake Mary as much as
11 anybody.

12
13 Mayor Mealar said her fingerprints are all over this community. We are blessed in this
14 community. We talked about a legacy of leadership and what Commissioner Miller
15 provided on the Planning & Zoning Board. To come from the advisory to the policy
16 making group is a wonderful transition. He is going to be a great addition to this team.

17
18 VI. Adjournment

19
20 There being no further business, the meeting adjourned at 6:35 P.M.

21
22 A reception was held immediately following in the conference room.

23

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held November 6,
2 2014, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,
3 Lake Mary, Florida.

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1. Call to Order

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

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

- | | |
|-------------------------------|---|
| Mayor David Mealor | Jackie Sova, City Manager |
| Commissioner Gary Brender | Carol Foster, City Clerk |
| Deputy Mayor George Duryea | Dianne Holloway, Finance Director |
| Commissioner Sidney Miller | John Omana, Community Development Dir. |
| Commissioner Jo Ann Lucarelli | Gary Schindler, City Planner |
| | Tom Tomerlin, Economic Development Mgr. |
| | Wanda Broadway, Human Resources Mgr. |
| | Bryan Nipe, Parks & Recreation Director |
| | Steve Bracknell, Police Chief |
| | Bruce Fleming, Sr. Code Enforcement Officer |
| | Joe Landreville, Deputy Fire Chief |
| | Katie Reischmann, City Attorney |
| | Mary Campbell, Deputy City Clerk |

5. Special Presentations

A. Proclamation – Pancreatic Cancer Month

The City Attorney read a proclamation proclaiming November 2014 as Pancreatic Cancer Awareness Month.

Mayor Mealor presented the proclamation to Chris Bundy.

Mr. Bundy thanked the Mayor and Commission. This is the fourth year in a row for the proclamation. It can't be overstated what proclamations do for awareness. On behalf of all the volunteers, patients, survivors, and those we've lost, including his grandfather, thank you very much and God bless.

Ms. Sova asked Bryan Nipe and Dennis Helsley to come forward. This presentation is for our Employee of the Quarter.

1 Mr. Nipe said it was his honor and privilege to recognize one of our staff members from
2 the Parks & Recreation team. Dennis Helsley is the Employee of the Quarter for the
3 entire city.

4
5 Mr. Nipe read the nomination brought forward by Gary Wood on Dennis's team: Mr.
6 Dennis Helsley is the type of coworker that every employee in the Parks Department
7 enjoys working with. His knowledge, great attitude and enthusiasm in accomplishing
8 any task given makes him one of the best. Mr. Helsley's spirit of teamwork, always
9 willing to provide a helping hand is one of the best that I have ever seen from a
10 coworker. Thank you Mr. Helsley for your 20 years of service with the City of Lake Mary
11 and the great attitude you bring to the job place. Dennis's positive attitude and loyalty
12 over time is much appreciated. This quarter in the absence of the lift operator for
13 decorating the trees, Dennis volunteered for this responsibility. He has shown
14 exceptional skill and caution while both high lift tree trimming and placing the lights. We
15 appreciate all of Dennis's time and efforts and he is a great man and a pleasure to work
16 with.

17
18 Mr. Helsley thanked the Commission and said it had been a pleasure working for the
19 City of Lake Mary.

20
21 Mayor Mealor said Dennis's work is noticed by others and he thanked him for the job
22 that he does. He reflects beautifully and positively on our community.

23 24 6. Citizen Participation

25
26 Larry Volenec, new Regional Manager with Florida Power & Light, 425 North Williamson
27 Boulevard, Daytona Beach, Florida, came forward. He said his boss has announced his
28 retirement and is assuming his responsibilities as Regional Manager. He will still have
29 responsibilities for Seminole, Volusia and Flagler Counties but will have a team of area
30 managers handling the northern part of the state from Sarasota County across to Vero
31 Beach, Indian River County, and north to the state line.

32
33 Mr. Volenec said Mel Lock continues to be your dedicated governmental accounts
34 representative. If there are issues with the governmental accounts he is more than
35 happy to help you with that. If there are ever any issues you or any of your constituents
36 have he asked they give him a call and let him try to help resolve those.

37
38 Mr. Volenec said for five years running Florida Power & Light continues to have the
39 lowest electric rates in the State of Florida of the 55 utilities. Our bills are 7% lower than
40 five years ago. If you look at groceries, insurance, and health care everything is on the
41 rise. In January we have announced we are going to reduce the bills another \$2.00 per
42 1,000 kilowatt hours so we will be below \$100.00 per 1,000 kilowatt hours. That is for
43 residential. We will be reducing them again another 1% for businesses because we feel
44 it is very important to help economic recovery. Our bills are 25% lower than the national
45 average. There is no electric generator in the State of Florida that has a lower emission
46 rate than Florida Power & Light. Since 2001 we have reduced our use of foreign oil by

1 about 99%. We used to burn about 40 million barrels a year and are down to less than
2 100,000 barrels now. That saved our customers about \$6.8 billion in fuel charges.
3 Through use of natural gas for our combustion turbines there is very little emissions and
4 greenhouse gases and they are 30% more efficient than the oil burning plants that they
5 replaced. We are not giving dollars to foreign countries that aren't fond of us and we
6 are using natural gas from the United States. Our reliability ranks in the top 25% of all
7 major utilities across the U.S.

8
9 Mr. Volenec thanked the Commission for their time. You have a beautiful community
10 and look forward to working with you.

11
12 Mayor Meador said Larry has been a remarkable representative and has always been so
13 responsive. It is natural that he would have the promotion that has been granted. He
14 has earned it.

15
16 Jeff Lemon, 116 Pine Circle Drive, came forward. He said as a cancer survivor, he
17 wanted to applaud the City for recognizing pancreatic cancer. He thought that was a
18 wonderful thing and was sorry he didn't have a chance to speak to the gentleman and
19 his son. That is another reason to be proud of the City.

20
21 No one else came forward and citizen participation was closed.

22
23 7. Unfinished Business

24
25 There was no unfinished business at this time.

26
27 8. New Business

28
29 A. North Point Development (Public Hearing) (Gary Schindler, City Planner)

- 30 1. Resolution No. 951 – Rescind North Point Development of Regional
31 Impact
32 2. Resolution No. 952 – Adopt a Development Agreement

33
34 The City Attorney read Resolutions Nos. 951 and 952 by title only.

35
36 Mr. Schindler said Ms. Miranda Fitzgerald is present representing Duke Realty. The
37 issue tonight is the proposed rescission of the DRI status of North Point. As long as it's
38 a DRI, whoever the owner is has an ongoing responsibility and it never ends and there
39 are financial obligations to this. When this was suggested to us we said we would
40 consider this. He said Ms. Fitzgerald told them she has done this in a number of areas
41 in Brevard and Orange Counties. We said we would consider this as long as we have
42 tit for tat. We want to make sure we don't just open the floodgates. That is why there
43 are two items before you. We have one resolution to rescind the DRI and then the
44 proposed development agreement which is for 30 years. It does what the DRI does
45 now.

1 Mayor Mealor said it is a system of checks and balances.

2

3 Mr. Schindler answered affirmatively. We posted the three major entrances to North
4 Point and received one call. The fellow asked what this does and he explained that
5 what you are doing today as a DRI you will be able to do tomorrow if it should be
6 rescinded. This is basically a continuation of the obligations without the DRI
7 designation. The development agreement addresses impact fees, the formula whereby
8 you can go from office to retail to hotel. There is nothing in the DRI now that will be
9 radically different from what is in the development agreement.

10

11 Deputy Mayor Duryea said it always occurs to me that when something is put forth to be
12 changed it is always to the benefit of the property owner. He asked what benefit does
13 the applicant get and how does that affect what is already in place.

14

15 Mr. Schindler said as long as Duke Realty is designated as the owner or person that is
16 responsible for the DRI, they have certain obligations in reporting, traffic modeling and
17 maintenance studies to do periodically. We have reached a point in the DRI whereby all
18 the major obligations have been met. The last time we did a modeling study there were
19 no more roadway improvements to be done. We negotiated with them to make a
20 contribution to Lynx of a certain amount to buy vans for vanpooling with the hope that
21 there would be a group of employees in North Point that could benefit from that. There
22 are obligations that are required in the DRI that no longer make sense. By rescinding
23 the DRI, Duke Realty will no longer have these obligations but it will be a win-win
24 situation for both them and the City.

25

26 Mr. Omana said dovetailing on Mr. Schindler's comments, part of the rationale in the
27 rescinding opportunity is the laws changed. Florida Statutes changed allowing you to
28 do this. In response to Deputy Mayor Duryea's question of what are the pros and cons
29 and who has benefits versus less benefits, the common denominator is we are taking
30 the entitlements that were under the umbrella of the DRI and transferring over those
31 same entitlements to the new umbrella which is the development agreement. We are
32 still protected in the fact that we are just taking that transfer of entitlements that will be
33 managed under a new agreement and at the end of the day any development that
34 comes in within the remaining pods of the former DRI will still have to go through the
35 regular processes such as conditional use, site plan approval, etc.

36

37 Ms. Reischmann said we are required to rescind. We don't have any option. It is in part
38 because the statute requires it but also we are in an area that developers are no longer
39 required to do DRIs. DRIs are kind of a thing of the past. What this developer is
40 gaining is this area is primarily built out so they no longer have to do some of the
41 reporting and no longer have to seek regional approval for amendments. It seems that
42 is beneficial to us because whatever changes out here will impact the City because
43 most of it is built out anyway. We can control what goes on.

44

45 Deputy Mayor Duryea asked what was in the DRI now that has future implications as to
46 the applicant. We are taking away whatever the DRI says about their future.

1
2 Mr. Schindler said we only have three parcels that are developable. He pointed out the
3 parcels on the exhibit. We have identified that they are to pay the impact fees per the
4 rest of the City. The DRI had special impact fees and now they will be treated just like
5 everyone else. We are identifying the types of uses that will be in those development
6 areas. It will be a smoother transition. We are retaining the equation for moving
7 between office, hotel rooms, and retail square footage. It's going to make the process
8 of development and review less cumbersome.

9
10 Mr. Schindler said on October 14, 2014, the P&Z voted unanimously to (1) recommend
11 approval of the rescission of the DRI for the North Point development and (2)
12 recommend approval for the proposed development agreement.

13
14 Mayor Meador asked if anyone wanted to speak in reference to Resolution No. 951
15 and/or Resolution No. 952.

16
17 Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, 215 North
18 Eola Drive, Orlando, Florida, came forward representing Duke Realty. Duke has been
19 the master developer of this project for years. They took over from Shell Oil in the mid-
20 80's.

21
22 Ms. Fitzgerald said everybody that has spoken has given a good background on what
23 we are doing and wanted to tell more about why. Duke Realty has sold every square
24 inch of property that they own in this property so they are the legacy master developer.
25 They really don't have any stake in the outcome any longer. The most recent sale in
26 this project was to Pelloni. They bought the two properties on the north. The only other
27 vacant property is a piece that's owned by Duke Energy on the south end. When we
28 were negotiating the sale to Pelloni, we were begging them to step in and be the master
29 developer because we don't want to do it anymore. We don't have any reason to be the
30 master developer. We don't own anything anymore. Pelloni said they didn't want that
31 obligation.

32
33 Ms. Fitzgerald said when we were negotiating with Pelloni we were talking at that time
34 about the rescission process. In 2011 when the legislature created DULAs (Dense
35 Urban Land Areas) that the City qualifies for based on population, it put existing DRIs in
36 a category where you could retain the DRI and move forward under Chapter 380 and all
37 of the baggage that comes with that or you could rescind. That made it mandatory if a
38 developer asked to have a DRI rescinded and you happen to be in one of these
39 DULAs—there are a few other areas that you can rescind a DRI and reasons for
40 rescinding a DRI—but it says if it is requested the city or the local government shall
41 rescind the DRI as long as all the mitigation has been completed for the amount of
42 development that has been constructed at the time of the rescission. That is clearly the
43 case in North Point. There is another provision that says it either has to be completely
44 finished with your mitigation or you have to have contractual obligations with the
45 permitting agencies that allow them to enforce any additional mitigation.

46

1 Ms. Fitzgerald said when you look at it from one perspective, you have a DRI in the City
2 that has had a lot of state oversight over the years. This is an opportunity to take that
3 project and put it on more of an equal footing financially with other projects coming into
4 the City. If you wanted to do a DRI today in the City of Lake Mary you couldn't. Part of
5 the reason is why keep the state involved when they don't have to be involved. She
6 said she very carefully went through the existing development order point by point and
7 transferred all of the operative provisions from the development order into the
8 development agreement and took out only those things that were state driven and not
9 anything that was driven by the City or things that weren't applicable anymore. This
10 project has completed its monitoring and modeling. It has fully mitigated its
11 transportation.

12
13 Ms. Fitzgerald said Filutowski is one of the owners. When she was thinking about how
14 to transition the development conditions that are in the DRI over to the development
15 agreement, she was thinking about what happens if Filutowski wanted to change their
16 use and how the City would then control that going forward. If this were a DRI and they
17 wanted to change anything, they and the master developer would have to seek
18 permission from the state and the region to do that, which is costly, and just time alone
19 can put you in situation where you have to amend your DRI. The way the statute is
20 written today, once you're a DRI you are always a DRI. You never can eliminate it
21 unless you abandon it, which we can't because we've got too much development, or
22 you can rescind it. The only other way you can deal with it is go through the notification
23 of proposed change process any time any change happens in that project which is
24 extremely cumbersome and expensive. Her thought was if we could figure out a way
25 through the conversion matrix to allow not just the undeveloped parcels but the
26 developed parcels as well. If they wanted to do an expansion they would come to the
27 City and say this is what we have today, this is our land use, this is the amount of
28 square footage we have, and we would like to do an addition. At that point the City is
29 going to evaluate that on trips and make the determination just as it would under any
30 other project coming into the City whether additional mitigation needs to be done, if
31 they're balancing the trips and keeping within that same trip parameter they wouldn't
32 have to further mitigate. It allows for conversion of uses so if all a sudden the eye
33 business changes and they wanted to do a hotel there is a provision and the conversion
34 matrix would allow that change of use under the City's authority in that development
35 order as long as those trips are balanced. If anyone comes in in the future and wants to
36 change something in this project that is going to increase the impacts then you as the
37 city have the control and authority under that development agreement to require
38 additional mitigation. She felt it was fair to both parties. It is balanced and gives the
39 City more control than the development order did because you don't have DCA, DEO,
40 and regional planning council oversight. She said she would appreciate the
41 Commission's support. She thought it was good for the City and Duke Realty who
42 would love to move on to other things and not be involved with this project.

43
44 No one else came forward and the public hearing was closed.

45

1 **Motion was made by Commissioner Lucarelli to approve Resolution No. 951,**
2 **seconded by Commissioner Brender and motion carried by roll-call vote:**
3 **Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Commissioner Brender,**
4 **Yes; Deputy Mayor Duryea, Yes; Mayor Mealor, Yes.**

5
6 **Motion was made by Commissioner Lucarelli to approve Resolution No. 952,**
7 **seconded by Commissioner Brender and motion carried by roll-call vote:**
8 **Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Deputy Mayor Duryea,**
9 **Yes; Commissioner Miller, Yes; Mayor Mealor, Yes.**

10
11 Mayor Mealor said because of the outcome of the election on November 4th, there is a
12 request that Item 8-C, Ordinance No. 1520, be withdrawn.

13
14 **Motion was made by Commissioner Brender to withdraw Ordinance No. 1520,**
15 **seconded by Commissioner Lucarelli and motion carried unanimously.**

16
17 B. Request to reduce Code Enforcement lien for 377 North Country Club Road;
18 Robert Sabrkhani, Realty Executives (Bruce Fleming, Sr. Code Enforcement
19 Officer)

20
21 Bruce Fleming, Sr. Code Enforcement Officer, came forward. The Lake Mary Code
22 Enforcement Board held a public hearing on May 21, 2013. The board found that the
23 property owners, the Bank of America, and Maria McGowan had violated the Lake Mary
24 Property Maintenance Code by failing to comply with the provisions of said code related
25 to the overgrowth of grass and weeds, removal of all trash, rubbish and debris, and
26 registering an abandoned foreclosed property with the office of the City Clerk. His
27 records reflect that the foreclosure process started on February 4, 2013, being filed at
28 the office of the Clerk of Court on February 26, 2013. The property owners were
29 required to bring the property into compliance with the code within 14 calendar days of
30 the hearing or pay a fine of \$250.00 per day for each day the violation continued. The
31 board convened a compliance hearing on September 17th and determined that
32 compliance had not been obtained; therefore, the board ordered the lien of \$250.00 per
33 day be filed for 102 days of non-compliance beginning June 7, 2013, through
34 September 17, 2013. The lien continued to accrue daily until November 23, 2013. On
35 November 25, 2013, Code Enforcement conducted a subsequent inspection which
36 revealed compliance had been obtained. An Affidavit of Compliance was filed for a total
37 of 169 days of non-compliance. The outstanding balance at that point was \$42,250.00,
38 the filing fees were \$47.00, and the interest accumulated at 4% per annum was \$837.45
39 which brought the total to \$43,134.45 through December 31, 2013.

40
41 Mr. Fleming said on November 27th the property owner submitted a request for
42 consideration for the Commission to reduce the outstanding lien from \$43,000.00 down
43 to \$4,250.00. An inspection by Code Enforcement revealed that the property remained
44 in compliance. At that time the request was denied by the Commission.

1 Mr. Fleming said on October 28, 2014, an additional request was received from the new
2 property owners which is Federal National Mortgage Association through its agent, Mr.
3 Robert Sabrkhani of Realty Executives, for another consideration of a lien reduction.
4 The current outstanding balance through November 30, 2014, is \$42,250.00 for the
5 Code Enforcement lien, \$2,429.75 in interest calculated at 4% per annum, \$47.00
6 recording fees, and \$570.00 in attorney's fees. The grand total outstanding as of today
7 is \$45,296.75.

8
9 Mr. Fleming said the property is currently in compliance with the board's order of May
10 31, 2013. They have done a lot of remodeling work and it looks really good. He
11 thought they may be in the process of trying to get the property sold. Therefore, staff
12 offers no objection to consideration of abatement of the lien provided full remittance is
13 made within 30 days of the reduction.

14
15 Mayor Meador said the bottom line is there is \$46,246.75 outstanding. He asked what
16 was the request.

17
18 Mr. Fleming is they had not given him the request of what they would like the
19 Commission to consider.

20
21 Robert Sabrkhani of Realty Executives, 3899 West Lake Mary Boulevard, Lake Mary,
22 Florida, came forward. He stated he was the broker in charge of this property as of
23 about a month and a half ago. From the day he got it he has taken care of it. We tried
24 to get it to a position where it is nice. We maintain our properties to the standard of the
25 community or better. It is at that point and we are still working on it. We should be
26 done in a couple of weeks and hopefully have a nice family moving in.

27
28 Mayor Meador said he was going to bottom line this. The outstanding balance is
29 \$46,000+. He asked Mr. Sabrkhani his request.

30
31 Mr. Sabrkhani said if it is anything like other cities and counties he has dealt with, in
32 general they reduce it to a level where it is reasonable and he can go back to the bank
33 and say he has reduced it to a reasonable amount. Let's get this done so we can sell
34 this property. He thought 10% of that fee is something he could go back to the bank
35 and get them to pay it immediately through their attorney.

36
37 Mayor Meador said a year ago there was a request for 10% which would have been
38 \$4,250.00 and the Commission denied that. Now Mr. Sabrkhani is asking for
39 consideration of 10% which would take it to \$4,625.00. He asked if that was correct.

40
41 Mr. Sabrkhani said that is correct.

42
43 Commissioner Brender said we have history of reducing liens like this substantially. He
44 asked the City Manager if she was aware of any particular number that we have
45 generally used in the past.

1 Ms. Sova said we have negotiated all of these to the best of our ability. We always
2 make sure that we cover our legal fees, recording fees, and staff costs. At a minimum
3 we recover those items. We have had the number of 10% come before us before.
4

5 Commissioner Brender proposed that they look at that 10% number plus the \$47.00
6 recording fees, \$570.00 in attorney's fees, and the estimated staff time of \$950.00.
7

8 Commissioner Miller said he was confused. He asked if this was a foreclosure where
9 the bank took over. He asked if they were aware of the \$42,000.00 lien. He asked if
10 someone has acquired the property with that lien in it.
11

12 Mr. Fleming said the foreclosure process started on February 4, 2013. Prior to, and
13 unbeknownst to the City, the hearing of May 2013, Maria McGowan died. Now the
14 owner of the property is the bank and the deceased Maria McGowan. As soon as the
15 property goes into foreclosure or as soon as the investigation reveals the property is
16 going into foreclosure, the person that the County says is the owner of the property as
17 well as the mortgage company are notified because the City is requiring that the
18 property owner take responsibility for the things that property owners are responsible for
19 like junk, trash, grass and things of that nature. We also require mortgage companies
20 or lenders to register potential foreclosed properties with the office of the City Clerk in
21 case there are emergencies or issues that may occur during the process so we have a
22 person the City can contact. The bank was notified of the condition of the property.
23

24 Commissioner Miller asked if the reduction of this lien is going to result in a higher profit
25 for the sale of the property. He asked if that was what we are doing here. He asked if
26 we were creating more equity for the bank by reducing the lien.
27

28 Mr. Fleming said notwithstanding the result of how much the bank may or may not be
29 able to sell, we are not qualified to make those types of judgments. In Code
30 Enforcement first and foremost is compliance and in cases of these abandoned
31 properties to occupy them so they are no longer a nuisance to the community. We are
32 trying to improve the community. What the bank does or what they make is no interest
33 to the City.
34

35 Commissioner Miller said when they ask us to cut their expense by \$46,000.00?
36

37 Mayor Mealor said the issue is they can't sell that property with that lien on it. It makes
38 it cost prohibitive. We had the same situation in the Timacuan community and also in a
39 property just to the northeast of this property under consideration.
40

41 Commissioner Miller said based on how the bank perceives the value of the property
42 they cannot sell it with that lien against it.
43

44 Commissioner Brender said we end up in a better position with having somebody in the
45 house rather than having it empty.
46

1 Commissioner Miller said he understood what was being said but thought they should
2 follow up after the property is sold and everything is said and done just to see what
3 really happened and whether we were allowing a bank to make another \$42,000.00 in
4 profit on the sale of a house.

5
6 Deputy Mayor Duryea said he thought what they have to stress to Commissioner Miller
7 is all of these particular items were looked at individually. He didn't like the idea of
8 blanketing the whole problem with what we did before. He agreed with Commissioner
9 Miller. Why do we have these things in place if we don't hold them up. If they want to
10 come back with half he would listen.

11
12 Ms. Reischmann said there is a huge difference between a lien that's for mitigation
13 costs where the City goes in and actually does repair or mowing versus a lien for actual
14 penalty. We would treat those very differently. Our costs versus a penalty we are
15 imposing.

16
17 Commissioner Miller said an issue for him would be respect for that on the part of the
18 person who had the lien placed against them if they believe they are going to get relief
19 from it after it builds up to \$42,000.00. He questioned why it doesn't have any teeth.

20
21 Mayor Mealar said the request was for 10% and Commissioner Brender offered 10%
22 plus expenses that would take it to \$6,172.00.

23
24 Commissioner Miller asked if they could ask the petitioner what he would accept. He
25 asked if the only thing he would accept is \$4,200.00 or is he amenable to \$6-7,000.00.

26
27 Mr. Sabrkhani said he could not answer that this minute; however, could say they have
28 spent over \$20,000.00 already. If we don't settle this the way he was proposing it could
29 just sit there and get deteriorated again. The whole idea is to sell this property and
30 keep the City beautiful and have some family there. He couldn't say whether they
31 would accept more or not but could go back to them with this.

32
33 Mayor Mealar said according to the City Manager, in the past we have used 10% as a
34 threshold. He thought Commissioner Brender makes a good point about the recovery.
35 He recommended honoring the 10% request. We know the place is in compliance right
36 now. He suggested directing staff to come back with a more defined policy related to
37 this type of request.

38
39 **Motion was made by Commissioner Brender to reduce the lien to 10% of the total**
40 **amount plus associated fees outlined in staff report for a total of \$6,172.00**
41 **provided it is paid in full within 30 days, seconded by Commissioner Lucarelli and**
42 **motion carried 3 to 2 (Deputy Mayor Duryea and Commissioner Miller).**

- 43
44 C. Ordinance No. 1520 – Establishing a temporary moratorium of two hundred
45 and seventy days prohibiting the operation of any medical marijuana facilities
46 within the City – First Reading (Public Hearing) (Gary Schindler, City Planner)

1
2 Ordinance No. 1520 was withdrawn from the agenda earlier in the meeting. See Page
3 11, Line 16.

4
5 9. Other Items for Commission Action

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

8
9 10. City Manager's Report

10
11 A. Items for Approval

12 1. Appointment to Planning & Zoning Board and to Metroplan's Citizens'
13 Advisory Committee and Municipal Advisory Committee

14
15 Ms. Sova said this is a request for an appointment to the Planning & Zoning Board,
16 Metroplan's Citizens' Advisory Committee and Municipal Advisory Committee. The
17 Commission recently appointed alternate member Justin York as a regular member of
18 the Planning & Zoning Board because Commissioner Miller came off the board and left
19 a vacancy. Jeff Bales and Davis Wickham have both submitted board appointment
20 forms. Both gentlemen have previously been on the LPA which we consolidated with
21 P&Z.

22
23 Ms. Sova said we need to appoint a representative to Metroplan. Sid Miller has been
24 the City's representative on the Citizens' Advisory Committee since 2009 but since his
25 election to the Commission he cannot serve on that committee any longer. The
26 member must be a citizen of the City but not an elected official. The Citizens' Advisory
27 Committee meets the fourth Wednesday of every month at 9:30 A.M. in downtown
28 Orlando.

29
30 Ms. Sova said we also need to appoint a member of the Commission to serve on the
31 Municipal Advisory Committee to replace former commissioner Allan Plank. If we don't
32 come up with a commissioner we can designate a senior staff member.

33
34 Ms. Sova said we are asking the Commission to appoint a citizen to serve as an
35 alternate member on P&Z to complete the term expiring December 31, 2015, appoint a
36 citizen or business owner to Metroplan's Citizens' Advisory Committee, and appoint a
37 member of the Commission or senior staff to serve on the Municipal Advisory
38 Committee.

39
40 Mayor Meador asked Commissioner Miller if he would be interested in serving on the
41 Municipal Advisory Committee representing our city. He thought the skills he brought to
42 the advisory committee will be most appropriate. He said if Commissioner Miller's
43 schedule permits he would be an excellent representative. His background and work on
44 the P&Z Board would be invaluable.

1 **Commissioner Miller accepted the appointment to the Municipal Advisory**
2 **Committee.**

3
4 **Motion was made by Deputy Mayor Duryea to appoint David Wickham to serve as**
5 **the alternate member on the Planning & Zoning Board, seconded by**
6 **Commissioner Brender and motion carried unanimously.**

7
8 Mayor Mealor asked if the Commission would prefer that staff come back with
9 recommendations for the Metroplan's Citizens' Advisory Committee.

10
11 Commissioner Brender said we haven't collected a lot of names for the Citizens'
12 Advisory.

13
14 Ms. Sova said we are not flush with responses.

15
16 Commissioner Miller said some of the requirements for Metroplan Orlando is 99.9%
17 transportation, is a 35-person committee, is generally two full hours and sometimes
18 longer, and meets on Robinson Street in downtown Orlando. Right now it is very timely
19 for what it's doing because of all the work on I-4 and the Wekiva Expressway and
20 firsthand information on everything happening. It's a good committee to sit on to
21 understand everything going on in transportation.

22
23 Commissioner Lucarelli said she would like to see if we could get more names rounded
24 up.

25
26 Ms. Sova said we can try.

27
28 Mayor Mealor said Commissioner Miller will serve as our City representative of the
29 Municipal Advisory Committee for Metroplan, and Mr. David Wickham will serve on the
30 Planning & Zoning Board. We will await further nominations for the Citizens' Advisory
31 Committee.

32
33 **B. Items for Information**

34 **1. Update on projects on International Parkway**

35
36 Ms. Sova said Mr. Tomerlin would provide an update on International Parkway as
37 requested at the last meeting.

38
39 Mr. Tomerlin said at the last meeting we had a workshop in which we addressed a
40 marketing booklet looking at various opportunity sites throughout the City. We
41 presented a concept in which we would divide out the City into different districts. The
42 district the Commission wanted an update on was the International Business Center.
43 This is in the neighborhood of AAA extending north to 46A where the new Verizon
44 building is. He pointed out the area on the exhibit. With this particular development
45 there were a lot of inquiries about what is occurring on the 7-1/2 acre parcel that is
46 referred to as Central Park at Heathrow. It is the place where all the land is cleared on

1 one side of the Oval Park oval. He pointed out the area on the exhibit. It is what's
2 occurring there.

3
4 Mr. Tomerlin said in looking at the property appraiser records, if you go from the AAA
5 building north to 46A there is a rough calculation of 2 million square feet of office space.
6 If you use a conservative estimate and all that office space was occupied and each
7 office worker occupied about 300 square feet, you are looking at about 6,500
8 employees located in that district. What is occurring here is a professional office and
9 retail mixed use development. Some of the uses committed there include a fitness club
10 and a breakfast/lunch restaurant called Another Broken Egg. These uses are not Class
11 A office space; however, those uses are true amenities to what has occurred in terms of
12 complementing the Class A office space. In discussion with some of the larger office
13 users, they were thrilled about an ability to walk to a place and have breakfast and
14 lunch. That is what is occurring in that district.

15
16 Mr. Tomerlin said there is some interest on the south side of Oval Park to continue this
17 kind of pattern of amenity development, basically backfilling into an environment which
18 has a heavy office use but now going in and establishing these kinds of uses that would
19 complement that office use and make workers happy. There is a little bit of interest to
20 install something similar to that. It is still very early in the planning stages at the south
21 end of the Oval Park intersection.

22
23 Commissioner Brender asked if there was anything directly to the west, the parcel that
24 abuts Oval Park.

25
26 Mr. Tomerlin said he didn't believe anything was currently knocking on the door.

27
28 Commissioner Brender asked the size of Oval Park.

29
30 Mr. Omana said about 7-1/2 acres.

31
32 Deputy Mayor Duryea asked if anything was going on with the possible annexations on
33 the south end of International Parkway.

34
35 Mr. Tomerlin answered negatively. We have been working with a potential relocation of
36 a project that is in that neighborhood that would locate out of unincorporated into the
37 City of Lake Mary for a lot of business reasons on their end. In terms of annexation, no.
38 The utilities are controlled by Seminole County on International Parkway. We have
39 within our city limits the right-of-way of International Parkway. There could be an
40 argument made that's a contiguous annexation anywhere along that stretch of road
41 where the city line currently ends and southward to Lake Mary Boulevard. We have
42 thought strategically about some approaches but right now had nothing to report.

43
44 Ms. Sova said we have included in the packets information from Kittelson & Associates
45 who we are going to engage to do a downtown traffic study proposal and look at the
46 whole Downtown area including Country Club and the intersection at Lake Mary

1 Boulevard. There is also an update on the scoreboards at the Sports Complex. There
2 are some changes happening there and the Little League helping out taking care of
3 those scoreboards.

4
5 Ms. Sova said all non-emergency offices will be closed on Tuesday, November 11th, in
6 observance of Veteran's Day. Solid waste and garbage services are not affected.

7
8 Ms. Sova said our annual holiday food drive is ongoing. You can drop off your non-
9 perishable items at boxes located at city hall, fire stations, police department, and senior
10 center. The donations will benefit Crystal Lake and Lake Mary Elementary Schools
11 food pantries.

12
13 Ms. Sova said we have a new vacancy on our Parks & Recreation Board. If anyone is
14 interested in volunteering, please complete a board appointment information form
15 available on the City's website.

16
17 Mayor Mealor recognized and welcomed the newly-elected Mayor of DeBary, Mr. Clint
18 Johnson and his wife. He wished him every success in his new role.

19
20 11. Mayor and Commissioners' Reports (3)

21
22 Mayor Mealor had no report at this time.

23
24 Commissioner Miller had no report at this time.

25
26 Commissioner Lucarelli said we had the Lake Mary-Heathrow Festival of the Arts a
27 couple of weekends ago. The weather was perfect, attendance was great, and it was a
28 great festival. She thanked all the City departments and employees, especially Bryan
29 (Nipe) who is new on our board and the whole Parks & Rec Department. We couldn't
30 have done it without them and the Police and Sheriff's Departments. Everyone works
31 hard to put it together all year long and works hard the whole weekend. She thanked
32 everyone.

33
34 Commissioner Brender said he attended CALNO hosted by the School Board. Dr. Walt
35 Griffin gave an update on Seminole County schools, graduation programs, and
36 information in general. We think the school system here is good but when you see the
37 numbers that they play with our school system is exceptional compared to most of the
38 other counties in the state. It is a pleasure to see that kind of work going on and how
39 efficiently they do maintain everything.

40
41 Commissioner Brender said this afternoon we had the meeting of the Public School
42 Facilities Advisory Committee. We have been working on an interlocal agreement
43 between all the cities, the County and the School Board to make sure we are all on the
44 same page as to what happens when development comes into the city, and we in turn
45 inform the School Board and the School Board uses certain formulas in order to
46 establish student loads and that kind of thing. We spent two hours wordsmithing the

1 interlocal. For the bulk of the work he thanked Steve Noto. As our planner he has been
2 on the PTAC committee and has been the one who has done the lion's share of the
3 work. Today we approved the interlocal agreement with a few changes in order to
4 smooth a couple of things over. We were unable to get to a discussion which does
5 involve school facilities and that is discussion regarding the stormwater fees and trash
6 collection and the disagreements that some of the cities are having with the School
7 Board over the payment of stormwater fees and trash collection. He was able to bring it
8 up the last ten minutes and the School Board was amenable at that point since they
9 didn't have time to discuss it. We will be scheduling another meeting in January and the
10 agenda items will be those two items to see if we can address this. For some time it
11 has been pushed aside numerous times and now everybody on the School Board has
12 agreed it's time to get it out in the open, talk about it, and figure out what we are going
13 to do.

14
15 Mayor Mealar said Dr. Tomerlin and the work he is doing and the message we are
16 telling to those who want to invest in our community, if you stop and think about our
17 school district, the incredible relationship we have with Seminole State College and its
18 partnership with UCF in terms of the talent pool, the educational and training
19 opportunities, the schools, and the amenities we are putting in place we are trying to
20 meet the needs of our citizens and their expectations. He thanked Commissioner
21 Brender for that work and the City Manager has talked about giving him some additional
22 data for that January meeting to compare and contrast what others do related to the
23 impact the schools may have on a respective community.

24
25 Deputy Mayor Duryea congratulated Commissioner Miller.

26
27 Deputy Mayor Duryea said there is a talk being given by Dr. Jonathan Matusitz at UCF
28 and the topic is the woman's role in the extremist Muslim terrorist movement. He
29 thought it would be interesting for law enforcement to see the signs beforehand before
30 we have to pick up the pieces later on.

31
32 Deputy Mayor Duryea said the issue of annexation has always been something that
33 intrigued him. We were almost successful at Colonial Park. Now that we are
34 responsible for International Parkway down to Lake Mary Boulevard, he asked if there
35 was the possibility of administratively annexing properties. He asked if that was
36 something we could do or is it more trouble than it's worth.

37
38 Ms. Reischmann said it is very statutory. You have to meet the statutory guidelines
39 exactly. There are ways to annex by virtue of the enclaves that are created. You have
40 to meet the exact requirements of the statute for that. There is involuntary annexation
41 for commercial areas but that is very specific. Sometimes you have to have a
42 referendum and sometimes you don't if it's unimproved property but most of what
43 Deputy Mayor Duryea is talking about is improved so you would generally have to have
44 a referendum.

45
46 Deputy Mayor Duryea said a vote of all the people?

1
2 Ms. Reischmann said a vote of the people that are living on the property and if you don't
3 have anyone living then consent of a certain number of the owners depending on
4 whether you have any registered voters living on the property. It is formulative. It could
5 be worthwhile to look into it.

6
7 Deputy Mayor Duryea said we have muddied the waters in the sense of this property
8 here with eminent domain and shuddered to think what costs would be involved in trying
9 an administrative annexation. He asked if that was something we could look at without
10 having to spend a lot of staff time.

11
12 Ms. Sova said we are familiar with what all those parcels are. As Mr. Tomerlin said we
13 are tossing back and forth one of these parcels which abuts us and fits the
14 qualifications. The company is partially in the City and partially in the County. We are
15 looking at these properties. We can sit down with the City Attorney and look at them
16 with a different point of view.

17
18 Deputy Mayor Duryea said if we were seriously discussing annexation on an
19 administrative basis, it would be easier to go to the property owners or real estate
20 investment trust and say this is what we want to do, it's not going to cost a lot of money,
21 but if you fight it you have all these legal costs. He didn't want to hold anybody hostage
22 but thought there is an opportunity to square off that corner and still maintain our comp
23 plan objectives.

24
25 Ms. Sova said one of the biggest objectors would be the County itself.

26
27 Deputy Mayor Duryea said if we do what's supposed to be done they can object all they
28 want.

29
30 Ms. Sova said we will look further into that.

31
32 Commissioner Brender said during the voluntary annexation of Colonial Town Park that
33 we started and went substantially through the process, the County finally stepped in and
34 said this ain't going to happen. The County got to the property owners and at that point
35 the County was in a position where the property was by and large undeveloped as of
36 then. What they wanted were the impact fees and that kind of thing from the
37 development. That kind of thing has already taken place and those impact fees have
38 long been paid. One of the things he has reminded some of the County Commissioners
39 about when we annex a property, we don't move it to Michigan; it actually stays in
40 Seminole County and they still get their portions of the taxes. He talked to Dr. Tomerlin
41 earlier in the week about some annexations. We should be exploring and see what's
42 out there.

43
44 12. City Attorney

45

1 Ms. Reischmann said she was pleased to announce that on the Portigiani case, the
2 Commission's decision was approved by Judge Galluzzo at the circuit court and they
3 chose to appeal that to the Fifth District Court of Appeals. That case was finalized by
4 their reply brief that was filed September 19th. We would expect it would take at least a
5 year and maybe two but it took less than one month. The court ordered that Petition for
6 Writ of Cert is denied. Hats off to the Commission for a very sustainable order that went
7 through all the way up to the appellate courts.

8
9 Mayor Mealar said the whole point was the staff input and direction was to protect the
10 property owner and we felt that was done. We will wish them the best.

11
12 Mayor Mealar said we usually thank our Forest liaisons for being with us. However, one
13 of that pair is in the hospital and asked to convey to Dr. Ellen McLaughlin our best
14 wishes and hopes for a speedy recovery.

15
16 13. Adjournment

17
18 There being no further business, the meeting adjourned at 8:22 P.M.

19
20
21
22

23 _____
24 David J. Mealar, Mayor

_____ Mary Campbell, Deputy City Clerk

25
26 ATTEST:

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