

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

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6 I. Call to Order

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8 The meeting was called to order by Mayor David Mealor at 7:05 P.M.
9

10 II. Moment of Silence

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12 III. Pledge of Allegiance

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14 The pledge was led by the team members of the Lake Mary Little League Minors
15 Baseball Team, the Yankees.

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17 IV. Roll Call

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19 Mayor David Mealor
20 Deputy Mayor Gary Brender
21 Commissioner George Duryea
22 Commissioner Allan Plank
23 Commissioner Jo Ann Lucarelli

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John Litton, City Manager
Carol Foster, City Clerk
Jackie Sova, Asst. City Manager
Dianne Holloway, Finance Director
John Omana, Community Dev. Dir.
Gary Schindler, City Planner
Bruce Paster, Public Works Director
Bill Carrico, Parks & Recreation Dir.
Steve Bracknell, Police Chief
Craig Haun, Fire Chief
Katie Reischmann, City Attorney
Mary Campbell, Deputy City Clerk

32 V. Approval of Minutes: November 17, 2011

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**Motion was made by Deputy Mayor Brender to approve the minutes of the
November 17, 2011, meeting, seconded by Commissioner Plank and motion
carried unanimously.**

38 VI. Special Presentations

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A. Proclamation – 2011 Fall Season (Undefeated) Lake Mary Little League
Minors Baseball Tournament Champions

Mayor Mealor said it was his honor to present a proclamation for the 2011 Fall Season
(Undefeated) Lake Mary Little League Minors Baseball Tournament Champions. He
asked Coach Greg Thomas, Coach Bernie Falco, and Coach Eric Larsen to come to the
podium.

1
2 Mayor Mealor read and presented a proclamation to Coach Thomas proclaiming
3 December 2, 2011, as “Lake Mary Little League Minors Baseball Team Day”.

4
5 Coach Thomas said it was an honor to be here tonight and thanked the City of Lake
6 Mary for having them. He thanked Mario for making this possible—what an honor for
7 the kids and the families involved.

8
9 Coach Thomas said this year was a blessing for him, Coach Falco, Coach Larsen and
10 for all the parents. He said he had been coaching for five years and didn’t think he had
11 ever coached a group of kids and been a part of a group of parents that were more in
12 line not only from what this game is about, which is for the kids, but from a values
13 perspective. He called this a blue collar team because it gets down to the values and
14 beliefs. One of the things we discussed a lot this year and one of the things we always
15 bring up before every game and every practice was attitude and effort and how
16 important it was that you brought a good attitude and the right effort every day. These
17 kids epitomized that. We are blessed to be a part of this. Baseball is unique because it
18 is a team sport but at the same time there are moments where each and every kid has
19 to step up because they are the ones on the mound, they are the ones up to bat, they
20 are the ones getting that ball hit to them, and they stepped up the entire year. He
21 thanked them for allowing him to be the coach and working with Coach Falco and
22 Coach Larsen was an honor.

23
24 Mayor Mealor recognized a senior from Orangewood Christian School who was present
25 for a school project. He said any member of the Commission is available to answer any
26 questions or help with any reports.

27
28 VII. Unfinished Business

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30 There was no unfinished business at this time.

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32 VIII. New Business

33
34 A. Ordinance No. 1450 – Convey a portion of Tract C (park) at Lake Mary
35 Landings (Townhomes) to the HOA – First Reading (Public Hearing)

36
37 The City Attorney read Ordinance No.1450 by title only on first reading.

38
39 Mr. Litton said he briefed the Commission on this at Strategic Planning. This has been
40 an ongoing process waiting for the HOA to officially take over the operation. When we
41 went through this process, our PUD ordinance required two uses and besides the
42 homes the second use was the park. We agreed to that. We agreed at the time of
43 takeover that it would be a public park; however, that is not what the HOA wants. We
44 were dealing with paper then and now we are dealing with people. We want to honor
45 their wishes as much as we can.

1 Mr. Litton said Mr. Carrico sees no value to that becoming a public park. It just doesn't
2 work the way it is laid out even though we spec'd it at the time. We feel it is in the best
3 interest of the City to allow the HOA to purchase this park at a reduced amount of
4 \$50,000. We have had ongoing discussions. At first we were going over five years for
5 a total of \$60,000 but they want to get it taken care of. He said he agreed with that. He
6 strongly recommended \$50,000 because there is nothing we can do with that land.
7 There is nothing anybody can do because of the easements that go over at the power
8 line.

9
10 Mr. Schindler showed the subdivision on the overhead projector. He pointed out the
11 subject property located in the southwest corner. It is not the entire parcel. What is
12 referred to as Parcel C in the developer's agreement became incorporated into Tract F
13 on the plat. It is an existing park and has no purpose other than as a park via the
14 developer's agreement. The developer's agreement is a contract between two parties,
15 one being the City. Unless they were to come back to the City and say they want to
16 change the developer's agreement there's never going to be any use of that property for
17 anything but a park. Not only the developer's agreement would have to be changed but
18 also the land use.

19
20 Mr. Schindler said staff concurs with the transfer of the property. It has no other
21 purpose. Its greatest benefit is to the residents of Lake Mary Landings.

22
23 Ms. Reischmann distributed a revised ordinance that is tweaking some of the findings to
24 be more consistent including the fact that this is not a full fair market value as that was
25 determined by the appraisal. This is very difficult to appraise and is not an exact
26 science. We added a few more findings just to indicate that there is no use for this
27 property other than for a park, it is appropriate for it to be a private park for the
28 subdivision, and in the end probably saves the City money.

29
30 Mayor Mealor clarified that it is the ordinance on the dais and not in the packet that they
31 are discussing.

32
33 Ms. Reischmann said that was correct. She said there are a couple of tweaks to the
34 contract to clarify a couple of points and they would see that at second reading.

35
36 Commissioner Duryea asked if the City paid for the playground equipment.

37
38 Mr. Litton said the City told them what we wanted but they paid for it. They purchased it
39 through the City to save money.

40
41 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1450.

42
43 Stephen King, 845 Stone Chase Lane, President of Lake Mary Landings Homeowners'
44 Association, came forward. We have had this taken through the attorney with the HOA
45 and we don't have any problems with the agreement. The board members voted
46 unanimously for it so we are ready to move forward.

1
2 No one else came forward and the public hearing was closed.

3
4 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1450 on**
5 **first reading, seconded by Deputy Mayor Brender and motion carried by roll-call**
6 **vote: Deputy Mayor Brender, Yes; Commissioner Duryea, Yes; Commissioner**
7 **Plank, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

8
9 B. Ordinance No.1451 – Amend Police Pension Ordinance to amend definitions
10 of actuarial equivalent and salary – First Reading (Public Hearing)

11
12 The City Attorney read Ordinance No. 1451 by title only on first reading.

13
14 Ms. Sova said the Police Pension Board had some matters to address, some of them by
15 state administration through the Division of Retirement and some of them by statutory
16 changes that took place July 1st. The legislation wasn't signed by the Governor until two
17 days before so there was no time to deal with these changes. The Legislature worked
18 from the state's schedule and for FRS so they didn't consider plans like ours when they
19 set these timetables. These have taken a while to deal with and holding special
20 meetings with the pension boards are very expensive so we have had to wait out this
21 time. We are near the end of the year and need to get this wrapped up.

22
23 Ms. Sova said the first change was to the actuarial equivalent mortality table. We were
24 using a 1983 table as prescribed by the state. Many entities had already moved to a
25 RP-2000 table and the Division of Retirement has required that we move to that table.

26
27 Ms. Sova said the second change is from the statute and it changes the salary
28 definition. It changes the definition of overtime to a maximum of 300 hours. It also
29 changes what happens to pensionable earnings at termination. Our police officers are
30 entitled to a portion of their sick and vacation time when they leave and up to this point it
31 could apply to their pension. After this point it will no longer apply to their pension. That
32 is to prevent what the state called "spiking" where people earn lots of time at the end to
33 increase their annual income. That's the point of this legislation. We have to work on
34 the explanation of how we are going to deal with the time that was on the books as of
35 July 1st. We are going to deal with that on a first in, first out basis so we aren't keeping
36 track of this time up to 25 years from now. In a few years the bookkeeping will go away.
37 We appreciate the police officers' position on that.

38
39 Ms. Sova said the other thing that changed is the board is investing in some convertible
40 securities. They did that by their board action and particularly synthetics. We wanted to
41 be sure that those words were included so that their plan matches what they are doing
42 in reality.

43
44 Ms. Sova said we will have a cost impact statement before second reading. Some of
45 these actions will cause the cost to go up a little and some will go down a little. She
46 said she couldn't predict what it's going to be.

1
2 Ms. Sova said at the Pension Board meeting for the police officers, the contribution rate
3 is going from 27.6% to 32.3%. That will be upcoming in the next budget.

4
5 Deputy Mayor Brender said actuarially speaking, because we are preventing the spiking
6 we are reducing the outgo from the City.

7
8 Ms. Sova said that was correct. The police officers will not have to contribute their 5%
9 on those same earnings.

10
11 Mr. Litton interjected we are reducing future liabilities.

12
13 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1451. No
14 one came forward and the public hearing was closed.

15
16 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1451 on**
17 **first reading, seconded by Commissioner Lucarelli and motion carried by roll-call**
18 **vote: Commissioner Duryea, Yes; Commissioner Plank, Yes; Commissioner**
19 **Lucarelli, Yes; Deputy Mayor Brender, Yes; Mayor Mealor, Yes.**

20
21 C. Ordinance No. 1452 – Amend Fire Pension to amend definitions of actuarial
22 equivalent and salary and amend finances and fund management – First
23 Reading (Public Hearing)

24
25 The City Attorney read Ordinance No. 1452 by title only on first reading.

26
27 Ms. Sova said the same generalities apply for the Fire Pension Board. The boards
28 meet on the same day. We have to update the actuarial equivalent table from the 1983
29 to the RP-2000. The Fire Board is in the process of lowering their projected rate of
30 return from 8% to 7.5% and they are doing it in a .1 increment each year so the
31 ordinance is changing to move it to 7.9% and over the next four years it will get down to
32 7.5%. The police plan is already there.

33
34 Ms. Sova said the change in salary definition for firefighters was the cap of overtime of
35 300 hours a year. To date that has affected a few more than 17 employees because of
36 the nature of their shift work they do earn more overtime hours.

37
38 Ms. Sova said the definition of allowable investments has been clarified to include the
39 convertible securities and the synthetics and also the mutual funds and exchange
40 traded funds (ETFs). We are waiting on the actuarial impact statement to tell us exactly
41 what they think this is going to cost. For the firefighters plan the projected contribution
42 rate is going from 22.88% to 24.17%.

43
44 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1452. No
45 one came forward and the public hearing was closed.

1 **Motion was made by Commissioner Duryea to approve Ordinance No. 1452 on**
2 **first reading, seconded by Deputy Mayor Brender and motion carried by roll-call**
3 **vote: Commissioner Plank, Yes; Commissioner Lucarelli, Yes; Deputy Mayor**
4 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

5
6 D. Resolution No. 888 – Intent to use non-ad valorem assessments for fire
7 services (Public Hearing)

8
9 The City Attorney read Resolution No. 888 by title only.

10
11 Mr. Litton said this is our fifth year of protecting the options of the City should something
12 come out of Tallahassee. We have no intent to implement this and never have. If you
13 will recall this idea came out of the matrix study done six years ago and resulted in that
14 study recommending that four fire departments (Casselberry, Longwood, Winter
15 Springs, and Lake Mary) consider this as an option. Two implemented and Winter
16 Springs consolidated. The budget for the Fire Department is \$4.12 million. This is
17 protection and gives another option. He recommended the Commission adopt
18 Resolution No. 888.

19
20 Mayor Mealor said the budget challenges coming out of Tallahassee appear rather
21 draconian in terms of potential cuts to certain areas. One of the things we want to
22 reassure our citizens is we recognize these challenges. Mr. Litton charged our then-
23 Finance Director and incoming City Manager, Ms. Sova, and the department heads to
24 anticipate the potential cuts and built into this year's budget is an anticipation of how we
25 meet those needs without reducing services. He said he had tremendous admiration
26 and respect for Mr. Litton for the leadership he has provided in that area. This is one of
27 those options that we as a commission need to retain.

28
29 Mayor Mealor asked if anyone wanted to speak in reference to Resolution No. 888. No
30 one came forward and the public hearing was closed.

31
32 **Motion was made by Deputy Mayor Brender to approve Resolution No. 888,**
33 **seconded by Commissioner Plank and motion carried by roll-call vote:**
34 **Commissioner Lucarelli, Yes; Deputy Mayor Brender, Yes; Commissioner Duryea,**
35 **Yes; Commissioner Plank, Yes; Mayor Mealor, Yes.**

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37 IX. Other Items for Commission Action

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39 There were no other items for Commission action at this time.

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41 X. Citizen Participation

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

44
45 XI. Reports

1 A. City Manager

2
3 Mr. Litton reminded everyone of Holiday in the Park tomorrow, December 2nd, from 6:00
4 P.M. to 8:00 P.M. at City Hall. The tree lighting will take place at 6:30 P.M. followed by
5 the arrival of Santa and Mrs. Claus at 6:45 P.M. There will be entertainment, free face
6 painting, games, and prizes for the kids. Cookies will be available for those who bring
7 canned goods or an unwrapped toy. Additional food and drink will be available for
8 purchase.

9
10 Mr. Litton said the Fire Department ran into a little snag and we are going to have to
11 move the Santa Parade scheduled for Saturday, December 3rd to December 17th.
12 Some of the toys didn't come in and Santa needs those toys to distribute. We will start
13 on Saturday, December 10th and then on Saturday, December 17th. The tours begin
14 around 8:30 A.M. and continue until around 5:00 P.M. each day. Santa won't be able to
15 visit every street but will be passing through each neighborhood. The schedule for both
16 days is posted on the City's website at www.lakemaryfl.com and lists all streets in the
17 order that he will travel. For additional information contact Division Chief Rick Fudge at
18 407-585-1478. We have tried to notify the HOAs that were expecting Santa on
19 Saturday of his delay.

20
21 Mr. Litton reminded everyone that all non-essential buildings will open at 9:00 A.M. on
22 Tuesday, December 6th, in order for employees to attend the retirement farewell for him.
23 He said he hoped everyone would be able to come. He apologized for any
24 inconvenience it may cause.

25
26 Mr. Litton said on Monday, December 5th at 8:00 A.M., Skyline Drive will be closed just
27 north of Sun Tech office complex. The following addresses will be accessible only
28 through Emma Oaks Trail to the new Skyline Drive extension: 41 through 59 Skyline
29 Drive. As the construction project proceeds to the north, additional addresses will be
30 added to the list. For additional information or questions call 407-585-1452. He has
31 asked the Public Works Director to make sure we have maximum signage out there so
32 everybody knows. It's a tough project but they have done a great job so far.

33
34 Mr. Litton said there is currently an opening on the Board of Adjustment. The
35 requirements are you must reside within the city limits and be a registered voter. The
36 board meets the first and third Wednesday as necessary at 7:00 P.M. Visit our website
37 at www.lakemaryfl.com to complete a board appointment information form or contact
38 the City Clerk at 407-585-1423 and we can have one mailed.

39
40 Mr. Litton thanked everyone for last night. It was a great event but sad.

41
42 B. Mayor

43
44 Mayor Mealor had no report at this time.

45
46 C. Commissioners (2)

1
2 Commissioner Duryea said the party for the City Manager was a lot of fun and
3 reacquainted with people who have moved out of the area. He asked how much it cost.
4

5 Mayor Mealor said afterwards he and his wife were walking and a couple who were at
6 the event stopped them and we were commenting that it was without a doubt one of the
7 nicest events that we have attended in recent memory. He said it didn't cost the City a
8 penny because of the sponsors who believed in the work that Mr. Litton has done and
9 were willing to honor him by putting on that event. (He pointed out the sponsors were
10 listed on the back of the program.)
11

12 Commissioner Plank invited everybody to the old fashioned Christmas Social on
13 Sunday, December 4th from 4:00 P.M. to 6:00 P.M. The museum is decked out for
14 Christmas and there will be refreshments.
15

16 Commissioner Plank said the Holly Dolly Christmas dolls are still available at the
17 museum and would be delighted to work with you on special pricing.
18

19 Mayor Mealor said he and his wife visited the museum Saturday a week ago and we
20 have visited a lot of museums in the country. That's probably one of the finest exhibits.
21 If you are into dolls it is an exceptional exhibit and commended Commissioner Plank
22 and his team.
23

24 Commissioner Lucarelli said she attended a Community Leader Forum at Gray,
25 Robinson and it was related to water resource. St. Johns representatives and
26 environmental engineering firms were there. The new Director of St. Johns was there
27 and it was a breath of fresh air. One of the comments he made was the new attitude of
28 St. Johns is "applicants are not our enemies". They have gone from 750 employees to
29 600. He says they are right sizing. They have increased from a figure in 2004 of 10%
30 of the permitting being online up to 40% being online and are trying to get more folks to
31 do that. He was a very good speaker and she thought he would do a great job. He said
32 he didn't want to be burdened by the past and they are moving forward and trying to be
33 more efficient and working with people.
34

35 Commissioner Lucarelli said this morning at Good Morning Seminole Lucas Boyce from
36 the Orlando Magic gave his life story and how he got to where he is. We had Student
37 of the Month and Teacher of the Month that they give an award to. She said Mr. Boyce
38 was speaking to that young man about his future, being a good leader, honesty, and
39 integrity. Frank Hail got up at the end and these two guys are truly good gentlemen with
40 good hearts. It was very moving and touching. Frank shared a personal story of his
41 childhood and how the community helped support them during the holidays when they
42 had hard economic times and encouraged the community and businesses to chip in and
43 help. They are also doing a food drive.
44

45 Commissioner Lucarelli said the Chamber is doing a food drive specifically for families
46 in transition to go to the homeless children in Seminole County. They are taking the

1 collections at the offices on AAA Drive. She encouraged everyone to do what they can
2 and be thankful for what they have.

3
4 Deputy Mayor Brender said the City of Winter Springs will be hosting the Council of
5 Local Governments (CALNO) on December 7th.

6
7 D. City Attorney

8
9 Ms. Reischmann said a great decision came out yesterday on that upheld city red light
10 camera ordinances, the pre-statutory ones. It came out of the Third DCA. They did a
11 lot of discussion about home rule and how cities can do these things that aren't
12 preempted to the state, there has to be express preemption and not implied preemption.
13 It was a great decision and hopefully it will get upheld. The Fifth DCA is taking up the
14 same issue soon. It is still up in the air but is a good law made if it stays put.

15
16 XII. Adjournment

17
18 There being no further business, the meeting adjourned at 7:50 P.M.

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22
23 _____
24 David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

25
26
27 ATTEST:

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29
30
31 _____
32 Carol A. Foster, City Clerk