

1 MINUTES OF THE LAKE MARY CITY COMMISSION WORK SESSION held
2 December 5, 2013, 5:30 P.M., Lake Mary City Commission Chambers, 100 North
3 Country Club Road, Lake Mary, Florida.
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6 The work session was called to order by Mayor David Mealor at 5:35 P.M.

7

8 Mayor David Mealor	Jackie Sova, City Manager
9 Commissioner Gary Brender	Carol Foster, City Clerk
10 Commissioner George Duryea – Arrived Late	Dianne Holloway, Finance Director
11 Commissioner Allan Plank	John Omana, Community Dev. Dir.
12 Deputy Mayor Jo Ann Lucarelli	Gary Schindler, City Planner
13	Tom Connelly, City Engineer
14	Randy Petitt, Human Resources Mgr.
15	Steve Bracknell, Police Chief
16	Mary Campbell, Deputy City Clerk

17

18 Items for Discussion

19

20 I. State of the Police Pension

21

22 Ms. Sova said we are going to do an overview of the Police Pension Plan because they
23 have a plan change that they want to bring forward but the Police Pension and the Fire
24 Pension are very much alike. We are going to take a look under the hood and see how
25 the pension is compiled and put together, what the moving parts are, what creates the
26 contribution rates, and how we move forward with funding the plan. There is lots of
27 contemporaries' conversation around us about pension plans as a whole. The state
28 legislature keeps tweaking these pension plans because of state funding from insurance
29 policies. Before we make a change we need to have a review and talk and hear all at
30 once about these pension plans. It is something we haven't done before and had been
31 here 20 years. We need to hear what's under the hood and see how these plans are
32 constructed and see what the future looks like.

33

34 Commissioner Duryea arrived at this time (5:37 P.M.).

35

36 Michael Tierney of Actuarial Concepts came forward. He distributed a review of the
37 police retirement system (copy attached). He said he would try to give an increased
38 understanding of what you've got. He said he would try to cover things the City
39 Manager wanted to look at and what the City Commission might want to understand
40 more about. He said he wanted to talk the big picture, the management of the financial
41 risks, the actual valuation and what it's based on, and benefit levels.

42

43 Mr. Tierney said the impact statement is about increasing the multiplier and the impact
44 statement prepared by the plan actuary. The short version of that is the first three
45 numbers are fine. They use the same software we do. He said he had reviewed Foster
46 & Foster's work numerous times before and thought it looked reasonable, but that's not

1 the issue. The issue is what the long-term implications of this are. It is not critiquing the
2 numbers but it is going to be understanding the longer term implications of that first year
3 requirement. The use of premium taxes have changed last year and the pension board
4 is probably not currently following them. You may want to perfect the claim of using a
5 new application. It is probably not relevant right now because you are behind relative
6 to where you were several years ago in terms of premium taxes. One of the things we'll
7 cover is we did a study and increased things in the past based on assumption of
8 premium taxes coming in and now that they are \$50,000 short you have a shortfall of
9 what you promised before in terms of paying for it. That experience you have to decide
10 what you want to do for that and how can we get paid back for that shortfall. There are
11 all sorts of things that are more complicated in terms of solving right now and it involves
12 trying to spend the premium taxes on that rather than having excess. All of that needs to
13 be addressed in the bigger picture.

14
15 Mr. Tierney said pension reform. Is your plan out of whack and if you want to save
16 money or wanted to reduce costs what are we talking about. It is not something he
17 wanted to talk about but the Commission might want to talk about.

18
19 Mayor Meador said one of the concerns he had is several have a long tenure on this
20 Commission and have tried to be fair to our employees. From a fiduciary responsibility,
21 how do we protect our residents in terms of the long term risks relative to what their
22 assessment is in this community. We have one of the lowest by design and we have
23 been very proactive. If we look at other than insurance premium costs, this probably
24 has that stepwise impact on the budget planning process. In terms of a planning
25 wedge, he asked what decisions will be in our best long-term interests that are both
26 respective of our employees but keeping in mind the long-term viability of our
27 community. He asked each Commission member, Jackie or Dianne to guide the
28 discussion with Mr. Tierney if they feel we need to do something beyond his outline.

29
30 Mr. Tierney said the outline can cover anything you can think of.

31
32 Meador said Mr. Tierney does this type of presentations. From a timeframe this evening
33 he asked Mr. Tierney how much time he allotted. Granted you wanted an open
34 dialogue.

35
36 Mr. Tierney said it is up to the Commission. He said he had a lot of staying power and
37 planned for two hours because most people get tired after that.

38
39 Mayor Meador said the reason he asked is we have a scheduled Commission meeting at
40 7:00 P.M. and have several items that will have community involvement. He wanted to
41 be respectful of those coming in at 7:00.

42
43 Mr. Tierney said maybe just outline what the Commission saw (in his handout).

44
45 Commissioner Brender said when we are talking pensions we are talking about
46 millions, if not tens of million, of dollars. Let's break this down to a cop. He asked what

1 a cop was costing him. In order to gain some understanding we need to break our
2 numbers down so we can talk more on an individual basis rather than these giant
3 numbers of dealing with a \$45 million payout over the next 40 years.

4
5 Mr. Tierney said the problem with managing a 50-year risk is that today's numbers long
6 term don't tell you very much. Your risk isn't the \$15,000 cop it costs today. You can't
7 talk about today's numbers without understanding what we are talking about is trying to
8 manage that risk which is his number one. This plan has benefits that are guaranteed
9 and the City is on the hook for all the financial risks. There are two major risks. One is
10 the investment return risk. If you have shortfalls of what you assumed you will have to
11 pay more money. The other is the longevity risk. If people live longer than the actuarial
12 tables it's going to cost you more. You are on the hook for the expected costs and any
13 differential. There are two ways to reduce that risk. Change all of it to the defined
14 contribution plan but then you transfer the risk to the employees. He said he was a
15 believer in sharing. If we were together he would suggest we throw our money in the
16 pot and whoever lives longest gets more money but we have the expectation of an
17 income for the rest of our lives. We can't do that as individuals. In theory putting
18 money in a pot and managing it collectively in a defined benefit plan is the better way to
19 go. The problem is the City is on the hook for all the risk. You can share risk by having
20 a variable member contribution. If contributions go too much maybe you can split it
21 50/50. That's a way to modify the risk. You share the risks with members of the plan. It
22 is now more prevalent because people are concerned about the same thing.

23
24 Mr. Tierney said what he was doing is second opinioning. His pension board work is
25 dried up. When you work for cities a pension board that's union driven wants to hire
26 you. He said he morphed into this by default but is way better because he gets to teach
27 and explain the financial risks to people who hold the purse strings. The problem with
28 the pension board is they have no skin in the game and their job is to administer. If they
29 do whatever on the investments and it doesn't work out you pay the tab. That is why it's
30 important to get to the purse strings to explain the risks. You are the ones that pass
31 amendments to change the plan. Our job is to figure out a way to manage the risks
32 better. The first thing is to understand the risks. The way these plans work is every
33 defined benefit plan in the State of Florida develops actuarial funding as a percentage of
34 payroll and everyone assumes payroll is going to increase. The inevitable result of
35 those two assumptions is the dollar costs are going up by plan. That is how it is baked
36 into the valuation. You are not having a level dollar management. You are having an
37 increased dollar level percentage management. The reason it is that way is you tend to
38 manage payroll. So as long as the pension plan tracks that it is consistent, makes sense
39 and is something you can manage. You assume the risks and as long as you continue
40 to assume the risk you are assuming that volatility. The more conservative you are,
41 instead of assuming 8% we assume 7% interest, there is less chance of a big loss
42 because we tried to recognize in advance that first basis point. That means more money
43 per year.

44
45 Mr. Tierney said funded status to him as an actuary is irrelevant. We are managing
46 costs; we are not managing funding status because most of the money in the pension

1 plan won't be needed for payout for many years. We don't need it now. Whether we
2 are 50% funded now has nothing to do with where we are headed. That is not how
3 funding is based. The funding is not driven based on whatever percentage funding you
4 are. He gave an example of a new plan starting fresh, zero assets, zero percent
5 funded. They have a plan, they have a contribution requirement so it doesn't matter
6 what the funding status is as long as you have a plan to have it balanced eventually.
7 The good news is all actuarial valuations are automatically an actuarial balance required
8 by the actuarial standards of practice. We have to come up with a plan that is complete,
9 all the assumptions are realized, and all money you need will be there when due.
10 What's the variable? Cost per year. When we have a valuation based on that all we
11 are managing is cost per year. To him the funding status is a red herring. We want to
12 manage contributions and how can we make that less unstable. You can set up a
13 stabilization fund to smooth out the fluctuations. What does that require? More money.
14 The whole point is you can't say we want all these benefits if we don't like the costs.
15 What he is talking about is cost volatility. You have a big picture and a reasonable level
16 of benefits. It's not like you're way out of whack. If it still costs too much then you have
17 to be motivated to do something about it. If you are willing to pay it, that's fine. Every
18 valuation is going to show up and you are going to be in balance and it's just the tab.
19 The tab is based on those assumptions and if the assumptions are realized that's good.
20 Of course they haven't and that's why the tab has gone up. That is why it is important
21 to understand how these are funded and the risks you are assuming just by having a
22 plan and having a guaranteed level of benefits with no cost sharing.

23
24 Mr. Tierney said expectation is like a tightrope. Half the time you don't have enough
25 and half the time you have too much. You have to understand you are not going to hit
26 the expectation. You are always going to be somewhere around it, hopefully not too far
27 away from it. To the extent the future expectation of yield is less than that expectation of
28 8% that means you are going to be looking at hard contributions. There are all sorts of
29 actuarial techniques to smooth it but you still have this increasing tab. It will inevitably
30 increase in dollar amount even though those assumptions are realized. To the extent
31 you understand that and know you are not managing dollars but managing percentages
32 of payroll then it's okay. We are talking about increasing dollar amounts even though
33 the assumptions are met. That's why financial management of this plan is important
34 and to be aware of those things and how it works together. There are some things in
35 the plan we ought to talk about but that's big picture.

36
37 Commissioner Plank said he would like to focus on the current plan as far as where we
38 are, our status as far as premiums versus contributory funding, and move forward from
39 there. You have to have a baseline for discussion and then look at the risks going
40 forward based on assumptions that we are going to increase our police force or have
41 more people retiring. He said having a baseline on our specific plan would help him.

42
43 Mr. Tierney said he didn't know what a baseline means but No. 2 of his handout talks
44 about current basis valuation. We are using 7.5% investment return which he thought
45 was high, salary increases of 7% which he thought was high, and payroll growth of 5%
46 which he thought was high and would talk about that later. Funding method is the entry

1 age method which is a level percentage of costs method that is used by most of the
2 actuaries in the State of Florida. It is a level of percentage of costs methodology, is
3 standard and is good, it doesn't hide a lot of liabilities and you see the gains and losses
4 as they emerge. They do 10-year amortization of gains and losses, 20-year
5 amortization for assumptions changes so that means if you lower the interest rate from
6 7.5% to 7% you will fund that differential over 20 years. They use 30 years for benefit
7 increases. One of the financial things you need to be aware of is the back loading of the
8 unfunded repayments. The combination of the 5-year payroll growth and 30-year
9 amortization we want to talk in detail.

10
11 Ms. Sova stated they all had the impact statement but didn't know if they were sitting
12 with it.

13
14 Mr. Tierney said it says the current city contribution requirement is a percentage of
15 payroll and is about 42%.

16
17 Commissioner Brender said if a police officer after four or five years is making \$45,000,
18 we are talking 32% and that means we are funding a third of that \$45,000. He asked if
19 that was generally correct.

20
21 Mr. Tierney said it is more complicated than that. We take that \$45,000 and we project
22 that out over 25 years and get an answer of \$90,000 that we are funding.

23
24 Commissioner Brender said we have 7.5 % interest rate assumed. We have a 7%
25 salary increase assumed and the last five years we have had 1% or 2% for real. He
26 asked where the extra goes.

27
28 Mr. Tierney said goes to offset asset losses. These assumptions are packaged. You
29 have investment yield experience and salary experience and that gets smashed
30 together before you do the projections to see what differences happened between what
31 we assumed and reality. Over the last five years you needed that in order to counter
32 balance some asset losses. He thought the assumption of 7.5% interest return was too
33 high. There should be more of a differential and you should have a say in that. You
34 should have a say relative to the salary expectations to influence the actuary to be able
35 to understand the nature of your salary scales, promotional scales, and merit increases
36 so he can put together a package that is consistent. He expected that could be
37 lowered. If you lower that assumption your projected liabilities come down because
38 instead of \$90,000 it is maybe \$81,000. You are going to get a reduction in the annual
39 contribution because the target in the future has been lowered so the spread out over
40 time is also lowered. You have to appreciate this is a package of assumptions and how
41 conservative you want to be on the assumptions has to do with what kind of risks you
42 want to take in your contribution requirements, how much volatility you want to create in
43 order to save money and hoping the economy will save us. The more we assume a bad
44 scenario and the more we have to pay up front it may or may not be needed. You want
45 to be close to expectations so you are not that far off in the management of that cost
46 requirement. The contribution requirements and projected liability are broken up into

1 normal cost pieces and the normal cost pieces assigned to the past are called actuarial
2 liability and comparing that to assets we are talking about unfunded liability. That's how
3 the two components of the plan are measured. If you are behind on the normal costs
4 paid in to date is where the unfunded amortization comes. All the costs and liability
5 spread over time from start to the end and the future costs if they are paid plus making
6 up this shortfall in past costs will balance actuarially. The total contribution is broken up
7 into components: an amortization component that he was concerned about and a
8 normal cost component which is fine. You have to realize those components exist and
9 how what you pay is created. It is relevant because the amortization of the unfunded is
10 really what the extra cost is and what we wish we had less of because the permanent
11 cost is something fair relative to the benefits we are providing. We are behind the game
12 because of the asset shortfalls. That is what we are trying to manage. We have to
13 understand that unfunded in order to appreciate the implications in our five-year plan.

14
15 Mr. Tierney said we will get into the impact statement to talk about how things are
16 changed and get into the amortization more then. He thought they might like to look at
17 benefit levels next.

18
19 Ms. Sova said she thought they could go through this quickly. She said Mr. Tierney had
20 said they are not overly exorbitant nor are they minimal. We know we have enhanced
21 the plan over the years.

22
23 Mr. Tierney said the only thing he viewed as greater than where people are headed is
24 the multiplier. That is what you are trying to modify and that is why it is relevant. The
25 Florida Retirement System is 3%. They are paying 3% payroll. They lowered it briefly
26 in the early '80's and then went back and made it up when there was litigation. You
27 have pensionable pay including \$300 of overtime and there is nothing wrong with that.
28 State Statute says you can't do anything but \$300 but you can also have nothing. You
29 don't need to do overtime anymore. It doesn't mean you don't want to it just means you
30 don't have to. It's one of those things you can decide to manage if you want. If you
31 wanted to figure a way to cut back something that would what I would look at. Overtime
32 can be manipulated and loaded up at the end so if you are going to adjust something it
33 would be better to adjust something that applies differently to different people. It's
34 better to keep a one size fits all benefits so everyone is treated equally.

35
36 Commissioner Duryea said overtime is mandated by the system we use.

37
38 Chief Bracknell answered affirmatively.

39
40 Commissioner Duryea said the election for cost control is whether or not we include that
41 or not.

42
43 Mr. Tierney said a lot of cities average \$100 of overtime and can bring it down to control
44 abuses. What you have is fine but it is a tool to reduce costs in a way to address
45 potential differences in overtime between members. These are just observations and if
46 you're happy with the plan then he's happy with the plan. If you want to pay more

1 multiplier is good and maybe it helps you keep people. It's part of the bigger picture
2 beyond the pension plan. This pension plan shouldn't be driving stuff. This pension
3 plan should be the tail and employment dog. You have choices to pay pension at a
4 higher cost than you think you should and lower salaries. Some people might rather
5 have salary. That is an employment issue and not a pension plan issue. It is important
6 to point out that this ought to be the tail.

7
8 Mr. Tierney said you have a five-year DROP and thought that was fine. You don't have
9 a cost of living and that is an expensive feature. You already have a lot of cost controls
10 built in relative to other cities. The benefit structure is pretty good limited only by the
11 multiplier and where people are headed. A lot of people are cutting back on multipliers
12 for future service. You are looking at increasing it. He said he would rather keep the
13 multiplier at 3% and if he had extra money would have a cost of living projection.

14
15 Mr. Tierney said he would like to go to the actuarial impact statement. The first year
16 costs look fine. They are slightly more conservative than what's going on in the state.
17 You are ahead of the game in terms of lowering the interest rate to 7.5%. Most people
18 are going from 8% to 7.75%. Payroll growth funding, when you are assuming payroll
19 growth funding of 5%, the unfunded part of that increase is going to grow. The
20 employees are not paying interest on that unfunded mortgage. He didn't think they
21 knew this. Actuarial stuff is kind of obscure and people don't understand the implication
22 of a 5% payroll growth. That is the highest he had ever seen recently in the state.
23 What happens is it is a negative mortgage where you pay less interest and the
24 outstanding balance grew. That's what you've got here. It is going to continue to grow
25 for 15 years and the amount 15 years later is going to be larger than the unfunded you
26 are looking at right now. The problem with that is that even though their percentage will
27 increase as payroll increases just like the methodology of the normal costs. That
28 unfunded is not being paid off at all as part of this. What's happening is the next
29 generation is going to have to be repaying that. Repayment increases for 15 years and
30 then for 5 or 6 more years it drops down to the original level and the last 8 years is
31 when the repayment of the principal starts. That's the implication of that 30-year
32 amortization for benefit increases along with a 5% payroll growth. The bottom line is
33 you're looking at a first year cost which is masking what the ultimate cost is going to be.
34 It is not going to be paid by current employees but will be paid by future employees. As
35 long as you understand that it's okay but he has learned that nobody understands it.
36 Once you understand it then it doesn't seem right.

37
38 Mr. Tierney said gains and losses is over 10 years and assumption changes are over 20
39 years. One of the things he would do is consider amortization of this kind of increase
40 over no more than 20 years and would lower that payroll growth assumption to no more
41 than 3%. You still have an increase but it is a lot less so the negative mortgage doesn't
42 grow that much. You can break even if you lower the 20 down to 18 and maybe lower
43 3% down to 2% then you can balance it out to make sure you are paying full interest
44 from day one. In terms of management of this cost it would seem like that would make
45 a lot more sense so that you are in control and are not pushing off on future generations
46 too much of this cost, and this pushing off is unintended. I know you have no clue and

1 yet now that I have given you the knowledge what do we do about it. The answer is cut
2 the payroll assumption down and shorten the amortization. You have to pay more per
3 year but are at least acknowledging up front what the expected cost is.

4
5 Mayor Mealor said they did have a clue and is why Mr. Tierney is here.

6
7 Commissioner Duryea said what he is hearing is it is costing more up front if we change
8 it.

9
10 Mr. Tierney said you say it's more up front but is now more level. It is increasing the
11 dollar amount. Anything that involves a payroll growth assumption is going to increase
12 the dollar amount. You want the mortgage not to increase. It's like a regular mortgage.
13 Up front it is mostly interest and on the back is mostly repayment. It's just that it's not
14 going to be pushed off to a whole generation and have negative amortizations up front.
15 There is nothing wrong with that as long as you know that is what's happening but if
16 you're looking at the impact statement and saying it's no cost over the long term it's not.
17 This follows the state requirements and is in complete compliance. It would be nice if
18 you had a chart to show you. At least you would have that information to show you
19 what it looks like and what you're buying on to in terms of cost. Right now you are
20 increasing not for future service but increasing for all service. The guy retiring next
21 month is not going to pay anything which means everyone else is going to pay for it.
22 That's fine but didn't know if it was fair to have future generations pay for this because
23 the intent is to have the current people pay for their multiplier. If that is the objective we
24 need to figure out a way to get as close as possible to that.

25
26 Commissioner Duryea asked if the increase in the employee's contribution level making
27 up for that.

28
29 Mr. Tierney said that was what he was explaining. Yes for the first year cost but not for
30 the ultimate. They pay this amortization piece that's been back loaded to they've got
31 this normal cost piece they are paying for which is fine and they've got the amortization
32 piece that they are doing a negative amortization payment on. That payment is not
33 enough in order to have them have some concept of repaying the multiplier that is
34 attributable to them. Whenever you do a multiplier based on all service then you have
35 that issue. Future service is more going forward and everybody is in a similar boat so
36 the guy that retires next month doesn't get anything. He didn't pay anything but he
37 doesn't get anything. A future service approach tends to be a more evenhanded in
38 terms of trying to distribute the repayment of the liability you have undertaken. It is a
39 way to think about it that would tilt the way you're having people pay for the benefit you
40 are providing. If you are promising this based on all service, which is fine, whatever that
41 is has now increased all normal costs that created unfunded and is now negative
42 experience from expectation is also something that has increased your risk because of
43 the increased benefit but the employees have a fixed cost. You just increase the
44 management of the risk by increasing the benefit levels for all service and increasing
45 that financial risk because of the liability that you have agreed to up front. If you have

1 the money he had no problems. His job is to you understand the implications so you
2 won't be blindsided.

3
4 Commissioner Brender said he didn't think there was a city in the country that thinks
5 they have the money to fund police and fire departments forever so they could dispel
6 that thought. We don't have the money to continue down the path that we are doing
7 now. The way we are doing it now is exactly what the federal government is doing now
8 with social security. They are running it out and when it becomes a major problem then
9 what happens.

10
11 Mayor Mealor said with the way we are currently structured what do we need to modify
12 or what sums of money in terms of dedicated revenue stream are we going to need to
13 build in every budget to make sure we are actuarially sound down the road so when my
14 children's children come into the City of Lake Mary they aren't footing the bill for
15 something that we didn't have the courage to deal with on the front year.

16
17 Mr. Tierney said the best thing we can do is change the amortization methodology so
18 we don't back load the repayments.

19
20 Mayor Mealor said there were a lot of things they could do from a policy perspective.
21 We need to look at the big picture long term. He asked how they do it today so they are
22 not dealing with that problem in 20 years.

23
24 Mr. Tierney said you cannot reduce your financial risks unless you figure out a way to
25 reform your plan either by contribution sharing, variable benefits or something that
26 controls that risk you are assuming.

27
28 Mayor Mealor asked Ms. Holloway if that was the purpose of having Mr. Tierney here
29 this evening to help get us to that point.

30
31 Ms. Holloway answered affirmatively and to give the information to do that.

32
33 Mayor Mealor said he had struggled with this and we want to take care of our own. You
34 have a group out there with a defined plan that may be different than other employees.
35 We are doing across the board salary increases. He asked if that was the way to
36 handle a long term problem. He asked if those dollar amounts should be targeted to
37 another activity rather than salary and maybe the pension.

38
39 Mr. Tierney said the answer has to do with what employees want. Every salary you
40 increase affects the liabilities. As long as you have your increases less than 7%--that
41 7% includes promotions and not just what you raise. Any periodic increases like
42 longevity and promotions affect that number. There is nothing wrong with that as long
43 as you are aware that you have to think in terms of impact on the pension plan when
44 you are doing salary.

45
46 Commissioner Brender said it was said 7% was conservative.

1
2 Mr. Tierney said to assume a target of 5% to 5.5%. That means that ongoing increases
3 can't be more than 3% to 3.5%. The rest is longevity and promotions. As long as you
4 set some percentage aside for that you can reduce it. The concept behind the reduction
5 in order to make sure we are not lowballing that assumption and having more losses
6 and surprises in the future. It's important to mesh those two.

7
8 Commissioner Brender asked Mr. Tierney to explain salary increase versus payroll.

9
10 Mr. Tierney said payroll growth is aggregate and can be affected by hiring more people.
11 Salary scale is individually driven.

12
13 Commissioner Brender said so if we add 10 officers in the next 20 years that takes care
14 of that.

15
16 Mr. Tierney said he didn't know and asked if we were in a growth mode or are
17 landlocked.

18
19 Commissioner Duryea said we were landlocked right now.

20
21 Mr. Tierney said the expectation that you are going to have people growth is probably
22 debatable.

23
24 Mr. Tierney said in terms of management of this cost, he wasn't asked to talk about it.
25 He just put it on the plate in case anybody was interested. We want to try to manage
26 costs to keep the plan that we've got if we can long term. That is the objective. How
27 much risk you are willing to assume has to do with how much you are trying to manage
28 the volatility going forward like the stabilization fund. If the contribution is lower than last
29 year can you pay the same amount and put a little bit aside. If you're not interested in
30 that because you have to buy vehicles then that goes up in smoke. That means we may
31 need to do something else here to the extent the employees are willing to share over a
32 certain amount and cap your costs then you have a plan that has flexibility and you've
33 managed costs. There are techniques you can use depending on your priorities and
34 how much money you want to use to do this, and you realize you have more needs than
35 money.

36
37 Mayor Mealor said that is the point we are trying to get at. We have tremendous
38 respect for those who serve in public safety and in that respect is the issue of
39 reciprocity. In terms of sharing we get the knowledge base in here and can present
40 something to them in the spirit of collaboration. He asked how they go forward as a
41 community looking at these things. He said he had to make sacrifices with his employer
42 relative to his retirement and defined pension plan. It is not out of the question that may
43 be something we have to look at down the road.

44
45 Mr. Tierney said long term costs, what should the target be. The Florida Retirement
46 System normal cost is for special risks is around 14 – 15%. He said he had a client now

1 that we are doing a big study on and their target is 18%. They are managing between
2 12% and 18%. If they can get lucky and get 12% that's great then below that they will
3 share the savings with employees. Between 12% and 18% they are going to pay the
4 tab and over 18% there is going to be cost sharing. That is their plan. It took us three
5 months to get a number. What's fair is different for everybody. It's hard because
6 nobody knows what the number should be. You now have the benefit of a couple of
7 people's experience of what other cities are doing and compare that with what you
8 have. Let's say we are lucky and the expectation is met and the unfunded drops off.
9 Now we are managing a whole different number. If things work out you are going to
10 have a lower tab by design because of that 10-year amortization of losses. Part of
11 understanding the financial plan is to understand when things are expected to drop off
12 and then manage a cost target accordingly. You have got to have a target because if
13 you don't how will I know what you can afford. He also wants to know why that's a
14 target.

15
16 Mayor Mealor relinquished the gavel to Deputy Mayor Lucarelli at this time (6:30 P.M.)
17 and left the work session.

18
19 Commissioner Brender said he wanted to know what the impacts are. If we make a 2%
20 change in payroll from 5% to 3%, what does that mean to Smith. He asked if we were
21 talking dollars or tens of thousands of dollars.

22
23 Mr. Tierney said the latter.

24
25 Commissioner Brender said if we drop from 5 to 3 and we have Officer Smith out there
26 working, he asked if there would be an effect on his paycheck.

27
28 Mr. Tierney answered affirmatively because the member contribution that is to pay it will
29 go up.

30
31 Commissioner Duryea said he was on the Police Pension Board and a lot of things
32 thrown into this plan are state mandated. He asked what you see the state doing in the
33 next five to ten years about their insistence on a defined benefit.

34
35 Mr. Tierney said the state isn't insisting on a defined benefit.

36
37 Commissioner Duryea said from where he stands the state mandates a defined benefit
38 for police and fire.

39
40 Ms. Sova said to accept that money.

41
42 Mr. Tierney said if you want to have your own rules you just forego the premium taxes.
43 It depends on how important the premium taxes are relative to the costs that you have.
44 If you have a cost of 30% and get 5% in premium taxes he wasn't sure that was the
45 right relationship.

46

1 Commissioner Plank asked the current percentage of premium taxes.
2
3 Ms. Sova said 5.9%. It is \$129,000 out of \$600,000.
4
5 Mr. Tierney said everybody wants to keep as much premium taxes as they can but
6 there is a limit and sometimes not worth it.
7
8 Commissioner Brender said very few people have defined pension plans now and very
9 few will have them going forward. We are planning out 50 years for defined pension
10 plan when it is going to be gone in 10. He asked how they let the employee take on
11 more of the volatility.
12
13 Mr. Tierney said contribution sharing and benefit flexibility. You can have a multiplier
14 that you pay only if you have the funding for it. Don't promise it up front. Only pay it if it
15 is in your budgetary constraints. We need to figure out a way to manage that cost. We
16 can take a lot of responsibility because we are better equipped to do it than individuals.
17 Figure out a way to do that in a way where we can keep our structure. The reason a lot
18 of police and firefighters have modified their plan is they are worried the legislature is
19 going to outlaw them in the state. He said he was working with an organization that is
20 part of the Florida Retirement System that are cops. They have an interest in
21 preserving this. Flexible contributions and flexible benefits is a way to have legislators
22 to think they have a handle on the costs. It's important to head it off with a plan. The
23 defined contribution has been served up in a bill and is just a matter of if it is going to
24 pass. If you don't have an alternative it is going to be harder and harder to fight that off.
25 Part is understanding the risk and figuring out a way to manage it together. The City is
26 still on the hook for part of it but a lot of it is reduced so we have controlled the risk. We
27 are more likely not to have bad news relative to our expectation of what we think it's
28 going to cost.
29
30 There being no further business, the work session adjourned at 6:40 P.M.
31

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held December 5,
2 2013, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,
3 Lake Mary, Florida.

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I. Call to Order

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

II. Moment of Silence

III. Pledge of Allegiance

IV. Roll Call

- | | |
|-------------------------------|--------------------------------------|
| Mayor David Mealor | Jackie Sova, City Manager |
| Commissioner Gary Brender | Carol Foster, City Clerk |
| Commissioner George Duryea | Dianne Holloway, Finance Director |
| Commissioner Allan Plank | John Omana, Community Dev. Dir. |
| Deputy Mayor Jo Ann Lucarelli | Gary Schindler, City Planner |
| | Steve Noto, Senior Planner |
| | Tom Connelly, City Engineer |
| | Randy Pettit, Human Resources Mgr. |
| | Bruce Paster, Public Works Director |
| | Dave Dovan, Asst. Public Works Dir. |
| | Bryan Nipe, Parks & Recreation Dir. |
| | Steve Bracknell, Police Chief |
| | Craig Haun, Fire Chief |
| | Debra Babb-Nutcher, Acting City Att. |
| | Mary Campbell, Deputy City Clerk |

- V. Approval of Minutes: November 7, 2013 – Swearing In
November 7, 2013 – Regular Meeting

Motion was made by Commissioner Plank to approve the minutes of the November 7, 2013, Swearing In Ceremony and November 7, 2013, regular meeting, seconded by Deputy Mayor Lucarelli and motion carried unanimously.

VI. Special Presentations

- A. Special recognition to the Police Department’s SWAT team for their performance in the 31st International SWAT Roundup

Chief Bracknell said we are excited to bring the SWAT team out to be recognized by the Commission. Last month was very exciting with the SWAT Roundup. He turned the presentation over to Lt. Mike Biles.

1
2 Lt. Mike Biles came forward. He said early in November the Lake Mary Police
3 Department's SWAT team participated in the 31st Annual SWAT Roundup International
4 events. It is held at the Orange County Sheriff's Office.

5
6 Lt. Biles said generally there are approximately 60 teams that come from all over the
7 world to compete in this event. Most are from Florida but there are teams from
8 Hungary, Kuwait, Germany, two SWAT teams from Boston, along with the Lost Angeles
9 Police Department so there are some big and premier police departments from across
10 the country.

11
12 Lt. Biles said there are five events that go throughout the week. Each event is timed, a
13 lot of physical agility is tested, obstacle courses to go through, and it is very demanding
14 on these guys. He said having participated himself he could say it takes a lot of
15 commitment off duty as well as on duty. They qualify agencies by the number of sworn
16 officers and the SWAT Roundup Committee recognized there is a distinct disadvantage
17 between a police department of 42 sworn officers and 1,400 or 1,500 sworn officers that
18 some of these agencies have. Many of them have bigger SWAT teams than our entire
19 department.

20
21 Lt. Biles said very late in the week we found ourselves in 10th place out of 57 teams
22 then a couple stumbles happened and our police department finished higher than any
23 other department under 100 men.

24
25 Mayor Meador said what Lt. Biles is saying is they finished in 1st place and we have the
26 trophy to show. He asked the SWAT team to come forward.

27
28 Lt. Biles said that is correct. He said there were four individuals who were not here
29 tonight: Officer Chris Crutcher, Officer William Rodwick, Officer Doug Wheeler, and
30 Officer Steve Towler. He introduced the SWAT team members who were present: Lt.
31 Joe Wallace, Officer Justin Axon, Officer Mark Franks, Officer Travis Carraway, Officer
32 Matt Schaefer, Officer Romei Komives, Detective James Ritter, and Officer Martin Neal.

33
34 Mayor Meador said on behalf of the City of Lake Mary and our residents he thanked the
35 team for a job well done. It reflects so positively on our entire community and means a
36 lot.

37
38 VII. Citizen Participation

39
40 No one came forward at this time and citizen participation was closed.

41
42 VIII. Unfinished Business

- 43
44 A. Ordinance No. 1499 – A Zoning Text Amendment Amending Section 154.09
45 and Adding Section 154.130 of the Zoning Code – Second Reading (Public
46 Hearing) (Debra Babb-Nutcher, Acting City Manager)

1 Ms. Babb-Nutcher, Acting City Attorney, asked to read Ordinances 1499 and 1500
2 together since they are related.

3
4 Ms. Babb-Nutcher read Ordinance No. 1499 and Ordinance No. 1500 by title only on
5 second readings.

6
7 Ms. Babb-Nutcher stated she had nothing further from her office.

8
9 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1499
10 and/or Ordinance No. 1500. No one came forward and the public hearings were closed.

11
12 **Motion was made by Deputy Mayor Lucarelli to approve Ordinance No. 1499 on**
13 **second reading, seconded by Commissioner Brender and motion carried by roll-**
14 **call vote: Commissioner Brender, Yes; Commissioner Duryea, Yes;**
15 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Meador, Yes.**

16
17 B. Ordinance No. 1500 – Amending appendix I: Sign Code, of Chapter 155,
18 Subdivision Regulations – Second Reading (Public Hearing) (Debra Babb-
19 Nutcher, Acting City Attorney)

20
21 Ordinance No. 1500 was read by title only on second reading and public hearing held
22 under Item A.

23
24 **Motion was made by Commissioner Brender to approve Ordinance No. 1500,**
25 **seconded by Deputy Mayor Lucarelli and motion carried by roll-call vote:**
26 **Commissioner Duryea, Yes; Commissioner Plank, Yes; Deputy Mayor Lucarelli,**
27 **Yes; Commissioner Brender, Yes; Mayor Meador, Yes.**

28
29 IX. New Business

30
31 A. Request for conditional use approval for a private and retail recreational
32 facility/health studio, 108 Commerce Street; Lake Mary Fit Body Boot
33 Camp/Jennifer Corbett, applicant (Public Hearing) (Steve Noto, Senior
34 Planner) (quasi-judicial)

35
36 Mr. Noto said over the last couple of years we have seen a spike in activity in
37 businesses that are related to intense workouts, intense healthy eating and things of
38 that nature. We have had several conditional uses like this one come through: CrossFit
39 Lake Mary, the Be Fit Health Studio, and the facility by our building on Wallace Court.
40 More or less these businesses are the same type of thing less the unique offering that
41 each business owner has for his clients.

42
43 Mr. Noto said the Lake Mary Fit Body Boot Camp is proposed to be located at 108
44 Commerce Street which is the westernmost portion of Commerce Street. He pointed
45 out the location on the exhibit. CrossFit Lake Mary is in a building just to the south
46 which is not shown on the overhead. The business would operate out of Suite 103

1 which is just over 2,000 S.F. Folks would go there early in the morning or after work
2 hours (after 5:00 P.M.) to work out. It is a different type of workout business. There are
3 a couple of other businesses in the building which is important to note as one of the
4 things we look at for conditional uses is parking. Staff did multiple site inspections
5 during the review and before noon there were three to five cars parked in the parking lot
6 during normal business hours. Based upon the proposed hours of operation and how
7 we know that area works and how we know similar businesses have worked in other
8 areas of the City, we don't anticipate a parking problem. As we have done in the past if
9 one comes up we have a way of monitoring that through the business tax receipt
10 procedure and other methods through site inspections.

11
12 Mr. Noto said with the conditional use process we reviewed this request against the six
13 findings of fact. It is an existing facility so we don't have to worry about buffering,
14 utilities and things of that nature. We are working with the applicant on some interior
15 build-out issues but didn't see any major problems coming out of that review based on
16 discussions with staff.

17
18 Mr. Noto said the Planning & Zoning Board heard this item at their regular November
19 12, 2013, meeting and voted unanimously 5-0 to recommend approval. Staff
20 recommends approval. He noted the applicant was present.

21
22 Commissioner Brender said he noticed this was a 12-month conditional use so they will
23 be back in a year.

24
25 Mr. Noto said if it requires re-review we have the opportunity; however, we have never
26 had that issue come up.

27
28 Commissioner Plank asked if the parking lot could handle 40 cars.

29
30 Mr. Noto said there are currently 55 spaces on site. We find that a lot of folks carpool to
31 these facilities. The fact that there are three or four businesses now with one or two
32 employees, we don't anticipate there being a parking issue but we have the ability
33 through the conditional use procedure to keep an eye on that.

34
35 Commissioner Plank said the reason he asked was because the class times are close
36 together and there will be some overlap of people arriving for the next class before it
37 begins.

38
39 Mr. Noto said when the business starts there will not be 40 people per class right now.
40 He believed there were less than a dozen per class. We will keep an eye on that.

41
42 Mayor Mealor asked if anyone wanted to speak in reference to this request for a
43 conditional use. No one came forward and the public hearing was closed.

44
45 **Motion was made by Deputy Mayor Lucarelli to approve the conditional use for**
46 **Lake Mary Fit Body Boot Camp, seconded by Commissioner Plank and motion**

1 **carried by roll-call vote: Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes;**
2 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

3
4 B. Request for Final Plat Approval for Waterside PUD subdivision located at
5 1255 & 1275 West Lake Mary Boulevard; ZDA, LLC/Allan Goldberg, applicant
6 (Public Hearing) (Gary Schindler, City Planner) (quasi-judicial)
7

8 Mr. Schindler said we have a good product, we have a good process, and we have
9 worked well with Mr. Goldberg, the neighborhood and the City of Sanford. If this is
10 approved tonight it will not be recorded until such time as all the infrastructure is
11 completed, approved or bonded. If it is approved tonight staff will continue to work with
12 Mr. Goldberg to make sure that that the product in the ground will be the best for him,
13 the City and the neighbors.
14

15 Mr. Schindler said staff finds that the final plat complies with the Code of Ordinances,
16 Comprehensive Plan, and Chapter 177 Florida Statutes with the four conditions.
17

18 Mr. Schindler said at the November 12, 2013, meeting, P&Z voted 5 – 0 to recommend
19 approval.
20

21 Mayor Mealor asked if anyone wanted to speak in reference to final plat approval for
22 Waterside PUD. No one came forward and the public hearing was closed.
23

24 **Motion was made by Deputy Mayor Lucarelli to approve the final plat for**
25 **Waterside PUD subdivision with the four conditions, seconded by Commissioner**
26 **Plank and motion carried by roll-call vote: Deputy Mayor Lucarelli, Yes;**
27 **Commissioner Brender, Yes; Commissioner Duryea, Yes; Commissioner Plank,**
28 **Yes; Mayor Mealor, Yes.**
29

30 C. Request for Final Plat Approval for Sand Hill Cove located east of North
31 Country Club Road on the east and west sides of Linda Lane at 142 Linda
32 Lane; Chris Mahnken, applicant (Public Hearing) (Steve Noto, Senior
33 Planner) (quasi-judicial)
34

35 Mr. Noto said Sand Hill Cove is five acres and zoned PUD. It was approved by the
36 Planning & Zoning Board earlier this year for construction. This is the final step of the
37 subdivision process. We will have the Mylar signed and recorded and they will be set to
38 go selling these lots. There are six conditions we request be added as part of the
39 motion if the Commission looks to approve this item.
40

41 Mr. Noto said the Planning & Zoning Board heard this item at their November 12th
42 meeting and voted 4 – 0 to recommend approval with the six conditions. He noted the
43 applicant was present.
44

45 Mayor Mealor asked if anyone wanted to speak in reference to final plat approval for
46 Sand Hill Cove. No one came forward and the public hearing was closed.

1
2 **Motion was made by Commissioner Brender to approve the final plat for Sand Hill**
3 **Cove with the six conditions, seconded by Commissioner Plank and motion**
4 **carried by roll-call vote: Commissioner Brender, Yes; Commissioner Duryea,**
5 **Yes; Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**
6

7 D. Request for Preliminary Subdivision Plan Approval for Pine Tree Terrace
8 located at the southeast corner of Pine Tree Road and Olivia Rose Court; M.I.
9 Homes of Orlando, LLC/Brian Dalrymple, applicant (Public Hearing) (Steve
10 Noto, Senior Planner) (quasi-judicial)
11

12 Mr. Noto said the subject property is just over five acres located east of Country Club
13 Road. He showed the proposed plan on the overhead. He noted the rectangle with the
14 bold black line currently has one home on the property that was built in 1971 on
15 proposed Lot 4 and it will be demolished as part of the construction of the subdivision if
16 it is approved.
17

18 Mr. Noto said the current zoning of the property is R-1AA which means that each lot
19 shall be a minimum of 14,000 S.F. The largest lot is 15,600 S.F. and the smallest is a
20 little over 14,000 S.F. The proposed lots meet the minimum required by the R-1AA
21 zoning district. It will follow the standard zoning code. The setbacks will follow the
22 standard zoning code. Lots 1, 2 and 3 will have access off of Pine Tree Road. Lot 1 is
23 double frontage and will have a 25-foot setback off of Pine Tree and a 25-foot setback
24 off of Olivia Rose. There will be a 25-foot setback in the front for the remaining lots and
25 30 in the rear. The side yard setbacks for the eastern lots are going to be 12 feet.
26 That's going to be memorialized through this process. They could have done 8, 9 or 10
27 but based on meetings with the neighbors to try and keep the homes as far away as
28 possible they are going with a minimum of 12 feet which would push the side yard on
29 the western lots to 8 feet.
30

31 Mr. Noto said the future land use of the property is LDR which allows for 2-1/2 units per
32 acre. They could have built 13 homes but are going with nine due to site constraints.
33 There are some wetlands on the southern portion and an environmental study was
34 done. They found no issues but pointed out the wetlands on the site. They are
35 providing the required 25-foot buffer.
36

37 Mr. Noto said six of the lots will be accessed by a new cul-de-sac that would come off of
38 Olivia Rose Court. It is a 5-foot right-of-way and it will be dedicated to the City when we
39 get to the platting point.
40

41 Mr. Noto showed an aerial photograph. We overlaid an image provided by the
42 applicant. Our GIS Tech added the lot sizes on the proposed lots and also provided the
43 data for the surrounding lots. The point of the exercise was to see how consistent it
44 was with the overall neighborhood. That whole area is R-1AA and everyone is required
45 to have a minimum third of an acre. The homes in the area range from .33 to .32.

1 There are other lots beyond this aerial that are around a third of an acre. We are
2 pleased that the proposed lot sizes are consistent with the neighborhood.

3
4 Mr. Noto said the Seminole County School Board reviewed this project for capacity
5 issues and found there was sufficient capacity based on their requirements.

6
7 Mr. Noto showed examples on the overhead of what the homes would look like. He
8 noted the applicant was present who would talk about the home sizes and other things
9 specific to the home design.

10
11 Mr. Noto said the Planning & Zoning Board heard this item at their regular November
12 12, 2013, meeting and unanimously recommended approval 5 – 0 with staff's two
13 conditions regarding a privacy fence being constructed on the western boundary of the
14 stormwater pond, and the driveways of Lots 1 and 3 which are the northwest corner and
15 northeast corner be situated in a way that do not conflict with the existing roadway
16 system. The P&Z added three more conditions basically having to do with
17 neighborhood outreach. Their Conditions 1 and 2 would be 3 and 4. Condition 3 which
18 is the final condition on the last page of the staff report has to do with the setback on the
19 eastern side of the properties that were mentioned.

20
21 Mr. Noto said staff finds this request is consistent with the Code of Ordinances and are
22 recommending approval with the findings of fact outlined in the staff report. He said the
23 applicant could provide information about the neighborhood outreach that was done
24 recently to give a feel of what issues came up at P&Z and how they have been
25 addressed.

26
27 Commissioner Duryea said if he wasn't mistaken this property was subdivided once
28 before.

29
30 Mr. Noto said there was a proposal and something came up with the existing home that
31 prevented it from moving forward.

32
33 **SIDE 2A**
34

35 Brian Dalrymple, 639 Richard L. Mark Drive, Apopka, Florida, applicant, came forward.
36 He thanked the Mayor and Commission for allowing him to present tonight. He said it
37 had been quite some time since M.I. Homes built in the City of Lake Mary and is excited
38 to come back to Lake Mary.

39
40 Mr. Dalrymple said he had meetings with residents. They were very engaged and had
41 done their homework. We think we have met all of the neighbors' concerns. We are
42 glad we have staff's support. We are excited to have a subdivision in Lake Mary and
43 have great neighbors for future homeowners. He said he was available to answer any
44 questions.

1 Mayor Meador asked if anyone wanted to speak in reference to the request for
2 preliminary subdivision plan approval.
3
4 Richard Ryan, 200 Shady Oaks Circle, came forward. He said his house was directly
5 across the street from this project. He said he had a concern about Lot 1 on the corner.
6 He understood the type of house that is going to go there and the direction of the
7 garage has yet to be decided but there is a school bus stop at that corner. He
8 expressed concern about how the driveway is going to be situated on that home,
9 especially when they said it was going to exit out onto Pine Tree Road. He said he
10 looks at the safety of kids. The high school picks up on one side of the street and the
11 junior high picks up on his side of the street.
12
13 Mr. Ryan said his other concern was more of a personal one. He wanted to make sure
14 they have a designated place on the property for their construction people to park
15 because he has had other people park along Shady Oaks Circle. Along Pine Tree
16 Road he had property up there and had to repair his sprinkler system two or three
17 times.
18
19 Mr. Ryan said he was wondering what type of privacy fence would be put up. He asked
20 if it would be on M.I. property or Shady Oaks Circle residents' property.
21
22 Mr. Dalrymple said the fence would be vinyl, either white or tan. We also propose black
23 picket if somebody doesn't want a wall in the back of their yard. It is going to be on
24 each individual homeowner's lot.
25
26 Mayor Meador said if you look at some of the M.I. Homes communities in the
27 unincorporated part of Seminole County, they are beautiful neighborhoods. He said he
28 had noticed there are designated parking areas for construction. He asked Mr.
29 Dalrymple how he planned to address Mr. Ryan's concern.
30
31 Mr. Dalrymple said he would have a designated area for construction parking. We are
32 particular about our sites whether in land development or home building and
33 maintaining a clean site and keeping everybody on our site that's supposed to be
34 working on the site. He said he had no problem designating a place to park.
35
36 Mayor Meador advised Mr. Ryan that we would make sure that is monitored and
37 followed. He thanked him for bringing it to the Commission's attention.
38
39 Mr. Dalrymple said Mr. Ryan has his card and if he had any issues at all to not hesitate
40 to call.
41
42 Kathy Hoenig, 262 Olivia Rose Court, came forward. She said she lives perpendicular
43 to where the proposed new street is down one house. Her concern is with that new
44 street coming up, the house that's directly across but up a little bit is the Alvarez home.
45
46 Mr. Noto pointed out the Alvarez home on the exhibit.

1
2 Ms. Hoenig said their driveway is a side entrance driveway and they back out onto
3 Olivia Rose Court, as does Dr. Casey's house which is at the very end of Olivia Rose
4 Court. Her concern is with people coming down Olivia Rose Court onto the new street
5 and with people coming out of the new street having the Alvarez driveway backed up
6 onto Olivia Rose Court. In addition we have the street coming out at a bend where you
7 have the people who live beyond the new street who are coming out of Olivia Rose
8 Court. She said she had safety concerns with it and didn't see where anybody has
9 talked about it being addressed. We have talked about the homes that will face Pine
10 Tree. Two of those homes will have to have side entrance driveways so they are not
11 backing out onto Pine Tree. She asked how they were addressing the new street with
12 regard to Olivia Rose Court.

13
14 Mr. Noto said we talked about this challenge and there will be a STOP sign at the end of
15 the proposed cul-de-sac. He pointed out the location on the exhibit. He said he did
16 some research using Google and our GIS system to see if this type of layout existed
17 anywhere else in the City. What put him at ease is that this is a cul-de-sac with six
18 homes and six homes on Olivia Rose. He said he noticed other streets in the City
19 where you would have 20 homes along a straight roadway and at the end of that
20 roadway is a home with a driveway. That person would be backing out against traffic.
21 We have the situation here where a cul-de-sac is going to be utilized by six homes and
22 another one utilized by six homes. We have STOP sign where the driveway is. We are
23 going to work with the applicant, maybe for some additional signage so people realize
24 there is a change coming and be wary of new traffic movements and traffic patterns
25 from future homes and those already there.

26
27 Mayor Mealor said we will be looking at that and working with the applicant,

28
29 Commissioner Brender said he knew this looks like a lot but for six homes you are
30 talking about a very limited number of trips. He said he lives in the Feather Edge
31 community on Rinehart Road and we added 23 units to an existing 43-unit townhome
32 complex and there were a great number of concerns. He said he had been there eight
33 years and didn't think there had been one day that he has had to wait at the STOP sign
34 at the end of the street. He said even though it looks massive when it is across the
35 street from you, by the time you look at the traffic generations you are going to get from
36 six homes, it will not be nearly as bad. We will monitor it.

37
38 No one else came forward and the public hearing was closed.

39
40 Mr. Dalrymple said he didn't have a problem with Lots 1 and 6 being side entry houses
41 but those driveways would be right across the street from the other two houses that
42 exist today.

43
44 **Motion was made by Deputy Mayor Lucarelli to approve the preliminary**
45 **subdivision plan for Pine Tree Terrace with the five conditions, seconded by**
46 **Commissioner Brender and motion carried by roll-call vote: Commissioner**

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

3
4 E. Ordinance No. 1501 – Zoning Text Amendment for proposed revisions to
5 Section 154.09 revising the definition of Pain Management Clinic – First
6 Reading (Public Hearing) (Gary Schindler, City Planner)
7
8

9 Ms. Debra Babb-Nutcher, Acting City Attorney, read Ordinance No. 1501 by title on first
10 reading.

11
12 Mr. Schindler said it has been almost a year since we first adopted our pain
13 management regulation. It was December 20, 2012. We anticipated that this could be
14 a work in progress. We found we needed to do a little tweaking. The Florida Statutes
15 has a simple definition of what a pain management clinic is. There are two parts to it.
16 One is the City could never begin to track it. A certain percentage of prescriptions each
17 month have to be for opioids, benzodiazepine, barbiturates, etc. We have no way of
18 tracking that. The second part says if you advertise in any form or fashion then you are
19 a pain management clinic. If you have a website, you're a pain management clinic. If
20 you have a yellow page ad, you're a pain management clinic. If you have a brochure,
21 you're a pain management clinic. It's real easy to know what is and isn't a pain
22 management clinic. The problem we faced is we didn't have a clear avenue of saying
23 you have to follow the City's requirements and these don't. We talked at the time about
24 the fact that there would be some that would have to go into the M-1A or M-2A zoning
25 district and others that would not. This is the intent of the change tonight. The State
26 Board of Health said if you are a pain management clinic you have to register with us
27 except there are certain exemptions. If you comply with one or more of those
28 exemptions you don't have to register. We feel that we don't have to give you oversight.
29

30 Mr. Schindler said right now our definition says a pain management clinic shall mean as
31 described in Section 458.3265 or 459.0137 of the Florida Statutes. As proposed it says
32 a pain management clinic shall mean any medical office/facility that is required to
33 register with the Florida Department of Health per the sections of the Florida Statutes as
34 may be amended from time to time. The key word is "as required" because we have
35 encountered a pain management clinic that has chosen to register. They meet the
36 exemption in that all of their physicians are certified pain management doctors by
37 professional organizations. That's one of the exemptions but they have said we want to
38 go the extra mile. We want to have the oversight by the Florida Department of Health.
39 If they are required to register then we will say you either document that you aren't
40 required to register or these are the criteria that you must meet.
41

42 Mr. Schindler said at the November 12, 2013, meeting, the P&Z unanimously
43 recommended approval of the proposed revision.
44

45 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1501. No
46 one came forward at this time and the public hearing was closed.

1
2 Commissioner Brender said the Sections 458.3265 and 459.0137 are the sections that
3 specifically break out exactly that this is a pain clinic versus this is a doctor's office.

4
5 Mr. Schindler said not for the state. The state says you are a pain management clinic
6 but you are a pain management clinic that either does have to register or does not.

7
8 Commissioner Brender said if he goes to the doctor's office because he has a pain in
9 his shoulder would he be a pain management clinic that day.

10
11 Mr. Schindler said not necessarily because he may not advertise for pain management.

12
13 Commissioner Brender said that is one of the criteria in the statutes.

14
15 Mr. Schindler answered affirmatively but we are saying if you are a pain management
16 clinic that is required to register with the state then you will comply with our locational
17 and separation requirements.

18
19 **Motion was made by Commissioner Brender to approve Ordinance No. 1501 on**
20 **first reading, seconded by Commissioner Plank and motion carried by roll-call**
21 **vote: Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Commissioner**
22 **Brender, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.**

23
24 X. Other Items for Commission Action

25
26 There were no items to discuss at this time.

27
28 XI. City Manager's Report

29
30 1. Request for authorization to proceed with additional traffic signal at International
31 Parkway and Heathrow Park Lane

32
33 Ms. Sova said this is a request to authorize to proceed with an additional traffic signal at
34 International Parkway and Heathrow Park Lane. This is the intersection where the
35 Verizon building is going to be. We have talked to Verizon and they have committed to
36 pay half the cost of a new signal to go at that intersection. There is quite a long stretch
37 of road between traffic signals. With the Colonial construction on the other side of the
38 road it will be very well needed. We are looking at more than 750 employees in the
39 building. This traffic signal is going to be needed.

40
41 Ms. Sova requested the Commission approve a transfer of up to \$200,000 for the
42 construction of the Verizon signal and accept Seminole County's proposal to design and
43 construct it by piggybacking their contract.

44
45 **Motion was made by Deputy Mayor Lucarelli to proceed with the installation of a**
46 **traffic signal at International Parkway and Heathrow Park Lane, transfer up to**

1 **\$200,000 for the construction of the signal, and accept Seminole County's**
2 **proposal to design and construct by piggybacking their contract. Seconded by**
3 **Commissioner Plank and motion carried unanimously.**

4
5 2. Lakeview Avenue parking lot construction award
6

7 Ms. Sova said this is for the Lakeview Avenue parking lot. This is on the former Mixon
8 property. We took it out to bid and got two responses: Central Florida Environmental
9 and Masci Construction. The budget for the project was \$110,000 and the most
10 responsive bid was Central Florida Environmental for \$109,777. There is a
11 configuration in the packets showing how the parking lot is going to be laid out.
12

13 Ms. Sova requested approval to enter into an agreement with Central Florida
14 Environmental for an amount not to exceed \$109,777 for the Lakeview Avenue parking
15 lot.
16

17 **Motion was made by Commissioner Plank to authorize the City Manager to enter**
18 **into an agreement with Central Florida Environmental for construction of the**
19 **Lakeview Avenue parking lot in an amount not to exceed \$109,777, seconded by**
20 **Deputy Mayor Lucarelli and motion carried unanimously.**
21

22 3. Wastewater lift station SCADA system upgrade
23

24 Ms. Sova said this item is for the wastewater lift station SCADA system upgrade. This
25 is basically the electronic notification system about our lift stations and if they are
26 functioning properly. We own 16 wastewater lift stations and we pump wastewater to
27 Seminole County for collection, treatment and disposal. The last time we did this
28 telemetry was in 2005 and we used Seminole County public service radio system which
29 is being converted to digital only in 2014 so our current configuration won't continue to
30 work. We would like to switch to a cellular system and would also like to switch to non-
31 proprietary equipment so that we aren't limited on who can work on the system and who
32 can provide replacement parts.
33

34 Ms. Sova said the most responsive bid was from Santis Engineering for \$268,730. Staff
35 checked their references with several places to appraise their work and we are pleased
36 with them. This item had a budget problem. We budgeted \$180,000 so we would use
37 all of that money and take \$88,730 from our Sewer & Reuse Implementation programs.
38

39 Ms. Sova requested the Commission authorize her to enter into a contract with Santis
40 Engineering for the pump station telemetry system in an amount not to exceed
41 \$268,730.
42

43 **Motion was made by Commissioner Brender to authorize the City Manager to**
44 **enter into a contract with Santis Engineering for the pump station telemetry**
45 **system in an amount not to exceed \$268,730, seconded by Deputy Mayor**
46 **Lucarelli and motion carried unanimously.**

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4. Elder Affairs Commission 2014 Shred-A-Thon event location

Ms. Sova said this is for the Elder Affairs Commission 2014 Shred-A-Thon event location. The program grows every year. Last year we used the parking lot at 660 Century Point that worked well. She requested the Commission authorize her to execute a lease agreement for the parking lot again this year.

Motion was made by Commissioner Plank to authorize the City Manager to execute a lease agreement for use of the parking lot at 660 Century Point, seconded by Deputy Mayor Lucarelli and motion carried unanimously.

5. Agreement with the Lake Mary Historical Society to operate the Lake Mary Historical Museum

Ms. Sova said this is an agreement with the Lake Mary Historical Society to operate the Lake Mary Historical Museum. This is an item we brought up at budget that in order to keep the museum open additional hours and to not have to fully operate the museum ourselves to contract with the Lake Mary Historical Society.

Motion was made by Commissioner Plank to authorize the City Manager to execute agreement between the City and the Lake Mary Historical Society for the museum operation and provide an annual stipend to the Lake Mary Historical Society in the amount of \$25,000, seconded by Commissioner Brender and motion carried unanimously.

6. Vehicle and equipment replacements for FY 2014

Ms. Sova said this item is our annual vehicle and equipment replacements for 2014 to include three (3) Public Works vehicles, one (1) for Community Development, four (4) for Parks & Recreation, three (3) for the Fire Department, and eleven (11) Police vehicles. They are fully described in the packets.

Public Works

- 2014 Ford F-550 Dump Truck
- 2014 Ford F-250 Utility Truck
- 2014 Ford F-150 Pick-up Truck

Community Development

- 2014 Ford Escape

Parks & Recreation

- 2014 Ford F-150 Pick-up Truck

- 1 2014 Ford F-150 Long Bed Pick-up Truck
- 2 2014 Ford F-250 Utility Truck
- 3 2014 Ford F-450 Four Door Crew Cab Truck

4
5 Fire Department

- 6
- 7 (2) 2014 Ford F-150 Four Door Crew Cab 4X4 Trucks
- 8 2014 Ford Escape

9
10 Police Department

- 11
- 12 2014 Ford F-150 Pick-up Truck
- 13 (5) 2014 Ford Explorer Interceptors
- 14 (2) 2-14 Ford Fusions
- 15 2014 Speed Monitor Matrix Trailer
- 16 (2) 2014 BMW Motorcycles

17
18 Ms. Sova said we are going from three motorcycles to two. We have one we are not
19 utilizing fully at this point. She said Dana Safety Supply will provide all the equipment to
20 outfit these vehicles.

21
22 Ms. Sova recommended that the City Commission authorize her to purchase three (3)
23 Public Works vehicles, one (1) for Community Development, four (4) for Parks &
24 Recreation, three (3) for the Fire Department, and eleven (11) Police vehicles under
25 FSA Bid 13-21-0904, to purchase the appurtenances as described, and to surplus
26 Vehicles 11, 51, 60, 65, 322, 350, 351, 352, 356, 514, 624, 625, 2220, 2221, 2232,
27 2237, 2238, 2240, 2246, 2247, 2248, 2249 and 2250.

28
29 Commissioner Plank asked if all of the Interceptors would be marked vehicles.

30
31 Ms. Sova answered affirmatively.

32
33 Commissioner Plank said the reason he asked is that one had a car pulled over the
34 other day that was not marked and there are a lot of while Explorers out there. In
35 deference to our citizens we should give them a little bit of warning.

36
37 **Motion was made by Commissioner Duryea to approve the purchase of 22**
38 **vehicles as described in staff report and declare Vehicles 11, 51, 60, 65, 322, 350,**
39 **351, 352, 356, 514, 624, 625, 2220, 2221, 2232, 2237, 2238, 2240, 2246, 2247, 2248,**
40 **2249 and 2250. Seconded by Commissioner Plank and motion carried**
41 **unanimously.**

42
43 7. Surplus 30 M-5 Patrol Rifles

44
45 Ms. Sova said the next item is a request to surplus thirty (30) M-5 patrol rifles. The
46 Police Department has come up with an exchange program to take out of service their

1 M-5 rifles which are at the end of their service life. They are problematic and they can't
2 get spare parts for them. She requested the Commission allow her to surplus the list of
3 rifles as outlined in the staff report.

4
5 Commissioner Duryea asked why a 15-year-old M-5 is as valuable as this M-4 with no
6 cost.

7
8 Chief Bracknell said they are traded in for parts. The HNK is a difficult company to deal
9 with. It takes years to get a little spring and ours are at the end of their service life. It is
10 difficult to get repairs. He explained that our guns could not be sold to civilians and has
11 to be sold to another police agency. The brand new weapons are brand new.

12
13 Commissioner Duryea asked why the old ones are just as valuable as the new ones.

14
15 Chief Bracknell said parts.

16
17 Commissioner Brender said the M-4 comes in single burst or NATO round and has
18 either a fully automatic or three shot burst.

19
20 Chief Bracknell said we are getting semi-automatic. We are getting rid of the three shot
21 burst. We are staying with the military model but not the fully automatic. Ammo is
22 expensive. We don't need to have two rounds of 2-2-3 going down range.

23
24 **Motion was made by Commissioner Brender to declare M-5 rifles listed in the**
25 **staff report surplus and authorize exchange for replacement M-4 rifles at no cost**
26 **to the City, seconded by Deputy Mayor Lucarelli and motion carried unanimously.**

27
28 Ms. Sova said the Community Development Director John Omana was recently
29 recognized at the Tri-County League of Cities the Distinguished Service Awards Gala
30 for "Seminole County Employee of the Year".

31
32 Ms. Sova said Holiday in the Park is tomorrow night in Central Park from 6:00 P.M. to
33 8:00 P.M. The tree lighting is at 6:30 P.M. followed by the arrival of Santa and Mrs.
34 Claus at 6:45 P.M. Bring your kids out to the free event. There will be music, games,
35 face painting, and lots more.

36
37 Ms. Sova said Santa will be touring the City this Saturday and next Saturday. He will
38 begin at 8:30 A.M. on both days. To find out his routes visit our website or call Battalion
39 Chief Robert Howington at 407-585-1477.

40
41 Ms. Sova said our holiday food and toy drive is going on until December 13th. All
42 donations will benefit the Crystal Lake Elementary and Lake Mary Elementary food
43 pantries. Drop-off boxes are located at the Police Department, City Hall, and the
44 Municipal Services building.

1 Ms. Sova said we are going to have vacancies on the Board of Adjustment, Parks &
2 Recreation Advisory Board, Planning & Zoning Board, and Local Planning Agency when
3 terms expire at the end of the month. You must be a qualified elector of the City to be
4 eligible to serve. There is a vacancy on the Historical Commission and Elder Affairs
5 Commission as well. If you are interested in serving contact the City Clerk at 407-585-
6 1423.

7
8 XII. Mayor and Commissioners Report

9
10 Mayor Mealor had no report at this time.

11
12 Deputy Mayor Lucarelli said she attended the RPA meeting and Bill Ray Nissan got
13 approved for a \$400,000+ grant to revamp and fix up their building.

14
15 Deputy Mayor Lucarelli at the MAC meeting today at Metroplan there are public
16 meetings coming up at DOT on December 11th at 6:00 P.M. if anyone is interested in
17 attending to see what's going on with upcoming transportation projects for the next five
18 years and their expenditures. There is a 511 mobile app for your phone and went over
19 that. There is a national program they are going to be starting conducting bicycle and
20 pedestrian counts. One of the locations where they are going to be doing a count is
21 here at the corner of Country Club Road and Lake Mary Boulevard. They are looking
22 for volunteers to do the counts. January 6th will be the first one and then another on
23 September 8th. They need 20 to 40 volunteers for the January 6th count and will be from
24 5:00 P.M. to 7:00 P.M. You can get hold of Metroplan Orlando to volunteer.

25
26 Commissioner Brender said Winter Springs hosted CALNO last night. We were going
27 to elect new officers but didn't have a quorum. We talked about some future plans.
28 Seminole State College gave some additional information on their intent to put out a bid
29 to have a builder's rep for the Altamonte Campus. They put out a national bid process
30 for that and got 129 responses. The meeting ended without any official business. We
31 are going to put off the elections until the January meeting which will be January 8th
32 rather than January 1st.

33
34 Commissioner Brender said he attended the Menorah lighting for the North Florida
35 Jewish Organization Chabad and it was a wonderful evening. We had a couple
36 hundred people attend and combined with the City's Hanukah/Christmas lights we
37 arrived at something we can all share and enjoy without having to worry about what
38 they are.

39
40 Commissioner Duryea said he wanted to give his annual greeting to the employees and
41 staff here. He said he really enjoyed working with you guys and it was a pleasure to live
42 and work here.

43
44 Commissioner Duryea complimented Mrs. Gehr and her minions who put on this
45 beautiful display every year. It seems to be getting better and better.

1 Commissioner Duryea wished everyone a great Christmas and Happy Holidays.

2
3 Commissioner Plank said we have a couple of things coming up at the Lake Mary
4 Museum and since we are fortunate enough tonight to have the President of the
5 Historical Society with us he asked Jane Kenovich to discuss the new holiday hours and
6 the event coming up Sunday.

7
8 Jane Kenovich, President of the Historical Society and curator of the museum. We
9 have expanded our hours and are open Tuesday 10:00 A.M. to 3:00 P.M., Saturday
10 10:00 A.M. to 3:00 P.M., and Wednesday and Thursday noon to 8:00 P.M.

11
12 Ms. Kenovich said they would have their Christmas Open House on Sunday from 2:00
13 P.M. to 4:00 P.M. We have our Festival of Trees so the winners of the trees will be
14 announced at that time. It is our way to thank everybody in the City for supporting us all
15 year long. It's a fun time and there is lots of good food.

16
17 Mayor Mealor said Commissioner Plank has been very instrumental in where we are
18 today and thanked Ms. Kenovich for helping to take the museum to another level.

19
20 Ms. Kenovich promised that in another year we will be at another level.

21
22 Commissioner Plank asked if they were getting traffic with the new hours.

23
24 Ms. Kenovich said we are getting a tremendous amount of traffic and was totally
25 surprised. Since last Thursday we had over 140 people through the building. People
26 seem to be more involved and it's a good community feeling. She thanked the
27 Commission for allowing them to do that.

28
29 XIII. City Attorney's Report

30
31 Ms. Babb-Nutcher said there was an appeal filed on a variance request that was
32 granted to Mr. Allan Goldberg. That appeal was filed November 15th and an Order to
33 Show Cause has been issued which means it is requiring the City to respond which we
34 will work on. The opposing counsel has asked to meet with us to discuss options which
35 we are setting up.

36
37 XIV. Adjournment

38
39 There being no further business, the meeting adjourned at 8:20 P.M.

40
41
42
43
44 _____
45 David J. Mealor, Mayor

46 _____
Mary Campbell, Deputy City Clerk

1 ATTEST:

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3

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5

6 Carol A. Foster, City Clerk