

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held December 18,  
2 2014, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,  
3 Lake Mary, Florida.

4  
5 1. Call to Order

6  
7 The meeting was called to order by Mayor David Mealor at 7:02 P.M.

8  
9 2. Moment of Silence

10  
11 3. Pledge of Allegiance

12  
13 4. Roll Call

14  
15 Mayor David Mealor  
16 Commissioner Gary Brender  
17 Deputy Mayor George Duryea  
18 Commissioner Sidney Miller  
19 Commissioner Jo Ann Lucarelli

Jackie Sova, City Manager  
Carol Foster, City Clerk  
Dianne Holloway, Finance Dir.- Excused  
John Omana, Community Dev. Dir.  
Steve Noto, Senior Planner  
Bryan Nipe, Parks & Recreation Dir.  
Bruce Paster, Public Works Director  
Tom Tomerlin, Economic Dev. Mgr.  
Wanda Broadway, HR Manager  
Steve Bracknell, Police Chief  
Joe Landreville, Deputy Fire Chief  
Katie Reischmann, City Attorney  
Mary Campbell, Deputy City Clerk

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27  
28  
29 5. Approval of Minutes: December 4, 2014

30  
31 **Motion was made by Commissioner Miller to approve the minutes of the**  
32 **December 4, 2014, meeting, seconded by Commissioner Lucarelli and motion**  
33 **carried unanimously.**

34  
35 6. Special Presentations

36  
37 A. Appointment of Fire Chief (Jackie Sova, City Manager)

38  
39 Ms. Sova asked the Commission to approve the appointment of our next Fire Chief,  
40 Frank Cornier. Frank has been with the City of Orlando for the past 22-1/2 years. He  
41 comes highly recommended. His references are outstanding, his work experience is  
42 outstanding and his own fire chief told her that he loved the Lake Mary community so  
43 much himself that he wished he had come here. We are excited to have Frank. We  
44 had panel interviews with five of us including Seminole County's Fire Chief and Winter  
45 Park's Fire Chief who also represented the Central Florida Fire Chiefs Association. We  
46 also had a meet and greet with the firefighters so they could meet these candidates and

1 talk to them and then they turned in their comments. She was so proud of the  
2 comments these people made. They took a vested interest in what was going on and  
3 she couldn't be happier with the result.  
4

5 Ms. Sova asked the Commission to approve the appointment of Frank Cornier to begin  
6 February 2, 2015. He will be in before then getting acquainted and getting prepared to  
7 be at work full time. His annual starting salary will be \$100,000.  
8

9 **Motion was made by Commissioner Brender to appoint Frank Cornier as Fire**  
10 **Chief, seconded by Deputy Mayor Duryea and motion carried unanimously.**  
11

12 Frank Cornier came forward. What a great privilege and honor to be here tonight. It is  
13 overwhelming because it is like an early Christmas gift and really appreciated it. He  
14 wanted to let the Commission know they have a fantastic city here, the process vetted  
15 by Ms. Sova was excellent. He said he got the family feel because she brought  
16 everybody into the whole process and it was a great process. He wasn't sure what was  
17 going to happen but the way it worked out it was a great experience. He met most of  
18 the city family during those nights before. It is a great honor and looked forward to  
19 working with you and working hard for the City of Lake Mary.  
20

21 Mr. Cornier introduced his son and daughter, Frank and Elsa, his girlfriend Jessica and  
22 Elsa's boyfriend Alex.  
23

24 Mayor Mealor said Mr. Cornier is joining a remarkable team. Ms. Sova put together an  
25 incredible array of talent. We like where we are but the most important thing is where  
26 we are going and how do we elevate. He thanked Mr. Cornier for taking on that  
27 challenge.  
28

## 29 7. Citizen Participation

30

31 Debbie Robison, 100 Smathers Lane, came forward. She asked the City to look into  
32 locating and paving Anderson Lane. The City has prided itself on not having any more  
33 dirt roads in the City when they did all the work but forgot one road. We would like to be  
34 inclusive with the City.  
35

36 No one else came forward and citizen participation was closed.  
37

## 38 8. Unfinished Business

39

40 There was no unfinished business to discuss at this time.  
41

## 42 9. New Business

43

- 44 A. Ordinance No. 1522 – Expedited state review comprehensive plan  
45 amendment to the City's Comprehensive Plan revising the Future Land Use  
46 Designation from OFF (Office) and RCOM (Restricted Commercial) to HDR

1 (High Density Residential) for a +/- 19.79 acres located at the southwest  
2 corner of Anderson Lane and Rinehart Road – First Reading (Public Hearing)  
3 (Steve Noto, Senior Planner)  
4

5 The City Attorney read Ordinance No. 1522 by title only on first reading.  
6

7 Mr. Omana said Mr. Noto would be handling the technical discussion and merits of the  
8 case. He wanted to touch upon some procedural aspects of our process as it relates to  
9 comprehensive plans. As the item stated it is an expedited state review of a  
10 comprehensive plan. The Commission's action tonight will not vest or provide any  
11 vested rights to any representations or potential development plans that may be brought  
12 up, shown, or elaborated on. There is no vesting tonight. It is strictly a transmittal  
13 hearing to consider the land use amendment under Ordinance No. 1522.  
14

15 Mr. Noto said he would speak about the history of the properties we will be talking about  
16 tonight. The subject properties are outlined in the dark black on the overhead. These  
17 properties have been before the Commission numerous times over the last 10 to 14  
18 years. The Commission has seen land use amendments and rezonings for these  
19 parcels and it has been divided up a number of different ways. He put up the zoning  
20 map to give a better idea of what he means by that. The properties that are abutting  
21 Rinehart Road currently are zoned PO Professional Office and the properties to the  
22 west of that have C-1 General Commercial zoning. The land uses are currently Office  
23 abutting Rinehart and Restricted Commercial to the west. Years ago the western  
24 properties were rezoned from A-1 to C-1 and a future land use amendment was run  
25 concurrently with that from Low Density Residential to Restricted Commercial. The  
26 properties that are currently zoned PO Professional Office used to be zoned R-3 which  
27 is a multi-family zoning district and the land use was changed from Low Density  
28 Residential to Office.  
29

30 Mr. Noto said shortly after the zoning was changed there were multiple site plans that  
31 came forth in the early 2000's for a three-story office building. Those plans have since  
32 expired. There is also a developer's agreement that went along with that that stated  
33 multiple things, the most important of which was that the uses be professional office in  
34 nature. That also expired. One of the stipulations was that development was to occur  
35 within ten years. That did not happen so that developer's agreement is no longer in  
36 effect.  
37

38 Mr. Noto showed the future land use map on the overhead. We are talking about land  
39 use policy. When we look at land use amendments or any issues related to the  
40 comprehensive plan, we review them against the policies that are outlined in the comp  
41 plan. We don't review anything in the Land Development Code so we are not talking  
42 about setbacks and things of that nature. We are strictly talking about legislative action  
43 and policy driven decisions by the City Commission.  
44

45 Mr. Noto said one of the tricky things is that land use maps have so many colors so  
46 things can get confusing. He pointed out the subject properties. The darker blue is the

1 office future land use and the shaded red area is restricted commercial to the west. To  
2 the north is commercial through Primera, low density residential to the south, as you  
3 keep going south you can see through Feather's Edge we have medium density and  
4 high density residential, and at Lake Mary Boulevard commercial. There are similar  
5 land uses on the east side of Rinehart Road. He pointed out the lighter blue that is not  
6 office but public/semi-public. Adjacent to Rinehart Road you have the school and the  
7 other piece is the preserved area that has the PUD that says there will be no  
8 development.

9  
10 Mr. Noto said what is before the Commission this evening is to change the future land  
11 use of the subject properties to High Density Residential. In the comprehensive plan  
12 future land use policy 1.4, high density residential is defined as a land use designated to  
13 provide for multiple family uses such as apartments, condominiums, duplexes, patio or  
14 cluster homes at a maximum density of nine dwelling units per acre. The intensity of  
15 this district requires that it be located where there is convenient access to collector  
16 and/or arterial roadways and have adequate public and commercial services. This  
17 district may serve as a transitional use between non-residential uses and residential  
18 uses of lesser intensity. When we look at proposed land use changes, one of the main  
19 things we look at is the land uses in the area. As it is stated in the growth policy, HDR  
20 is typically used for transition from commercial to a lower density residential use. To the  
21 north we see commercial in Primera. To the south we have lower density residential  
22 and a little bit of office, and then medium high residential to the south of that. There is a  
23 somewhat similar land use pattern to the east. It abuts Rinehart Road and is very close  
24 to Lake Mary Boulevard.

25  
26 Mr. Noto said we don't look at the land development code when we review policy  
27 matters so we are strictly looking at what policies in the comprehensive plan a request  
28 like this would fall in line with. We have outlined the HDR land use.

29  
30 Mr. Noto said another segment of this project that is key is the rezoning which is not  
31 before the Commission this evening and is being reviewed separately. There would  
32 come a point in this process that if approved tonight this submittal package would be  
33 sent to the state through their state review process. They would have a certain number  
34 of days to send a letter back to us with any comments, concerns or otherwise and it  
35 would then be adopted by the City Commission. That adoption would not occur until the  
36 rezoning was ready to go. In this case it would be PUD. The HDR land use proposed  
37 cannot be approved with the underlying zoning of C-1 and PO as it does not comply  
38 with Table GOP-1 in the future land use element. One of the zoning districts that HDR  
39 is compatible with is PUD. That is what they are proposing separate from this item.  
40 That would come before the Commission later if this item is approved this evening.

41  
42 Mr. Noto said on Page 3 of the staff report you see an outline of different services and  
43 facilities that we review as part of requested land use amendments: potable water, solid  
44 waste, drainage, parks, etc. We review those against data and information we receive  
45 from Seminole County and data we have in-house. There are certain things that  
46 haven't been reviewed yet because they come later in the process such as a traffic

1 study. Right now the applicant has not settled completely on how many units they  
2 would have. The current proposal is 81 units spread over ten acres. The entire project  
3 area is 20 acres. Only half of that is usable because of Lake Emma which is not  
4 developable.

5  
6 Mr. Noto said as outlined in the staff report we have found that there is adequate supply  
7 of water, waste, the drainage will be reviewed by our Engineering Department, parks  
8 level of service is adequate and school concurrency was reviewed by the School Board.  
9 One thing about school concurrency, that whole process has been changed by the state  
10 much like the Department of Community Affairs is now the Department of Economic  
11 Opportunity. How they review school issues is a little bit different. They have reviewed  
12 this as a max density type project. They will continue to have review ability if this  
13 project was to move forward through rezoning, subdivision, and things of that nature.

14  
15 Mr. Noto said the Planning & Zoning Board heard this item at their October 14, 2014,  
16 meeting and voted unanimously 3-0 to recommend that the City Commission approve  
17 the transmittal of the comprehensive plan amendment. "Transmittal" is a key phrase. If  
18 approved tonight, they would not change their land use tomorrow or tonight. It would  
19 have to come back later at second reading as part of the approved state process.

20  
21 Mr. Noto said we have one minor change in the ordinance and that is regarding the  
22 effective date language. He read the change into the record: **This ordinance shall not  
23 become effective until 31 days after the state land planning agency notifies the  
24 local government that the plan amendment package is complete. If timely  
25 challenged an amendment does not become effective until the state land planning  
26 agency or the Administration Commission enters the final order determining the  
27 adopted amendment to be in compliance.**

28  
29 Mr. Noto said staff is recommending approval of the transmittal to the Department of  
30 Economic Opportunity for the proposed future land use amendments to the City of Lake  
31 Mary Comprehensive Plan from Office and Restricted Commercial to High Density  
32 Residential. The item before the Commission is strictly policy related having to do with  
33 similar land uses in the area and the policies outlined in the comprehensive plan.

34  
35 Mr. Noto stated the applicant and representatives are here if the Commission has any  
36 questions and staff is available for questions and comments.

37  
38 Ms. Reischmann said at P&Z there was some confusion about this being labeled  
39 expedited state review. That is what the state calls this kind of review. It is a large  
40 scale comprehensive plan. It is not like staff selected to go an expedited route. This is  
41 the standard route for large scale comprehensive plan changes.

42  
43 Deputy Mayor Duryea said he was not a proponent of high density but would prefer fee  
44 simple high density than apartments. He asked Mr. Noto if he had any idea how this  
45 was going to lay out.

1 Mr. Noto said the current proposal is for townhomes (attached single family). They are  
2 not planning apartments at this point. The layout of the community is still under review.  
3 They are in a concept plan at this point. That is something that is an ongoing document  
4 that is still not finalized. That would come before the Commission at a later commission  
5 hearing.  
6  
7 Deputy Mayor Duryea said if we approved this comprehensive land use, it doesn't  
8 preclude anything from being there that would be allowed there.  
9  
10 Mr. Noto said that was correct. In order to get residential, a land use amendment of  
11 some sort to allow residential has go occur first. Otherwise they would be Professional  
12 Office and Commercial as it is today.  
13  
14 Deputy Mayor Duryea said it could easily be apartments too.  
15  
16 Mr. Omana said here is where the beauty of the process comes in. Where you have the  
17 comprehensive plan amendment which is before you, you also have the opportunity to  
18 go concurrent. Although the items are separate, they are related. In one hand you  
19 have your comprehensive plan amendment and in the other hand you have the PUD.  
20 When those come back together on second reading, we as the city have the ability and  
21 would be in the driver's seat as to what may or may not go on that property under the  
22 PUD agreement because the PUD agreement is what will dictate the type of specific  
23 uses whether it is fee simple, detached, apartments, or any of the categories that are  
24 outlined in the comprehensive plan. At the end of the day if the Commission approves  
25 the comp plan amendment, it may allow a variety of residential uses but we are able to  
26 specify and control that under the PUD document. That's where our safety net comes  
27 in.  
28  
29 Mayor Mealor said we are looking at a policy related decision making process. This is  
30 about policy. You can talk about a PUD and we can guide or direct that process but the  
31 reality is if this policy is implemented then the person coming forward has a right to  
32 bring any project forward that meets that definition. He asked if that was correct.  
33  
34 Mr. Omana answered affirmatively. They have the ability to come forward and present  
35 their project under the PUD arena, which is quasi-judicial, and we have the ability as the  
36 city to be able to critique that and to address any concerns we may have.  
37  
38 Commissioner Brender said he understood that once we rezone this it becomes high  
39 density residential land use. We have apartments in the City that are nine units per  
40 acre. We have indicated by comments thus far that none of us are too keen on  
41 apartments for that particular property. Once we rezone a property he understood that  
42 any applicant under high density residential plans can come in and just do it. They don't  
43 have to ask for a PUD. He asked if that was correct.  
44

1 Mr. Noto said at this point the only other zoning that they could utilize to do that would  
2 be R-3. At this point the applicant is requesting a PUD. We would not get to a point  
3 where the future land use would be changed without this concurrent rezoning.  
4  
5 Commissioner Brender said if we say yes to the high density residential, the applicant is  
6 agreeing that they will be coming in with a PUD.  
7  
8 Mr. Noto said at this point the PUD is already under review and it is not apartments.  
9  
10 Commissioner Brender said it's not signed.  
11  
12 Mr. Noto said that was correct so if that is something you would like to put on the record  
13 the applicant is here tonight. When they have the opportunity to speak that is  
14 something that they could address that apartments will not be on the table.  
15  
16 Commissioner Brender said once this comes back to us then we will be looking at a  
17 PUD document.  
18  
19 Mr. Noto said that was correct. If this were to be transmitted it will be transmitted before  
20 Christmas. Between that point and before the adoption hearing, you would see the  
21 preliminary PUD which is the conceptual document. That's where you can add more  
22 landscaping, bigger setbacks, wider streets. All those design elements can be voiced at  
23 that point. When the adoption hearing occurs is when you would have the final PUD  
24 which is where you have the developer's agreement that states what the setbacks are,  
25 what the uses are and things of that nature.  
26  
27 Commissioner Brender said if somebody acquires this property from the current  
28 applicant and they want to build apartments six months from now, can we sit here and  
29 say no?  
30  
31 Mr. Noto answered affirmatively. They would be required to do a PUD or otherwise.  
32 There would still be the ability to say no to apartments.  
33  
34 Commissioner Lucarelli said in reviewing what she sees as far as the future land use,  
35 she didn't see that high density fits in with what we have planned out for future land use  
36 that is controlling the character of that area. She said she was not agreeable to high  
37 density. It doesn't fit the character, the intent or the nature of that area.  
38  
39 Commissioner Miller said staff has spent a lot of time making us feel like we're not really  
40 making a decision tonight and thought that they were. We are making a decision to  
41 change the zoning.  
42  
43 Mr. Noto said it is the future land use category. You would be changing it from  
44 Commercial and Office to High Density Residential to transmit to the state.  
45

1 Commissioner Miller said he went out and took a look at the property this week and as  
2 far as the residents there are concerned, this is probably a better zoning than the  
3 current zoning. The reason he believed that is as far as their peace of mind and where  
4 they are, they are going to be in better situation with high density residential than they  
5 would be with commercial and professional office in there. He also thought that if the  
6 developer would take the time to keep a buffer and make sure he has an appropriate  
7 size of his development, this can be an asset to that area instead of a liability. That was  
8 his opinion after having looked at it. In one part of his mind he was in favor of making  
9 this change but in the first map staff was showing a property that was C-1 in the same  
10 collected area. This area is fenced in and walled in with the lake and walls around it so  
11 what you are looking at is an enclosed area. When you come down Anderson Lane  
12 those are homes and there is one there that is C-1 and is about a five-acre plot. He  
13 asked what to do with C-1 in back of this when we are doing what we are doing.

14  
15 Deputy Mayor Duryea said that was part of Primera.

16  
17 Mr. Noto said those are individually owned properties.

18  
19 Commissioner Miller asked about the one on the left.

20  
21 Mr. Noto said those have homes on them. They are C-1 zoning but have single-family  
22 homes.

23  
24 Commissioner Miller asked what we were going to do about them when we do this.

25  
26 Mr. Noto said as part of this project that is separate. If the Commission wishes to direct  
27 staff to work with those owners on some type of process we can do that but they are  
28 completely separate from the project that is before you this evening.

29  
30 Mayor Mealor said based on past experience we have been advised that we need to  
31 discuss only the item that is before us; however, since we are talking about policy he  
32 thought his comments were germane.

33  
34 Commissioner Miller said he wasn't sure why it is expedited.

35  
36 Mayor Mealor said that is just a term. When Community Affairs was done away with the  
37 terminology and phraseologies were modified and that is the preferred term.

38  
39 Ms. Reischmann said since we are uncomfortable with the fact that we're at this stage  
40 of planning and we don't really feel comfortable with HDR without limitation, it may be  
41 possible to ask the developer to commit to a couple of basic matters that would give  
42 some comfort to the Commission as we go through the process such as commitment to  
43 fee simple title for the units and a commitment to a certain density limitation. Despite the  
44 fact that they don't have their plans yet that is something possible that we could get on  
45 the record. This was if they do sell the property it would be in place. Even though this  
46 is first reading and we are not bound to make the same decision at second reading, if

1 we find that the PUD does not work out somehow we certainly are not bound. The  
2 intention is that your decision at second reading would be based on public input and so  
3 forth and that you wouldn't just make a yes vote tonight totally blind. You would have to  
4 have some idea of what you want to go there and what you want to see and not  
5 necessarily to this particular applicant. Perhaps this might be a good time to ask the  
6 applicant for a couple of basic commitments.

7  
8 Commissioner Brender said he was comfortable with that if the applicant is. It gives us  
9 some kind of directionality that can be talked about. This goes back to the question of  
10 high density versus what else could possibly be there. He said he lives a quarter mile  
11 south of that area. We are in a position where we have a situation where there is  
12 nothing in the way of commercial property that's going to fit in there. He had concerns  
13 about whether or not you are going to get 81 units out onto Rinehart Road with a right  
14 in/right out. When you throw in the kind of density and the kind of development a  
15 commercial use would imply, there's no way. The only other possible choice is to go  
16 with low density residential which means you are going to put in eight or ten homes. He  
17 asked if that was a fair guess.

18  
19 Mr. Noto said around that.

20  
21 Commissioner Brender said considering the cost of the property he wasn't sure  
22 anybody was going to be in the mood for that. This is one of those things where we are  
23 stuck with high density but would like some guarantees attached to it to make sure that  
24 it stays with what is being discussed here tonight.

25  
26 Mr. Omana asked for a clarification on that agreement. He asked if that would be a 163  
27 developer's agreement or a non-163 developer's agreement.

28  
29 Ms. Reischmann said a non-163 developer's agreement. Just a very simple  
30 commitment agreement.

31  
32 David Evans of Evans Engineering, 719 Irma Avenue, Orlando, Florida 32803, came  
33 forward on behalf of Mattamy Homes. He said with him tonight are some of the  
34 developers and representatives. He said Mr. Dick Fess would like to have a couple of  
35 words at the end of the presentation.

36  
37 Mr. Evans said some of the things being discussed tonight are hitting home with him as  
38 well. We have been working with the City over eight months on the proposed plan. The  
39 land use portion of that is the first step in proposing a development on this piece of  
40 property unless we want to do the restricted commercial or commercial application like it  
41 already has. Knowing this process we have brought in site plans—specifically  
42 townhomes—to the City since day one. That is what the developer does. They build  
43 projects all over Orlando and it is kind of interesting. Typically what we and other  
44 jurisdictions do is we don't always have a builder on board for the actual units when we  
45 come to the city for a comp plan change. A developer will bring a piece of property and  
46 change the land use and will go out and look for a builder and market the property and

1 try to come in with somebody. In this particular case the builder is who we are  
2 employed by and they are the ones proposing the application. They build townhomes  
3 and single family homes and is all they do. The Loch Low Lake in Sanford is a project  
4 he did for them and those townhome units are almost identical to the ones we are  
5 proposing there. We have brought elevations and site plans. We have worked with the  
6 City on relief of the property. We have worked with stormwater management on Lake  
7 Emma itself and we got some interesting ideas on how to deal with that. We had two  
8 community meetings already on the proposed application. In a community meeting it  
9 doesn't do much to take a land use change map like Mr. Noto brought up. It is more  
10 applicable to bring a site plan and show them what you are doing so we did. Elevations,  
11 sections and all the kinds of interesting things that we have already been planning on  
12 the property so we are way down the road from a comp plan change with the PUD  
13 application and we are ready for that any time. We are willing to commit to that and  
14 that's what we are going to do tonight.

15  
16 Mr. Evans said relative to the comp plan change, he thought the high density residential  
17 designation here is a misnomer. High density residential in a lot of jurisdictions takes  
18 you up to 20 or 30 units per acre. Apartments are generally developed greater than  
19 nine units per acre. Townhomes are typically in the range of eight to ten units per acre.  
20 The high density residential is a little bit different sounding in this particular format than  
21 what we are actually proposing. We are proposing something comparable to all other  
22 townhome projects in the vicinity like the one he mentioned down the street or in other  
23 jurisdictions. It requires the high density residential designation in the City of Lake Mary  
24 because that's how your split works. Medium density is six caps and high density would  
25 be nine caps. We can't do six for the townhome project so we have to choose your high  
26 density residential designation.

27  
28 Mayor Mealor said the City Attorney mentioned something that may give Commissioner  
29 Brender some comfort. He asked Mr. Evans if he was in a position to speak for the  
30 applicant in terms of what she had mentioned.

31  
32 Mr. Evans said what he understood they are proposing is a separate agreement  
33 because you can't condition a land use change that would codify an agreement  
34 between the applicant or the type of development that will be proposed on this property  
35 subject to a land use adoption hearing. That is something we can work on between  
36 now and...

37  
38 Mayor Mealor said if then propositioned.

39  
40 Mr. Evans said we can do that. If that suits the Commission then we are fine with that.  
41 We are coming back with the PUD so we are going to have a PUD zoning application  
42 before you adopt the comp plan.

43  
44 Commissioner Miller said the discussion was about whether these are apartments or  
45 condos.

46

1 Mr. Evans said neither. Fee simple single family attached homes. Each person owns  
2 the unit. It's not a condo. There is going to be a HOA that maintains the property and  
3 the grounds, but every single one of them is individually owned.

4  
5 Commissioner Brender asked if we could get more specific on the townhome design.  
6 He asked Mr. Evans if he would break out estimates for pricing, are they Georgetown  
7 designs, 15 feet wide and 50 feet long. He asked Mr. Evans if he could be more  
8 specific with that.

9  
10 Mr. Evans said subject to the comp plan hearing that we are under he knew everyone  
11 didn't want to hear all the specific details of a site plan or building. We have been  
12 working with Mattamy Homes for many years. They are out of Canada and are the  
13 largest builder in Canada. They are in eight states now and are growing and in the  
14 United States as well so they are in Florida to stay. They do a very articulated beautiful  
15 townhome. Their styles and designs are specific to the buyer so the buyer can choose  
16 inside the unit itself how it will function—where the dining room is, where the living room  
17 is, how the bedrooms work. Just like a custom home. It is a townhome that is custom.  
18 Their units vary from 20 and on the ends close to 30 feet wide. The end units have a  
19 side door that goes into the side of the building and the middle units go in from the front.  
20 They have two and one-car garages depending on where they are in the units. The  
21 garage or the balconies or the front porches are articulated in the building so they are  
22 not flat faced. They have different elevations going in and out, different colors and  
23 architectural treatments on the buildings. He thought Commissioner Brender would love  
24 these units when he sees them.

25  
26 Randy Smathers, 845 Anderson Lane, came forward and spoke in opposition. Tonight  
27 was supposed to be about future land use and we kind of side barred into some other  
28 stuff.

29  
30 Mayor Meador said we are discussing a policy decision and is why some of the  
31 questions are germane.

32  
33 Randy Smathers said he understood. He said he had lived on this road a long time. In  
34 1998 we were approached by a developer like this who wanted to build commercial. He  
35 had a big site plan done, came to the Commission, and it was approved that was going  
36 to be a commercial development. They were going to put a health and wellness center  
37 and a couple of other buildings on there. We as families had earnest money deposited,  
38 sold under contract and allowed the zoning to be changed. We have lived with that C-1  
39 zoning since that day. What it did was marry those two pieces of property together.  
40 Since that day we have been led to believe that's the way these properties would be  
41 addressed in the future. Now they changed the future land use of that piece of property  
42 in the front to residential (shown in brown on the map). That is going to put a gold  
43 colored island in the back that we are now going to be separated from. We will have  
44 Anderson Lane which is a dirt road. It has some right-of-way issues but they seem to  
45 be able to be resolved. It still creates a commercial enclave on Rinehart Road that does  
46 not exist. He thanked Commissioners Miller and Lucarelli for noticing that right off the

1 bat and bringing that point forward. We are going to do something here that is not done  
2 on Rinehart Road. That needs to be addressed. This project needs to take into  
3 consideration that you are going to create a C-1 enclave of 13 acres. What are you  
4 going to do with it then? How will you plan for the future of that?

5  
6 Margarita Torres, 117 Pine Circle Drive, came forward and spoke in opposition. She  
7 submitted a statement to the City Attorney (attached). Mayor and City Commission, I  
8 submit to you that this recommendation before you tonight be rejected and amended  
9 and brought back to you. The reason being is that the applicant shown which is  
10 requesting the change to Lake Mary's Comprehensive Plan is Mattamy Homes. Its  
11 president signed the application, which is Exhibit A, and Mattamy Homes is the potential  
12 buyer of the subject property and not the vested owner of this subject property this  
13 evening. According to the application, the owner is FBA Land Holdings, LLC. Even this  
14 information is incomplete. The owner of record with the Seminole County Appraiser is  
15 FBA Land Holdings, LLC in care of Metropolitan Creditors Trust. According to Dick  
16 Fess during the Planning & Zoning Board meeting of October 14, 2014, Elevation  
17 Development is the owner of this property. That is on Page 20, Lines 17, 18, 28 and 29  
18 and is Exhibit B. Does anyone know who the real owner of this property is? How can  
19 such an important process be implemented in such a cavalier manner?

20  
21 Ms. Torres said as for Mattamy, a non-owner of the subject Lake Mary property, a non-  
22 taxpaying entity, it does not have standing to request changes on something as critical  
23 as Lake Mary's Comprehensive Plan or a land use amendment on property it doesn't  
24 even own. Why are Lake Mary taxpayers subsidizing this non-taxpaying entity's  
25 application and the city services it calls upon like this Commission? Mattamy is  
26 proposing land use changes that will negatively affect the property owners and  
27 taxpayers who subsidize this adventure simply to line Mattamy's pockets. Do we get  
28 some of the \$1,500 application fee for our time? In the quote that follows, even  
29 Chairman Hawkins emphasized the primacy of the landowner in this process.  
30 Chairman Hawkins said "they are the landowners and as landowners they have rights to  
31 develop their land according to the ordinances in the State of Florida, City of Lake Mary  
32 and the County of Seminole." That is Page 20, Lines 1 to 3 on Exhibit B.

33  
34 Ms. Torres asked if she could similarly apply for the subject property and the Smathers  
35 property to change back to A-1 Residential. I think not. At least I am a taxpayer. I  
36 requested the current recommendation be rejected upon this fatal inaccuracy of  
37 ownership of the subject land. Naturally the vested current owner may make a new  
38 application, start the process over by fulfilling the necessary due diligence, and bring it  
39 back before the Planning & Zoning Board and then the Commission for review.

40  
41 Ms. Torres said lastly she would like to point out that the timing of this meeting during  
42 the peak of the holiday season limits public participation. As a result I would suggest  
43 the Commission not construe anyone's absence as approval of this project. Thank you  
44 very much.

1 Jeff Lemon, 116 Pine Circle Drive, came forward and spoke in opposition. He said he  
2 had lived here since 1997. He thanked the Commission for their time. At the P&Z  
3 meeting there were specific parameters as to what we could address—setbacks,  
4 elevations, PUDs.

5  
6 Mayor Meador said that is not part of the discussion this evening. Not part of the  
7 decision-making process.

8  
9 Mr. Lemon said last time he had to stay within the parameters of land use compatibility.

10  
11 Mayor Meador said in fairness to you we know the sensitivity of this issue. You have  
12 heard the questioning of the Commission and the direction from the City Attorney. We  
13 are very sensitive to the long-term implications. Technically that is beyond the  
14 boundaries but if we are talking about a true public policy decision making process then  
15 those types of things are probably fairer than some of the standards.

16  
17 Mr. Lemon said he would stick with land use and compatibility only. The  
18 recommendation before you tonight must be rejected because if one fails to address  
19 compatibility directly with us the neighbors or the comprehensive plan. There is nothing  
20 within the memorandum itself that addresses those specifically. It talks about drainage,  
21 traffic, schools, and everything but the words compatibility nor the words comprehensive  
22 plan come into play in the actual memorandum and that's all we have to go on. In  
23 addition to that he suggested it relies on some non-transparent, non-conforming  
24 definitions that are confusing and don't lend to a solid legal document.

25  
26 Mr. Lemon said he would address compatibility first as that is within our scope as it  
27 pertains to land use and zoning. While high density residential and low density  
28 residential abutments exist in Lake Mary, there are none which co-exist lakeside to this  
29 degree on Lake Emma. There is no comparable precedent for compatibility to this high  
30 density/low density relationship. We are brought together by a common asset, the lake.  
31 Lake Emma Townhomes is the precedent and tonight is the time to consider that  
32 precedent and its compatibility.

33  
34 Mr. Lemon said he looked through the Lake Mary City Code and Comprehensive Plan  
35 and could not find a definition for compatibility but he was just a layman. He jumped on  
36 the Internet and went to Florida State Statutes and Florida State Statute 163.164(9)  
37 known as the Community Planning Act defines compatibility and he quoted:  
38 "Compatibility means a condition in which land uses or conditions can co-exist in  
39 relative proximity to each other in a stable fashion over time such that no use or  
40 condition is unduly negatively impacted directly or indirectly by another use or  
41 condition." He said "in a stable fashion over time" are the words he wanted to refer to.

42  
43 Mr. Lemon showed Lake Emma via Google Earth as of January 2014. It is struggling  
44 after a dry winter. Let's overlay the project as the builder presented to the homeowners.  
45 The footprint dominates the ecosystem. The good news is after plenty of rain Lake  
46 Emma looks pretty great today. This makes clear that these two uses—at the bottom

1 low density residential and at the top high density residential—cannot co-exist in a  
2 stable fashion over time. The development in high density uses must by law retain ten  
3 acres of rainfall. This sensitive lake will thus be destabilized and deprived of its source.  
4 Over time and with any deprivation whatsoever you can see the difference. He showed  
5 a shot on the overhead of when the lake was dry and when it is filled up. The shot filled  
6 up was taken this morning. With any deprivation the current lakeside homeowners on  
7 Lake Emma will see their assets literally evaporate, un-replenished creating the direct  
8 undue negative impacts of declining property values and encroachment on their  
9 pleasure that other water rights provide for. Therefore, according to the Florida State  
10 Statutes the two uses of high density residential and low density residential are  
11 incompatible—not generally as Mr. Noto alludes in his documents but in this case. This  
12 recommendation must be rejected. By the way, drainage does not address water  
13 retention and refreshment.

14  
15 Mr. Lemon said he thought the City agrees with the state’s intent. Chapter 154.12 of  
16 the Lake Mary City Code which quotes “shall apply to all lakefront property” seeks along  
17 with our Commission and through its consequences to ensure that all lakefront  
18 residents contribute to our common asset. We have community support on this protest.  
19 Please accept our petition. He submitted to the City Attorney the petition (attached).

20  
21 Mr. Lemon said at the October 14<sup>th</sup> P&Z meeting, Mr. Noto said HDR is not compatible  
22 with C-1 zoning or with Office PO. He alluded to that tonight relying instead on looking  
23 at the PUD. He believed Mr. Miller asked about the importance of the decision tonight  
24 as opposed to deferring it downstream to the PUD coming back and considering the  
25 vote tonight as a standalone. Since we are not allowed to consider the PUD tonight, we  
26 are not allowed to consider setbacks, elevations or anything of that nature then what we  
27 are stuck with is this compatible or is it not. According to the comprehensive plan, as of  
28 tonight high density residential is not compatible with Commercial Office and would  
29 state that based on the specific situation and state statutes that these two uses LDR  
30 and HDR are not in this case compatible. Long ago the Commission itself when  
31 approving the current Office zoning recognized this incompatibility and the unfavorable  
32 nature of high density residential. He stated he would have to quote Commissioner  
33 Brender who said: “We have done you a favor by zoning this commercial. At least it is  
34 not high density residential”.

35  
36 Mr. Lemon said regarding transparency, under proposed land use in the memorandum  
37 (he submitted to the City Attorney and is attached), the recommendation references “the  
38 construction of attached single family homes”. This is not transparent. It is word salad.  
39 It is inconsistent with the comprehensive plan and Chapter 154.09 of the City Code,  
40 neither of which contains a dwelling definition for “attached single family” nor does it  
41 exist as a descriptor anywhere in the code. The recommendation gives neither the  
42 Planning & Zoning Board a couple of months ago and the City Commission and us  
43 tonight a lawful criterion to deliberate upon. It’s like our transparency further requires  
44 rejection of the recommendation. Failing rejection he would call upon the Commission  
45 for transparency sake to require that all entries of attached single family homes be  
46 struck from the recommendation and all its associated documents and replace with any

1 code compliant dwelling definition that we already have such as dwelling single family,  
2 dwelling multi-family, dwelling multiple dwelling use, or dwelling two family or duplex,  
3 and have the revised recommendation brought back before you at a future date to  
4 ensure consistency with code. He thanked the Commission for their time.

5  
6 Judy Lynch, 110 Pine Circle Drive, came forward and spoke in opposition. She said  
7 she was a native Floridian and was born and raised here. She has been a realtor for  
8 more than 13 years. At the time when she was looking for a home in and around Lake  
9 Mary, she found a short sale, little Florida house built in 1954 and that is on this lake.  
10 She drove around, drove down the private dirt road on Anderson and looked at the  
11 zoning. What she found was she could live with what the zoning is because she liked  
12 Lake Mary and liked what has been done with Lake Mary and like that you care about  
13 the trees, the land, the shrubs and everything that goes into that. Being a realtor she is  
14 not totally anti-growth. She sells condos, townhomes, and single-family residences.  
15 When she hears the words townhome or condo that means to her rental property  
16 because when most people who buy under \$250,000, unless there is some kind of  
17 restrictions in the HOA, they turn them and make them rental properties.

18  
19 Ms. Lynch said this is a beautiful project and didn't doubt that the builder does quality  
20 work. She just thinks it is the wrong project for this land use. She didn't know how  
21 many of the Commission goes up and down Rinehart Road at rush hour. We on Pine  
22 Circle Drive have to make a U-turn at Crystal Lake Elementary. Thankfully her job is  
23 the other direction in the morning and it's all backed up. Eighty-some units times two  
24 cars is 160. Her circle has 13 houses and we have a little drive out in and out and you  
25 still take your life in your hands. You are not talking about lights or any of that stuff yet  
26 nor are you talking about how much and how close to our lake. She has lived there 2-  
27 1/2 years and on the lake the water now is high. The lake level is up 20 to 25 feet.  
28 These are all things you guys have to consider down the road. The land use is not what  
29 you guys need right here. Maybe another project in Lake Mary but the words high  
30 density are very scary to her. This is the house she wants to live in, wants to retire in,  
31 and doesn't want to look at condos or something else that could happen if you change  
32 the zoning. She asked the Commission to consider that.

33  
34 Tim Kazee, 112 Pine Circle Drive, came forward and spoke in opposition. He stated he  
35 lived with his wife and two children (two months old and a two year old). He thanked  
36 the Commission for the community they live in. It is great. He has been here a few  
37 years and it is beautiful and a nationally recognized community and understood how  
38 much time, effort, and intelligent decision making goes into that.

39  
40 Mr. Kazee said this is a difficult discussion for him to have. He is a lawyer but finds  
41 himself in unchartered territory dealing with this and have a new-found appreciation for  
42 what it is that you all do. It is difficult because of how drastically he perceives this as  
43 affecting him and his family. We are lakefront and have rights he thought would be  
44 affected by a project that comes in. He starts off his mornings either running on his  
45 treadmill overlooking the lake which would now be a project, or trying to cross the street

1 at 6:00 or 6:30 in the morning to get on the other side of Rinehart to enjoy the new  
2 paved path. Even at that hour of the day he has a difficult time getting across to run.

3  
4 Mr. Kazee said he was a lawyer but didn't understand all of this. He looked at what this  
5 was being rezoned as a Planned Unit Development. As he looked at Lake Mary Code  
6 Section 154.61 it says the purpose of this district is as follows and Item No. 1 says to  
7 provide for planned residential communities containing a variety of residential structures  
8 and a diversity of building arrangements with complimentary and compatible  
9 commercial or industrial uses or both. The plan that was up there previously is anything  
10 but a variety of residential structures and a diversity of building arrangements. It is about  
11 as cookie cutter as you can get. It is done intentionally and it makes sense to have as  
12 much density as you can. That is what high density residential is about. If we are  
13 looking at the definition, he asked about three or four weeks ago that this be reviewed  
14 by the City Attorney for comment. Maybe it was done; he didn't know but if it's not then  
15 he wondered why it wasn't. To echo what Ms. Torres said, standing which he fully  
16 agreed with and would also raise that issue. Do you have discretion?

17  
18 Mayor Mealor said it is semantics. Variety is just that. This is one type presented. The  
19 term variety doesn't mean that you are going to have a variety within a given activity or  
20 plan. He said he got what Mr. Kazee was saying but thought that was a stretch there.  
21 In terms of this type of project, the term variety is relevant. In terms of what you are  
22 seeking is not in keeping.

23  
24 Mr. Kazee said he appreciated the back and forth and thought this is what it should be  
25 about but do respectfully disagree. He thought a variety of residential structures and a  
26 diversity of building arrangements is just that. Having it blocked out like that is not a  
27 variety of residential structures and a diversity of building arrangements. For the record  
28 he cited 1000 Friends of Florida, Inc. versus Palm Beach County. That is a Fourth  
29 District Court of Appeals decision from 2011. In that decision they were looking at how  
30 to interpret a comprehensive plan and it said the courts apply the same rules of  
31 construction to a comprehensive plan that they would apply to other statutes. The court  
32 went on to discuss as a fundamental rule of statutory interpretation courts should avoid  
33 readings that would render part of a statute meaningless. Applying that same logic to  
34 this it would render this meaningless to say a PUD is to provide for a variety of  
35 residential structures and a diversity of building arrangements and then allow this  
36 project. He thought that would be the stretch in calling this a PUD.

37  
38 Mr. Kazee touched on the traffic issue. As others have pointed out, it is concerning him  
39 and tried to cross that road in the morning. He tried to get home in the evening and  
40 have been stuck at that light at Lake Mary Boulevard and Rinehart Road trying to make  
41 that left-hand turn. You wait a long time. He was later tonight than he anticipated just  
42 trying to turn right out of his house. Nothing could be more incompatible than putting  
43 high density residential directly in an elementary school zone. That is what you are  
44 being asked to do. In terms of health, safety and welfare, you have kids during peak  
45 rush hour, if you put this community in people leaving and coming presumably during  
46 school hours where you have busloads of kids that are trying to get into the school or

1 his kids if they go to school there trying to cross the street to get to school. He asked if  
2 he would then have to drive them and add to the traffic that is already there. It was his  
3 understanding there had been a traffic study done but not submitted for the  
4 Commission's consideration. Why is that? It seems odd. He understood it may not be  
5 appropriate for this phase and is not required at this phase but if it is done isn't that the  
6 kind of information that you would want before you make a decision about compatibility.  
7 In this case he would submit it is required because the applicant bears the burden to  
8 prove that this is compatible and hasn't seen it at this point. He thanked the  
9 Commission for their time, hearing him out, and for their patience.

10  
11 Debbie Robison, 100 Smathers Lane, came forward and spoke in opposition. She said  
12 her head was spinning with the comments here and there. She thanked Commissioner  
13 Miller for coming out. She said she was the first house on the road and would be  
14 looking directly at a two to three-story townhome, fee simple. Who cares what it is  
15 called. It is a massive structure right out my front window. She would much rather look  
16 at what she is looking at now which is the backside of the commercial buildings in  
17 Primera. It is constantly mowed, one and two stories, they go home in the evenings and  
18 are not there on the weekends. In reference to you taking our perspective and saying  
19 this could be a positive for us I think is a big negative. We have seen the conceptual  
20 plans and they are as cookie cutter as you can get. There is nothing special about  
21 them. They are not your 1980's condo because in 1980 we charged \$80,000 for  
22 condos. We didn't charge \$200,000 for condos like you do now or fee simple  
23 townhomes. It is the typical project. You drive in, you got this and that, two to three  
24 story buildings, people parking on the streets, and you have a high density amount of  
25 people in a concentrated amount of land. There is nothing special about this conceptual  
26 plan. You could pick it up and put it in any city that you wanted to. It is very cookie  
27 cutter.

28  
29 Ms. Robison said getting back to the comp plan it is interesting that the City would move  
30 forward creating an enclave on the future land use of this particular area that is going to  
31 be isolated—the 15 acres that's left back there. What is the City going to do about that?  
32 We want to talk about the future, we want to talk about future planning. What is the City  
33 going to do with that? Somebody mentioned if the front piece went single family  
34 because that is an alternative to be more consistent, the going price they are paying is  
35 about \$200,000 an acre and people will buy the land for that price to put a single family  
36 house on this particular land because of the zip code. They will pay that kind of price  
37 for a single family house here. Even if you decide the high density is not right,  
38 commercial is not right, you're thinking nobody will pay that for single family residential  
39 because they will pay that kind of price for land in the zip code and then build a single  
40 family house on it. My thing is it is inconsistent, it creates huge problems that you guys  
41 are going to have to deal with in the future, the enclave, and what are you going to do  
42 with that.

43  
44 Mayor Mealor said when you hear the chime go off normally we limit the public hearing  
45 section to a certain time. We are waiving that this evening because of the history of this  
46 particular project.

1  
2 Suzanne Lemon, 116 Pine Circle Drive, came forward and spoke in opposition.  
3 She said she had been jotting some notes down. Commissioner Brender said tonight  
4 that LDR is desirable but that property prices were prohibitive so what we have is all we  
5 have. She said LDR can work here. Look at all the mansions lining Lake Mary  
6 Boulevard. That can happen here too. She opposed this rezoning because it will jam  
7 into our lake and it won't be good for our property values.

8  
9 Dick Fess, 106 Pine Circle Drive, came forward and spoke in favor. He said his house  
10 is on the curve about the fifth lot in. This is not a lake. It is a big retention pond. They  
11 closed the last spring when they built Primera. It is a lake when there is a lot of rain.  
12 This is not going to hurt the lake; however, we are not talking about that problem now.  
13 We are talking about zoning. There is already high density residential in the  
14 neighborhood and there is high density residential on the lake. He built the nursing  
15 home on Sun Drive that's high density residential. There is high density residential at  
16 Feather Edge. You've got the Forest that is high density. You've got the apartments  
17 across the street that are high density. You've got Timacuan. Behind Publix is high  
18 density residential. I defy anyone saying that is a cookie cutter through presentations we  
19 have had. Staff said high density residential is the transitional zoning between single-  
20 family residential to commercial. If this were commercial and would remain that you talk  
21 about traffic. Maybe the tax collector would like to move there and then see what  
22 you've got on Rinehart Road. This is a down zoning. It lessens the burden on the City  
23 services and quality of life and tax benefit. Fee simple, two story. We are going to work  
24 on a product that may have a third story but that's down the road.

25  
26 Mr. Fess said the owner is MetLife. It is under contract to Elevation Development.  
27 Elevation Development works with Mettamy Homes. They are taking it. They are  
28 taking it based on if they can get the right zoning. It is a standard transaction and  
29 counselor could tell everybody that's standard in what it is. They will stipulate to the  
30 non-163 development and will stipulate that any conveyance to anyone else will have  
31 that stipulation in it. Nobody is going to get out of anything. He said living on the lake  
32 he didn't want commercial or more office on that. He liked the HDR. Nobody is  
33 guaranteeing the view. You can't tell people that they can't develop their property.  
34 Everybody has rights. This is the process. We are going through the process. He  
35 thought it was a great transition from Primera to the office that is going to be on the front  
36 back to the residential again because there is a 1-1/2 acre lot there at the stoplight that  
37 goes into the school that is still office. You go from single family to office, the high  
38 density to commercial/restricted commercial. It is a great transition and the way to have  
39 it. He agreed with staff's presentation on it and agreed with their recommendation. He  
40 has lived on that street 15 years and has lived in Lake Mary more than that. He has sat  
41 there (on the Commission) and knew it was not an easy decision. He thanked the  
42 Commission for their consideration.

43  
44 Roger Smathers, 835 Anderson Lane, came forward and spoke in opposition. He  
45 disagreed with what Mr. Fess had to say. The lake itself, which is basically a retention  
46 pond because the lake was killed years ago, could be a natural buffer. If you put the

1 residential on that side of the lake where they want to propose to put it then you've got  
2 that enclave and you've got to deal with that somehow. How are you going to deal with  
3 that? They had a developer agreement for the last guy that was going to develop that  
4 whole piece of property. What happened to that? Who is to say this next agreement  
5 won't turn out the same way. We all know how that happens. To create the enclave  
6 and to create the traffic coming out on Rinehart Road. If Commissioner Miller came out  
7 there when the school was letting in and out it's a nightmare. He could not see how you  
8 are going to dump that many people out into a school zone twice a day unless they  
9 want to put into the developer's agreement that anybody that buys a townhome in there  
10 can only go south on Rinehart. Maybe they can include that because they are going to  
11 have to try to turn around in the school zone, cross three lanes of traffic, get in line, turn  
12 around and then go the other way. They are all going to be piling down on Rinehart and  
13 Lake Mary Boulevard with everybody on Pine Circle Drive, Feather Edge, and  
14 everybody else. Now you are creating a bottleneck beyond belief down there to try to  
15 turn it around. It's just going to be ugly.

16  
17 Roger Smathers said I would rather look at Primera than townhomes. After living out  
18 there since I built my house a long time ago I would rather you put commercial offices  
19 on that front piece of property and leave me alone back there. I would much rather see  
20 that there. They are much better neighbors. They are gone at night, it is quiet and is  
21 like being out in the country like Lake Mary used to be on weekends and nights. It is  
22 absolutely beautiful. That is all going to change if you put that up front. With the  
23 enclave, the traffic, and Anderson Lane, that whole agreement last time when that guy  
24 was going to develop it, so many people ended up with property on that Anderson. I  
25 don't know how many people can own a right-of-way. There are so many and come to  
26 find out the City actually owns some of it so maybe it should be paved. If you are going  
27 to allow them to create an enclave then the City needs to seriously look at taking over  
28 Anderson Lane. Do what you have to do to take it over. I know eminent domain is a  
29 nasty word but that's how we got the piece of property we are standing on. It will be a  
30 useless piece of property, nobody lives there, and it's actually worthless other than a  
31 road so why don't we make it a true road. That is going to solve the issue of the  
32 enclave. If you are insisting on putting that part up front then you need to fix Anderson  
33 Lane so the back piece can be usable. It creates way too many issues. We have  
34 always lived under the assumption that the front piece and back piece was all going to  
35 go together. Primera, more offices, the lake is a natural buffer to the people on Pine  
36 Circle Drive. It would be a more natural fit than whatever we are going to be. High  
37 density residential or low density residential is just too crazy. It makes no sense. He  
38 stated he was opposed to it.

39  
40 Vicki Hamilton, 110 Pine Circle Drive, came forward and spoke in opposition. She said  
41 she wanted to go on record as supporting her neighbors and not being for the high  
42 density residential. She said she was curious and asked if anyone on the Commission  
43 lived on a lake.

44  
45 Mayor Mealor answered affirmatively.

46

1 Ms. Hamilton said we feel we would be giving up the retention pond. The reason she  
2 moved there was to be on that retention pond but we call it lake. She hoped the  
3 Commission would support their side of this issue.

4  
5 Jeff Lemon, 116 Pine Circle Drive, returned to the podium. He said he wanted to  
6 correct Mr. Fess. We do live on a lake. A lake is defined by City ordinance in 154.09.  
7 If anyone has water that is over two acres and has water in it year round. Our lake has  
8 drawn down to a few gallons in a five-year drought but it has always had water in it. So  
9 it is not a retention pond legally. It is a lake so let's learn our code.

10  
11 No one else came forward and the public hearing was closed.

12  
13 Mayor Mealor thanked everyone for the manner in which the information was presented.  
14 We know there has been a history of this area.

15  
16 Deputy Mayor Duryea asked how our ordinances relating to lakefront property affect this  
17 particular property.

18  
19 Ms. Reischmann said Commissioner Duryea asked how the code provisions regarding  
20 lakefront property affect this decision. As was noted by staff when you make a land use  
21 decision you are to make it based on your comprehensive plan policies rather than your  
22 land development code so you don't truly get to your land code. You keep a focus on  
23 more general policy issues like what do you think about the traffic in this area generally,  
24 what do you think about what you would like to see ten years down the road for this  
25 area generally, and the ways you want to keep your lakes improving but not anything  
26 specific that's required under the land development code.

27  
28 Commissioner Miller said he wanted to clarify something he said earlier when he talked  
29 about high density residential being the better zoning for that area. My perspective was  
30 based on people living there and homes not based on the fact that it was zoned  
31 commercial. My comment was if you are going to live here adjacent to something, you  
32 are probably better off with living with high density residential than you would be with  
33 that converting to commercial and that was a lower land use than what was there  
34 before.

35  
36 Commissioner Miller said in listening to the comments, one of the questions he had was  
37 on ownership and thought Mr. Fess addressed that. He asked the City Attorney if she  
38 was satisfied with that.

39  
40 Ms. Reischmann said that is a very typical arrangement that the contract purchaser has  
41 the owner's agency to apply. She was assuming that staff was satisfied with the agency  
42 document.

43  
44 Commissioner Miller said the other point he had was one of compatibility. If we convert  
45 this to HDR then everything else in the enclave is C-1 so we have just created  
46 something that may not be compatible. He asked if he was reading that right or not.

1  
2 Mayor Meador asked Mr. Omana to address Commissioner Miller's concern.

3  
4 Mr. Omana said the property to the west has a restricted commercial land use  
5 designation as opposed to a zoning district designation. If the item before you is  
6 subsequently approved then you would have the issue of the high density residential  
7 adjacent to the restricted commercial which then triggers a number of issues within our  
8 land development code to address the compatibility issue. As to the issue of the  
9 enclave, when the project first came in that was one of the questions he had. He asked  
10 at that time if this encompassed the whole thing. The reason he asked that question  
11 was 14 years ago three boxes were plopped on his desk when he came back to the City  
12 and was asked to figure this out because there were a lot of different players at the  
13 time. In his review of the documents, agreements, and site plans that expired there was  
14 no evidence of unity of title or control tying it all together. So in my asking the question  
15 what does the petition before you this evening involve and when told it involves the area  
16 outlined in yellow one of my concerns was the area in the back—how was that  
17 potentially going to be serviced, what are the implications from a land use standpoint,  
18 what are the implications with respect to access. One of the things I wanted to make  
19 sure was that it was not landlocked. In this particular case it is not landlocked.

20  
21 Mr. Omana said with respect to comprehensive plan issues on unity of title, we have no  
22 mandates that say if you are leaving something behind like this one you are then  
23 mandated to put it all together. We don't have such language in our comprehensive  
24 plan and that could lead to a constitutional issue and we're not getting into that.

25  
26 Mr. Omana said bottom line that question was asked when the petition came in as to  
27 what could potentially happen in the back. He said he didn't have a crystal ball but  
28 somebody could come in with a comp plan amendment for a variety of uses. That's for  
29 the market to dictate.

30  
31 Commissioner Miller said that didn't sound like an answer. The land use now looks  
32 compatible. When we do this it looks incompatible. He thought what Mr. Omana was  
33 saying was somebody else will come in and buy the other land and will change that land  
34 use. He asked Mr. Omana if that was what he just said.

35  
36 Mr. Omana answered affirmatively. It would be market conditions that would dictate.  
37 He said he was just giving a little case history on the project.

38  
39 Deputy Mayor Duryea said this particular property has two future land uses.

40  
41 Mr. Omana said that was correct.

42  
43 Deputy Mayor Duryea asked if we were looking at changing both the office and  
44 restricted commercial or just the restricted commercial.

45  
46 Mr. Omana said we are looking at changing both of them.

1  
2 Deputy Mayor Duryea said they could conceivably be residences on Rinehart Road or  
3 backed up to or whatever.  
4  
5 Mr. Omana answered affirmatively.  
6  
7 Deputy Mayor Duryea said he knew this was not applied for but asked if it was possible  
8 to put this on medium density residential.  
9  
10 Mr. Omana said anything is possible. Let's say you went to medium density residential.  
11 The dictating factor would be if I am a developer and given the buildable acreage there  
12 is that going to be enough to yield me something that will make me money and meet my  
13 bottom line.  
14  
15 Deputy Mayor Duryea said that was not his concern at this point. It's not our place to  
16 ensure profitability; it is to ensure compatibility and what's good for the City in general.  
17 He thought the potential for restricted commercial was a whole lot more dangerous than  
18 having a residential designation. How that fits in with this and the fact there is a lake  
19 there, the setbacks and all of that is going to be another boondoggle.  
20  
21 Commissioner Brender said we are talking policy. The Smathers property is owned by  
22 the Smathers family and didn't think they are going anywhere any time soon. Obviously  
23 any kind of purchase of that property in however many years out and recognizing that  
24 everything is for sale and you are just trying to figure out the price, what would we do  
25 with that. Once we make this high density do we come in ten or 20 years from now and  
26 say since high density is next door and that was built 20 years ago we are going to do  
27 high density there now. If we develop this as high density I don't see any way that area  
28 could possibly go commercial because it is half a mile off of Rinehart Road and who is  
29 going to drive in there to get to it. He asked what else could go there.  
30  
31 Mr. Omana said he thought that was a reasonable assessment. In terms of the  
32 commercial you could always put office. Whether somebody wants to be way in the  
33 back with office is not a decision for me to make.  
34  
35 Commissioner Brender asked if there was a possibility of bringing office in from  
36 Primera.  
37  
38 Mr. Omana said that would involve potentially the amendment to the DRI and  
39 amendment to the PUD.  
40  
41 Commissioner Lucarelli asked if Anderson Lane was private.  
42  
43 Mr. Omana said part of the research that has been done and presented to us is that we  
44 own approximately 25 feet of it. The other 25 feet is owned by numerous individuals  
45 and entities.  
46

1 Commissioner Brender said so it is a 50-foot right-of-way.

2

3 Mr. Omana said it was a 50-foot right-of-way.

4

5 Commissioner Lucarelli said her concern regarding the enclave issue if we are going to  
6 allow a high density townhome community then that needs to become a paved road all  
7 the way back to their homes whether it be ending in a cul-de-sac or whatever. It is kind  
8 of complicated back there and was looking at it on Google Earth. She was concerned  
9 with negatively affecting their property value. Commercial usually yields a higher value  
10 and was not sure how that compares with high density. Somebody is going to have to  
11 come in and assemble those properties and buy all those properties if they wanted to  
12 put high density back there. She was not saying that's not possible but it's harder and  
13 more complicated, and the same thing with commercial. They would all be having to  
14 sell their homes all at the same time for someone to come in or else if they got a big  
15 chunk it could be one office at a time. It's just kind of weird. She stated concern of  
16 negatively impacting their property values considering the current land use, future use.  
17 She thought if we are going to allow something like that to require they do roadway  
18 improvements and thought that should be taken back to them.

19

20 Commissioner Brender said they are not accessing off of Anderson Lane.

21

22 Mr. Omana said that is correct.

23

24 Commissioner Brender said this development is backing up to it but is not touching.

25

26 Mayor Meador said the first gentleman to speak was Randy Smathers who just retired  
27 from 34 years in public safety and thanked him for that.

28

29 Mayor Meador asked the spokesperson for the Smathers family to come forward. This  
30 issue is before us right now. It is two parcels. We have a request before us. The City  
31 is looking at Rinehart in terms of an enterprise zoned for economic development. We  
32 have the north end anchored by Florida Hospital. We have a lot of opportunities and a  
33 lot of interest being generated in that quadrant. The very first question he had for staff  
34 is what are you going to do with the property to the west once this is done. The last  
35 thing we want to see is another HDR coming in here which would be compatible if this  
36 transmittal request is forwarded. He said he wasn't asking Mr. Smathers to speak for all  
37 the family but ideally what would the Smathers family like to see in terms of future land  
38 use for your property.

39

40 Randy Smathers came forward. He said we have had this discussion many times and  
41 we have not opposed any development. I am the last property on Anderson Lane. I  
42 wish I had paid more attention to the expanding of the Live Oak Animal Hospital  
43 because now it has some kind of pet thing going on there that is very noisy but we are  
44 dealing with it. We don't oppose development. We understand development is coming.  
45 We have not opposed over the years to all the development around us. His

1 grandparents used to own most of the red square that you see (on the exhibit) on  
2 Primera Boulevard. We understood this.

3  
4 Randy Smathers said what we want is a very simple thing. We have sold our properties  
5 three times, written contracts and thrown this money in the bank. What has happened  
6 after that was not of our doings. The developers walked. That is our biggest concern  
7 right now. We would go under contract right now for HDR or commercial as long as it is  
8 fair market value in price. We have been offered so far 25 to 30 cents on the dollar and  
9 that is not comprehensible. He said he had a beautiful home and welcomed anyone at  
10 any time. The developers have been to his home. It is 3,000 S.F. under roof, 2,000  
11 S.F. under air, granite countertops and he loved his Lake Mary lifestyle. He just retired  
12 from the fire department and wanted to live in Lake Mary a long time. He walks his  
13 grandkids to school every morning. Ya'll have brought a great community to me and  
14 why would I want to leave. If I do want to leave I want to be able to go somewhere else  
15 in the City of Lake Mary and replace what we've got. We all share the same feelings.  
16 We want to live in the City and we are not opposed to development of any kind. We just  
17 want to replace what we have as like as we can. It is a very simple thing. Those values  
18 are not there. We feel that moving it to this high density residential and splitting these  
19 two parcels will completely destroy the land values of those properties. A bigger project  
20 put on there to encompass all 34 acres that would be about 24 buildable would be  
21 better suited. They could bring in some different structure of homes and a better quality  
22 of home. It would give them more lakeside homes to sell. There is a better project that  
23 could go on the property and it would be all inclusive and all the City of Lake Mary  
24 would win. We wouldn't win, we would just replace because what we have we can only  
25 replace. We would never replace that lifestyle. It's a little piece of paradise.

26  
27 Mr. Smathers said there is a little misconception. Anderson Lane is not part of the  
28 project. Anderson Lane has 25 feet, two 12-foot strips that were deeded to the City, a  
29 25-foot strip that is in dispute now that actually belongs to a landowner that bought that  
30 first product to walk on back in 2000. He kept that 25-foot strip. The other 25-foot strip  
31 that goes from the last property out to Anderson is the one in dispute and is just going to  
32 be left as a 25-foot island that no one is going to build on because they can't find title to  
33 it or it is broken up to 10, 12 or 15 property owners. There is actually a 75-foot roadway  
34 so it will take some energy to make that into a road but it can be done and we would  
35 support that too.

36  
37 Commissioner Miller said his interpretation of what Mr. Smathers said was keep  
38 everything the way it is and wait for someone to come in and buy all 34 acres and  
39 develop it that way. He asked if that was what he heard him say.

40  
41 Mayor Meador said he did.

42  
43 Commissioner Miller said that is not one of the options we have.

44  
45 Mayor Meador said in our economic development package the City is undertaking how  
46 we maximize the investment and the land that we have in this community and at the

1 same time maintain the standards. If this transmittal is submitted, there is one thing that  
2 will not happen and believed Chairman Hawkins emphasized it on several occasions.  
3 The Lake is not going to be jeopardized. There are setbacks and protection standards  
4 in place. While they are looking at the potential of eight units per acre it may be less  
5 when you look at setbacks and other things. We have a request for a transmittal  
6 submission to change to HDR. In terms of what we are going to be in a community and  
7 how we are going to market the Rinehart Road corridor, the only thing he would ask is  
8 what is it that we want this area to look like in ten years and we're working backwards.

9  
10 Commissioner Brender said he was undecided. He is a resident of that area in Feather  
11 Edge II. He understood fully what Mr. Lemon and Mr. Kazee were saying. He has to  
12 deal with exactly what they deal with. We come out on the same place but they could at  
13 least make a U-turn at Crystal Lake and he has to go to Lake Mary Boulevard. He  
14 understood those problems. Don't let the term scare you to death because there are  
15 high density residential units that are 50 units per acre. That is high density. You can  
16 go to Sanford and look at 25, 30 and 35 units per acre. We are talking eight or nine. In  
17 the end high density residential is a far less use than any kind of commercial that you  
18 could put in there. It is fair less of a traffic generator than any kind of commercial that  
19 would go in there. He would usually support any kind of down zoning. This is a down  
20 zoning but at the same time we do have some serious traffic problems. Right now  
21 making a U-turn at Lake Mary Boulevard does take a while. It usually takes two traffic  
22 lights. There is no way you are going to do it at Crystal Lake Elementary, especially in  
23 the morning and at 2 or 3 in the afternoon. He had serious concerns about the traffic  
24 but that isn't up for discussion at this time. That will be up for discussion next time. If  
25 we put a 34-acre commercial property in there he would not imagine what a right in/right  
26 out only on Anderson Lane is going to look like. We're probably not going to put a light  
27 there because it is so close to Primera Boulevard. If we do commercial, if we do any  
28 kind of higher density commercial or if we do office, it is going to generate more cars,  
29 more traffic than high density residential is going to bring. He said he was admitting his  
30 quandary.

31  
32 Mayor Meador said there is a request for a transmittal to the Department of Economic  
33 Opportunity for the proposed future land use amendments to the City of Lake Mary  
34 Comprehensive Plan from Office and Restricted Commercial to High Density  
35 Residential.

36  
37 Commissioner Miller said he initially expressed some surprise that we had an urgent  
38 need to do this and that it was expedited. A lot of discussion has taken place tonight.  
39 He said he didn't have a good decision in his mind about what they should do about  
40 this. It would not trouble him to table this for a future meeting.

41  
42 **Motion was made by Commissioner Miller to table this item to a future meeting.**

43  
44 Commissioner Brender said as a point of order we need a motion to postpone and not  
45 table. Table it would be brought up again tonight. Postpone would be to another night.

1 Mayor Mealor said he knew what Commissioner Miller was doing and knew how they  
2 were struggling with this. What we are going to do it just put off the inevitable and we  
3 are going to come back in here and hear the same concerns. He thought they had  
4 been articulated beautifully in the P&Z minutes and thought they had been articulated  
5 beautifully this evening. We owe it to both the applicant and the residents to make a  
6 decision on this item.

7  
8 Deputy Mayor Duryea said he would be in favor of residential zoning but medium  
9 density.

10  
11 Mayor Mealor said that is not the request. He asked Deputy Mayor Duryea if he was  
12 denying the transmittal. He asked if he was not supporting the transmittal request.

13  
14 Deputy Mayor Duryea answered affirmatively.

15  
16 Mayor Mealor said we understand Commissioner Miller's comments and he understood  
17 Deputy Mayor Duryea's comments. We have Ordinance No. 1522 before us to submit.

18  
19 **Motion dies due to lack of a second.**

20  
21 Mayor Mealor asked the pleasure of the board on this request for a transmittal to the  
22 Department of Economic Opportunity.

23  
24 Deputy Mayor Duryea said if this proposal is voted out, he asked if there was any  
25 statutory limit to it coming back before us.

26  
27 Ms. Reischmann answered negatively. She and Mr. Omana discussed that and it would  
28 only apply to zoning and not to land use.

29  
30 Mayor Mealor said if this transmittal request is not approved, he recommended the next  
31 time this comes before us the entire parcel be considered based on the comments we  
32 have had so that an enclave is not created.

33  
34 **Motion was made by Deputy Mayor Duryea to deny Ordinance No. 1522 on first**  
35 **reading, seconded by Commissioner Lucarelli and motion carried by roll-call**  
36 **vote: Commissioner Brender, No; Deputy Mayor Duryea, Yes; Commissioner**  
37 **Miller, Yes; Commissioner Lucarelli, Yes; Mayor Mealor, Yes.**

38  
39 B. Resolution No. 954 – Utility and Sidewalk Easement Agreement for Lot 5 of  
40 Washington Estates (Steve Noto, Senior Planner)

41  
42 The City Attorney read Resolution No. 954 by title only.

43  
44 Mr. Noto requested to present Items B and C together.

45  
46 The City Attorney read Resolution No. 955 by title only.

1  
2 Mr. Noto said we discovered through the restarting of the development of this project  
3 earlier last year there were a couple of lots where the right-of-way encroached upon the  
4 private properties. We brought before the Commission one of those lots a month or two  
5 ago. These are the remaining two lots. He pointed out on the aerial on Lot 5 where the  
6 roadway encroaches upon that piece of property. Resolution No. 954 is for Lot 5. He  
7 noted the property owner was present. That would give the City utility and sidewalk  
8 easements along the front part of that property. Lot 2 is just a utility easement. This is  
9 in the event the City needs to go in and do some work. Staff recommends approval.

10  
11 **Motion was made by Commissioner Brender to approve Resolution No. 954,**  
12 **seconded by Commissioner Lucarelli and motion carried unanimously.**

13  
14 C. Resolution No. 955 – Utility Easement Agreement for Lot 2 of Washington  
15 Estates (Steve Noto, Senior Planner)

16  
17 Resolution No. 955 was read by title only and presented under Item B.

18  
19 **Motion was made by Commissioner Brender to approve Resolution No. 955,**  
20 **seconded by Commissioner Lucarelli and motion carried unanimously.**

21  
22 D. Resolution No. 956 – Pay Plan Update (Jackie Sova, City Manager)

23  
24 The City Attorney read Resolution No. 956 by title only.

25  
26 Ms. Sova said in our 2015 budget we have \$150,000 allocated for pay plan updates.  
27 We haven't done a thorough pay plan study in a few years. We have made small  
28 individual adjustments. Over the past several years some of the entities around us,  
29 specifically in the past two years that we have used as our market study area, have  
30 done 3% per year two years back to back. That has taken some of our market ranges  
31 out of step with these other cities. We try to stay in the middle—not behind, not below.  
32 It did require several adjustments. The two largest ones were our police officers and  
33 firefighters. Those are two big categories encompassing nearly half of our employees.  
34 She has asked for a 2% pay range adjustment as well as all those employees to receive  
35 2% of their salaries.

36  
37 Ms. Sova said there are three title changes. We are recommending a Staff Assistant to  
38 Senior Staff Assistant in Police Services; a Senior Staff Assistant to Administrative  
39 Assistant in Public Works; and Senior Planner to Deputy City Planner for Community  
40 Development.

41  
42 Ms. Sova said we also have to move Pay Grade 10 to the minimum wage. We only  
43 have one employee in that category. There are a whole group of pay grade changes.  
44 There is one that is three grades and that is the Police Department Accreditation  
45 Coordinator. That one was really way off and needed a better adjustment than these  
46 other jobs.

1  
2 Ms. Sova said what this pay plan does is it encompasses all the funding that is  
3 available. We worked very hard at this. Wanda Broadway in HR spent a lot of time  
4 gathering the information that we needed and studying all these positions. She asked  
5 the Commission to approve these recommendations and adopt Resolution No. 956.  
6

7 Deputy Mayor Duryea commended Ms. Sova and her staff for putting this together. It is  
8 a lot of work. When you look at 2% you don't think that is a lot but in the current state of  
9 affairs if that is what we can do then that is what we can do.  
10

11 Ms. Sova said it is and everyone is still eligible for up to 3% based on their scores for  
12 their merit pay.  
13

14 **Motion was made by Deputy Mayor Duryea to approve Resolution No. 956,**  
15 **seconded by Commissioner Lucarelli and motion carried by roll-call vote: Deputy**  
16 **Mayor Duryea, Yes; Commissioner Miller, Yes; Commissioner Lucarelli, Yes;**  
17 **Commissioner Brender, Yes; Mayor Mealor, Yes.**  
18

19 E. Appointments/Reappointments to Advisory Boards  
20

21 Mayor Mealor said this is pretty straight forward. He asked Ms. Sova to walk them  
22 through it. It only requires two actions on our part.  
23

24 Ms. Sova said it does. For the Elder Affairs Commission there are three terms: Melvin  
25 Cohen, Michael Bley and Jan Dennen. For the Historical Commission for three-year  
26 terms: Jim Thompson was a no, Jan Jernigan and there is a vacant seat. They have a  
27 few vacancies and don't have a quorum to be able to make recommendations for new  
28 appointments so Bryan Nipe has recommended the Commission appoint Mike Fojo and  
29 Sue Warren to vacant seats for three-year terms. For Parks & Recreation for two-year  
30 terms: Thomas Lackey, Lynette Swinsky and James Buck. There is also a vacant seat  
31 due to a resignation. Michael Gaudio has submitted an application. Bryan Nipe has  
32 spoken with him and he is recommending he be appointed to fill the unexpired term  
33 ending December 31, 2015. For Planning & Zoning: Joe Schofield and Robert Hawkins.  
34 Fire & Police Pension Boards for two-year terms: Jeff Koltun and Louis DiPaolo who are  
35 the fifth members of those boards and in accordance with State Statute is a ministerial  
36 duty for the Commission to reappoint them.  
37

38 **Motion was made by Commissioner Lucarelli to reappoint Jeff Koltun to the Fire**  
39 **Pension Board and Louis DiPaolo to the Police Pension Board, seconded by**  
40 **Commissioner Miller and motion carried unanimously.**  
41

42 Mayor Mealor said the next request is to appoint Mr. Mark Fojo and Ms. Sue Warren to  
43 the Historical Commission and Mr. Michael Gaudio to the Parks & Recreation Board.  
44

45 **Motion was made by Commissioner Lucarelli to appoint Mark Fojo and Sue**  
46 **Warrant to the Historical Commission and Michael Gaudio to the Parks &**

1 **Recreation Advisory Board, seconded by Commissioner Brender and motion**  
2 **carried unanimously.**

3  
4 10. Other Items for Commission Action

5  
6 There were no items to discuss at this time.

7  
8 11. City Manager's Report

9  
10 A. Items for Approval

11 1. Elder Affairs Commission 2015 Shred-A-Thon event location

12  
13 Ms. Sova said this is a request for the Commission to authorize the City Manager to  
14 execute a lease agreement for the parking facility at 660 Century Point for the 2015  
15 Shred-A-Thon event. It is the same lot we have used before. Elder Affairs has  
16 negotiated this lease agreement with Rinehart Ridge, Inc.

17  
18 **Motion was made by Deputy Mayor Duryea to authorize the City Manager to**  
19 **execute a lease agreement with Rinehart Ridge, Inc. for the parking facility at 660**  
20 **Century Point for the 2015 Shred-A-Thon event, seconded by Commissioner**  
21 **Brender and motion carried unanimously.**

22  
23 2. City Sidewalk Program: Amendment of Public Works Purchase Order for  
24 Castille Company, Inc.

25  
26 Ms. Sova said this is the City Sidewalk Program to amend the Public Works Purchase  
27 Order for Castille Company. This purchase order needs to be expanded from \$30,000  
28 to \$50,000 and her signature authority ends at \$35,000. She asked the Commission to  
29 authorize her to approve a change order in the amount of \$20,000 to the Castille  
30 Company.

31  
32 Deputy Mayor Duryea asked if we were increasing the scope of that job.

33  
34 Ms. Sova said it is additional work. When we looked at sidewalks that need to be  
35 replaced we have already spent the \$30,000 we thought it was going to take initially.  
36 This company is one of the few that will do this work and can meet all the requirements  
37 that we have as a city such as all the insurance and other items. It is hard to find  
38 someone that will do these small jobs and meet all our requirements. They work with  
39 several of the cities and the County and we fell early in the year this year into October to  
40 get all of our work done. Now we need to get back on their schedule.

41  
42 **Motion was made by Commissioner Lucarelli to authorize the City Manager to**  
43 **approve a change order to the purchase order to Castille Company, Inc. for an**  
44 **additional \$20,000, seconded by Commissioner Miller and motion carried**  
45 **unanimously.**

1 Ms. Sova said the traffic light at Palmetto and Lake Mary Boulevard should be  
2 completed over the holidays.

3  
4 Ms. Sova said Waste Pro is beginning the process of the transition. They will be mailing  
5 postcards to residents soon about electing what size of garbage cans that they want. It  
6 will be a non-election type of postcard. If you like the size cans you have then you don't  
7 have to answer. If you want to change you will have to answer.

8  
9 Commissioner Miller asked if these were like the ones we have now.

10  
11 Ms. Sova answered affirmatively. They are going to be different colors. The green will  
12 be the garbage can and Pepsi blue will be the recycling. You can have two 96's or two  
13 64's. The standard delivery will be a 96 garbage like we have now and a 64 recycle  
14 can. These cans will be the property of the City. They will have a RFID tag on them.  
15 Electronically we will have software and we will know where the trucks are and where  
16 they have picked up. We will know where the cans are and who they belong to. This  
17 will be an interesting turnover. All the new cans will be delivered during the last week of  
18 February. Hopefully what will happen is the final collection in February Waste  
19 Management will empty the cans and a truck will follow to collect those cans then cans  
20 will be delivered so we don't have duplicate cans everywhere. These things are big and  
21 nobody wants four of them.

22  
23 Commissioner Brender said we need to make sure we put out the word.

24  
25 Ms. Sova said we are already starting with the website and have put out a FAQ. This is  
26 going to take a lot of communication.

27  
28 Ms. Sova said all non-emergency offices will be closed on December 25<sup>th</sup> and  
29 December 26<sup>th</sup> as well as January 1<sup>st</sup> and 2<sup>nd</sup>. Waste Management will not collect solid  
30 waste or recycling on Christmas or New Year's Day but will be on the following  
31 Saturday.

32  
33 Ms. Sova reminded everyone we have canceled our first meeting in January.

34  
35 Ms. Sova said discarded holiday trees can be placed at the curb during regular yard  
36 waste days each Wednesday in January.

37  
38 Ms. Sova said she would like to schedule a Strategic Planning Session for the first  
39 quarter of next year. We have a couple of topics we need to address, one of them  
40 being the Police Pension Plan, a request for plan improvement. She said she would like  
41 to look at the General Employees' Pension Plan. She has an option to present that will  
42 reduce the cost which means in turn that all the employees will have more money in  
43 their accounts. That would include the 457 as well. We want to look at our mid-town  
44 planning sections and some of the properties there and take a look at what future land  
45 uses we would like to see in those areas and what we see as highest and best uses.  
46 We have had a question about what we could do about annexation and staff could

1 present information regarding that. She asked if Carol (Foster) could work with them  
2 and get something scheduled.

3  
4 Mayor Mealor said the new Florida Statutes that requires all municipal elected officials  
5 to do the ethics training, have we talked about scheduling. He thought it was a four-  
6 hour training. He asked if we were working on how that may be scheduled, maybe in a  
7 group setting or something along that line.

8  
9 Ms. Reischmann said the League actually has the training. You can't take it before  
10 January but they have the training online and believed that is how you set it up. She  
11 sent the information on registration to the City Manager and City Clerk.

12  
13 Mayor Mealor said the other thing is the certification that will need to be submitted to the  
14 Supervisor or Elections. Just make sure we have that template and you can walk us  
15 through that process so there is no oversight. We won't draw attention to ourselves that  
16 way.

17  
18 Ms. Sova said as long as we can work on Strategic Planning she was finished with her  
19 report. She was looking at February or March. There were no objections from the  
20 Board.

## 21 22 12. Mayor and Commissioners' Reports

23  
24 Deputy Mayor Duryea said he was going to bring up the issue of ethics but our  
25 esteemed Mayor did. He said he had a number of different licenses and was ethics out.

26  
27 Deputy Mayor Duryea said the City looks great.

28  
29 Commissioner Miller said Mayor Mealor asked him to work on a project with Dr.  
30 Tomerlin. On December 9<sup>th</sup> Dr. Tomerlin convened a meeting that consisted of  
31 representatives from Seminole State College, University of Central Florida, he and Dr.  
32 Tomerlin, Randy Berridge of the High Tech Corridor was there and three people from  
33 Seminole State. The topic of discussion is what is going to happen within the Rinehart  
34 Corridor and what can we do in a planning mode to facilitate. There have been some  
35 subsequent meetings that Dr. Tomerlin has had with the principals that were there. We  
36 have some things moving and one of the things being talked about is the concept of the  
37 next big thing that comes out. We want to be prepared for it with our land use but we  
38 also want to have Seminole State and UCF to partner and to work with the corporations  
39 that are going to be the next big thing so that we can support that and have that in our  
40 city. He was sure Dr. Tomerlin would give a more detailed report as he moves ahead.  
41 The issue immediately became in the meeting to expand it to be much bigger than just  
42 us. They wanted to add lots of Seminole County properties, but Dr. Tomerlin handled  
43 that in a very judicious way. Another person in the meeting was Bill Kercher who is  
44 going to help develop plans for this.

1 Mayor Mealor thanked Commissioner Miller for his willingness to serve as the  
2 commission liaison on that effort and thought his background would serve us well.  
3  
4 Commissioner Miller said Dr. Tomerlin is excellent in preparing the statement to get the  
5 group started and then to manage it to keep it as on track as we can possibly keep it.  
6  
7 Commissioner Lucarelli said what a great staff we have. All the departments do an  
8 awesome job for the City. That's what makes us the great city that we are that  
9 everyone admires and looks up to. She thanked everyone and wished them and their  
10 families a Merry Christmas and healthy, happy new year.  
11  
12 Commissioner Lucarelli said she attended a Tri-County League of Cities meeting. There  
13 was a strategic planning meeting and she gave the City Manager a hard copy of her  
14 binder and scanned it and e-mailed it to the City Clerk to send to the Commission. She  
15 encouraged them to read through it. It has some good strategy suggestions for  
16 advocacy. It lists out the issues that the League is going to be getting behind this year  
17 for their legislative agenda. There are also some handouts she copied and scanned  
18 that show all the committee assignments, who is on what committee, and a list of the  
19 freshmen coming in. One of the issues we talked about in our SWOT Analysis was  
20 focusing on the freshmen and getting them up to speed, meeting with them, bringing  
21 them to our city, tour the city, let them meet staff and see what's going on in your  
22 community. Whenever there is an issue like a communications services tax, we need to  
23 hit them hard on what we use that money to pay for and if they reduce or cut it how is  
24 that going to impact us but also go a step further and put faces to that. Not our faces  
25 but our citizens' faces. It may reduce our debt reduction ability but we may have to  
26 raise taxes and who is that going to impact. She said she would keep the Commission  
27 up to date but we need to be unified and one voice. There are some sample letters.  
28 Kathy Till does an amazing job training them and they see how effective it is.  
29  
30 Commissioner Brender said he attended the DARE graduation at Lake Mary Prep.  
31 DARE is going away next year and we are going to be adopting the County program.  
32  
33 Commissioner Brender said with Commissioner Miller and the Mayor we managed to  
34 light the first menorah candle for the Chabad organization. It was very well attended  
35 and it blends in beautifully with all the holiday lights we have.  
36  
37 Commissioner Brender said CALNO is January 7<sup>th</sup>. He explained to Commissioner  
38 Miller this was the Council of Local Governments and consists of an elected official from  
39 each of the seven cities, the County, and School Board and if he wanted to meet up to  
40 get a feel or background on everything that goes on it is a good place to go and he may  
41 want to attend.  
42  
43 Commissioner Brender wished everyone Merry Christmas.  
44

1 Mayor Mealor thanked staff and the City for hosting the Seniors Intervention Group  
2 luncheon this past week. It was a beautiful event and a great outreach effort on behalf  
3 of so many different groups.

4  
5 Mayor Mealor said he was glad Commissioner Lucarelli mentioned staff because tonight  
6 was a very difficult issue. We put staff in a situation where we create the policy but the  
7 reality is they operate under the guidelines that we give them. He thought they did an  
8 exceptional job presenting information. He felt the decision rendered this evening was  
9 better simply because of the quality of input from staff and commended them. He knew  
10 it was not easy and they are put in a difficult situation but we are better for it.

11  
12 13. City Attorney

13  
14 Ms. Reischmann said Orange County had a scathing about the lady with the dog that  
15 didn't get her records. The Fifth DCA slayed Orange County about delaying turning  
16 over copies of public records. They actually provided them but they didn't give her  
17 copies quick enough. She wanted the Commission to be aware this is a huge issue  
18 with the courts. Please try not to text but if you do text be sure you save your texts and  
19 forward those e-mails to your City e-mail account so we don't have any issues like this.

20  
21 Ms. Reischmann wished everyone Happy Holidays.

22  
23 Commissioner Miller announced he has decided to retire from Florida Business  
24 Interiors. Always he had to worry when Juan (Omana), Steve (Noto) and Gary  
25 (Schindler) were talking at Planning & Zoning and was he getting anywhere near ethics.  
26 After going through Attorney Reischmann's ethics sermon he decided that sitting in this  
27 chair he had best just get out. Effective January 31, 2015, he is fully retired.

28  
29 14. Adjournment

30  
31 There being no further business, the meeting adjourned at 9:25 P.M.

32  
33  
34  
35  
36 \_\_\_\_\_  
37 David J. Mealor, Mayor

36 \_\_\_\_\_  
37 Mary Campbell, Deputy City Clerk

38  
39  
40 ATTEST:

41  
42  
43  
44 \_\_\_\_\_  
45 Carol A. Foster, City Clerk