

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held December 19,  
2 2013, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,  
3 Lake Mary, Florida.

4  
5  
6 I. Call to Order

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

9  
10 II. Moment of Silence

11  
12 III. Pledge of Allegiance

13  
14 The Pledge of Allegiance was led by Boy Scout Troop 242.

15  
16 IV. Roll Call

17  
18 Mayor David Mealor Jackie Sova, City Manager  
19 Commissioner Gary Brender Carol Foster, City Clerk  
20 Commissioner George Duryea Dianne Holloway, Finance Director  
21 Commissioner Allan Plank John Omana, Community Development Dir.  
22 Deputy Mayor Jo Ann Lucarelli Gary Schindler, City Planner  
23 Steve Noto, Senior Planner  
24 Randy Petitt, Human Resources Manager  
25 Bruce Paster, Public Works Director  
26 Bryan Nipe, Parks & Recreation Director  
27 Craig Haun, Fire Chief  
28 Steve Bracknell, Police Chief  
29 Bruce Fleming, Sr. Code Enforcement Offc.  
30 Katie Reischmann, City Attorney  
31 Mary Campbell, Deputy City Clerk

32  
33 V. Approval of Minutes: December 5, 2013

34  
35 **Motion was made by Commissioner Plank to approve the minutes of the**  
36 **December 5, 2013, meeting, seconded by Commissioner Brender and motion**  
37 **carried unanimously.**

38  
39 VI. Special Presentations

40  
41 There were no special presentations at this time.

42  
43 VII. Citizen Participation

1 David Leavitt, 491 Queensbridge Drive, Lake Mary, came forward. He stated he was  
2 Chairman of the Libertarian Party of Seminole County. He distributed a pocket version  
3 of the Declaration of Independence and the Constitution.  
4

5 Mr. Leavitt said the purpose for him speaking tonight was about awareness of our  
6 Constitution and specifically about our Fourth Amendment Rights. He said it was on  
7 Page 43 of the handout. He said he had three extra copies and if anyone wanted one  
8 to see him after the meeting. He emphasized what most people don't understand about  
9 government laws and ordinances. Any government entity in the U.S. whether it is  
10 federal, state, county, or city can pass just about any law or ordinance that they want to.  
11 That's how crazy laws come about without regard to the Constitution. Many  
12 government entities pass these kinds of unconstitutional laws and ordinances. Often  
13 only when it is too late or when a citizen brings about justice in their community, the  
14 state, or the U.S. government itself does a law or ordinance get repealed.  
15

16 Mr. Leavitt said these bad and unconstitutional laws end up harming citizens,  
17 communities, state and our federal government as in the NSA spying scandal that a few  
18 days ago a federal judge ruled unconstitutional. This amplifies my point about any  
19 government entity being able to pass such unconstitutional laws. Maybe you remember  
20 not too long ago that you might have your phone lines tapped by law enforcement  
21 officers if you were suspected of doing something illegal, but only after law enforcement  
22 received a search warrant signed by a judge. What happened? 9-1-1 happened. The  
23 federal government went into a tizzy followed by states and communities passing  
24 unconstitutional laws that were supposedly designed to protect us from external terrorist  
25 threats.  
26

27 Mr. Leavitt said the Department of Homeland Security was formed as a way to marry all  
28 of the security agencies in the country like the FBI, CIA, the NFA and others so that a  
29 single source would be available to make sure everyone is working in union. At some  
30 point the federal government decided it was okay to spy on our citizens without a cause  
31 or warrant all in the name of the war on terror and allowed themselves to do so by  
32 forming their own secret FISA court with their own judge who signs blanket warrants for  
33 the purpose of spying on citizens, both foreign and domestic, in sweeping fashion under  
34 the disguises and methods such as mega data collection and so on. People who fight  
35 for liberty and justice for all have always known it's unconstitutional.  
36

37 Mr. Leavitt said fast forward to the year 2013 and look around. Did you notice all the  
38 secret surveillance cameras going up in communities like Orlando, Winter Park, and  
39 soon the City of Winter Springs? He said he would read quotes from Winter Springs  
40 Police Chief Kevin Brunelle concerning the surveillance cameras that will be going up in  
41 Winter Springs using an \$84,000 Department of Homeland Security grant. He said he  
42 hoped Chief Bracknell wasn't licking his chops on the thought of installing cameras here  
43 in our city if they're not here already. As reported by Jeff Allen, a reporter from Bay 9  
44 News, on Friday, November 1, 2013: If you are out and about in Winter Springs, soon  
45 the police could be watching your every move. The Winter Springs Police Department  
46 just got an \$84,000 grant from the U.S. Department of Homeland Security to install

1 cameras all over the city to prevent terrorism in Winter Springs. “If we’re not prepared  
2 we can’t properly deal with the situation”, said Winter Springs Police Chief Kevin  
3 Brunelle. The police department hopes placing cameras in public areas, even public  
4 parks, will act as a deterrent. The police won’t be revealing where some of the cameras  
5 are. Those cameras will remain unknown to the public. Even though the cameras will  
6 be rolling on everything coming and going, the police say the only reason they will be  
7 rewinding the video and looking back at it is to look at something specific. The police  
8 chief said by using the cameras they won’t have to pay officers to conduct surveillance.  
9 That’s sort of a contradiction. He said it would save money and after the police use the  
10 grant money, they will have to tap into the taxpayers’ money to maintain the surveillance  
11 cameras. These are surveillance cameras and not security cameras.

12  
13 Mr. Leavitt said he was here to remind and ask you to please before passing any further  
14 city ordinance to simply ask yourself one question above all others. Is it constitutional?  
15 If the answer to that question is no or questionable, do not give it further consideration.

16  
17 No one else came forward and citizen participation was closed.

18  
19 VIII. Unfinished Business

20  
21 A. Ordinance No. 1501 – Zoning Text Amendment for proposed revisions to  
22 Section 154.09 revising the definition of Pain Management Clinic – Second  
23 Reading (Public Hearing) (Gary Schindler, City Planner)

24  
25 The City Attorney read Ordinance No. 1501 by title only on second reading.

26  
27 Mr. Schindler stated staff had nothing additional to add.

28  
29 Mayor Mealor asked if anyone wanted to speak in reference to Ordinance No. 1501. No  
30 one came forward and the public hearing was closed.

31  
32 **Motion was made by Commissioner Brender to approve Ordinance No. 1501 on**  
33 **second reading, seconded by Deputy Mayor Lucarelli and motion carried by roll-**  
34 **call vote: Commissioner Brender, Yes; Commissioner Duryea, Yes;**  
35 **Commissioner Plank, Yes; Deputy Mayor Lucarelli, Yes; Mayor Mealor, Yes.**

36  
37 IX. New Business

38  
39 A. Request to reduce Code Enforcement Lien for 377 North Country Club  
40 Road; Bank of America (Bruce Fleming, Senior Code Enforcement Officer)

41  
42 Bruce Fleming, Senior Code Enforcement Officer, came forward. He said the Lake  
43 Mary Code Enforcement Board had a public hearing on this case on May 21, 2013. The  
44 Board found that the property owner, Bank of America and Maria McGowen, had  
45 violated the Lake Mary Property Maintenance Code by failing to comply with provisions  
46 of said code related to overgrowth of weeds and grass, removal of all trash, debris and

1 rubbish, and registering the property with the Office of the City Clerk. The property  
2 owners were required to bring the property into compliance with the Board's order within  
3 14 calendar days of the hearing or pay a fine of \$250.00 per day. The Board convened  
4 a compliance hearing on September 17, 2013. At a compliance hearing it was  
5 determined that the property owners had not brought the property into compliance. The  
6 Board ordered staff to file a lien in the amount of \$250.00 per day for 102 days of non-  
7 compliance beginning on June 7, 2013, through September 17, 2013, and continued to  
8 accrue daily through November 23, 2013.

9  
10 Mr. Fleming said on November 23, 2013, Code Enforcement conducted a subsequent  
11 inspection which revealed compliance had been obtained. An Affidavit of Compliance  
12 was filed for a total of 169 days of non-compliance. The outstanding lien balance of  
13 \$42,250.00 and the filing fee of \$47.00 along with interest of \$837.45 calculated at 4%  
14 per annum was also attached for a grand total outstanding of \$43,134.45 through  
15 December 31, 2013.

16  
17 Mr. Fleming said on November 27, 2013, the property owners submitted a request for  
18 consideration by the City Commission to reduce the outstanding lien to \$4,250.00, or  
19 roughly 10 cents on the dollar.

20  
21 Mr. Fleming said a re-inspection of the property revealed the property remains in  
22 compliance at this time.

23  
24 Mr. Fleming showed photographs of the property when the Code Enforcement Board  
25 heard the case. He showed a photograph of how the property looked this morning with  
26 all the trash, rubbish, debris, overgrown grass and weeds and things of that nature have  
27 been taken care of.

28  
29 Mr. Fleming said the property is currently in compliance with the Board's order. Staff  
30 offers no objections to consideration of abatement of the lien provided full remittance is  
31 made within 30 days of the reduction.

32  
33 Commissioner Duryea asked if this request goes before the Code Enforcement Board.

34  
35 Mr. Fleming said when it was in their privy the Code Enforcement Board filed the lien  
36 which took the Code Enforcement Board out of the circle for resolution. The lien runs in  
37 favor of the City Commission.

38  
39 Commissioner Duryea asked if this property was in foreclosure and pretty much owned  
40 by the bank.

41  
42 Mr. Fleming said it is in foreclosure and is pretty much owned by the bank.

43  
44 Commissioner Duryea asked if we were letting Bank of America off the hook.

1 Mr. Fleming said that was out of his realm. He impressed upon the Commission that his  
2 goal in these types of situations is compliance. He didn't think we are here to be  
3 punitive or to punish. We are here to add or substantiate penalty for not following what  
4 the Board has directed. If we can get compliance we are generally where we need to  
5 be with handling code enforcement cases.

6  
7 Commissioner Duryea asked if the house was occupied during this time.

8  
9 Mr. Fleming answered negatively. This house has been abandoned for approximately a  
10 year.

11  
12 Commissioner Plank asked if he was correct that there is no sale pending on this  
13 property.

14  
15 Mr. Fleming said to his knowledge there is no sale pending.

16  
17 Commissioner Plank said if we make this adjustment what are the assurances they will  
18 remain in compliance and what enforcement ability do we have at that point.

19  
20 Mr. Fleming said if the Commission decides to go with the bank's request to lower the  
21 lien to \$4,200.00 if paid within 30 days, the case will be closed. However, should a  
22 recurrence happen on this property, it is immediately taken back to the Code  
23 Enforcement Board for re-examination. At such time the Code Enforcement Board may  
24 invoke penalties of up to \$500.00 per day for each day it continues. It will run until the  
25 property is brought into compliance again. You may have the bank come before you a  
26 second time with a much more substantial fine. At this point we can only go with what is  
27 before us and that is that the property is in compliance and staff has no objection to the  
28 reduction the bank has requested.

29  
30 Commissioner Plank said the fact that it's in compliance is the reason the bank is asking  
31 for the adjustment.

32  
33 Mr. Fleming answered affirmatively.

34  
35 Deputy Mayor Lucarelli asked if this covers staff time, paperwork and effort that has  
36 been put in on our part.

37  
38 Ms. Sova said she felt this was a fair offer.

39  
40 **Motion was made by Deputy Mayor Lucarelli to approve the reduction of Code**  
41 **Enforcement Lien for 377 North Country Club Road to \$4,250.00 provided it is**  
42 **paid in full within 30 days, seconded by Commissioner Brender.**

43  
44 Commissioner Duryea said he didn't think somebody should be held culpable for  
45 something they weren't there to fix. This is a 90% reduction. He said he would approve

1 a reduction in the amount that accrued while the house was occupied when somebody  
2 could do something about it.

3  
4 Mr. Fleming said when this problem manifested itself to Code Enforcement the house  
5 was vacant. He said he had never had contact with anyone living on the premises.

6  
7 Ms. Reischmann pointed out that you always hear the bank saying that they have no  
8 way to correct the violation until they finish the foreclosure process, but in fact their  
9 mortgages do give them the right to correct code violations.

10  
11 Commissioner Plank asked when the bank formally initiated foreclosure.

12  
13 Mr. Fleming said he didn't have that record before him. The house was abandoned for  
14 some time. The grass and tree limbs and things of that nature is what started the  
15 process of going out there to deal with the issues on the property. He said he would  
16 dare to guess at least six months prior to him getting involved the bank had started its  
17 foreclosure procedure.

18  
19 Commissioner Plank said once it went into foreclosure the ordinance we passed some  
20 time back did require they maintain the property.

21  
22 Mr. Fleming said that is correct.

23  
24 Commissioner Plank said he would think the date would be key in doing the adjustment.

25  
26 Mayor Mealor asked if this request was consistent with some of the past Commission  
27 action.

28  
29 Mr. Fleming said the Commission has on several occasions listened to the pleading  
30 from various lending institutions insofar as reductions are concerned. He believed in  
31 every one of the reductions that has been brought before you by his office the  
32 Commission has provided relief to the person requesting consideration.

33  
34 **Motion denied by roll-call vote: Commissioner Duryea, No; Commissioner Plank,**  
35 **No; Deputy Mayor Lucarelli, No; Commissioner Brender, No; Mayor Mealor, No.**

36  
37 Deputy Mayor Lucarelli asked Mr. Fleming if it could be looked up what percentage we  
38 have reduced it in the past.

39  
40 Mr. Fleming said the Commission reduced a \$36,000.00 lien to \$18,000.00+, reduced a  
41 \$16,000.00 lien to \$2,100.00, and another reduced from about \$75,000.00 to less than  
42 \$5,000.00.

43  
44 Commissioner Plank said regarding those previous reductions, he asked how many  
45 were made in conjunction with a pending sale.

1 Mr. Fleming said one.

2  
3 Commissioner Brender requested Mr. Fleming go back and get some firm dates. We  
4 need something we can hang our hat on and say this is what we're doing, when did it hit  
5 foreclosure, when did the bank have it. Instead of pulling a number out of the air, we  
6 can try to come up with something based on some real dates.

7  
8 B. Request to reduce Code Enforcement Lien for 455 Chickee Court; Kenneth  
9 Rummel (Bruce Fleming, Senior Code Enforcement Officer)

10  
11 Bruce Fleming, Senior Code Enforcement Officer, came forward. He said the Lake  
12 Mary Code Enforcement Board held a public hearing on this case on September 18,  
13 2007. The Board found that the property owner, Kenneth Rummel, had violated the  
14 Lake Mary Code of Ordinances, Chapter 155 Subdivision Regulations, Appendix G,  
15 Swimming Pool Regulations, by failing to maintain a swimming pool free of dirty,  
16 stagnant, uncirculated water. The property owner was required to bring the property  
17 into compliance within 10 days of the hearing or pay a fine of \$200.00 per day for each  
18 day the violation continued. The violation was corrected and no fine was attached.

19  
20 Mr. Fleming said after receiving new complaints Code Enforcement conducted a  
21 subsequent inspection on April 9, 2008, whereby the property owner was found to have  
22 repeated the violation. The Board convened a repeat violation hearing on July 15,  
23 2008, and determined that the property owner had repeated the violation. They were  
24 ordered to pay a fine of \$200.00 per day for 14 days of non-compliance beginning on  
25 July 1, 2008, to July 14, 2008. On July 15, 2008, Code Enforcement certified  
26 compliance with the Board's order and a total outstanding fine of \$2,800.00 was  
27 attached to the property at 4% per annum.

28  
29 Mr. Fleming said the complaints started coming in again and the property was re-  
30 inspected on September 10, 2008, and was found to be in violation of the Board's order  
31 once again. The Board convened another repeat violation hearing on September 16,  
32 2008, and determined that the property owner had repeated the violation and was  
33 ordered to pay a fine of \$300.00 per day beginning on September 10, 2008, and for  
34 each day the violation continued at 4% annum.

35  
36 Mr. Fleming said on December 9, 2013, the property owner submitted a request for  
37 consideration by the City Commission to reduce the outstanding lien of \$2,800.00 for 14  
38 days of non-compliance and the outstanding lien of \$581,400.00 for 1,938 days of non-  
39 compliance. The total outstanding liens at this time are \$584,200.00. The total filing  
40 fees at this time are \$119.50. The total interest on this code case is \$68,445.41 and it  
41 continues to grow. The grand total through December 31, 2013, is \$652,764.91.

42  
43 Mr. Fleming said staff verified that this property was listed for sale on June 8, 2013, and  
44 there was a cash offer submitted that was due December 2, 2013, with the anticipated  
45 closing date of January 3, 2014, contingent on the seller obtaining a release or  
46 satisfaction of the City's liens.

1  
2 Mr. Fleming showed photographs on the overhead of the pool the Code Enforcement  
3 Board saw. It was the dirty, stagnant water and they were concerned about mosquitoes  
4 and things of that nature. He showed photographs of what he saw today of the pool  
5 enclosure and screens on the back patio that have been ripped from the 2 X 4 that  
6 holds it in place. He showed a photo inside the back patio going downward to the  
7 swimming pool area. He showed a photo of the pool now and there is dirty stagnant  
8 water that remains in the pool at this time. The enclosure is starting to completely  
9 collapse which causes great concern for Code Enforcement and the neighbors.

10  
11 Mayor Meador said Mr. Fleming's request is to have the City Attorney draft a Reduction  
12 of Lien Agreement in an amount agreed to by the City Commission contingent upon a  
13 successful closing within 30 days.

14  
15 Mr. Fleming said that was correct.

16  
17 Ms. Sova said there has been no water consumption at the home since April so it  
18 appears it is vacant. Our dealings have been mostly by phone with the owner or  
19 through the realtor with the claim he is out of town.

20  
21 Commissioner Duryea said this has been going on longer than September 2007. The  
22 homeowners' association was fighting with Mr. Rummel to clean up his property,  
23 notwithstanding the swimming pool but just the property around it longer than that.  
24 There was a rumor that the person that owns the house was living in it a good deal of  
25 that time. He said he didn't know that to be true.

26  
27 Ms. Sova said there has been consistent water consumption in the home up until this  
28 past April.

29  
30 Commissioner Duryea said the electricity has never been shut off.

31  
32 Ms. Sova said she wouldn't know about the power. Through the years the customer  
33 would come in and pay the bills. It was just up until this past April where it is apparent  
34 the house has become vacant.

35  
36 Commissioner Duryea said it seemed \$300.00 a day was a lot more expensive than  
37 having a pool service come in at \$40.00 a month and to have the grass is cut. He  
38 thought this was negligence. Is \$652,000.00 a ludicrous amount? Very much so.

39  
40 Mayor Meador said we have an option of somebody purchasing the property. We have  
41 a situation similar to the long running situation of the non-complying wall that once we  
42 had a contract in hand, part of the settlement would be that if we would waive that it  
43 would be corrected. It was corrected and brought up to code. The neighbors are  
44 beneficiaries as is the new person willing to invest in the City of Lake Mary. He said the  
45 agent is here this evening and he also serves on one of our boards. This is an  
46 opportunity. What has happened out there is very unfair and unfortunate. People have

1 made a conscious investment in our community. This is an opportunity where hopefully  
2 this can be corrected. When you look at that it is unacceptable and is not in keeping  
3 with the standards that community expects of its residents and what we expect of our  
4 community. This is one we need to make right because if there's a contract in hand and  
5 can get that closed within 30 days, it is in everyone's best interest to get this thing off  
6 the books.  
7  
8 Mr. Fleming said the agent for the property owner is present and could lend more to the  
9 situation on the contract and where we're at on closing.  
10  
11 Commissioner Duryea asked if there was a statutory time for closure on a lien like this.  
12  
13 Ms. Reischmann said five years from the date it is recorded.  
14  
15 Commissioner Duryea asked when this was recorded.  
16  
17 Ms. Reischmann said we have repeats as well. We have an '07 but have some repeat  
18 violations in '08.  
19  
20 Mayor Mealor said this has been an ongoing problem. It is not going to correct itself.  
21  
22 Commissioner Duryea said if foreclosure were contemplated we could go back to which  
23 date.  
24  
25 Ms. Reischmann said the second lien. They convened the violation in September '08  
26 but she didn't know the date the lien was filed.  
27  
28 Mr. Fleming said it was recorded on September 25, 2008.  
29  
30 Commissioner Duryea said it is over five years. If we were to close where do we stand  
31 in the hierarchy of owning that property.  
32  
33 Ms. Reischmann said she was assuming the first mortgage was before '07. We would  
34 have to buy it subject to the first mortgage.  
35  
36 Commissioner Duryea asked if there were any other liens on the property.  
37  
38 Mr. Fleming said not that he was aware of.  
39  
40 Ms. Sova said we found there is a first and a second mortgage.  
41  
42 Mr. Fleming answered affirmatively.  
43  
44 Commissioner Duryea said if push came to shove, we would foreclose on the property,  
45 demolish the house and sell the property. He said he was assuming there are no other  
46 liens.

1  
2 Ms. Reischmann answered affirmatively if we are assuming there are no other liens.  
3  
4 Commissioner Duryea said there would be legal fees.  
5  
6 Ms. Reischmann said to foreclose varies a lot but thought about \$12,000.00 to foreclose  
7 and \$12,000.00 to demolish.  
8  
9 Mayor Mealor asked where they got on the discussion of purchasing the home.  
10  
11 Commissioner Duryea said there is an intrinsic value here that we are not giving away  
12 but just hoped the homeowner is not getting anything out of this deal. We are relieving  
13 him of all of his responsibility which he has been irresponsible for the past eight years.  
14  
15 Commissioner Plank asked how far in advance of the closing do we have to clear the  
16 liens.  
17  
18 Ms. Reischmann said they would like it cleared as soon as possible.  
19  
20 Commissioner Plank said this is a long standing problem that needs to be fought. He  
21 said his concern is that we clear the lien and the sale falls through then where do we go.  
22  
23 Ms. Reischmann said the intention in speaking with the City Manager is that we would  
24 wait until the date of closing to provide the Satisfaction of Lien.  
25  
26 Commissioner Plank said that is going to be done legal.  
27  
28 Ms. Reischmann said it absolutely will be done legally. It doesn't work so well for them  
29 with their closing. That's how mortgages are handled. You don't get your Satisfaction  
30 of Mortgage before you close; it comes later in the mail. It could be handled to where  
31 we make them sweat it and we could make them late so we are sure that it closes.  
32  
33 Deputy Mayor Lucarelli said she would like to do that, not to make them sweat it per se  
34 but to cover our butts if they pull something. She asked what we were suggesting as a  
35 number to reduce it to and still covering our costs for the past eight years.  
36  
37 Commissioner Brender said this is just gross negligence. This is a valuable home and  
38 was anxious to get it fixed up. He agreed with George's comments that he doesn't  
39 know what's going to happen with the mortgages and didn't know if the bank is going to  
40 write them off. He said he didn't want an owner who has been negligent for years  
41 walking away with a \$200,000.00 profit selling the house and we just reduced his  
42 \$687,000.00 lien. He asked how they fixed that.  
43  
44 Ms. Reischmann said she had not seen the contract and how it compares with the  
45 mortgages.  
46

1 Ms. Sova said she didn't know the relation on the mortgages other than there are two of  
2 them. One of them is fairly recent.

3  
4 Mr. Fleming said he was told it was last June or July for \$42,000.00.

5  
6 Commissioner Brender said the home is not in foreclosure which means those  
7 mortgage payments are being made by someone. He said if the homeowner has  
8 \$150,000.00 in mortgages and turns around and sells it for \$400,000.00 and we forgive  
9 him \$600,000.00 in liens sounds like too good of a deal. He said he didn't know how to  
10 get to a number.

11  
12 Mayor Mealor said one of the dilemmas we have right now is to just look at the history  
13 of this property. We are \$600,000.00+ right now. If we do nothing it will be at some  
14 point in time \$1.2 million and will be absolutely no change whatsoever. Based on the  
15 history, we can put any fee on this that we want but the reality is it is probably going to  
16 be the buyer that has to absorb it. If the sale can close within 30 days he thought this is  
17 one of those times we have to step back and look at the bigger picture. This has been  
18 going on long before 2008 and is a consistent pattern. Nothing is going to change. You  
19 can put any dollar amount out there that you want and it is going to be passed on to the  
20 buyer. There is no need to think we are going to make the current owner whether he  
21 has one, two or three mortgages to modify any behavior. He didn't think that was the  
22 case. He said he didn't like it but are dealing with the reality. It is an escalating figure,  
23 will be a multiplier effect and nothing is going to change.

24  
25 Commissioner Brender asked if we had any concept of the cost to the City.

26  
27 Ms. Sova said we pulled previous legal bills related to code enforcement cases and  
28 were just about \$1,000.00.

29  
30 Mr. Fleming interjected it was \$1,050.00 for legal fees.

31  
32 Ms. Sova said there has been staff time over the years for probably another \$1,000.00.

33  
34 Ms. Reischmann said the City Manager had the contract and the contract amount is  
35 \$270,400.00. The buyer is America's Interactive, Inc. She imagined that was a real  
36 estate investment company.

37  
38 Commissioner Duryea asked if there was a way to get compliance before closing.

39  
40 Ms. Sova answered negatively.

41  
42 **SIDE 1B**

43  
44 Mayor Mealor said Mr. Fleming has stated for the public record that the legal bills are  
45 \$1,050.00. The request to us is to have the City Attorney through the City Manager  
46 draft a reduction in the lien agreement in the amount agreed to by us. He suggested

1 looking at the \$1,050.00 and having the City Manager and staff determine the total cost  
2 related to staff time from day one to current and that be the amount.

3  
4 Commissioner Duryea said if we do that where would we be on the issue we just went  
5 through. We have to be fairly consistent on how we treat these unless there is some  
6 extenuating circumstances.

7  
8 Mayor Meador said if we do as suggested or was actually recommended in the first item  
9 that was denied, he thought they are being consistent.

10  
11 Commissioner Brender said they are different animals. One is a foreclosure and one is  
12 a sale.

13  
14 Mayor Meador said he was thinking about on the northeastern part of the community  
15 where we had the long-term lien against the non-conforming wall. We had a potential  
16 buyer in place. The sale was contingent on the waiver. We waived, the sale went  
17 through, the wall was brought up to compliance and everybody, including the neighbors,  
18 are most pleased. He thought \$1,050.00 plus whatever staff time back to day one for  
19 the amount of the lien reduction to be entered into.

20  
21 Commissioner Brender said he didn't see that they had much else to do. We have to  
22 get the house fixed up and in a position where you can actually get some people living  
23 in it and taking care of it. Because we do have a situation where we have a closing  
24 pending, he was willing to say let's cover our costs and get the thing gone.

25  
26 **Motion was made by Commissioner Brender to have the City Manager along with**  
27 **Mr. Fleming and the City Attorney come up with a lien which closely reflects**  
28 **actual costs to the City to maintain these various liens from day one and that will**  
29 **be levied as the lien reduction amount contingent upon closing of the property**  
30 **within 30 days. Seconded by Deputy Mayor Lucarelli.**

31  
32 Deputy Mayor Lucarelli asked if that meant we would hold the Satisfaction of Lien until  
33 closing.

34  
35 Ms. Reischmann answered affirmatively.

36  
37 Deputy Mayor Lucarelli said she was good with that. If they don't go to closing then all  
38 bets are off.

39  
40 Ms. Reischmann said also contingent on full payment of that amount at closing or it  
41 goes back to the original lien amount

42  
43 **Amended motion was made by Commissioner Brender to have the City Manager**  
44 **along with Mr. Fleming and the City Attorney come up with a lien which closely**  
45 **reflects actual costs to the City to maintain these various liens from day one and**  
46 **that will be levied as the lien reduction amount contingent upon closing of the**

1 **property within 30 days and contingent on full payment of that amount at closing**  
2 **or it goes back to the original lien amount. Seconded by Deputy Mayor Lucarelli**  
3 **and motion carried by roll-call vote: Commissioner Plank, Yes; Deputy Mayor**  
4 **Lucarelli, Yes; Commissioner Brender, Yes; Commissioner Duryea, No; Mayor**  
5 **Mealor, Yes.**

6  
7 C. Resolution No. 927 – SunRail Station Connectivity Upgrades Supplement  
8 Amendment Number 1 (John Omana, Community Development Director and  
9 Steve Noto, Senior Planner)

10  
11 The City Attorney read Resolution No. 927 by title only.

12  
13 Mr. Omana said we have approached an exciting time in this process involving the  
14 enhancement funds. Since May of this year City Staff has been sitting with  
15 representatives of FDOT with a number of engineers, members of the Federal Transit  
16 Authority, and a number of technical folks to figure out how we can use the balance of  
17 our enhancement funds to improve the SunRail Station with the earmark that was  
18 brought forth years earlier. Since May we have been going back and forth with the  
19 people in Washington and were finally able to get the green light to move forward with a  
20 number of enhancements that we are very excited about. Staff recommends we move  
21 forward and the Commission adopt the resolution.

22  
23 Mr. Noto said we have been working on this enhancement agreement document for  
24 some time. In 2011 we came before the Commission and they approved a number of  
25 enhancements based on funding that was made available to the City from the federal  
26 government.

27  
28 Mr. Noto said we are at Phase II now. He showed an aerial on the overhead. He said  
29 what is shown is not out there right now. We know the amount of construction going on  
30 for the SunRail Station was done before the properties were purchased by FDOT and  
31 before the platform was starting to be constructed on the railroad. We have asked for a  
32 number of items that deal with connectivity and safe pedestrian access.

33  
34 Mr. Noto said he would go over what was involved in our Phase II enhancement  
35 requests. The first one was a six-foot-wide sidewalk located on the west side of North  
36 Palmetto which will get folks from West Lake Mary Boulevard up to the platform, and a  
37 new six-foot-wide sidewalk roughly 1,000 feet in length that would generally take folks  
38 from the platform behind the police station onto Lakeview Avenue and to Country Club.  
39 You would have a direct connect taking you to the Downtown core and where we are  
40 this evening. There would be a crosswalk at the intersection of Lakeview and Country  
41 Club and as part of that the installation of rectangular rapid flashing beacons which give  
42 the pedestrian the right-of-way at the crosswalk, the entry sign at the intersection of  
43 Palmetto and Lake Mary Boulevard, and a traffic signal at the intersection of Palmetto  
44 and Lake Mary Boulevard. We are coordinating with Seminole County as well as Lynx  
45 regarding that item. That will get the Lynx buses out of the SunRail Station back to the

1 Boulevard without cutting through the Downtown core taking into account many of the  
2 improvements we are working on today.  
3  
4 Mr. Noto said this is an amendment to the already adopted local funding agreement with  
5 FDOT. If approved we will owe FDOT our portion of the 80/20 match which would come  
6 out to \$92,310.00. We have been given access to almost half a million dollars from the  
7 federal government to have these enhancements provided to us. We are  
8 recommending approval of Resolution No. 927.  
9  
10 Mayor Meador said as a personal privilege, he thanked Mr. Leavitt for providing copies  
11 of the Declaration of Independence and the Constitution. It has been noted that this  
12 may be one of the most important documents ever written in the history of mankind. It  
13 allows us to do what we do in a way that very few people on this planet have.  
14  
15 Commissioner Brender said the Chief of Police has expressed concern about the  
16 sidewalk going behind the police station. He asked if there were any thoughts about  
17 what we want to build on the right hand side of the sidewalk in order to make sure that  
18 we do not have any intrusion on police property by what could be in the future a fair  
19 number of people getting off the train.  
20  
21 Mr. Noto said the pathway is currently under design with CPH so anything the  
22 Commission wishes to add in regards to lighting, fencing, benches to please let us  
23 know. We were already considering lighting.  
24  
25 Commissioner Brender said he would like to see a wall or something decorative.  
26  
27 Commissioner Duryea asked why the yellow line on the exhibit that goes up toward the  
28 station stopped.  
29  
30 Mr. Noto said the colors, lines and circles were just a general location of where  
31 everything would be. We haven't started designing that sidewalk yet but the concept  
32 behind it is to have it directly connect to the sidewalk on the Boulevard and to directly  
33 connect to the platform so you can safely cross to get to Crystal Lake.  
34  
35 Ms. Sova said there would also be a sidewalk connection when the Mahnken building  
36 attaches to the platform. She thought that might be the small gap that Commissioner  
37 Duryea was seeing.  
38  
39 Mr. Noto said Mr. Mahnken's plan is to build his building directly abutting the platform so  
40 folks will have the ability to go in and out of his building.  
41  
42 Commissioner Brender said but you can cross from the south side to the north side just  
43 about where the yellow line ends.  
44  
45 Mr. Noto answered affirmatively.  
46

1 Commissioner Plank asked the Police Chief's concern about people walking by the  
2 police station.

3  
4 Chief Bracknell said there is always going to be concern about people walking through  
5 the Police Department's back lots with the different procedures and things we have  
6 going on. It's not something that is going to be insurmountable. He spoke with the City  
7 Manager about this and was sure it would work out.

8  
9 **Motion was made by Commissioner Brender to approve Resolution No. 927,**  
10 **seconded by Commissioner Plank.**

11  
12 Commissioner Plank asked if this \$92,000.00 was budgeted.

13  
14 Ms. Sova said there were budgeted funds and carry forward funds to cover it.

15  
16 **Motion carried unanimously.**

17  
18 D. Request approval of First Amendment to Traffic Signal Maintenance  
19 Agreement with Seminole County (Bruce Paster, Public Works Director)

20  
21 Mr. Paster said this is a request to go back to having Seminole County maintain the six  
22 signals: five on Rinehart and one on 17-92. Approximately seven years ago we went  
23 away from the County. At that time the County was charging approximately \$40,000.00  
24 a year and we got someone to maintain the signals for about \$20,000.00 a year. It  
25 worked great the first five years. Two years ago the County re-looked at all of their  
26 costs and dropped their cost significantly. The last two years our private contractor  
27 costs have increased. It is now more beneficial and economical to go back to the  
28 County to have this done. If we come on board they are willing to do some traffic  
29 counts and a traffic study free on Rinehart Road to help re-time some of those signals.  
30 We are recommending going back to Seminole County for maintenance of the signals.  
31 We have an agreement with them for signals on Lake Mary Boulevard and would like to  
32 add the signals on Rinehart and 17-92 to the existing agreement.

33  
34 Commissioner Duryea said Section 1 says the City shall pay 100% of annual costs  
35 above normal routine maintenance. He said that was open-ended.

36  
37 Mr. Paster said they have given us what the costs are. The way the County does it is  
38 they take their overall costs and divide it by all the signals in Seminole County. They  
39 maintain every other signal in Seminole County except for these six. All the other cities  
40 in the County are all maintained by Seminole County government. In that way they are  
41 able to keep their costs low. At times our costs will be low while subsidizing others and  
42 other times they are subsidizing us. It is a flat rate fee. What we have been doing the  
43 last seven years is not a flat rate fee but the actual costs and now the actual costs are  
44 greater.

1 Commissioner Brender said his only concern is service. He liked the fact they are  
2 willing to do a traffic count on Rinehart and with the announcement about Florida  
3 Hospital we are going to need to recount and relook at traffic. At the same time if  
4 something does go wrong he asked Mr. Paster if he felt the County could give us the  
5 response time that we need. When a hurricane hits would they fix every light in the  
6 County before they finally get to the cities.

7  
8 Mr. Paster said he understood those concerns but believed they would be responsive to  
9 us. Regarding hurricanes we also take care of our own in that we have our own  
10 generators and will be able to mobilize for that. In all the discussions he has had with  
11 the County it seems like they are just as responsive as the response we have been  
12 getting. Hopefully we will obtain a higher level because they will be able to tie those  
13 lights back into their fiber optic system on Rinehart Road.

14  
15 **Motion was made by Commissioner Brender to authorize the Mayor to execute**  
16 **the First Amendment to Traffic Signal Maintenance Agreement with Seminole**  
17 **County, seconded by Commissioner Plank and motion carried unanimously.**

18  
19 X. Other Items for Commission Action

20  
21 There were no items to discuss at this time.

22  
23 XI. Reports:

24  
25 A. City Manager

26  
27 1. Annual appointments/reappointments to advisory boards

28  
29 Ms. Sova said this is the annual appointments or reappointments to advisory boards.  
30 She has staff looking at combining some of these boards. The Board of Adjustment and  
31 the Local Planning Agency meet so seldom and thought it might behoove us to see if  
32 we can make a change to these boards and consolidate them into P&Z. That would  
33 take some time to finish the research and make the code amendments.

34  
35 Commissioner Duryea said that was discussed some time ago and believed the  
36 rationale was the Board of Adjustment was a legislative function and the P&Z is  
37 advisory.

38  
39 Ms. Sova said she thought it was the other way around with P&Z. She said John  
40 (Omana) has already begun the research.

41  
42 Mr. Omana said part of discussion on the issue of quasi-judicial versus legislative is at  
43 that time we were also considering the issues coming out of Senate Bill 360 that had to  
44 be thrown into the equation and if we combined the two would that create problems as a  
45 result of what was coming at us with respect to Senate Bill 360. It was a different

1 animal back then. We are looking at it in more detail and will come back with  
2 recommendations.

3  
4 Mayor Mealor asked if the Commission had any objection removing Board of  
5 Adjustment and LPA at this time for consideration to see which direction we want to go.  
6 He asked if the Commission had any objection to bringing those back with a  
7 recommendation to combine and if we choose not to then we can make an appointment  
8 at that time. There were no objections.

9  
10 Ms. Sova said we don't have any meetings coming up for those boards.

11  
12 Mayor Mealor asked if there were any objection to the Elder Affairs three-year terms  
13 remaining as listed. There were no objections.

14  
15 **James Gudinas and Marcie Kilbourne are reappointed to the Elder Affairs**  
16 **Commission.**

17  
18 Mayor Mealor asked if there was any objection to Kathleen Harris being reappointed to  
19 the Historical Commission. There were no objections.

20  
21 **Kathleen Harris is reappointed to the Historical Commission.**

22  
23 Mayor Mealor asked if there were any objections to the continuation of Mr. Bel and Ms.  
24 Gudinas on the Firefighters Pension Board. There were no objections.

25  
26 **Martin Bel and Karen Gudinas are reappointed to the Firefighters Pension Board.**

27  
28 Mayor Mealor said the alternate for Planning & Zoning is Mr. Fitzgerald. Member  
29 Cartmill will no longer be able to serve. It has been the pleasure of the Board to take  
30 the alternate and move them to a permanent position.

31  
32 **Motion was made by Commissioner Brender to appoint Sean Fitzgerald as a**  
33 **regular member of the Planning & Zoning Board, seconded by Commissioner**  
34 **Duryea and motion carried unanimously.**

35  
36 Mayor Mealor asked the pleasure of the Board in relation to appointing an alternate to  
37 the Planning & Zoning Board.

38  
39 **Deputy Mayor Lucarelli nominated Justin York as alternate member of the**  
40 **Planning & Zoning Board and nomination carried unanimously.**

41  
42 **Sid Miller is reappointed to the Planning & Zoning Board.**

43  
44 Mayor Mealor said on the Parks & Recreation Board, Member Miller will no longer be  
45 able to serve so we have an appointment for a two-year term.

46

1 **Commissioner Brender nominated Chris Lee to the Parks & Recreation Advisory**  
2 **Board and nomination carried unanimously.**

3  
4 **Robert Sebald, Robert Boardman, and Dan Williamson are reappointed to the**  
5 **Parks & Recreation Advisory Board.**

6  
7 Ms. Sova announced all non-emergency offices will be closed Tuesday, December 24<sup>th</sup>  
8 and Wednesday, December 25<sup>th</sup> in observance of Christmas and also on Tuesday,  
9 December 31<sup>st</sup> and Wednesday, January 1<sup>st</sup> in observance of New Year's. Waste  
10 Management will not collect solid waste, recycling or yard waste on Christmas or New  
11 Year's but will provide a make-up day on the Saturday preceding each holiday to collect  
12 solid waste and recycling only. Discarded holiday trees can be placed curbside with  
13 your regular yard waste each Wednesday during the month of January, excluding New  
14 Year's Day.

15  
16 Ms. Sova announced there will be no WineART Wednesday on January 1<sup>st</sup>.

17  
18 Ms. Sova reminded everyone we previously canceled the scheduled meeting for  
19 January 2<sup>nd</sup>.

20  
21 Ms. Sova wished everyone Happy Holidays.

22  
23 B. Mayor

24  
25 1. Appointment to MetroPlan Orlando's Municipal Advisory Committee

26  
27 Mayor Meador said in the past we appointed Deputy Mayor Lucarelli to serve on the  
28 MetroPlan Orlando's Municipal Advisory Committee. Unfortunately Ms. Lucarelli will no  
29 longer be able to serve in that capacity. He said he would like to appoint Commissioner  
30 Allan Plank to serve on MetroPlan Orlando's Municipal Advisory Committee. There  
31 were no objections from the Board.

32  
33 **Commissioner Plank is appointed to MetroPlan Orlando's Municipal Advisory**  
34 **Committee.**

35  
36 C. Commissioners

37  
38 Commissioner Brender said CALNO was coming up January 8<sup>th</sup> at the City of Altamonte  
39 Springs. She asked Alternate Lucarelli if she could attend that meeting because he  
40 would be out of town.

41  
42 Deputy Mayor Lucarelli answered affirmatively.

43  
44 Commissioner Brender wished everyone a wonderful holiday and a fantastic new year  
45 and looked forward to serving.

1 Commissioner Duryea said he would like to again express his appreciation to Parks &  
2 Recreation. There are great people working. The place looks great and is really  
3 uplifting.

4  
5 Commissioner Plank said he would like to add his compliments on the job Mr. Nipe's  
6 department has done. Everybody he talks to in other cities or people that he runs into  
7 comment about this display. He said he came in tonight and couldn't find a parking  
8 space. He asked Jackie (Sova) if there was anything else going on Downtown and she  
9 said it has been like this every night this week. It is people walking around to do the  
10 lights. That is the greatest tribute you could have to the display.

11  
12 Commissioner Plank wished everyone a Merry Christmas and a Happy New Year.  
13 Hopefully next year will be better than this year was.

14  
15 Deputy Mayor Lucarelli wished everyone Merry Christmas and Happy New Year.

16  
17 Mayor Mealor thanked the citizens who took the time to communicate with us by e-mail,  
18 telephone and in person. Your compliments about the work and the way that City Hall  
19 is presented and just the sheer joy in the evening of children enjoying themselves,  
20 families together taking photos. It's the Commission's gift back.

21  
22 D. City Attorney

23  
24 Ms. Reichmann had no report at this time but distributed an article on the Sunshine  
25 Litigation Industry for the Commission to read (copy attached).

26  
27 Mayor Mealor recognized representatives from the Forest. It is always a joy to have  
28 them here and thanked them for their involvement.

29  
30 XII. Adjournment

31  
32 There being no further business, the meeting adjourned at 8:25 P.M.

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

39 \_\_\_\_\_  
40 Mary Campbell, Deputy City Clerk

41 ATTEST:

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