



## **LAKE MARY CITY COMMISSION**

**Lake Mary City Hall  
100 N. Country Club Road**

**Regular Meeting  
AGENDA**

**THURSDAY, SEPTEMBER 17, 2015 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes: September 3, 2015**
- 6. Special Presentations**
- 7. Citizen Participation - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.**
- 8. Unfinished Business**

- A. Ordinance No. 1528 - Amending Police Pension - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)**
- B. Ordinance No. 1529 - Amending Fire Pension - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)**
- C. Ordinance No. 1530 - Proposed FY 2015/2016 Millage Rate - Second Reading (Public Hearing) (Jackie Sova, City Manager) and Ordinance No. 1531 - Proposed FY 2015/2016 Budget - Second Reading (Public Hearing) (Jackie Sova, City Manager)**

**9. New Business**

- A. Ordinance No. 1532 - Expedited State Review Comprehensive Plan Amendment (Text) to the City's Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use category; Griffin Interests, LLC & Piloian Property Holdings, LLC, applicants - First Reading (Public Hearing) (Steve Noto, Deputy City Planner)**
- B. Ordinance No. 1533 - Expedited State Review Comprehensive Plan Amendment (Map) to the City's Comprehensive Plan revising the Future Land Use Designation from COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Mid-Town) for Griffin Farms Town Center, +/- 34.52 acres of property located at the southwest corner of W. Lake Mary Boulevard and Longwood-Lake Mary Road, 114 Longwood-Lake Mary Road; Griffin Interests, LLC & Piloian Property Holdings, LLC, applicants - First Reading (Public Hearing) (Steve Noto, Deputy City Planner)**
- C. Agreement for Traffic Law Enforcement on Private Roads - Crystal Reserve (Gary Schindler, City Planner)**
- D. Release of Performance Bond for Pine Tree Terrace Subdivision (Steve Noto, Deputy City Planner)**

**10. Other Items for Commission Action**

**11. City Manager's Report**

- A. Items for Approval**
  - a. Surplus item - air compressor**
- B. Items for Information**
  - a. Monthly Department Reports**

**12. Mayor and Commissioners Report - (4)**

**13. City Attorney's Report**

**14. Adjournment**

**THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE**

**Per the direction of the City Commission on December 7, 1989, this meeting will not extend beyond 11:00 P. M. unless there is unanimous consent of the Commission to extend the meeting.**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY ADA COORDINATOR AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (407) 585-1424.**

**If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.**

**NOTE: If the Commission is holding a meeting/work session prior to the regular meeting, they will adjourn immediately following the meeting/work session to have dinner in the Conference Room. The regular meeting will begin at 7:00 P. M. or as soon thereafter as possible.**

**UPCOMING MEETINGS: October 1, 2015**

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held September 3,  
2 2015, 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road,  
3 Lake Mary, Florida.

4  
5  
6 1. Call to Order  
7

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

10 2. Moment of Silence  
11

12 3. Pledge of Allegiance  
13

14 4. Roll Call  
15

16 Mayor David Mealor  
17 Commissioner Gary Brender  
18 Deputy Mayor Duryea – Absent  
19 Commissioner Sidney Miller  
20 Commissioner Jo Ann Lucarelli  
21

Jackie Sova, City Manager  
Dianne Holloway, Finance Director  
John Omana, Community Dev. Dir.  
Bryan Nipe, Parks & Recreation Dir.  
Tom Tomerlin, Economic Dev. Mgr.  
Wanda Broadway, HR Manager  
Colin Morgan, Deputy Police Chief  
Frank Cornier, Fire Chief  
Katie Reischmann, City Attorney  
Mary Campbell, Deputy City Clerk  
22  
23  
24  
25  
26

27 5. Approval of Minutes: August 20, 2015  
28

29 **Motion was made by Commissioner Miller to approve the minutes of the August**  
30 **20, 2015, meeting, seconded by Commissioner Lucarelli and motion carried**  
31 **unanimously.**  
32

33 6. Special Presentations  
34

35 There were no special presentations at this time.  
36

37 7. Citizen Participation – This is an opportunity for anyone to come forward and  
38 address the Commission on any matter relating to the City or of concern to our  
39 citizens. This also includes: 1) any item discussed at a previous work session; 2)  
40 any item not specifically listed on a previous agenda but discussed at a previous  
41 Commission meeting; or 3) any item on tonight’s agenda not labeled as a public  
42 hearing. Items requiring a public hearing are generally so noted on the agenda  
43 and public input will be taken when the item is considered.  
44

45 Kim Tines, 2608 Reagan Trail, Lake Mary, Seminole County, Florida, came forward.  
46 She asked what was being built at Lake Mary Boulevard and Country Club.

1  
2 Mr. Omana said what's being built is a 5,000 square foot pediatric after hours clinic. It  
3 went through the site plan process and went through all the boards for their required  
4 approvals. He gave Ms. Tines his business card and said he would be glad to show her  
5 the site plan.

6  
7 No one else came forward and citizen participation was closed.

8  
9 8. Unfinished Business

- 10  
11 A. Ordinance No.1527 – Reduce the Elder Affairs Commission from 9 members  
12 to 7 members – Second Reading (Public Hearing) (Bryan Nipe, Parks &  
13 Recreation Director)

14  
15 The City Attorney read Ordinance No. 1527 by title only on second reading.

16  
17 Mr. Nipe said this comes from the Elder Affairs Commission. They have had difficulty  
18 reaching quorum over the last several years and getting the amount of attendees to the  
19 table to make decisions to bring back to the Commission.

20  
21 Mayor Mealor asked if anyone would like to speak in reference to Ordinance No. 1527.

22  
23 Kim Tines, 2608 Reagan Trail, Lake Mary, Florida, came forward. She said she is  
24 newly implanting herself in the community and asked what the reduction of elder affairs  
25 means.

26  
27 Mr. Nipe said the Elder Affairs Commission was created years ago to be able to provide  
28 a voice to seniors and the older population in our community. The board is made up of  
29 9 members, some of which have to be over 65, and the remainder can be under 65 so  
30 long as they live within the city limits of Lake Mary. The onus of that group is to focus  
31 on advocacy for older adults and look into grants. They meet on a routine basis. If  
32 there's anything they feel older adults or seniors in the City need or if there are types of  
33 programs they are not receiving or there are trends out there that we should be looking  
34 at, they then recommend that to the City Commission. There are currently 9 members  
35 on the board and in order to get a quorum they need to have 5 at the table. They have  
36 been having difficulty having all 5 show up to meetings. This is reducing the total  
37 number of members to 7 so they can get an easier quorum.

38  
39 Ms. Tines asked when the meetings were held.

40  
41 Mr. Nipe said they are held every other month on Mondays. He gave her his card and  
42 said he would get her that schedule.

43  
44 Mayor Mealor said the Elder Affairs does a remarkable job for the City. We have a very  
45 successful recycling campaign, the Shred-A-Thon, and that group takes an advocacy  
46 role with that.

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

3  
4 **Motion was made by Commissioner Brender to approve Ordinance No. 1527 on**  
5 **second reading, seconded by Commissioner Lucarelli and motion carried by roll-**  
6 **call vote: Commissioner Brender, Yes; Commissioner Miller, Yes; Commissioner**  
7 **Lucarelli, Yes; Mayor Mealor, Yes.**

8  
9 9. New Business

10  
11 A. Resolution No. 970 – Rescind New Century Park Development of Regional  
12 Impact (Public Hearing) (~~Steve Noto, Deputy City Planner~~ John Omana,  
13 Community Development Director)

14  
15 The City Attorney read Resolution No. 970 by title only.

16  
17 Mr. Omana said this is an interesting project in that back in 1998 he was the project  
18 manager that brought it through the system. This evening he is presenting findings of  
19 fact that will rescind them provided the Commission passes a motion to that effect. It  
20 has been interesting to see it go through a variety of statuses.

21  
22 Mr. Omana said we are asking the Commission to hit the reset button. The DRI was  
23 approved in 1998 and it went through a couple of amendments. What this will do is  
24 extinguish the DRI status of the property and revert it back to its underlying zoning and  
25 land use designation. We are recommending approval of that action based on the  
26 guidance provided in Florida Statutes Chapter 380. It allows municipalities to allow the  
27 rescission of a project provided all mitigation and conditions of approval addressing  
28 impacts have been addressed.

29  
30 Mr. Omana said this project was not vested. When it came in and subsequently went  
31 through a NOPC and an amendment, the concurrency and all the mitigation parts were  
32 basically tied to individual site plans as they came in. That never happened. What we  
33 have is a DRI on paper with no vested entitlements. What Ms. Fitzgerald and her client  
34 want to do is come in and start from scratch, take away the DRI designation, and move  
35 forward with whatever plans they may have. We have reviewed it under the provisions  
36 of Chapter 380 of the Florida Statutes. We find it is consistent with the relevant portions  
37 of the City's Comprehensive Plan and Land Development Code.

38  
39 Mr. Omana said the Planning & Zoning Board reviewed this item at their July 29, 2015,  
40 meeting and voted unanimously 5 – 0 to recommend approval of the rescission of the  
41 New Century Park DRI.

42  
43 Mayor Mealor recognized P&Z member Justin York who helped handle this item  
44 through the P&Z process.

45  
46 Commissioner Brender asked the plus side for use doing this.

1  
2 Mr. Omana said one of the plus sides is it's like hitting the reset button. It allows for a  
3 variety of things to happen. You could come in with a PUD, provide for flexible design  
4 and development regulations. It provides for a fresh start. Given the underlying land  
5 use and zoning, those issues can be looked at to see what needs to be done to make it  
6 the highest and best use, also consistent with the high tech corridor and the vision we  
7 have for that portion of the City. That would be tied to DRI regulations.

8  
9 Randi Fitzgerald of Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, 215 North  
10 Eola Drive, Orlando, Florida, came forward representing Crescent Communities. She  
11 said Mr. Omana did a great job telling the Commission what we are trying to do. She  
12 wanted to say hello to the Commission and say thank you for your consideration. It is  
13 an interesting project. She said this is the only DRI she has worked on that has no  
14 entitlements. We thought why keep it around. It's an opportunity to get the state out of  
15 the City's business. That is one positive for all government she had done work in where  
16 they have rescinded DRIs. It has been a big factor not to have to deal with the state  
17 level of review and bring it more into the City's purview. We will be back but don't know  
18 how quickly because we are still working on concepts and having discussion on what is  
19 the appropriate use for this site. We are excited about the opportunities that this offers.

20  
21 Mayor Mealor asked if anyone wanted to speak in reference to Resolution No. 970. No  
22 one came forward and the public hearing was closed.

23  
24 **Motion was made by Commissioner Lucarelli to approve Resolution No. 970,**  
25 **seconded by Commissioner Brender and motion carried by roll-call vote:**  
26 **Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Commissioner Brender,**  
27 **Yes; Mayor Mealor, Yes.**

28  
29 B. Ordinance No. 1528 – Amending Police Pension – First Reading (Public  
30 Hearing) (Dianne Holloway, Finance Director)

31  
32 The City Attorney read Ordinance No. 1528 by title only on first reading.

33  
34 The City Attorney read Ordinance No. 1529 by title only on first reading.

35  
36 Ms. Holloway said when we make pension changes to the Firefighter or Police Pension  
37 Plans it is required to be done by ordinance. Recently the Florida legislation passed a  
38 law that requires a defined contribution component to be set up for both of the plans.  
39 What the Commission has before them are two ordinances—one for the Police Pension  
40 and one for the Fire Pension. They are rather lengthy but the most significant change is  
41 the creation of the defined contribution components of those plans. Other changes are  
42 Internal Revenue code tweaks but nothing significant. All these changes are being  
43 made to both plans.

44  
45 Ms. Holloway said as we set up the defined contribution plan, that is also called a share  
46 plan. The pension attorney, Scott Christiansen, for both of those plans developed a

1 share plan component that talks about dividing up any of the state premium tax monies.  
2 Currently there is a reserve on both of the plans and this law addresses that reserve  
3 and how the state premium taxes will be used for further benefits in the future. One of  
4 the things we had to do was the employee trustees of both plans went back to the  
5 members to get a majority vote on how the share plan would work. The way it was  
6 written and recommended by the attorney is the most common form of a share plan.  
7 The numerator is credit years of service for an individual. The denominator is the total  
8 of those credited years of service. We received majority approval for both plans. By  
9 adopting these ordinances we are going to create a defined contribution portion of the  
10 share plan and it is required to be done by October 1<sup>st</sup>.

11  
12 Commissioner Brender asked if the state premium tax money could be deposited into  
13 the share plan portion.

14  
15 Ms. Holloway answered affirmatively. The reserve on the books now has to be  
16 negotiated between the City and the pension members on how to divvy it up.

17  
18 Commissioner Brender said it could go into either one.

19  
20 Ms. Holloway said there are lots of options. The default provision in the law is if the City  
21 and the members cannot agree on that division, the default is 50/50. That is 50% to the  
22 members and 50% to the unfunded liability or towards future payments.

23  
24 Commissioner Brender said there were 20 or 30 pages aimed at the DROP program.  
25 He asked what we are doing with DROP.

26  
27 Ms. Holloway said what she understood by reading it and from talking to the pension  
28 attorney is the provisions have been tweaked by the Internal Revenue Code changes  
29 because is a relatively new plan that was adopted in 2008. There is just a lot of  
30 tweaking in the language to clarify some of the terms.

31  
32 Commissioner Brender questioned if it was required that we have it. He asked if we  
33 have anybody on it.

34  
35 Ms. Sova answered affirmatively.

36  
37 Ms. Holloway said we have several people who are eligible.

38  
39 Commissioner Brender said his question is why we need a DROP program.

40  
41 Ms. Sova said the DROP program is a way that these people can program themselves  
42 in a lump sum at retirement. They stop and we stop contributing on their behalf but their  
43 money continues to accrue so they can leave with that money as a lump sum and they  
44 get their monthly payments. It doesn't cost us extra money to have a DROP program.

45

1 Commissioner Brender said because all it is is accruing in their current account or  
2 current actuarial.

3  
4 Ms. Sova answered affirmatively.

5  
6 Commissioner Brender said he was wondering how many people were on it. At the  
7 state and county levels it is huge item.

8  
9 Ms. Holloway said we have one firefighter and another one getting ready to, and  
10 perhaps a police officer very soon. It is something we all agreed to several years ago  
11 and this is not changing anything in the plan. It is just tweaking the language.

12  
13 Commissioner Miller said it sounds like Gary is asking if we should participate in DROP.  
14 He questioned if we had a choice. He asked if that was a state mandate.

15  
16 Ms. Sova said it is not but it is part of our plan and we would have to bring a separate  
17 action to change the DROP and pull it out of the plan.

18  
19 Commissioner Miller said if we did take DROP out we would suddenly be different in a  
20 way that would affect us for hiring new employees because other cities and places have  
21 DROP and we would not. He asked if that would put us at a competitive disadvantage  
22 for hiring people.

23  
24 Ms. Sova said it depends on who that new hire is. There is a generation of people that  
25 is not so focused on retirement and they change jobs a lot. For an employee very  
26 focused on retirement it would be a disadvantage not to have it.

27  
28 Commissioner Brender said when he was joining the Navy, having a retirement program  
29 was important and was glad he participated in that. At the same time we're not playing  
30 with the retirement program. The police officer becomes a police officer because of  
31 who he is and what he likes to do and the retirement system. He said he couldn't  
32 believe any one of them would say you have DROP so I'm in. DROP is 20 years ahead  
33 for him. He didn't think that would make a hill of beans difference.

34  
35 Commissioner Miller said for the employees we have they might be more anxious to  
36 transfer to a different system.

37  
38 Mayor Mealar asked if anyone wanted to speak in reference to Ordinance No. 1528  
39 and/or Ordinance No. 1529. No one came forward and the public hearing was closed.

40  
41 **Motion was made by Commissioner Brender to approve Ordinance No. 1528 on**  
42 **first reading, seconded by Commissioner Miller and motion carried by roll-call**  
43 **vote: Commissioner Lucarelli, Yes; Commissioner Brender, Yes; Commissioner**  
44 **Miller, Yes; Mayor Mealar, Yes.**

1 C. Ordinance No. 1529 – Amending Fire Pension – First Reading (Public  
2 Hearing) (Dianne Holloway, Finance Director)

3  
4 Ordinance No. 1529 was presented, discussed and a public hearing held under Item B.

5  
6 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1529 on**  
7 **first reading, seconded by Commissioner Brender and motion carried by roll-call**  
8 **vote: Commissioner Brender, Yes; Commissioner Miller, Yes; Commissioner**  
9 **Lucarelli, Yes; Mayor Mealor, Yes.**

10  
11 D. Ordinance No. 1530 – Proposed FY 2015/2016 Millage Rate – First Reading  
12 (Public Hearing) (Jackie Sova, City Manager) **AND** Ordinance No. 1531 –  
13 Proposed FY 2015/2016 Budget – First Reading (Public Hearing) (Jackie  
14 Sova, City Manager)

15  
16 The City Attorney read Ordinance No. 1530 and Ordinance No. 1531 by title only on first  
17 reading.

18  
19 Ms. Sova said tonight begins the final adoption process for the Fiscal Year 2016  
20 citywide budget. It is a balanced budget of \$33,983,586. We will be establishing an ad  
21 valorem millage rate of 3.5895 mills and the rolled back (“forward”) rate estimated to  
22 yield approximately the same tax levy as Fiscal Year 2015 which is 3.4826 mills. The  
23 value of a mill in the City of Lake Mary is calculated to be \$1,883,440 and ad valorem  
24 tax revenues are projected to be some \$6,760,000. The total General Fund budget,  
25 which is the most operating budget of the City, is \$20,183,942 and is down .83% from  
26 the previous fiscal year.

27  
28 Ms. Sova said the total Capital Improvement budget is \$5,818,000 including \$1.8 million  
29 in carry forward projects. Eighty-five percent of these dollars are committed to our  
30 Downtown redevelopment such as our SunRail enhancements; the signal and  
31 beautification at Wilbur, North Country Club, Crystal Lake Avenue; Palmetto Street turn  
32 lane; and the Lake Mary Boulevard sewer project which is now underway. Other  
33 projects in the budget are the reviving of the Emma Oaks Trail sidewalk that has been  
34 on hold due to Duke Energy’s lack of completion of relocating utility poles. We’ll have  
35 our first phase of Heritage Park and get right to our bi-annual resurfacing program. Also  
36 planned is the redevelopment of a high dollar end of life equipment for the fire  
37 department to include 21 self-contained breathing apparatuses and is a \$150,000  
38 expenditure. A critical component of this department’s life safety equipment is the  
39 replacement of hose and appliance items for the fire engines which are currently out of  
40 compliance. As our buildings and facilities are aging we have nearly \$200,000 of costly  
41 maintenance items including a roof and HVAC equipment. Other items are economic  
42 incentives in the amount of \$348,250. We will be purchasing a fire engine at nearly  
43 \$550,000 and we have had a 9.1% increase in our employee healthcare costs.

44  
45 Ms. Sova said we have had some personnel changes proposed. The elimination of one  
46 vacant Code Compliance position and with the retirement of our City Planner, the

1 Deputy City Planner will be promoted and the Deputy City Planner position will be  
2 eliminated. We will be adding a part-time Recreation Assistant for the Parks & Rec  
3 Department to be assigned to the Community Center.

4  
5 Ms. Sova said the action required by the Commission tonight is to first adopt the millage  
6 rate at 3.5895 mills, which is a tax increase of 3.07% from the rolled back rate of 3.4826  
7 mills, and by separate vote adopt the Fiscal 2015/2016 Budget.

8  
9 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1530. No  
10 one came forward and the public hearing was closed.

11  
12 **Motion was made by Commissioner Lucarelli to approve Ordinance No. 1530 on**  
13 **first reading setting the millage rate for Fiscal Year 2015/2016 at 3.5895 mills,**  
14 **seconded by Commissioner Brender and motion carried by roll-call vote:**  
15 **Commissioner Miller, Yes; Commissioner Lucarelli, Yes; Commissioner Brender,**  
16 **Yes; Mayor Meador, Yes.**

17  
18 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1531. No  
19 one came forward and the public hearing was closed.

20  
21 **Motion was made by Commissioner Brender to approve Ordinance No. 1531 on**  
22 **first reading adopting the 2015/2016 Budget, seconded by Commissioner**  
23 **Lucarelli and motion carried by roll-call vote: Commissioner Lucarelli, Yes;**  
24 **Commissioner Brender, Yes; Commissioner Miller, Yes; Mayor Meador, Yes.**

25  
26 10. Other Items for Commission Action

27  
28 There were no items to discuss at this time.

29  
30 11. City Manager's Report

31  
32 A. Items for Approval

33 a. Federal Fiscal Year 2016 Edward Byrne Memorial Justice Assistance  
34 Grant (JAG) Program

35  
36 Ms. Sova said this is the Federal Fiscal Year 2016 Edward Byrne Memorial Justice  
37 Assistance Grant Program. It is our annual JAG Program grant. The Florida  
38 Department of Law Enforcement has set aside \$112,682 to split in Seminole County  
39 amongst the Sheriff's Office and the seven cities so it is eight total agencies each  
40 receiving about \$14,085. We intend to spend our money on a new project called "What  
41 You See is What You Get" to help with the purchasing of our body cameras as well as  
42 computer redacting programs. We need some software to do that. When the press or  
43 somebody asks for a copy of what's on those body cams we need to be able to redact  
44 and it takes some software and equipment. We ask approval for "What You See is  
45 What You Get".

1 **Motion was made by Commissioner Miller to approve the distribution of funds**  
2 **from the Edward Byrne Memorial Justice Assistance Grant Program and**  
3 **authorize Mayor to sign the letters. Seconded by Commissioner Lucarelli and**  
4 **motion carried unanimously.**

5  
6 B. Items for Information  
7

8 Ms. Sova said in the packets is an update on quiet zones and where the County stands  
9 with getting that funding and working with FDOT and SunRail on creating the quiet  
10 zones.

11  
12 Ms. Sova announced that Commissioners Duryea and Lucarelli qualified without  
13 opposition and will serve another two-year term. She extended congratulations.

14  
15 Ms. Sova asked to schedule a swearing-in for 6:30 P.M. on November 5<sup>th</sup>. There were  
16 no objections from the Board.

17  
18 Ms. Sova said all non-emergency offices will be closed on Monday, September 7<sup>th</sup> in  
19 observance of Labor Day. Waste Pro will be collecting solid waste and recycling on  
20 their normal schedule.

21  
22 Ms. Sova said we have a 9/11 ceremony to be held Friday, September 11<sup>th</sup> from 8:00  
23 A.M. to 9:00 A.M. at the gazebo in Central Park. We ask everyone to join us as we  
24 honor and remember the many lives lost in 2001.

25  
26 Ms. Sova reminded everyone that we have a work session scheduled prior to the  
27 September 17<sup>th</sup> meeting at 5:30 P.M. to present the Downtown Traffic Study.

28  
29 Ms. Sova thanked everyone, especially Tom Tomerlin, for helping her through the last  
30 month.

31  
32 Mayor Meador said it is a joy to have Ms. Sova back. It has been an incredibly difficult  
33 time for her but as always she handled it with dignity and class. We wish her continued  
34 good health.

35  
36 12. Mayor and Commissioners' Reports (3)  
37

38 Mayor Meador had no report at this time.  
39

40 Commissioner Miller said he attended the Municipal Advisory Committee meeting this  
41 morning at MetroPlan Orlando and there were two items of interest he would share.  
42 The first is the program called "Best Foot Forward". Central Florida has the distinction  
43 of having the highest pedestrian deaths of any area in the nation. The program "Best  
44 Foot Forward" is designed to try and address that. The primary focus of that is looking  
45 at media attention and crosswalk work. They showed us videos of media coverage  
46 where people drive through crosswalks. They can have a plain clothes officer standing

1 there and cars passing right and left and they don't obey. It is a \$162 fine and three  
2 points off your license if you don't stop when somebody is in a crosswalk attempting to  
3 cross. While it's inappropriately humorous when you think about how some of these  
4 people have been hit by cars, it is ridiculous that it happened the way it did that they just  
5 wander out in the middle of cars going 55 MPH and get killed.

6  
7 Commissioner Miller said the one thing he thought he would bring back for the City  
8 Manager and the Chief to look at is they have come up with an idea of crosswalks  
9 where they paint them differently. They showed where they had a rate of people  
10 passing a crosswalk where only 10% of the cars stopped. They changed the way they  
11 painted the crosswalk where they put a red color inside the crosswalk and the rate for  
12 people stopping went from 10% to 40%. You can change the design of a crosswalk to  
13 have people pay more attention to it. We only have three or four in the City but it is  
14 something we probably should look at.

15  
16 Commissioner Miller said Dr. Jim Wright from UCF gave a presentation of a public  
17 opinion survey that UCF had done for MetroPlan Orlando. He distributed copies to the  
18 Commission (copy attached). The interesting thing about it is the change in perceptions  
19 of people relative to transportation. People are beginning to think more favorably about  
20 transit and things other than a car. They are also beginning to recognize that we are  
21 underfunded in the area of transportation. One of the things we need to do is figure out  
22 how we are going to fund that. Most people are still in favor of gas tax as a way to do it.

23  
24 Mayor Mealor said it is very important to bring this kind of information back. He knew  
25 that public safety would take the information about the crosswalks and incorporate into  
26 their next planning meeting.

27  
28 Commissioner Lucarelli said we discussed that when she served on the committee and  
29 it makes her more aware of it. She goes to Rinehart to work every day and even though  
30 they have that No Right on Red she still sees people run it. They don't pay attention or  
31 don't care.

32  
33 Commissioner Lucarelli said she had lunch with Kathy Till. She had been e-mailing  
34 Bruce and Jackie about legislative priorities and things we want to stay focused on for  
35 our city. One good thing she heard Kathy say is they are always pushing on our behalf  
36 for home rule and don't give us any more unfunded mandates. The House is being very  
37 adamant that they do not want to see any unfunded mandates. The Senate she is not  
38 so sure about but the House is coming more to our side. She thought that was a good  
39 sign but we all need to keep after them and be aware of what's going on up there and  
40 say what you have to say.

41  
42 Commissioner Brender said he attended CALNO in Oviedo and they hosted in their new  
43 Community Center by the new amphitheater and downtown area. It is an impressive  
44 area. It is off Mitchell Hammock Road on City Plaza Way. They have put together a  
45 phenomenal grouping of townhomes and apartments, a fairly large lake and  
46 amphitheater. It is very nice. They have done an excellent job.

1  
2 Commissioner Brender said regarding the meeting itself, Jeff Bauer from the School  
3 Board asked that each one of the commissions in the County address a letter of support  
4 to the School Board regarding the question of testing, the FSA and whether or not to  
5 use other testing methods. He said he requested that Mr. Griffin put together a worded  
6 document that all the cities can adopt. It may be something we will get copies of and  
7 we should take action on. However, it does bring up the point that if you're not exactly  
8 up to date with what this whole argument is with common core and testing, you may  
9 want to get yourself familiar with it because it looks like we will be asked to put in some  
10 level of support for the School Board. They are in a fight. We got support from Lake  
11 County, there is no support from Orange County, there is very little support from  
12 Volusia, and are like the voice crying out in the wilderness right now compared to some  
13 of the other large districts. It is important the letter be addressed specifically to the  
14 Department of Education and the Commissioner. We should be learning and finding out  
15 for ourselves what's the background and that sort of thing. It is an important issue. He  
16 said he looked for that in the next couple to three weeks so we can take that up some  
17 time in October if we choose to.

18  
19 Commissioner Brender said the other item is while we were there we took a walking  
20 tour of the new park and amphitheater and one of the things they proudly showed us  
21 was a new veteran's memorial section. One of the things they had done is rather than  
22 making it a memorial, which is a recognition of past, they brought it up into the present  
23 by listing the names of all the veterans in the City of Oviedo. Oviedo is a city of 25,000  
24 to 30,000 and they only had about 2,000 names. There were several people that only  
25 served for three years but they wanted their name up there and there were people who  
26 couldn't care less. They did send out and requested anybody who was in the service  
27 could have their name put up. It is not engraved on the wall so it is not expensive. It is  
28 put on a silver plaque-like material and attached onto the wall. While we were there a  
29 couple was showing their daughter her grandfather who was a veteran in World War II.  
30 It was a good example of bringing a memorial to a present day position and inspiring  
31 something for the future. It was a little more alive. He brought up the Vietnam  
32 memorial. It is a living memorial. It lists every name of 50,000 or 60,000 veterans that  
33 were killed in that war. When you go there you are always aware of the fact that there  
34 are hundreds of people trying to find names on the wall. It brings it up to a current level.

35  
36 Commissioner Brender said we have done a lot of work with our Heritage Park and we  
37 shied away from putting any kind of names up. He said he wasn't sure. After seeing  
38 Oviedo's park he would like to review that. We can discuss it in a work session. If we  
39 decide to change something, Mr. Nipe says we are in the planning stages then we can  
40 take it back to Heritage Park Board and go from there. It was moving and he was  
41 impressed. He said he had been to a lot of memorials that you go to once and never go  
42 back. That is not what we're looking for in this park.

43  
44 Mayor Mealor said Admiral Ty Dedman is consulting with the Heritage Park group. He  
45 asked Mr. Nipe at the next gathering to share Commissioner Brender's comments and  
46 the sentiment of the commission.

1  
2 Commissioner Brender said Admiral Dedman was one of the people who addressed the  
3 problems with names is you're going to forget somebody. Since we are not engraving it  
4 in stone but doing it as a plate for a trophy, if we forget somebody it can be fixed by the  
5 local trophy club for five bucks and it's finished. He thought that addresses some of the  
6 concerns that Admiral Dedman had. Our park is headed toward a recognition of  
7 volunteerism; he didn't know how they would recognize each volunteer by name.  
8 Something we can consider is recognizing veterans, police and fire who have served in  
9 the past.

10  
11 Commissioner Lucarelli said the concern was not thinking of everybody's name. She  
12 had no issue with doing that for military or police and fire. With the military she didn't  
13 mind it. It is awesome to have community pride of who in our community served the  
14 country. She liked that.

15  
16 Commissioner Brender said the volunteerism is difficult to address.

17  
18 Commissioner Miller said he attended the League of Cities convention and has three  
19 items to follow up on with Ms. Sova.

20  
21 Mayor Mealor said regarding the testing issue, because of his background and  
22 profession he knew something about them. Regardless of outcome, our school board  
23 and superintendent need to be commended for having the courage to come up with an  
24 alternative and do exactly what the Department of Education and Legislature asked the  
25 providers to do. It is a system that is fair, it is one that family members and parents will  
26 support them, the teachers are going to respect them, and the students are going to be  
27 the beneficiaries. He said he didn't care what the study says. All you have to do is  
28 observe what took place in the spring and if you think that is a valid and reliable  
29 assessment then that needs to be reevaluated. The dilemma is the check bundlers and  
30 the lobbying that will go on. It's unfortunate that process is bought and sold in the  
31 marketplace. When you have a school district that is the best in the state and one of  
32 the best in the southeast coming up with a viable alternative and not willing to have an  
33 audience that will give them a fair hearing. He said it wasn't respectful. He thought the  
34 Department of Education can do much better.

35  
36 13. City Attorney's Report

37  
38 Ms. Reischmann had no report at this time.

39  
40 14. Adjournment

41  
42 There being no further business, the meeting adjourned at 8:00 P.M.  
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\_\_\_\_\_  
David J. Mealor, Mayor

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

ATTEST:

\_\_\_\_\_  
Carol A. Foster, City Clerk

DRAFT



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Dianne Holloway, Finance Director

VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1528 - Amending Police Pension - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)

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### DISCUSSION:

Proposed amendments to the City of Lake Mary Police and Firefighters' Retirement Systems require change by ordinance. Please find attached memos from Christiansen & Dehner, P.A., and the pension attorney for both plans, outlining proposed changes to each plan.

The most significant change is the establishment of a Defined Contribution component of each retirement plan, also known as a Share Plan. With the recent adoption by the Florida Legislation of Chapter 2015-39, Laws of Florida, the share plan must be established by October 1, 2015 and will provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be funded solely and entirely by premium tax monies. The Share Plan benefits are additional to the benefits currently provided by the defined benefit component. Individual Member share accounts shall be established as of September 30, 2015, for all members actively employed as of October 1, 2014. Funds will be allocated to eligible members on each valuation date based on an individual's total years of Credited Service to the sum of all individuals to whom allocations are being made. Members of both plans were polled by the employee trustees of each plan. A majority was obtained by each plan agreeing to the Share Plan allocation method.

Additional proposed changes to the police and firefighter retirement systems include Internal Revenue Code and its Regulations, as well as guidance from the Internal Revenue Service (IRS).

**RECOMMENDATION:**

The City Commission adopt Ordinance No. 1528 amending the City of Lake Mary Police Retirement System.

ORDINANCE NO. 1528

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA FURTHER AMENDING THE CITY OF LAKE MARY POLICE OFFICERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 1002, AS SUBSEQUENTLY AMENDED, BY AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 27, PRIOR POLICE SERVICE; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY, FLORIDA:

**SECTION 1:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 1, Definitions, to amend the definitions of "Actuarial Equivalent", "Credited Service" and "Spouse", to read as follows:

\* \* \* \* \*

Actuarial Equivalent means a benefit or amount of equal value, based upon the RP 2000 Combined Healthy Mortality Table Unisex, with disabled lives set forward five (5) years and an interest rate of seven and one-half percent (7-1/2%) per annum. This definition may only be amended by the City pursuant to the recommendation of the Board using assumptions adopted by the Board with the advice of the plan's actuary, such that actuarial assumptions are not subject to City discretion.

\* \* \* \* \*

Credited Service means the total number of years and fractional parts of years of service as a Police Officer with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Police Officer. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Police Department pending the possibility of being

reemployed as a Police Officer, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Police Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Police Officer with the Police Department within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Police Officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Police Officer repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Police Officer with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Police Officer within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum

standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of Credited Service either during each Plan Year of a Member's employment with the City or in the Plan Year in which the Member terminates employment.

\* \* \* \* \*

Spouse means the ~~lawful wife or husband of a Member or Retiree~~ Member's or Retiree's spouse under applicable law at the time benefits become payable.

\* \* \* \* \*

**SECTION 2:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 4, Finances and Fund Management, subsection 6.B., to read as follows:

\* \* \* \* \*

- B. All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:
  - (1) Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the Members in the Fund shall be entitled under the

provisions of this System and pay the initial and subsequent premium thereon.

- (2) Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.
- (3) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.
- (4) Bonds issued by the State of Israel.
- (5) Stocks, commingled funds, and bonds or other evidences of indebtedness, provided that:
  - (a) Except as provided in subparagraph (b), all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia.
  - (b) Up to twenty-five percent (25%) of the assets of the Fund at market value may be invested in foreign securities.
  - (c) The Board shall not invest more than five percent (5%) of its assets in the common stock, capital stock, or convertible securities (including synthetics) of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five percent (5%) of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital

stock and convertible securities (including synthetics) at market exceed seventy percent (70%) of the assets of the Fund.

- (6) Real estate, provided the Board shall not invest more than fifteen percent (15%) at cost in real property or real estate.
- (7) Mutual funds and exchange traded funds (ETFs).
- (8) Master limited partnerships (MLPs).

The Board may, upon recommendation by the Board's investment consultant, make investments in the above permitted asset classes utilizing group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, ~~and Revenue Ruling 2011-1~~, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Section 401(a) of the Code, individual retirement accounts that are exempt under Section 408(e) of the Code, eligible governmental plans that meet the requirements of Section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or a separate tax favored account maintained by an insurance company that is treated as a trust under Section 401(f) or under Section 457(g)(3) of the Code. While any portion of the assets of the Fund are invested in such a group trust, such group trust is itself adopted as a part of the System or Plan.

- (a) Any collective or common group trust to which assets of the fund are transferred pursuant to the above paragraph shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.

(b) The separate account maintained by the group trust for the plan pursuant to the above paragraph shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.

(c) For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

\* \* \* \* \*

**SECTION 3:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amounts and Eligibility, subsection 1., Normal Retirement Date, to read as follows:

\* \* \* \* \*

1. Normal Retirement Age and Date.

~~A Member's normal retirement date shall be the first day of the month coincident with or next following the earlier of the attainment of age fifty five (55) and the completion of five (5) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date. A Member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of five (5) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. Each Member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A Member's normal retirement date shall be the first day of the month coincident with or next following the date the Member retires from the City after attaining normal retirement age.~~

A Member's normal retirement date shall be the first day of the month coincident with or next following the date the Member retires from the City after attaining normal retirement age.

\* \* \* \* \*

**SECTION 4:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 8, Disability, subsection 1, Disability Benefits In-Line of Duty, and subsection 3., Disability Benefits Not-in-Line of Duty, to read as follows:

\* \* \* \* \*

1. Disability Benefits In-Line of Duty.

Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability was directly caused by the performance of his duty as a Police Officer, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to the greater of:

- A. Fifty percent (50%) of the yearly Salary of the Member with no regard to years of Credited Service, or
- B. An amount equal to three and two-tenths percent (3.2%) of the Member's Average Final Compensation multiplied by the total number of years of Credited Service of the Member.

Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

3. Disability Benefits Not-in-Line of Duty.

Any Member with five (5) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability is not directly caused by the performance of his duties as a Police Officer shall,

upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and two-tenths percent (3.2%) of the Member's Average Final Compensation times the total number of years of Credited Service of the Member. A Member with less than five (5) years of Credited Service will receive a return of his Accumulated Contributions. Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

**SECTION 5:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 10, Optional Forms of Benefits, subsection 2., to read as follows:

\* \* \* \* \*

2. The Member, upon electing any option of this Section, will designate the joint pensioner (subsection 1.B. above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary Beneficiaries where applicable. A Member may change his Beneficiary at any time. If a Member has elected an option with a joint pensioner and Member's retirement income benefits have commenced, Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a Member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

\* \* \* \* \*

**SECTION 6:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 15, Maximum Pension, subsections 6., 8., 12.B., and by adding subsection 13., to read as follows:

6. Less than Ten (10) Years of Participation or Service.

The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of ~~Credited Service~~ participation with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of ~~Credited Service~~ participation and the denominator of which is ten (10) of the limit determined without regard to this subsection. The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.

8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.

Notwithstanding anything in this Section 15, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 15 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year ~~and~~ or for any prior limitation year, and the City has not at any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8 of Section 15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).

\* \* \* \* \*

12. B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement

benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter ~~67~~ 1223, Title 10, U.S. Code.

13. Effect of Direct Rollover on 415(b) Limit.

If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

**SECTION 7:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 16, Minimum Distribution of Benefits, subsection 2.B. (4), to read as follows:

\* \* \* \* \*

- (4) If the Member's surviving spouse is the Member's sole designated beneficiary and the surviving spouse dies after the Member but before distributions to the surviving spouse begin, this subsection 2.B., other than subsection 2.B.(1), will apply as if the surviving spouse were the Member.

For purposes of this subsection 2.B. ~~and subsection 5.~~, distributions are considered to begin on the Member's required beginning date or, if subsection 2.B.(4) applies, the date of distributions are required to begin to the surviving spouse under subsection 2.B.(1). If annuity payments irrevocably commence to the Member before the Member's required beginning date (or to the Member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection 2.B.(1)), the date distributions are considered to begin is the date distributions actually commence.

\* \* \* \* \*

**SECTION 8:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 27, Prior Police Service, subsection 5., to read as follows:

\* \* \* \* \*

5. In no event, however, may Credited Service be purchased pursuant to this Section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in Section 15, subsection ~~15-B~~ 12.B.

\* \* \* \* \*

**SECTION 9:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by amending Section 28, Deferred Retirement Option Plan, to read as follows:

**SECTION 28. DEFERRED RETIREMENT OPTION PLAN.**

1. Definitions.

As used in this Section 28, the following definitions apply:

- A. "DROP" -- The City of Lake Mary Police Officers' Deferred Retirement Option Plan.
- B. "DROP Account" -- The account established for each DROP participant under subsection 3.
- C. "Total Return of the Assets" -- For purposes of calculating earnings on a Member's DROP Account pursuant to subsection 3.B.(2), for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets.

2. Participation.

A. Eligibility to Participate.

In lieu of terminating his employment as a Police Officer, any Member who is eligible for normal retirement under the System may elect to defer receipt of such service retirement pension and to participate in the DROP.

B. Election to Participate.

A Member's election to participate in the DROP must be made in writing in a time and manner determined by the Board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the Board.

C. Period of Participation.

A Member who elects to participate in the DROP under subsection 2.B., shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the City not later than the date provided for in the previous sentence. A Member may participate only once.

D. Termination of Participation.

A Member's participation in the DROP shall cease upon his termination of his employment as a Police Officer as provided for in subsection 2.C.

E. Effect of DROP Participation on the System.

(1) A Member's Credited Service and his accrued benefit under the System shall be determined on the date his election to participate in the DROP first becomes effective. For purposes of determining the accrued benefit, the Member's Salary for the purposes of calculating his Average Final Compensation shall include an amount equal to any lump sum payments which would have been paid to the Member and included as Salary as defined herein, had

the Member retired under normal retirement and not elected DROP participation. Member contributions attributable to any lump sums used in the benefit calculation and not actually received by the Member shall be deducted from the first payments to the Member's DROP Account. The Member shall not accrue any additional Credited Service or any additional benefits under the System (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment in the System) while he is a participant in the DROP. After a Member commences participation, he shall not be permitted to again contribute to the System nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Section 29, Reemployment After Retirement.

- (2) No amounts shall be paid to a Member from the System while the Member is a participant in the DROP. No amounts shall be paid to a Member from the System until he terminates his employment as a Police Officer. Unless otherwise specified in the System, amounts transferred from the System to the Member's DROP Account shall be paid directly to the Member only on the termination of his employment as a Police Officer.

3. Funding.

A. Establishment of DROP Account.

A DROP Account shall be established for each Member participating in the DROP. A Member's DROP Account shall consist of amounts transferred to the DROP under subsection 3.B., and earnings on those amounts.

B. Transfers From Retirement System.

- (1) As of the first day of each month of a Member's period of participation in the DROP, the monthly retirement benefit he would

have received under the System had he terminated his employment as a Police Officer and elected to receive monthly benefit payments thereunder shall be transferred to his DROP Account, except as otherwise provided for in subsection 3.B.(3). A Member's period of participation in the DROP shall be determined in accordance with the provisions of subsection 2.C.

- (2) Except as otherwise provided in subsection 3.B.(3), a Member's DROP Account under this subsection 3.B. shall be debited or credited ~~after each fiscal year quarter~~ with earnings, to be credited or debited to the Member's DROP Account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows: ~~with the "net investment return" realized by the System for that quarter.~~

The average daily balance in a Member's DROP Account shall be credited or debited at a rate equal to the net investment return realized by the System for that quarter. "Net investment return" for the purpose of this paragraph is the total return of the assets in which the Member's DROP Account is invested by the Board net of brokerage commissions, transaction costs and management fees.

For purposes of calculating earnings on a Member's DROP Account pursuant to this subsection 3.B.(2), brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total Plan assets.

- (3) A Member's DROP Account shall only be credited or debited with earnings and monthly benefits while the Member is a participant in the DROP. A Member's final DROP account value for distribution to the Member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus earnings earned as of that date plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. A Member must terminate employment after participating in the DROP for the permissible period of DROP participation.

4. Distribution of DROP Accounts on Termination of Employment.

A. Eligibility for Benefits.

A Member shall receive the balance in his DROP Account in accordance with the provisions of this subsection 4. upon his termination of employment as a Police Officer. Except as provided in subsection 4.E., no amounts shall be paid to a Member from the DROP prior to his termination of employment as a Police Officer.

B. Form of Distribution.

(1) Distribution of a Member's DROP Account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection 4.F. Elections under this paragraph shall be in writing and shall be made in such time or manner as the Board shall determine.

(2) If a Member dies before his benefit is paid, his DROP Account shall be paid to his Beneficiary in such optional form as his Beneficiary may select. If no Beneficiary designation is made, the DROP Account shall be distributed to the Member's estate.

C. Date of Payment of Distribution.

Except as otherwise provided in this subsection 4., distribution of a Member's DROP Account shall be made as soon as administratively practicable following the Member's termination of employment upon completion of forms as required by the Board.

D. Proof of Death and Right of Beneficiary or Other Person.

The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Member's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

E. Distribution Limitation.

Notwithstanding any other provision of this subsection 4., all distributions from the DROP shall conform to the "Minimum Distribution Of Benefits" provisions as provided for herein.

F. Direct Rollover of Certain Distributions.

This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the System in Section 24.

5. Administration of DROP.

A. Board Administers the DROP.

The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the Board. The members of the Board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable

for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as Trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A Trustee shall not vote on any question relating exclusively to himself.

B. Individual Accounts, Records and Reports.

The Board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each Member's DROP Account, and the Board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The Board shall prepare and distribute to Members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.

C. Establishment of Rules.

Subject to the limitations of the DROP, the Board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual

ceases to be a participant in the DROP). The determination of the Board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.

D. Limitation of Liability.

(1) The Trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.

(2) Neither the Board nor any Trustee of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

6. General Provisions.

A. The DROP Is Not a Separate Retirement Plan.

Instead, it is a program under which a Member who is eligible for normal retirement under the System may elect to accrue future retirement benefits in the manner provided in this section 28 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a Member is entitled to a lump sum distribution of his or her DROP Account balance or may elect a rollover. The DROP Account distribution is in addition to the Member's monthly benefit.

B. Notional Account.

The DROP Account established for such a Member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member until the Member's termination from the DROP. The Member has no control over the investment of the DROP Account.

C. No Employer Discretion.

The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.

D. IRC Limit.

The DROP Account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

A E. Amendment of DROP.

The DROP may be amended by an ordinance of the City at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP Account of any Member.

B F. Facility of Payment.

If a Member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the Board shall direct that any benefit due him shall be made only to a

duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.

€ G. Information.

Each Member, Beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the Board the information that it shall require to establish his rights and benefits under the DROP.

Ð H. Prevention of Escheat.

If the Board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the Board may, no earlier than three (3) years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the Board or the City. If such person has not made written claim therefor within three (3) months of the date of the mailing, the Board may, if it so elects and upon receiving advice from counsel to the System, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the System. Upon such cancellation, the System shall have no further liability therefor except that, in the event such person or his Beneficiary later notifies the Board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

€ I. Written Elections, Notification.

(1) Any elections, notifications or designations made by a Member pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all employees similarly situated. The Board reserves the right to change from time to time

the manner for making notifications, elections or designations by Members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

- (2) Each Member or Retiree who has a DROP Account shall be responsible for furnishing the Board with his current address and any subsequent changes in his address. Any notice required to be given to a Member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Member or Retiree notifies the Board of his address.

F J. Benefits Not Guaranteed.

All benefits payable to a Member from the DROP shall be paid only from the assets of the Member's DROP Account and neither the City nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

G K. Construction.

- (1) The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
- (2) The titles and headings of the subsections in this Section 28 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

H L. Forfeiture of Retirement Benefits.

Nothing in this Section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the System. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

I M. Effect of DROP Participation on Employment.

Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

**SECTION 10:** That the City of Lake Mary Police Officers' Retirement System, adopted pursuant to Ordinance No. 1002, as subsequently amended, is hereby further amended by adding Section 30, Supplemental Benefit Component for Special Benefits; Chapter 185 Share Accounts; to read as follows:

**SECTION 30. SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS;  
CHAPTER 185 SHARE ACCOUNTS.**

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this plan, such benefit to be funded solely and entirely by Chapter 185, Florida Statutes, premium tax monies for each plan year which are allocated to this supplemental component as provided for in Section 185.35, Florida Statutes. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the members and DROP participants as follows:

1. Individual Member Share Accounts.

The Board shall create individual "Member Share Accounts" for all actively employed plan Members and DROP participants and maintain appropriate books and records showing the respective interest of each Member or DROP participant hereunder. Each Member or DROP participant shall have a Member Share Account for his share of the Chapter 185, Florida Statutes, tax revenues described above, forfeitures and income and expense adjustments relating thereto. The Board shall maintain separate Member Share Accounts,

however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

2. Share Account Funding.

- A. Individual Member Share Accounts shall be established as of September 30, 2015 for all Members and DROP participants who were actively employed as of October 1, 2014. Individual Member Share Accounts shall be credited with an allocation as provided for in the following subsection 3. of any premium tax monies which have been allocated to the share plan for that Plan Year, beginning with the Plan Year ending September 30, 2015.
- B. In addition, any forfeitures as provided in subsection 4., shall be allocated to the individual Member Share Accounts in accordance with the formula set forth in subsection 4.

3. Allocation of Monies to Share Accounts.

A. Allocation of Chapter 185 Contributions.

- (1) Effective as of September 30, 2015, the amount of any premium tax monies allocated to the Share Plan shall be allocated to individual Member Share Accounts as provided for in this subsection. Members retiring on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation. In addition, all premium tax monies allocated to the Share Plan in any subsequent Plan Year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual Member Share Accounts at the end of each Plan Year on September 30 (a "valuation date").
- (2) On each valuation date, each current actively employed Member of the plan not participating in the DROP, each DROP participant and each Retiree who retires or DROP participant who has terminated DROP participation in the Plan Year ending on the

valuation date (including each disability retiree), or Beneficiary of a deceased Member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:

- (3) The total funds subject to allocation on each valuation date shall be allocated to each Member Share Account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of Credited Service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of Credited Service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of Credited Service of the deceased Member or DROP participant.
- (4) Re-employed Retirees shall be deemed new employees and shall receive an allocation based solely on the Credited Service in the reemployment period.

B. Allocation of Investment Gains and Losses.

On each valuation date, each individual Member Share Account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual Member Share Accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a Member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

C. Allocation of Costs, Fees and Expenses.

On each valuation date, each individual Member Share Account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the Share Plan. These fees shall be allocated to each individual Member Share Account on a proportionate basis taking the costs, fees and expenses of administration of the Share Plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual Member Share Account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.

D. No Right to Allocation.

The fact of allocation or credit of an allocation to a Member's share account by the Board shall not vest in any Member, any right, title, or interest in the assets of the trust or in the Chapter 185, Florida Statutes, tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

E. Members and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the Plan Year.

4. Forfeitures.

Any Member who has less than five (5) years of Credited Service and who is not otherwise eligible for payment of benefits after termination of employment with the City as provided for in subsection 5. shall forfeit his individual Member Share Account or the non-vested portion thereof. Forfeited amounts shall be redistributed to the other individual Member Share Accounts on each valuation date in an amount determined in accordance with subsection 3.A.

5. Eligibility For Benefits.

Any Member (or his Beneficiary) who terminates employment as a Police Officer with the City or who dies, upon application filed with the Board, shall be entitled to be paid the value of his individual Member Share Account, subject to the following criteria:

A. Retirement Benefit.

(1) A Member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early Retirement pursuant to Section 6, or if the Member enters the DROP, upon termination of employment.

(2) Such payment shall be made as provided in subsection 6.

B. Termination Benefit.

(1) In the event that a Member's employment as a Police Officer is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 9.

(2) Such payment shall be made as provided in subsection 6.

C. Disability Benefit.

(1) In the event that a Member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 8, subsection 1. or a not-in-line of duty disability benefit pursuant to Section 8, subsection 3., he shall be entitled to one hundred percent (100%) of the value of his share account.

(2) Such payment shall be made as provided in subsection 6.

D. Death Benefit.

- (1) In the event that a Member or DROP participant dies while actively employed as a Police Officer, one hundred percent (100%) of the value of his Member Share Account shall be paid to his designated Beneficiary as provided in Section 7.

(2) Such payment shall be made as provided in subsection 6.

6. Payment of Benefits.

If a Member or DROP participant terminates employment for any reason or dies and he or his Beneficiary is otherwise entitled to receive the balance in the Member's share account, the Member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection 3. above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.

7. Benefits Not Guaranteed.

All benefits payable under this Section 30 shall be paid only from the assets accounted for in individual Member Share Accounts. Neither the City nor the Board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the Board nor any Trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Member Share Account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the Board subject to the restrictions otherwise applicable to fund investments.

8. Notional Account.

The Member Share Account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member or DROP participant until the Member's or DROP participant's termination from employment. The Member or DROP participant has no control over the investment of the share account.

9. No Employer Discretion.

The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

10. Maximum Additions.

Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the Code pursuant to the provisions of Section 15, subsection 11.

11. IRC Limit.

The share account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

**SECTION 11:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Lake Mary.

**SECTION 12:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 13:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 14:** That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 3<sup>rd</sup> day of September 2015.

PASSED AND ADOPTED ON SECOND READING, this 17<sup>th</sup> day of September 2015.

CITY OF LAKE MARY, FLORIDA

\_\_\_\_\_  
DAVID J. MEALOR, MAYOR

ATTEST:

\_\_\_\_\_  
CAROL A. FOSTER, CITY CLERK

Approved as to form:

CATHERINE D. REISCHMANN,  
CITY ATTORNEY

Law Offices

**Christiansen & Dehner, P.A.**

63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

August 11, 2015

Ms. Audrey Ross  
Lake Mary Police Officers' Retirement System  
4360 Northlake Blvd.  
Suite 206  
Palm Beach Gardens, FL 33410

Re: City of Lake Mary Police Officers' Retirement System - Proposed Ordinance

Dear Audrey:

Enclosed please find a proposed ordinance amending the City of Lake Mary Police Officers' Retirement System. With the recent adoption by the Florida Legislature of Chapter 2015-39, Laws of Florida, and changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS), the following amendments to the pension plan are proposed:

1. Section 1, Definitions, is being amended for IRC changes and requirements, to amend the definitions of:
  - a. Actuarial Equivalent - to amend the definition to incorporate the Mortality Table currently being used by the plan's actuary
  - b. Credited Service - to clarify IRC regulations on leave conversions
  - c. Spouse - To clarify the definition in accordance with a recent US Supreme Court ruling
2. Section 4, Finances and Fund Management, is being amended to further incorporate recent IRC requirements with regard to investments in commingled funds.
3. Section 6, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.
4. Section 8, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.

5. Section 10, Optional Forms of Benefits, has been amended to amend subsection 2. to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
6. Section 15, Maximum Pension, has had several subsections amended to comply with IRC changes.
7. Section 16, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection 2.B.(4).
8. Section 27, Prior Police Service, subsection 5., is being amended to correct a reference.
9. Section 28, Deferred Retirement Option Plan, is being amended in accordance with recent direction from the IRS in connection with the issuance of several recent Favorable Determination Letters to: i) clarify investment returns on DROP accounts, ii) clarify when earnings are calculated and paid, and iii) add several sections clarifying the DROP provisions as required by the IRS.
10. Section 30, Supplemental Benefit Component for Special Benefits; Chapter 185 Share Accounts, is a new Section being added to the plan. This Section creates a 'Share Plan', or defined contribution component, and the addition of a share plan is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapters 175 and 185.

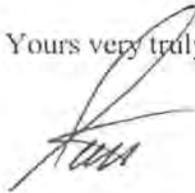
This Share Plan provides for a share account for each member of the plan. The Share Plan is to be funded solely and entirely by Chapter 185 premium tax monies for each plan year that funding is made available to it in accordance with governing Florida Statutes and/or mutual agreement between the City and the plan members. This supplemental benefit, therefore, may or may not be funded.

If the share plan is funded, at retirement, termination (vested), disability or death, there is an additional lump sum benefit paid to the eligible member. Available share plan funding is allocated to the members' accounts based on a formula which provides an allocation based on years of credited service. Each share account receives its proportionate share of the income or loss on the assets in the plan.

Ms. Audrey Ross  
August 11, 2015  
Page 3

By copy of this letter to the Board's actuary, Foster & Foster, Inc., I am requesting that they provide you with a letter indicating the cost, if any, associated with the adoption of this ordinance. If you have any questions with regard to this ordinance, please feel free to give me a call.

Yours very truly,

A handwritten signature in black ink, appearing to read "Scott R. Christiansen", written in a cursive style.

Scott R. Christiansen

SRC/dm  
enclosure

cc: Patrick Donlan, with enclosure



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Dianne Holloway, Finance Director

VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1529 - Amending Fire Pension - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)

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### DISCUSSION:

Proposed amendments to the City of Lake Mary Police and Firefighters' Retirement Systems require change by ordinance. Please find attached memos from Christiansen & Dehner, P.A., and the pension attorney for both plans, outlining proposed changes to each plan.

The most significant change is the establishment of a Defined Contribution component of each retirement plan, also known as a Share Plan. With the recent adoption by the Florida Legislation of Chapter 2015-39, Laws of Florida, the share plan must be established by October 1, 2015 and will provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be funded solely and entirely by premium tax monies. The Share Plan benefits are additional to the benefits currently provided by the defined benefit component. Individual Member share accounts shall be established as of September 30, 2015, for all members actively employed as of October 1, 2014. Funds will be allocated to eligible members on each valuation date based on an individual's total years of Credited Service to the sum of all individuals to whom allocations are being made. Members of both plans were polled by the employee trustees of each plan. A majority was obtained by each plan agreeing to the Share Plan allocation method.

Additional proposed changes to the police and firefighter retirement systems include Internal Revenue Code and its Regulations, as well as guidance from the Internal Revenue Service (IRS).

**RECOMMENDATION:**

The City Commission adopt Ordinance No. 1529 amending the City of Lake Mary Firefighters' Retirement System.

ORDINANCE NO. 1529

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, FURTHER AMENDING THE CITY OF LAKE MARY FIREFIGHTERS' RETIREMENT SYSTEM, RESTATED PURSUANT TO ORDINANCE 1209, AS SUBSEQUENTLY AMENDED; BY AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 27, PRIOR FIRE SERVICE; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY, FLORIDA:

**SECTION 1:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 1., Definitions, to amend the definitions of "Actuarial Equivalent", "Credited Service", "Firefighter", and "Spouse", to read as follows:

\* \* \* \* \*

Actuarial Equivalent means a benefit or amount of equal value, based upon the RP2000 ~~Generational~~ Combined Healthy Mortality Table for males and females, with disabled lives set forward five (5) years, and an interest rate of seven and ~~nine~~ six-tenths percent (~~7.9~~ 7.6%) per annum. This definition may only be amended by the City pursuant to the recommendation of the Board using assumptions adopted by the Board with the advice of the plan's actuary such that actuarial assumptions are not subject to City discretion.

\* \* \* \* \*

Credited Service means the total number of years and fractional parts of years of service as a Firefighter or Volunteer Firefighter with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Firefighter or Volunteer Firefighter. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Fire

Department pending the possibility of being reemployed as a Firefighter or Volunteer Firefighter, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Fire Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Firefighter or Volunteer Firefighter with the Fire Department within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Firefighter or Volunteer Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Firefighter or Volunteer Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Firefighter or Volunteer Firefighter with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The Member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Firefighter or Volunteer Firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.

- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of Credited Service either during each Plan Year of a Member's employment with the City or in the Plan Year in which the Member terminates employment.

\* \* \* \* \*

Firefighter means an actively employed full-time person employed by the City, including his initial probationary employment period, who is certified as a Firefighter as a condition of employment in accordance with the provisions of §633.35 408, Florida Statutes, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

\* \* \* \* \*

Spouse means the ~~lawful wife or husband of a Member or Retiree~~ Member's or Retiree's spouse under applicable law at the time benefits become payable.

\* \* \* \* \*

**SECTION 2:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 4., Finances and Fund Management, subsection 6.B., to read as follows:

\* \* \* \* \*

- B. All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:
- (1) Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the Members in the Fund shall be entitled under the provisions of this System and pay the initial and subsequent premium thereon.
  - (2) Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.
  - (3) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.
  - (4) Bonds issued by the State of Israel.
  - (5) Stocks, commingled funds, and bonds or other evidences of indebtedness, provided that:

- (a) Except as provided in subparagraph (b), all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia.
  - (b) Up to twenty-five percent (25%) of the assets of the Fund at market value may be invested in foreign securities.
  - (c) The Board shall not invest more than five percent (5%) of its assets in the common stock, capital stock, or convertible securities (including synthetics) of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five percent (5%) of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities (including synthetics) at market exceed seventy percent (70%) of the assets of the Fund.
- (6) Real estate, provided the Board shall not invest more than fifteen percent (15%) at cost in real property or real estate.
  - (7) Mutual funds and exchange traded funds (ETFs).
  - (8) Master limited partnerships (MLPs).

The Board may, upon recommendation by the Board's investment consultant, make investments in the above permitted asset classes utilizing group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, ~~and~~ Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the

commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Section 401(a) of the Code, individual retirement accounts that are exempt under Section 408(e) of the Code, eligible governmental plans that meet the requirements of Section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or a separate tax favored account maintained by an insurance company that is treated as a trust under Section 401(f) or under Section 457(g)(3) of the Code. While any portion of the assets of the Fund are invested in such a group trust, such group trust is itself adopted as a part of the System or Plan.

- (a) Any collective or common group trust to which assets of the fund are transferred pursuant to the above paragraph shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
- (b) The separate account maintained by the group trust for the plan pursuant to the above paragraph shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
- (c) For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

\* \* \* \* \*

**SECTION 3:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 6., Benefit Amounts and Eligibility, subsection 1., Normal Retirement Date, to read as follows:

\* \* \* \* \*

1. Normal Retirement Age and Date.

~~A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of five (5) years of Credited Service or the first of the month coincident with or next following the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.~~ A Member's normal retirement age is the earlier of the attainment of age fifty-five (55) and the completion of five (5) years of Credited Service, or the completion of twenty (20) years of Credited Service, regardless of age. Each Member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A Member's normal retirement date shall be the first day of the month coincident with or next following the date the Member retires from the City after attaining normal retirement age.

\* \* \* \* \*

**SECTION 4:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 8., Disability, subsection 1., Disability Benefits In-Line of Duty, and subsection 3., Disability Benefits Not-in-Line of Duty, to read as follows:

\* \* \* \* \*

1. Disability Benefits In-Line of Duty.

Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter or Volunteer Firefighter, which disability was

directly caused by the performance of his duty as a Firefighter or Volunteer Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and two-tenths percent (3.2%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Firefighter or Volunteer Firefighter shall be fifty percent (50%) of the Firefighters' or Volunteer Firefighters' current monthly salary at the time of disability.

Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

3. Disability Benefits Not-in-Line of Duty.

Any Member with five (5) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter or Volunteer Firefighter, which disability is not directly caused by the performance of his duties as a Firefighter or Volunteer Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and two-tenths percent (3.2%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event, the minimum amount paid to the Firefighter or Volunteer Firefighter shall be twenty-five percent (25%) of the Firefighter's or Volunteer Firefighter's current monthly salary at the time of the disability.

Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the City for medical reasons may apply for a disability within~~

~~thirty (30) days after termination.~~ Notwithstanding the previous sentence, if a Member is terminated by the City for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the Board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the Board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

**SECTION 5:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 10, Optional Forms of Benefits, subsection 2., to read as follows:

\* \* \* \* \*

2. The Member, upon electing any option of this Section, will designate the joint pensioner (subsection 1.B. above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one (1) or more primary Beneficiaries where applicable. A Member may change his Beneficiary at any time. If a Member has elected an option with a joint pensioner and Member's retirement income benefits have commenced, Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a Member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

\* \* \* \* \*

**SECTION 6:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 15., Maximum Pension, subsections 6., 8., 12.B., and by adding subsection 13., to read as follows:

\* \* \* \* \*

6. Less than Ten (10) Years of Participation ~~or Service~~.

The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of ~~Credited Service~~ participation with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of ~~Credited Service~~ participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8., or pre-retirement death benefits paid pursuant to Section 7.

\* \* \* \* \*

8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.

Notwithstanding anything in this Section 15, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 15 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year ~~and~~ or for any prior limitation year, and the City has not at any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8. of Section 15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).

\* \* \* \* \*

12. B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social

security benefits or federal benefits under Chapter ~~67~~ 1223, Title 10, U.S. Code.

13. Effect of Direct Rollover on 415(b) Limit.

If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

**SECTION 7:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 27., Prior Fire Service, subsection 5., to read as follows:

\* \* \* \* \*

5. In no event, however, may Credited Service be purchased pursuant to this Section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in Section 15, subsection 41-B 12.B.

\* \* \* \* \*

**SECTION 8:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by amending Section 28., Deferred Retirement Option Plan, to read as follows:

**SECTION 28. DEFERRED RETIREMENT OPTION PLAN.**

1. Definitions.

As used in this Section 28, the following definitions apply:

- A. "DROP" -- The City of Lake Mary Firefighters' Deferred Retirement Option Plan.
- B. "DROP Account" -- The account established for each DROP participant under subsection 3.

C. "Total Return of the Assets" -- For purposes of calculating earnings on a Member's DROP Account pursuant to subsection 3.B.(2), for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets.

2. Participation.

A. Eligibility to Participate.

In lieu of terminating his employment as a Firefighter, any Member who is eligible for normal retirement under the System may elect to defer receipt of such service retirement pension and to participate in the DROP.

B. Election to Participate.

A Member's election to participate in the DROP must be made in writing in a time and manner determined by the Board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the Board.

C. Period of Participation.

A Member who elects to participate in the DROP under subsection 2.B., shall participate in the DROP for a period not to exceed sixty (60) months beginning at the time his election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the City not later than the date provided for in the previous sentence. A Member may participate only once.

D. Termination of Participation.

A Member's participation in the DROP shall cease upon his termination of his employment as a Firefighter as provided for in subsection 2.C.

E. Effect of DROP Participation on the System.

- (1) A Member's Credited Service and his accrued benefit under the System shall be determined on the date his election to participate in the DROP first becomes effective. For purposes of determining the accrued benefit, the Member's Salary for the purposes of calculating his Average Final Compensation shall include an amount equal to any lump sum payments which would have been paid to the Member and included as Salary as defined herein, had the Member retired under normal retirement and not elected DROP participation. Member contributions attributable to any lump sums used in the benefit calculation and not actually received by the Member shall be deducted from the first payments to the Member's DROP Account. The Member shall not accrue any additional Credited Service or any additional benefits under the System (except for any supplemental benefit payable to DROP participants and any additional benefits provided under any cost-of-living adjustment in the System) while he is a participant in the DROP. After a Member commences participation, he shall not be permitted to again contribute to the System nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Section 29, Reemployment After Retirement.
- (2) No amounts shall be paid to a Member from the System while the Member is a participant in the DROP. No amounts shall be paid to a Member from the System until he terminates his employment as a Firefighter. Unless otherwise specified in the System, amounts transferred from the System to the Member's DROP Account shall be paid directly to the Member only on the termination of his employment as a Firefighter.

3. Funding.

A. Establishment of DROP Account.

A DROP Account shall be established for each Member participating in the DROP. A Member's DROP Account shall consist of amounts transferred to the DROP under subsection 3.B., and earnings on those amounts.

B. Transfers From Retirement System.

(1) As of the first day of each month of a Member's period of participation in the DROP, the monthly retirement benefit he would have received under the System had he terminated his employment as a Firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his DROP Account, except as otherwise provided for in subsection 3.B.(3). A Member's period of participation in the DROP shall be determined in accordance with the provisions of subsection 2.C.

(2) Except as otherwise provided in subsection 3.B.(3), a Member's DROP Account under this subsection 3.B. shall be debited or credited ~~after each fiscal year quarter~~ with earnings, to be credited or debited to the Member's DROP Account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows: ~~with the "net investment return" realized by the System for that quarter.~~

The average daily balance in a Member's DROP Account shall be credited or debited at a rate equal to the net investment return realized by the System for that quarter. "Net investment return" for the purpose of this paragraph is the total return of the assets in which the Member's DROP Account is invested by the

Board net of brokerage commissions, transaction costs and management fees.

For purposes of calculating earnings on a Member's DROP Account pursuant to this subsection 3.B.(2), brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total Plan assets.

- (3) A Member's DROP Account shall only be credited or debited with earnings and monthly benefits while the Member is a participant in the DROP. A Member's final DROP account value for distribution to the Member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus earnings earned as of that date plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. A Member must terminate employment after participating in the DROP for the permissible period of DROP participation.

4. Distribution of DROP Accounts on Termination of Employment.

A. Eligibility for Benefits.

A Member shall receive the balance in his DROP Account in accordance with the provisions of this subsection 4. upon his termination of employment as a Firefighter. Except as provided in subsection 4.E., no

amounts shall be paid to a Member from the DROP prior to his termination of employment as a Firefighter.

B. Form of Distribution.

(1) Distribution of a Member's DROP Account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection 4.F. Elections under this paragraph shall be in writing and shall be made in such time or manner as the Board shall determine.

(2) If a Member dies before his benefit is paid, his DROP Account shall be paid to his Beneficiary in such optional form as his Beneficiary may select. If no Beneficiary designation is made, the DROP Account shall be distributed to the Member's estate.

C. Date of Payment of Distribution.

Except as otherwise provided in this subsection 4., distribution of a Member's DROP Account shall be made as soon as administratively practicable following the Member's termination of employment upon completion of forms as required by the Board.

D. Proof of Death and Right of Beneficiary or Other Person.

The Board may require and rely upon such proof of death and such evidence of the right of any Beneficiary or other person to receive the value of a deceased Member's DROP Account as the Board may deem proper and its determination of the right of that Beneficiary or other person to receive payment shall be conclusive.

E. Distribution Limitation.

Notwithstanding any other provision of this subsection 4., all distributions from the DROP shall conform to the "Minimum Distribution Of Benefits" provisions as provided for herein.

F. Direct Rollover of Certain Distributions.

This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the System in Section 24.

5. Administration of DROP.

A. Board Administers the DROP.

The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the Board. The members of the Board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as Trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A Trustee shall not vote on any question relating exclusively to himself.

B. Individual Accounts, Records and Reports.

The Board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each Member's DROP Account, and the Board shall keep in convenient form such data as may be necessary for the valuation of the assets and

liabilities of the DROP. The Board shall prepare and distribute to Members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.

C. Establishment of Rules.

Subject to the limitations of the DROP, the Board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The Board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the Board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.

D. Limitation of Liability.

- (1) The Trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
- (2) Neither the Board nor any Trustee of the Board shall be responsible for any reports furnished by any expert retained or employed by the Board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The Board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel,

and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

6. General Provisions.

A. The DROP Is Not a Separate Retirement Plan.

Instead, it is a program under which a Member who is eligible for normal retirement under the System may elect to accrue future retirement benefits in the manner provided in this Section 28 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a Member is entitled to a lump sum distribution of his or her DROP Account balance or may elect a rollover. The DROP Account distribution is in addition to the Member's monthly benefit.

B. Notional Account.

The DROP Account established for such a Member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member until the Member's termination from the DROP. The Member has no control over the investment of the DROP Account.

C. No Employer Discretion.

The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.

D. IRC Limit.

The DROP Account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

A E. Amendment of DROP.

The DROP may be amended by an ordinance of the City at any time and from time to time, and retroactively if deemed necessary or appropriate,

to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP Account of any Member.

**B F.** Facility of Payment.

If a Member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the Board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.

**C G.** Information.

Each Member, Beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the Board the information that it shall require to establish his rights and benefits under the DROP.

**D H.** Prevention of Escheat.

If the Board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the Board may, no earlier than three (3) years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the Board or the City. If such person has not made written claim therefor within three (3) months of the date of the mailing, the Board may, if it so elects and upon receiving advice from counsel to the System, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the System. Upon such cancellation, the System shall have no further liability therefor except that,

in the event such person or his Beneficiary later notifies the Board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

¶ I. Written Elections, Notification.

- (1) Any elections, notifications or designations made by a Member pursuant to the provisions of the DROP shall be made in writing and filed with the Board in a time and manner determined by the Board under rules uniformly applicable to all employees similarly situated. The Board reserves the right to change from time to time the manner for making notifications, elections or designations by Members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
- (2) Each Member or Retiree who has a DROP Account shall be responsible for furnishing the Board with his current address and any subsequent changes in his address. Any notice required to be given to a Member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the Board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the Member or Retiree notifies the Board of his address.

F J. Benefits Not Guaranteed.

All benefits payable to a Member from the DROP shall be paid only from the assets of the Member's DROP Account and neither the City nor the Board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

G K. Construction.

- (1) The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
- (2) The titles and headings of the subsections in this Section 28 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

H L. Forfeiture of Retirement Benefits.

Nothing in this Section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the System. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

† M. Effect of DROP Participation on Employment.

Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

**SECTION 9:** That the City of Lake Mary Firefighters' Retirement System, adopted pursuant to Ordinance No. 1209, as subsequently amended, is hereby further amended by adding Section 30, Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts, to read as follows:

**SECTION 30. SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS;  
CHAPTER 175 SHARE ACCOUNTS.**

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition

to the benefits provided for in the previous Sections of this plan, such benefit to be funded solely and entirely by Chapter 175, Florida Statutes, premium tax monies for each plan year which are allocated to this supplemental component as provided for in Section 175.351, Florida Statutes. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the members and DROP participants as follows:

1. Individual Member Share Accounts.

The Board shall create individual "Member Share Accounts" for all actively employed plan members and DROP participants and maintain appropriate books and records showing the respective interest of each Member or DROP participant hereunder. Each Member shall have a Member Share Account for his share of the Chapter 175, Florida Statutes, tax revenues described above, forfeitures and income and expense adjustments relating thereto. The Board shall maintain separate Member Share Accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

2. Share Account Funding.

- A. Individual Member Share Accounts shall be established as of September 30, 2015 for all Members and DROP participants who were actively employed as of October 1, 2014. Individual Member Share Accounts shall be credited with an allocation as provided for in the following subsection 3. of any premium tax monies which have been allocated to the Share Plan for that Plan Year, beginning with the Plan Year ending September 30, 2015.
- B. In addition, any forfeitures as provided in subsection 4., shall be allocated to the individual Member Share Accounts in accordance with the formula set forth in subsection 4.

3. Allocation of Monies to Share Accounts.

A. Allocation of Chapter 175 Contributions.

- (1) Effective as of September 30, 2015, the amount of any premium tax monies allocated to the Share Plan shall be allocated to individual Member Share Accounts as provided for in this subsection. Members retiring on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation. In addition, all premium tax monies allocated to the Share Plan in any subsequent Plan Year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual Member Share Accounts at the end of each Plan Year on September 30 (a "valuation date").
- (2) On each valuation date, each current actively employed Member of the plan not participating in the DROP, each DROP participant and each Retiree who retires or DROP participant who has terminated DROP participation in the Plan Year ending on the valuation date (including each disability retiree), or Beneficiary of a deceased Member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:
- (3) The total funds subject to allocation on each valuation date shall be allocated to each Member Share Account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of Credited Service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of Credited Service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the

years of Credited Service of the deceased Member or DROP participant.

(4) Re-employed Retirees shall be deemed new employees and shall receive an allocation based solely on the Credited Service in the reemployment period.

B. Allocation of Investment Gains and Losses.

On each valuation date, each individual Member Share Account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual Member Share Accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a Member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

C. Allocation of Costs, Fees and Expenses.

On each valuation date, each individual Member Share Account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the Share Plan. These fees shall be allocated to each

individual Member Share Account on a proportionate basis taking the costs, fees and expenses of administration of the Share Plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual Member Share Account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the Fund as a whole as of the same date.

D. No Right to Allocation.

The fact of allocation or credit of an allocation to a Member's share account by the Board shall not vest in any Member, any right, title, or interest in the assets of the trust or in the Chapter 175, Florida Statutes, tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.

E. Members and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the Plan Year.

4. Forfeitures.

Any Member who has less than five (5) years of Credited Service and who is not otherwise eligible for payment of benefits after termination of employment with the City as provided for in subsection 5. shall forfeit his individual Member Share Account or the non-vested portion thereof. Forfeited amounts shall be redistributed to the other individual Member Share Accounts on each valuation date in an amount determined in accordance with subsection 3.A.

5. Eligibility For Benefits.

Any Member (or his Beneficiary) who terminates employment as a Firefighter with the City or who dies, upon application filed with the Board, shall be entitled to be paid the value of his individual Member Share Account, subject to the following criteria:

A. Retirement Benefit.

(1) A Member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early Retirement

pursuant to Section 6, or if the Member enters the DROP, upon termination of employment.

(2) Such payment shall be made as provided in subsection 6.

B. Termination Benefit.

(1) In the event that a Member's employment as a Firefighter is terminated by reason other than Retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 9.

(2) Such payment shall be made as provided in subsection 6.

C. Disability Benefit.

(1) In the event that a Member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 8, subsection 1. or a not-in-line of duty disability benefit pursuant to Section 8, subsection 3., he shall be entitled to one hundred percent (100%) of the value of his share account.

(2) Such payment shall be made as provided in subsection 6.

D. Death Benefit.

(1) In the event that a Member or DROP participant dies while actively employed as a Firefighter, one hundred percent (100%) of the value of his Member Share Account shall be paid to his designated Beneficiary as provided in Section 7.

(2) Such payment shall be made as provided in subsection 6.

6. Payment of Benefits.

If a Member or DROP participant terminates employment for any reason or dies and he or his Beneficiary is otherwise entitled to receive the balance in the Member's share account, the Member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection 3. above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable

following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.

7. Benefits Not Guaranteed.

All benefits payable under this Section 30 shall be paid only from the assets accounted for in individual Member Share Accounts. Neither the City nor the Board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the Board nor any Trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Member Share Account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the Board subject to the restrictions otherwise applicable to fund investments.

8. Notional Account.

The Member Share Account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the System. There is no change in the System's assets, and there is no distribution available to the Member or DROP participant until the Member's or DROP participant's termination from employment. The Member or DROP participant has no control over the investment of the share account.

9. No Employer Discretion.

The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

10. Maximum Additions.

Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the Code pursuant to the provisions of Section 15, subsection 11.

11. IRC limit.

The share account distribution, along with other benefits payable from the System, is subject to limitation under Internal Revenue Code Section 415(b).

**SECTION 10:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Lake Mary.

**SECTION 11:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 12:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 13:** That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 3<sup>rd</sup> day of September 2015.

PASSED AND ADOPTED ON SECOND READING, this 17<sup>th</sup> day of September 2015.

CITY OF LAKE MARY, FLORIDA

\_\_\_\_\_  
DAVID J. MEALOR, MAYOR

ATTEST:

\_\_\_\_\_  
CAROL A. FOSTER, CITY CLERK

Approved as to form:

CATHERINE D. REISCHMANN,  
CITY ATTORNEY

Law Offices

**Christiansen & Dehner, P.A.**

63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

August 10, 2015

Ms. Audrey Ross  
Lake Mary Firefighters' Retirement System  
4360 Northlake Blvd.  
Suite 206  
Palm Beach Gardens, FL 33410

Re: City of Lake Mary Firefighters' Retirement System - Proposed Ordinance

Dear Audrey:

Enclosed please find a proposed ordinance amending the City of Lake Mary Firefighters' Retirement System. With the recent adoption by the Florida Legislature of Chapter 2015-39, Laws of Florida, and changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS), the following amendments to the pension plan are proposed:

1. Section 1, Definitions, is being amended for IRC changes and requirements, to amend the definitions of:
  - a. Actuarial Equivalent - to amend the definition to incorporate the Mortality Table currently being used by the plan's actuary
  - b. Credited Service - to clarify IRC regulations on leave conversions
  - c. Firefighter - to update a reference in Florida Statutes.
  - d. Spouse - To clarify the definition in accordance with a recent US Supreme Court ruling
2. Section 4, Finances and Fund Management, is being amended to further incorporate recent IRC requirements with regard to investments in commingled funds.
3. Section 6, Benefit amounts and eligibility, is being amended to change the Normal Retirement Date to include IRC required language regarding Normal Retirement Age and Normal Retirement Date.
4. Section 8, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.

5. Section 10, Optional Forms of Benefits, has been amended to amend subsection 2. to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
6. Section 15, Maximum Pension, has had several subsections amended to comply with IRC changes.
7. Section 27, Prior Fire Service, subsection 5., is being amended to correct a reference.
8. Section 28, Deferred Retirement Option Plan, is being amended in accordance with recent direction from the IRS in connection with the issuance of several recent Favorable Determination Letters to: i) clarify investment returns on DROP accounts, ii) clarify when interest and earnings are calculated and paid, and iii) add several sections clarifying the DROP provisions as required by the IRS.
9. Section 30, Supplemental Benefit Component for Special Benefits; Chapter 175 Share Accounts, is a new Section being added to the plan. This Section creates a 'Share Plan', or defined contribution component, and the addition of a share plan is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapters 175 and 185.

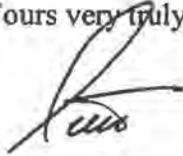
This Share Plan provides for a share account for each member of the plan. The Share Plan is to be funded solely and entirely by Chapter 175 premium tax monies for each plan year that funding is made available to it in accordance with governing Florida Statutes and/or mutual agreement between the City and the plan members. This supplemental benefit, therefore, may or may not be funded.

If the share plan is funded, at retirement, termination (vested), disability or death, there is an additional lump sum benefit paid to the eligible member. Available share plan funding is allocated to the members' accounts based on a formula which provides an allocation based on years of credited service. Each share account receives its proportionate share of the income or loss on the assets in the plan.

Ms. Audrey Ross  
August 10, 2015  
Page 3

By copy of this letter to the Board's actuary, Gabriel Roeder Smith & Company, I am requesting that they provide you with a letter indicating the cost, if any, associated with the adoption of this ordinance. If you have any questions with regard to this ordinance, please feel free to give me a call.

Yours very truly,

A handwritten signature in black ink, appearing to read "S. Christiansen". The signature is stylized with a large, sweeping initial "S" and a horizontal line extending to the right.

Scott R. Christiansen

SRC/dm  
enclosure

cc: Jeff Amrose, with enclosure



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1530 - Proposed FY 2015/2016 Millage Rate - Second Reading (Public Hearing) (Jackie Sova, City Manager) and Ordinance No. 1531 - Proposed FY 2015/2016 Budget - Second Reading (Public Hearing) (Jackie Sova, City Manager)

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Tonight we finish the formal process of adopting the Fiscal Year 2016 budget. To comply with the Truth-in-Millage Section 200.065, Florida Statutes, we must conduct public hearings to discuss the tentative millage rate and proposed budget. Tonight is the second and final public hearing.

The Florida Department of Revenue provides procedural guidance as to what substantive issues should be discussed at the public hearings to adopt a millage rate and budget. We must:

1. State that the proposed millage rate of 3.5895 mills is a tax increase of 3.07% from the rolled-back rate of 3.4826 mills.
2. Allow for public comments or questions about the tentative millage rate and proposed budget prior to adoption.
3. Adopt by **separate** vote Ordinance No. 1530 - the tentative millage rate **before** the tentative budget.
4. Adopt by **separate** vote Ordinance No. 1531- the proposed budget.
5. Close the public hearing.

**Discussion:** The City Commission held a workshop on July 23, 2015 to discuss the tentative millage and proposed budget for FY 2015/2016. Following the workshop at a regular commission meeting, the tentative millage rate was established. The proposed FY 2015/2016 city-wide budget is balanced at a total of \$33,983,586 and represents:

Establishing the ad valorem millage rate at 3.5895 mills, and the rolled-back (“forward”) rate that is estimated to yield approximately the same tax levy as FY 2015 is 3.4826 mills. The value of a mill in the city is calculated to be \$1,883,440 and ad valorem tax revenues are projected to be some \$6,760,607. The total General Fund budget is \$20,183,942 down 0.83% from the previous fiscal year.

The total Capital Improvement Budget is \$5,818,395 which includes approximately \$1.8 million of carry forward projects. 85% of these dollars are committed to completing Downtown Redevelopment such as the SunRail Enhancements, Signal and Beautification Enhancements at Wilbur Avenue, N. Country Club and Crystal Lake Avenue and the Palmetto Street turn lane and Lake Mary Boulevard Sewer project. Other projects consist of:

- The reviving of the Emma Oaks Trail sidewalk which was put on hold until Duke Energy complete the relocation of utility poles.
- The first phase of Heritage Park.
- Bi-annual street resurfacing
- The design of Central Park Improvements

Also planned is the replacement of high dollar end of life equipment for the Fire Department include twenty-one Self Contained Breathing Apparatus (SCBA), a critical component of the department’s life and safety equipment and the replacement of hose and appliance items for fire engines that are out of compliance.

As our buildings and facilities are aging, we have close to \$200,000 for costly maintenance items that are not recurring costs such as roof and HVAC replacement.

Other items to note are the projected economic incentives in the amount of \$348,250, the purchase of a fire engine at \$550,000, and the 9.1% increase in healthcare costs. Personnel changes include the elimination of one vacant Code Compliance Inspector position and with the retirement of the City Planner, the Deputy City Planner will be promoted and the deputy position will be eliminated. A new part-time Recreation Assistant will be added to the Parks and Recreation Department and assigned to the Community Center.

The action required by the Commission tonight is to first adopt the millage rate at 3.5895 mills, the rolled back rate at 3.4826 mills, and by separate vote adopt the fiscal year 2015/2016 budget.

ORDINANCE NO. 1530

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, ESTABLISHING THE AD VALOREM RATE FOR THE CITY OF LAKE MARY, FLORIDA FOR THE FISCAL YEAR 2016; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary, Florida, is required by Chapter 200.065, Florida Statutes, to adopt an ad valorem tax millage rate pursuant to either a Resolution or an Ordinance; and

WHEREAS, said Resolution or Ordinance is required to state the percent, if any, by which the millage rate to be levied differs from the rolled-back rate, computed as the percentage change in the previous year's property tax revenue of the City.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY, FLORIDA:

1. The City of Lake Mary, Florida, hereby adopts an Ad Valorem Rate to be levied for the Fiscal Year 2016 beginning October 1, 2015, equal to 3.5895 mills, which is a 3.07 percent increase from the rolled-back rate of 3.4826 as certified by the Seminole County Property Appraiser.

2. That all ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

3. If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, portion of a section, subsection, or part of this Ordinance.

4. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 17th day of September 2015.

FIRST READING: September 3, 2015

SECOND READING: September 17, 2015

CITY OF LAKE MARY, FLORIDA

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MAYOR, DAVID J. MEALOR

ATTEST:

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CITY CLERK, CAROL A. FOSTER

ORDINANCE NO. 1531

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, ESTABLISHING THE BUDGET FOR THE CITY OF LAKE MARY FLORIDA, FOR THE FISCAL YEAR 2016; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AMENDMENT BY RESOLUTION; PROVIDING FOR SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Lake Mary, Florida, must establish the Budget for the City of Lake Mary, Florida, for the ensuing Fiscal Year 2016, beginning October 1, 2015; and

WHEREAS, the City Commission of Lake Mary, Florida, has made a determination of the amounts of revenue available and the corresponding appropriations and expenditures for the Fiscal Year 2016.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY, FLORIDA:

1. That the approved budget for Fiscal Year 2016, as attached hereto, is hereby declared to be adopted as the City of Lake Mary's Budget for the Fiscal Year 2016.
2. That all ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.
3. This Ordinance may be amended by the City Commission from time to time by adoption of a Resolution to that effect.
4. If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, portion of a section, subsection, or part of this Ordinance.

5. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 17th day of September 2015.

FIRST READING: September 3, 2015

SECOND READING: September 17, 2015

CITY OF LAKE MARY, FLORIDA

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MAYOR, DAVID J. MEALOR

ATTEST:

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CITY CLERK, CAROL A. FOSTER



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Stephen J. Noto, AICP  
Deputy City Planner

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1532 - Expedited State Review Comprehensive Plan Amendment (Text) to the City's Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use category; Griffin Interests, LLC & Piloian Property Holdings, LLC, applicants - First Reading (Public Hearing) (Steve Noto, Deputy City Planner)

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**APPLICANT:** Griffin Interests, LLC & Piloian Property Holdings, LLC.

**REFERENCE:** City of Lake Mary Comprehensive Plan.

**REQUEST:** The applicant requests the creation of a new Future Land Use category: Mixed Use Midtown (MUMT). Unicorp (Developer) is the contract purchaser and will be referenced in this report. This application has been submitted along with 2015-LU-02, a FLU Map amendment to applicant's properties, which are located at the southwest corner of Lake Mary Blvd., and Longwood Lake Mary Rd. The project name is Griffin Farms Town Center.

### **DISCUSSION:**

**Intent:** Currently the City has two land use categories that allow for mixed use development, Downtown Development District (DDD), and High Intensity Planned Development Target Industry (HIP-TI). Both land use categories are specific to certain geographic areas of the City. In order for a property to have DDD land use, a property must be within the boundaries of the Downtown.

In order for a property to have HIP-TI land use, a property must be west of Interstate 4, as well as be part of a DRI, PUD, and have a functioning property owners association.

In the event a developer wishes to do a mixed use development outside of those two areas, the only option would be to have multiple land use categories over an entire project area, which can become problematic due to how mixed use projects are designed.

As a result, the developer, via the applicant, is proposing to create a new future land use category: Mixed Use Midtown (MUMT). The MUMT category would accomplish the following:

- Provide geographic boundaries to the MUMT district;
- Allow for a mixed use project type outside of the Downtown and HIP-TI areas of the City;
- Allow for mid to high density residential products beyond the maximums established in other residential land use categories;
- Place a cap of total residential units allowed within the MUMT district;
- Further promotion of internal capture and the City's existing multi-modal transportation goals.

**Staff Analysis:** The midtown area of the City, generally seen as being east of Rinehart Rd. and west of 5<sup>th</sup> St. is currently occupied by lands with Office (OFF), Restricted Commercial (RCOM), and Commercial (COM) future land uses. Existing land uses range from small neighborhood offices, shopping centers, education uses, and some undeveloped tracts.

The proposed land use category, Mixed Use Midtown (MUMT), proposed as being east of Rinehart Rd. and west of Longwood Lake Mary Rd., will require a mixture of uses, such as residential, office, and commercial, throughout a minimum 25 acre development program with PUD zoning. The maximum residential density that is proposed, per parcel, is up to 60 dwelling units per acre. However, in no event will there be more than 500 residential units with the MUMT district. This will be accomplished via a unit cap of up to 500 residential units for all MUMT properties. This is similar to the residential unit cap utilized in the HIP-TI land use category. The maximum impervious coverage area is 65% with a minimum of 35% open space. This is the same for all other future land use categories outside of the Downtown Development District.

Furthermore, the MUMT category is designed to capture existing pass-by tips, utilize the existing multi-modal transit infrastructure (i.e. LYNX), and promote internal capture through walkable design and a mix of internal uses. As outlined below, and further described in the developer's justification statement, the proposal does align with a number of the City's Goals, Objectives, and Policies (GOP's) as it relates to the Future Land Use, Housing, and Transportation Elements.

The sections of the Comprehensive Plan to be amended are:

- Future Land Use Policy 1.4
- Future Land Use Table GOP-1

As part of application 2015-LU-02, the City has done an analysis of Facilities and Services. Much of the impact to the surrounding infrastructure has yet to be determined as the developer is completing their final development program. At this time, staff is aware of LOS issues with Neighborhood Parks, which is anticipated to be dealt with during the PUD process. School Capacity has been reviewed for 625 residential units, which is more than the maximum units allowed by the MUMT land use category.

The students generated at the three Concurrency Service Area (CSA) levels would be able to be accommodated without exceeding the adopted LOS for each CSA by school type. The remaining capacity for elementary, middle, and high schools is outlined in the analysis that is attached to this report.

Other infrastructure capacity review, such as transportation, will occur on a development-by-development basis through the City's concurrency review program. At this time, the developer is coordinating with Seminole County to understand the review thresholds of the traffic study/studies that may be required due to the County's jurisdiction over Lake Mary Blvd. and Longwood Lake Mary Rd.

**Applicant Justification:** The applicant has provided a justification statement for the FLU Amendment, which is attached to this staff report. For purposes of clarity, outlined below are the Goals, Objectives, and Policies (GOP's) that the applicant has referenced as being compatible with the proposed amendment:

**Future Land Use Element:**

**Objective 1:** The City shall maintain, implement and enforce the future land use map, and updated Land Development Regulations which manage future growth and development, incorporating innovative land development techniques such as mixed land uses and cluster development.

**Policy 1.3:** Over the past ten years, the Downtown has seen growth and redevelopment. The City anticipates that the upcoming SunRail Commuter Rail System, which is located in the heart of Downtown, will act as a catalyst for future redevelopment. To ensure proper and functional growth that will compliment and support SunRail, the City shall continue to promote mixed-use development patterns and alternative mobility strategies via the DDD (Downtown Development District, outlined in FLUE GOP Policy 1.4) Future Land Use category, and DC (Downtown Centre, Section 154.67 of the Land Development Code) zoning district. Both categories allow for a mixture of uses not permitted in other City land use designations and/or other City zoning districts. Development shall also be in harmony with the Downtown Master Plan described in Section 154.67 of the Land Development Code.

**Policy 1.8:** The entire City limits are hereby established as a Transportation Concurrency Exception Area (TCEA) as outlined by Senate Bill 360 on July 8, 2009. By creating the TCEA, the City can focus on future redevelopment opportunities including

infill development, and further redevelopment within the Downtown Development District adjacent to the SunRail Commuter Rail System. The City will continue to use the established LOS standards from within the Transportation Element, but will also encourage multi modal options and will also monitor the impacts of continued development as it pertains to future multi modal improvements.

Objective 3: Continue implementation of land uses consistent with the community's character, through administration of the Future Land Use Map and of the updated Land Development Regulations.

Objective 5: Through the year 2010, the City shall coordinate with appropriate resource management plans prepared pursuant to Chapter 380, F.S., and other natural resource management plans.

Objective 6: Through the year 2010, the City shall regulate appropriate infill and redevelopment within the City, with the intent of reducing urban sprawl. It is the objective of the City to ensure, through its Comprehensive Plan and Concurrency Management System, the provision of adequate urban services within the City limits to maintain adopted level of service standards.

Objective 9: The City shall promote the application of innovative energy conservation measures as it relates to energy efficient land use patterns and building practices.

## **Housing Element**

Objective 1: Through the year 2010, the City shall assist the private sector in the provision of new single family and multi-family dwelling units that are safe, adequate and affordable for the existing and projected population. This will be achieved through information sharing on housing funding programs, allocation of sufficient land for a variety of housing types, and adoption of land development regulations that allow flexible land development techniques and facilitate special needs housing.

## **Transportation Element**

Objective 1: Throughout the planning period, 1999-2010, the City shall provide a safe, convenient and efficient motorized and non-motorized transportation system accessible to its citizens.

Objective 3: The City staff shall coordinate with the plans and programs of FDOT, Seminole County, other appropriate local jurisdictions, and Developments of Regional Impact pursuant to Chapter 380, F.S. throughout the planning period, 1999-2010, to represent the City's interests, ensure coordination between the City and the other governmental entities, and to keep informed of pertinent issues and changes in land use and the associated traffic impacts.

Objective 4: Throughout the planning period, 1999-2010, the Future Transportation Map shall serve to identify the roadways requiring improvements and additional right-of-way necessary to accommodate additional lanes.

Objective 5: Adopted levels of service shall be maintained on all City operated and maintained roadways throughout the planning period, 1999-2010.

Objective 6: Throughout the planning period, 1999-2010, the City shall utilize an updated database on all major roadways to include average daily and peak hour traffic, the subsequent LOS and reserve roadway capacity.

Objective 7: Throughout the planning period, 1999-2010, the City shall review the traffic impacts on all roadways associated with proposed development projects both in and adjacent to the city limits to ensure that adequate roadway capacity is or will be available to serve the development at the time of impact.

Objective 8: In order to reduce the reliance upon the automobile, the use of alternative modes of transportation will be encouraged throughout the planning period, 1999-2010.

Objective 10: Throughout the planning period, 2010-2020, the City will approve development, based upon the availability of adequate roadway capacity, and multimodal systems, to support the impacts of such development without degradation of the adopted levels of service.

**STAFF NOTE:** If this item is approved by the Planning & Zoning Board and City Commission, it does not vest the applicant/developer. The approval will allow the item to be sent to the Department of Economic Opportunity, and other reviewing agencies. While that review is being completed, along with item 2015-LU-02 (if also approved), staff anticipates the applicant/developer will submit the 30% engineering plans via the Final PUD process. The plan at this time is for that review to occur by the Boards prior to the adoption of 2015-LU-01 and 2015-LU-02.

The Final PUD submittal will provide additional details that will impact the overall density and intensity of the proposed Griffin Farms Town Center project.

**PLANNING & ZONING BOARD:** At their regular August 25, 2015 meeting, the Planning & Zoning Board unanimously, 5-0, recommended approval of the requested amendment to the City's Comprehensive Plan creating the Mixed Use Midtown (MUMT) Future Land Use Category providing for the Transmittal of the proposed amendments to the Department of Economic Opportunity.

**RECOMMENDATION:** Staff has reviewed the above referenced application and recommends approval of the transmittal of the proposed amendments to the Future Land Use Element of the City's Comprehensive Plan to the Department of Economic Opportunity.

#### **ATTACHMENTS:**

- Ordinance No. 1532
- Proposed Text Amendments (As Exhibit "A" to the Ordinance)
- Applicant/Developer Justification Statement
- Seminole County Public Schools School Impact Analysis
- August 25, 2015 Planning & Zoning Board Minutes

## ORDINANCE NO. 1532

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LAKE MARY, FLORIDA; SETTING FORTH AND ADOPTING COMPREHENSIVE PLAN TEXT AMENDMENT REFERENCED AS 2015-LU-01, BY AMENDING FUTURE LAND USE ELEMENT POLICY 1.4 BY ESTABLISHING THE MIXED USE MIDTOWN (MUMT) LAND USE DESIGNATION AND AMENDING FUTURE LAND USE ELEMENT TABLE GOP-1; PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.**

**WHEREAS**, Section 163.3161 et seq., Florida Statutes established the Community Planning Act; and

**WHEREAS**, Section 163.3167, Florida Statutes requires each municipality in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

**WHEREAS**, Section 163.3167(1)(b), Florida Statutes, gives power and responsibility to municipalities to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

**WHEREAS**, Griffin Interests, LLC & Piloian Property Holdings, LLC, as petitioners of a future land use amendment, are desirous of amending the Future Land Use Element Policy 1.4 by adding the Mixed Use Midtown (MUMT) land use designation and by amending Future Land Use Element Table GOP-1 as shown in Exhibit "A"; and

**WHEREAS**, the Planning & Zoning Board, as the Local Planning Agency of the City of Lake Mary, held a public hearing on August 25, 2015, on the proposed Comprehensive Plan amendment and unanimously recommended approval of the proposed amendment to the Mayor and City Commission of the City of Lake Mary; and

**WHEREAS**, the City Commission of the City of Lake Mary, Florida, after due consideration, has determined that the proposed MUMT Future Land Use designation and

the amendment of Future Land Use Element Table GOP-1 are consistent with the Lake Mary Comprehensive Plan and City Code of Ordinances; and

**WHEREAS**, the Comprehensive Plan amendment adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and the amendment is in the best interest of the public health, safety, and welfare of the citizens of Lake Mary, Florida and serves a legitimate government interest.

**IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:**

**SECTION 1. Future Land Element Text Amendment.** The Future Land Use Plan Element Policy 1.4 and Future Land Use Element Table GOP-1 of the Comprehensive Plan of the City of Lake Mary, Florida, are hereby amended to include the MUMT land use designation.

**SECTION 2. Severability.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid and inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

**SECTION 3. Conflicts.** All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

**SECTION 4. Effective Date.** This effective date of this plan amendment shall be the date a final development order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1) (b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which shall be sent to the Department of Community Affairs, Plan Processing Team.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015

FIRST READING: September 17, 2015

SECOND READING: \_\_\_\_\_

CITY OF LAKE MARY FLORIDA

\_\_\_\_\_  
MAYOR, DAVID J. MEALOR

ATTEST:

\_\_\_\_\_  
CITY CLERK, CAROL A. FOSTER

FOR THE USE AND RELIANCE OF THE CITY OF LAKE MARY ONLY  
APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CITY ATTORNEY, CATHERINE D. REISCHMANN

## EXHIBIT "A"

### Proposed Text Amendments New Language is Underlined

#### Objective 1, Policy 1.4 of the FLU Element:

Mixed Use Midtown (MUMT): This land use designation allows for mixed use development by requiring an integration of a full range of commercial uses as well as mid to high density residential uses through compatible design encouraging convenience and walkability for project residents. Development within this designation may also provide for entertainment, recreational, dining and shopping opportunities. A development within this category must have the Planned Unit Development (PUD) zoning classification, be a minimum of 25 acres in size, and be located East of Rinehart Road, West of Longwood Lake Mary Road, and South of Lake Mary Boulevard. The intensity of this land use requires that it be located where there is convenient access to collector and arterial roadways.

The MUMT land use designation may permit up to 500 dwelling units throughout the entire City based on a density not to exceed 60 dwelling units per acre, per pod/parcel. A maximum impervious coverage of 65% and a minimum open space of 35% is required throughout the entire PUD. Proposed residential development shall reduce travel and promote bicycle/pedestrian trips for recreation and shopping through pedestrian friendly design and internal capture. Development shall also promote multi-modal transportation options through strategic placement of sidewalks, coordination with LYNX for future bus connections, and other actions deemed appropriate by the City Commission.

**Table GOP-1. Future Land Use/Zoning Compatibility Chart**  
Density and Intensity Thresholds & Facility Requirements

<b>Future Land Use</b>	<b>Maximum Density/Intensity<sup>(1)</sup></b>	<b>Compatible Zoning Districts</b>	<b>Facility Requirements</b>
Rural Residential	1 DU/ 1 Acre	A-1, RCE, PUD, GU	
Low Density Residential	2.5 DU/ 1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, PUD, GU	PS
Low/Medium Density Residential	4 DU/1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, PUD, GU	W, S, R, PS
Medium Density Residential	6 DU/1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, RM, PUD, GU	W, S, R, PS
High Density Residential	9 DU/1 Acre	A-1, RCE, R-1AAA, R-1AA, R-1A, R-2, R-3, RM, PUD, GU	W, S, R, PS
Office	≤ 65% ISR	A-1, PO, PUD, GU	W, S, R, PS
Restricted Commercial	≤ 65% ISR	A-1, PO, C-1, PUD, GU	W, S, R, PS
Commercial	≤ 65% ISR <sup>2</sup>	A-1, PO, C-1, C-2, PUD, GU	W, S, R, PS
Industrial	≤ 65% ISR	A-1, PO, M-1A, M-2A, PUD, GU	W, S, R, PS
Downtown Development District	≤ 90 %ISR <sup>(2)</sup> 18 DU/1 Acre <sup>(7)</sup>	PO, C-1, PUD, DC, GU	W, S <sup>(3)</sup> , PS
<u>Mixed Use Midtown (MUMT)</u>	≤ 65% ISR <u>35% Minimum Open Space</u> 60 DU/1 Acre <sup>(8)</sup>	<u>PUD</u>	<u>W, S, R, PS</u>
Public/Semi-Public	≤ 65% ISR	All Zoning Districts	
Recreation	≤ 65% ISR	All Zoning Districts	
Conservation <sup>(4)</sup>	1 DU/5 Acres	GU, A-1 <sup>(5)</sup> .	
High Intensity Planned Development -Target Industry	18 DU/1 Acre, Maximum 65% ISR and 35% Minimum Open Space	PUD	W, S, R, PS
High-tech / Industrial Corridor Protection Area	< 65% ISR	A-1, PO, C-1.C-2, M-1A, M-2A, PUD, GU	W, S, R, PS
Transit Oriented Development Overlay	≤ 90 %ISR <sup>(2)</sup> >18 DU/1 Acre <sup>(7)</sup>	PO, C-1.DC, PUD	W, S, R, PS
Downtown Economic Policy Initiative Overlay	≤ 90 %ISR <sup>(2)</sup> >18 DU/1 Acre <sup>(7)</sup>	PUD	W, S, R, PS

**Facility Requirements**

W - Central Water Service must be available to site prior to development.

S - Central Sewer Service must be available to site prior to development, except as noted in the Downtown Core area.

R - Reclaimed Water lines shall be provided throughout the development site to accommodate irrigation demands. Reclaimed service shall be utilized if: 1) service is available within 100 yards of development site; 2) adequate capacity is available to serve the development site; and 3) the service provider approves connection to the system.

PS - Paved Streets must be utilized for all accesses to development site.

Notes/ Special Provisions:

- (1) Density maximums refer to net residential density defined as the number of dwelling units per net buildable acre. Net buildable acre is defined as the development parcel excluding areas devoted to lakes and wetland or flood prone areas and existing rights-of-way.
- (2) To promote development in the Downtown Development Core District the ISR shall be increased to 90% conditioned upon the development site meeting all other land development regulations. Land development regulations which may effect the ISR ratio include, but are not limited to, landscape and buffering requirements, setback requirements, stormwater requirements, and Health Department regulations governing sanitary sewer disposal.
- (3) As part of the Downtown Redevelopment project sewer lines will be installed throughout the Core District as funding is made available. In the interim development will be permitted to utilize septic systems as permitted by the Seminole County Health Department. Connection to central sewer will be required when service is made available within 100 feet of a property boundary.
- (4) The exact boundaries of the Conservation area for a specific parcel are defined as water bodies, lands below the 100-year floodplain and those areas that are jurisdictional wetlands according to SJRWMD.
- (5) Conservation is an overlay designation. Zoning districts are permitted subject to the underlying land use. Parcels wholly contained within a conservation future land use designation may only be zoned A-1.
- (6) Developed property, which has been decreased in part by a government action, including but not limited to, a taking, or condemnation may reduce its open space pro rata in a proportion that relates to the percentage of the property involved in the government action. Such government action may be a basis for granting a variance.
- (7) Density maximum can be exceeded by Density Bonuses or Transfer of Development Rights (TDRs) only for properties with DDD/TOD overlay land use and being located in the area encompassed by the Downtown Master Plan.
- (8) The maximum residential unit cap is 500 units in the entire City for the MUMT future land use.

DU - Dwelling Unit

ISR - Impervious Surface Ratio

## **Justification Statement for the creation of the Mixed Use Midtown (MUMT) designation:**

Future Land Use Element: The City has likely reached build-out conditions for residential uses. Objective 1 encourages “innovative land development techniques such as mixed uses and cluster development.” The MUMT land use achieves that by requiring a mix of uses. Further, the MUMT is located in close proximity to the western edge of the Downtown Development District and its higher density residential and mix of commercial uses should complement the uses and businesses within the DDD and make it more likely that these will have the customer traffic needed to be successful. Further, the MUMT will help the City “ensure proper and functional growth that will compliment and support SunRail” and it will also “mixed-use development patterns” as called for under Policy 1.3. In addition, since (i) the MUMT is located adjacent to Lake Mary Blvd. where LYNX bus service and stops are provided, (ii) the SunRail station is located in the heart of the DDD which makes it convenient to the MUMT by foot, bike or bus, and (iii) development in the MUMT will promote multi-modal transportation options, the City is encouraging multi-modal options as required under Policy 1.8. Similar to the HIP-TI designation, the mixed use requirements of the MUMT will promote residential infill development, shall reduce urban sprawl and promote bicycle/pedestrian trips for recreation and shopping. Objective 3 (Community Character) will be achieved in the MUMT through innovative design, land development techniques and architectural standards. The commercial uses envisioned in the MUMT will complement, and fill a void, between the high intensity commercial located near I-4 and the consumer oriented commercial located in the DDD. MUMT will protect natural and historical resources as required by Objective 5. The MUMT will further the City’s desire to promote internal capture of trips, as well as infill and redevelopment as per Objective 6. Development in the MUMT will be compact with great amenities (great places to live, work, shop and recreate in a more pedestrian friendly setting as called for in Objective 9).

Housing Element: The City serves as a regional center for the commercial and business sectors. This is becoming more true as both the City, the areas adjacent to the City and the Orlando MSA continue to grow. The Introduction of the City’s Housing Element provides, in part, that “accommodating the need for additional housing is perhaps one of the most crucial issues for a municipality serving regional development needs such as Lake Mary.” The residential component of MUMT development shall, through the private sector, help the City meet the housing needs of its citizens by providing safe, adequate housing options as called for under Objective 1. Compact, high density residential development envisioned in the MUMT is appropriate in places, like the City, which have or are close to reaching full build-out.

Transportation Element: As a result of the location of the MUMT along Lake Mary Blvd. and in close proximity to the western edge of the DDD, and the MUMT emphasis on mixed residential and commercial uses facilitating high internal capture of trips and effective pass-by capture of existing trips, the MUMT shall promote, or be consistent with, many of the policies found under Objective 1 (Safe, Convenient and Efficient Transportation) and 8 (Bicycles and Pedestrians) including, for example, (i)

encouraging use of the existing multi-modal transportation network (specifically, pedestrian, bicycle, LYNX bus service and the SunRail), (ii) reduction of greenhouse gas emissions and VMT's (vehicle miles traveled), and (iii) energy efficiency. In light of the fact that both Lake Mary Blvd. and Longwood-Lake Mary Road are maintained by Seminole County, coordination and study of MUMT project impacts, and the need for road improvements, on these roads will be made with the County to prevent degradation of the adopted levels of service consistent with Objectives 3, 4, 5, 6, 7 and 10.



## Seminole County Public Schools School Impact Analysis School Capacity Determination

**To:** Griffin Interests, LLC & Piloian Property Holdings, LLC  
City of Lake Mary Commissioners

**From:** Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

**Date:** July 9, 2015

**RE:** **Griffin Farms Town Center Land Use designation change & Rezone  
Project No. 2015-LU-01 & 2015-RZ-03**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

**Description:** +/- 34.5 acres, located at 114 Longwood Lake Mary Road the within the city limits of Lake Mary. The applicant is requesting a change to the Future Land Use Map and zoning designation to allow a maximum of 250 single-family attached and 375 multi-family dwelling units to be developed within the requested future land use and zoning designation. Parcel ID(s). 17-20-300-010D-0000; 17-20-30-300-019A-0000; 17-20-30-300-0090-0000; & 17-20-30-300-0110-0000.

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elem	E-6	2540	3323	71	0	128	584
Middle	M-1	5321	6068	33	0	232	482
High	H-1	6504	7440	36	0	293	607

**Comments:**

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each CSA by school type, or there is adjacent capacity to meet LOS as allowed by interlocal agreement. Any planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from, or determined to meet the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

1 Chairman Hawkins said the next two items (Items B & C) on the agenda they would take  
2 care of together but will be separate voting on each item.

3  
4 B. 2015-LU-01: Recommendation to the Mayor and City Commission regarding  
5 an Expedited State Review Comprehensive Plan Amendment (Text) to the  
6 City's Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future  
7 Land Use category. Applicants: Griffin Interests, LLC and Piloian Property  
8 Holdings, LLC (Public Hearing)

9  
10 Mr. Omana said the two items are related to the Comprehensive Plan. They will require  
11 separate motions. In the back of the room are legislative sign in sheets for each item.  
12 Since these are associated with the Comp Plan, the process they are governed by is the  
13 legislative process. He emphasized this is the first step in the process for this proposed  
14 project. They still have to go through final PUD, site plan, platting and a number of other  
15 topics that Mr. Noto, who is the Project Manager, will touch upon.

16  
17 Mr. Omana said back to the legislative sign-in sheets in the back, for any member of the  
18 public who is interested in being kept abreast of this item, you are welcome to sign in at  
19 the back table and we will make a note of that and keep them part of the process.

20  
21 Mr. Omana emphasized that the item before the Board is not a site plan and is not a  
22 specific development and review issue per se. It does not vest them. They won't walk  
23 out of here this evening with a development entitlement approval. What is before the  
24 Board is a Comprehensive Plan Amendment to start setting the regulatory table that will  
25 create this project. He said Dr. Tom Tomerlin who is the City's Economic Development  
26 Manager will provide the Board and members of the public with some insight relative to  
27 the economic nature of this project.

28  
29 Dr. Tomerlin said he would try to give a perspective on why this property and where it is  
30 located is exceptional within the City of Lake Mary from an overall perspective of where  
31 the City boundaries lie. He distributed a new booklet that they have put together in  
32 cooperation with the City Commission. On Page 14 of the booklet they outlined  
33 opportunity zones within the City of Lake Mary. He showed the page on the overhead.  
34 The area in yellow highlighting is the city limits. He pointed out the Downtown area which  
35 is the heart of the City and where we host our events, including the Farmer's Market, it's  
36 where City Hall is, where the Events Center is, and the SunRail Station. It is the historic  
37 center of the City of Lake Mary and as such it is basically the heart of the City of Lake  
38 Mary.

39  
40 Dr. Tomerlin said Lake Mary has quite a few employment corridors. He circled those on  
41 the exhibit. Those employment corridors are tightly associated with the Interstate 4  
42 Corridor, and the movement of labor to those is no secret that's why that developed into  
43 a major employment corridor for the entire metro Orlando region.

44  
45 Dr. Tomerlin said this property is located in the middle and we refer to it in the booklet as  
46 Lake Mary's Mid-Town. Geometrically speaking it is no mystery why we call it Mid-

1 Town. It's midway between our Downtown and our employment centers within the City  
2 of Lake Mary. The location and the availability of some sizeable parcels of land have led  
3 us to a conclusion that this area deserves an identity. The name Mid-Town is referring to  
4 how it lies relative to the employment centers and the Downtown area. We are trying to  
5 accomplish a place. What we think this mixed use new land use designation for our  
6 comprehensive plan will enable us to do is to create a mixed use center of character that  
7 bridges the gap between the Downtown and those employment centers that serve  
8 surrounding neighborhoods, and that is to say residents of the City of Lake Mary. It also  
9 serves the workers that work in those employment centers.

10  
11 Dr. Tomerlin said the City of Lake Mary has a population of 15,905 and we are located  
12 within a metro Orlando region of roughly 2.3 million. That's less than 1% of the population  
13 located within the city limits of the four county metropolitan areas. We have captured  
14 about 25% of the jobs that have flowed through the Orlando EDC, so this little city of less  
15 than 1% has captured well above its weight of new job creation. We have these great  
16 jobs locating here and these are the kind of jobs that are incentivized. They are the type  
17 of jobs that are target industries and are associated with high wages.

18  
19 Dr. Tomerlin asked where they live. That question has come up strategically. We have  
20 done an excellent job punching well above our weight for absorbing these jobs. The  
21 question of where these workers eventually live is something that we have to scratch our  
22 heads about. The item that Mr. Schindler presented earlier is adding to the housing stock.  
23 That is certainly something in the background of this.

24  
25 Dr. Tomerlin said his purpose here was to make comments about how this notion of a  
26 Mid-Town came about within the City of Lake Mary and to talk about why we think it is  
27 located in an exceptional spot, and why we think this pursuit of a separate land use  
28 designation to apply basically within this neighborhood is called for. He said he was  
29 happy to answer any questions.

30  
31 Mr. York complimented the pictures in the booklet.

32  
33 Dr. Tomerlin said we appreciate that and have gotten quite a bit of mileage out of that. It  
34 is fairly new. He said he hasn't spoken in front of this body yet. He has been with the  
35 City almost two years. It has been a pleasure working with this planning team. Virtually  
36 every picture in there was produced by Steve Noto.

37  
38 Mr. Noto said we have a number of technical things to talk about this evening and will do  
39 his best to use regular English when describing this information. We have two separate  
40 items. We have a text amendment to the Comp Plan and a map amendment to the Comp  
41 Plan. The Comp Plan is much different from the Land Development Code. This board is  
42 most familiar with the Land Development Code when we deal with subdivision review,  
43 setbacks, traffic impacts, landscaping, etc. and what we call the bulk requirements when  
44 developing a piece of property. Not too often do we come before you with amendments  
45 to the Comp Plan. The Comp Plan is the growth blueprint of the City full of policy, goals,  
46 and objectives of how the City is going to develop.

1 Within there we have our future land use map. The future land use map identifies where  
2 certain uses can go in the City. It doesn't get down to the nitty gritty about landscape  
3 buffers and specific types of uses that that your zoning districts do. He said he would  
4 explain that as we move along.  
5

6 Mr. Noto said the text amendment portion of this item is to create a new land use  
7 designation—the Mixed Use Mid-Town (MUMT). If someone were to come into the City  
8 wanting to do a mixed use development outside of the Downtown, outside of west of I-4,  
9 let's just say in the Mid-Town. From a zoning and land use perspective, they would have  
10 to do something of a puzzle. Imagine if all those pieces were different land use categories  
11 and different zoning districts. From a land aggregation standpoint and an overall  
12 development standpoint, it is very messy to have to do different land use categories. If  
13 this project were to develop as a mixed use project, which is the proposal, the current  
14 land use is Restricted Commercial and Commercial. The Restricted Commercial is the  
15 pinkish color on the exhibit and the red is Commercial. They are both commercial but  
16 one is more intense than the other. You can see how the Lake Mary Boulevard Corridor  
17 has been planned out. The pink on the south side you have 600 feet linear going from  
18 north to south of Restricted Commercial land use. North of Lake Mary Boulevard in the  
19 dark blue is Office, and you have red west of Longwood-Lake Mary Road. If you wanted  
20 to do a mixed use project right now, you couldn't do residential so it wouldn't be a mixed  
21 use project and would be Commercial period. If you wanted to plug in some residential  
22 and you had different densities, you would either have HDR which is 9 dwelling units per  
23 acre or MDR or something in between. It's not the best way to go about it. What's being  
24 proposed in Mixed Use Mid-Town would allow for one project area to have residential,  
25 commercial, office all in one development program, very similar to the Downtown  
26 Development District land use and very similar to the High Intensity Planned Development  
27 Target Industry (HIP-TI) land use that exists west of I-4. Both of those land use categories  
28 allow for a mixture of uses within individual parcels.  
29

30 Mr. Noto asked to go back to the difference between Restricted Commercial and  
31 Commercial because this is key in understanding what can go there today. The front 600  
32 feet is Restricted Commercial and the back is Commercial. He showed the allowable  
33 uses matrix for Restricted Commercial. The zoning districts compliant with Restricted  
34 Commercial are A-1, which the subject property has right now, PO Professional Office,  
35 C-1, PUD, or Government Use. That alphabet soup means the following. The agricultural  
36 uses would be A-1, professional offices are architects, medical offices, consultants,  
37 banks, churches, movie theaters, restaurants, retail shops, assisted living facilities,  
38 childcare centers and government uses. Those are the uses you could do with rezoning  
39 from A-1, C-1 or PUD.  
40

41 Mr. Noto said in the back further down Longwood-Lake Mary Road, you have the  
42 Commercial land use which allows for the aforementioned zoning districts plus C-2. C-2  
43 is our more intense commercial zoning category. You can do all the things in C-1. The  
44 uses that are italicized are what you can do in addition to so we are talking drive-thru  
45 restaurants, large shopping centers, convenience stores, auto service stations, gas  
46 stations, hotels, and home improvement stores with outside storage. We are talking in

1 the back you could do big box, gas stations and things of that nature with the existing land  
2 use.

3  
4 Mr. Noto said how is the Mixed Use Mid-Town land use designation proposed to work.  
5 The applicant is proposing these amendments to the Comp Plan. If you think of the HIP-  
6 TI land use category all west of I-4, there is a reason it is all west of I-4 and it can only be  
7 west of I-4. It is specifically described that way and is the policy in the Comp Plan. With  
8 HIP-TI you can have a mixture of uses, you must be west of I-4, and you can have up to  
9 18 dwelling units per acre of residential density.

10  
11 Mr. Noto said the Downtown Development District has to be in Downtown. It has to be  
12 within the boundaries and you can have up to 18 dwelling units per acre, you can have  
13 up to 90% impervious coverage. Downtown is more urban center, the property sizes are  
14 smaller, the building covers a larger size of the property, and you have different types of  
15 open space and park systems within the Downtown.

16  
17 Mr. Noto said the Mixed Use Mid-Town is a mixture of the two. It wants to accomplish  
18 what you can do in the HIP-TI in the Downtown in the Mid-Town. He put an overlay on  
19 the map. The tealish color would be a new color on our future land use map and the  
20 properties would have a new land use designation of Mixed Use Mid-Town.

21  
22 Mr. Noto said what are the requirements of the Mixed Use Mid-Town. You have to have  
23 a development program with a minimum size of 25 acres. This is not something you could  
24 see happening, for example, if you go to the west. You see these pods of smaller parcels.  
25 Those individual pods could not have Mixed Use Mid-Town land use. If somebody  
26 brought together 25 acres, there is a possibility. The first performance standard is 25  
27 acres minimum size.

28  
29 Mr. Noto said the second is you are in the Mid-Town. For the sake of this amendment  
30 and for the sake of the policy, Mid-Town is described as being between Rinehart Road  
31 and Longwood-Lake Mary Road. That would be the Mid-Town for this land use category.  
32 We see Mid-Town going further out to Fifth Street but for the purpose of the Mixed Use  
33 Mid-Town designation, it will be between those two roadways.

34  
35 Chairman Hawkins asked Mr. Noto to clarify that because Longwood-Lake Mary Road  
36 stops at Lake Mary Boulevard. He asked if Mid-Town is going to do a jog or is there an  
37 imaginary line that goes north.

38  
39 Mr. Noto said it would go along Lake Mary Boulevard but it would only cover the area  
40 between Rinehart and Longwood-Lake Mary Road. It would be almost an overlay. If you  
41 want to have a Mixed Use Mid-Town project, you have to fall into that area.

42  
43 Member Aycoth stated so it has to be south of Lake Mary Boulevard.

44  
45 Mr. Noto said that was correct.  
46

1 Chairman Hawkins said not north.  
2  
3 Mr. Noto said that was correct and you have to be east of Rinehart and west of Longwood-  
4 Lake Mary Road similar to the HIP-TI where you have to be west of I-4.  
5  
6 Chairman Hawkins questioned even though Tom has three other parcels or more in his  
7 Mid-Town collection.  
8  
9 Mr. Noto said that is correct. We are still going to view that whole area as Mid-Town. As  
10 of right now that is not a land use category. It is just a geographic area we identified. The  
11 Mixed Use Mid-Town land use because of the densities that are proposed and because  
12 of the acreages you have to have to get those densities and the land use, we have  
13 identified just that area. You could almost call it West Mid-Town because it is the western  
14 half of the Mid-Town district.  
15  
16 Chairman Hawkins asked Mr. Noto in his report as he goes forward could he specify the  
17 south of Lake Mary Boulevard because Rinehart stops at Lake Mary Boulevard and so  
18 does Longwood-Lake Mary Road.  
19  
20 Mr. Noto answered affirmatively. We will put together a better graphic or parameter of  
21 those.  
22  
23 Mr. Noto said he mentioned the minimum 25 acre development program. You also have  
24 to have PUD zoning to do a Mixed Use Mid-Town project. You could have up to 60  
25 dwelling units per acre. There is going to be a cap on the number of residential units for  
26 all Mixed Use Mid-Town properties.  
27  
28 Mr. Noto stopped and described the HIP-TI. The HIP-TI land use covers a certain area.  
29 Not all properties west of I-4 have HIP-TI. You can only have 482 residential units in the  
30 HIP-TI area. There are three apartment projects over there. Those apartment projects  
31 amass that entire number. If somebody wanted to come in tomorrow with a new  
32 residential project, they would have to amend the Comp Plan to allow for more residential  
33 units in the HIP-TI land use.  
34  
35 Mr. Noto said the proposal for the Mixed Use Mid-Town is for up to 500 residential units.  
36 If the lands to the west came in for the MUMT and these folks built all 500, the folks to  
37 the west could not build any more unless they amended the Comp Plan to allow for more  
38 residential units. They will also be required to have 65% maximum impervious coverage,  
39 which is similar to our other land use categories except for Downtown, and a minimum of  
40 35% open space. This is similar to our other land use categories outside of Downtown.  
41  
42 Mr. Noto said the amendment to the Comp Plan is to Future Land Use Policy 1.4 creating  
43 the district, describing the district and amending Table GOP 1 which outlines all the  
44 different land use categories, their density, and the allowable zoning categories.  
45

1 Mr. Noto said the map amendment would be to change the parcel to Mixed Use Mid-  
2 Town. This is that item, which is 2015-LU-02, and is just a map amendment and not  
3 changing any policies or anything like that. Just to change the designation of the property.  
4

5 Mr. Noto said the applicant provided a justification statement for both the text and the  
6 map amendments and are in the staff report. We have outlined all the objectives that  
7 they have identified as the request being consistent with. That is what you look for in a  
8 Comp Plan amendment—consistency with other policies. We're not looking at setbacks  
9 and things of that nature. We are trying to make sure the proposal is consistent with the  
10 document that has already been approved.  
11

12 Mr. Noto asked to talk about this and what you will see potentially in the future—the site  
13 plan, the subdivision plan. Since this is policy related and is not specifically a  
14 development project, we are not in a position to talk about complete traffic impacts. We  
15 are not in a position to talk about school impacts and things of that nature because we  
16 don't know at this point what the final development program is. Those items will be  
17 discussed in the future with the PUD. There are no engineering plans as far as these  
18 proposals because it is just policy. It is whether or not the Board wants to see this happen.  
19 If so then they will create the engineering plans and we will review that at a later date. At  
20 this point we are not reviewing the building heights and not reviewing the setbacks. We  
21 are reviewing the potential of having a large piece of property, 25 acres, allow for a  
22 mixture of uses up to 60 units per acre.  
23

24 Mr. Noto showed a plan of what that breakout could be on this parcel. The applicant is  
25 present this evening. He emphasized that they would get to the building design and all  
26 those bulk requirements as part of the PUD and part of the developer's agreement when  
27 we nail down what the specific uses can be, heights, etc.  
28

29 Mr. Noto said a quick note about the traffic impact and parks. The project is flanked by  
30 two County maintained roads. The County has jurisdiction over Lake Mary Boulevard  
31 and Longwood-Lake Mary Road. They will be the ones reviewing the eventual traffic  
32 analysis—the traffic report and transportation report. We will be doing it in conjunction  
33 with them. We have been reviewing this project for a month and a half or two months  
34 and they said to wait until school starts to do the traffic study. That way we have a better  
35 understanding of what's happening on Lake Mary Boulevard and Longwood-Lake Mary  
36 Road for the majority of the year. That study is underway and that will take into account  
37 the densest project you could have. When we get to the PUD, engineering and nitty gritty  
38 details they may not be able to get that max density but will be studying it for that.  
39

40 Mr. Noto said a quick note on the parks. As part of our analysis in the Comp Plan, we  
41 make sure that level of service standards will not be impacted to the point where they are  
42 below standards. We did identify an issue with neighborhood parks. Because our  
43 population continues to rise, we have to have a certain amount of acreage of each  
44 different type of park. That is outlined in the Parks & Open Space Element. We are short  
45 on neighborhood parks and that's even before this project. We identified it as part of our

1 analysis and we are going to work with the applicant on that as we move forward to see  
2 how we can deal with that issue.

3  
4 Mr. Noto said he would do two recommendations since we have two separate files.

5  
6 Mr. Noto said for 2015-LU-01, which is the text amendment, staff has reviewed the above  
7 referenced application and recommends approval of the transmittal of the proposed  
8 amendments to the future land use element of the City's Comprehensive Plan to the  
9 Department of Economic Opportunity.

10  
11 Mr. Noto said the phrase "Expedited State Review" is not a City phrase. That is a state  
12 process as part of the Department of Economic Opportunity. Before legislation changed  
13 a few years ago, this project would have been termed a large scale project. When DCA  
14 (Department of Community Affairs) became the Department of Economic Opportunity,  
15 they shifted the language from large scale to expedited state review. We are not getting  
16 it through faster than any other project. He just wanted to make that clear for the record.  
17

18 Mr. Noto said for 2015-LU-02, which is the map amendment, staff has reviewed the above  
19 referenced application and recommends approval of the transmittal of the proposed future  
20 land use amendments to the City of Lake Mary Comprehensive Plan from COM  
21 Commercial and RCOM Restricted Commercial to Mixed Use Mid-Town.  
22

23 Mr. Noto said the transmittal process is you are the recommending body and this  
24 recommendation will go to the City Commission. If the City Commission approves it, we  
25 send this documentation to the state. They have a certain length of time to review it and  
26 they may have comments. If they do they send it to us, we work with them with the  
27 applicant on the comments and then it will go to the City Commission via ordinance for  
28 second reading for adoption. That would change the land use of the property and put the  
29 Mixed Use Mid-Town policies into the Comp Plan. It does not vest them any entitlements.  
30 It just gives them a new land use and that is when we start working on the engineering,  
31 developer's agreement, and all those other factors.  
32

33 Mr. Noto said the applicant was present and he would be happy to take any questions.  
34

35 Chairman Hawkins said one paragraph was bypassed that he would like Mr. Noto to  
36 expand upon. It is on Page 2 next to the bottom paragraph starting "Furthermore". He  
37 asked Mr. Noto to go through that.  
38

39 Mr. Noto said the Mixed Use Mid-Town is in one other way similar to the Downtown  
40 Development District and the HIP-TI. Both of those land use categories and both of those  
41 areas of the City are all about internal capture—mixed use, walkability, high quality  
42 amenities, and things of that nature. The same thing will apply to the Mixed Use Mid-  
43 Town. It is adjacent to Link 45 which is one of our public transportation routes. It is within  
44 roughly a mile of SunRail. If you have MUMT land use, the design of your project must  
45 be walkable, must be designed in a way to capture internal trips, the residential  
46 components have to be connected to the retail components through sidewalks, pathways

1 and things of that nature. That is the purpose of that paragraph. The City wants to see  
2 more projects that are more walkable in nature or the uses interact with others where you  
3 could live on a project site and be able to walk to public transportation or other types of  
4 uses that are on the project.

5  
6 Member Aycoth said the other two developments can have 18 residential units per acre  
7 and this goes up to 60. He asked how that number came about. It seems pretty high  
8 density.

9  
10 Mr. Noto said for an example of what 60 units per acre may look like, the Station House  
11 project next to SunRail sits on about 3.2 acres and is just under 70 units per acre. That  
12 is a 200-unit apartment project. As you can see on the bubble plan, in the upcoming  
13 development they have identified different sectors, retail zones, parking, the apartments  
14 and townhomes. The 60 number came up as the densest that area could be based on  
15 the number of units they were looking to develop. We anticipate that light green zone will  
16 be its own piece of property. It will be subdivided and sold for someone else to develop.  
17 You can see in the map amendment report we are talking about up to 200 townhomes  
18 and up to 300 apartments. That is where you get the 60 units per acre.

19  
20 Member Aycoth said we are talking four-story buildings.

21  
22 Mr. Noto said that is the potential. We haven't gotten to that point yet and will ask the  
23 applicant to build on that, but we could be looking at somewhere between four and five  
24 stories based on the size of the property and the density they are looking to do.

25  
26 Member Aycoth said that struck him as a very high number per acre.

27  
28 Member Taylor said she understood the parameters of what we have here legislatively  
29 that schools are going to be dealt with at a later point but it is referenced in the report that  
30 school capacity has been reviewed for 625 residential units. She asked Mr. Noto to  
31 explain what process he went through to get to that.

32  
33 Mr. Noto said they have a School Planner and a school impact analysis that came about  
34 in 2007. Some legislation came down for municipalities and counties to work with their  
35 school board to ensure capacity was there prior to projects being approved. What  
36 happens is either the City or the applicant gets with the School Planner, and in this case  
37 it was Mr. Mike Rigby who is their Facility Planner at Seminole County Public Schools.  
38 You can see the table they provided where they break out elementary, middle and high  
39 school. They let you know what the enrollment is, what the capacity is and then they  
40 have different equations that tell them how many students would be generated by a  
41 certain project based upon housing type—single family, apartment, townhomes and  
42 things of that nature. They did it for 250 single family attached (townhomes) and 375  
43 multi-family (apartments). The analysis was done for a higher density than what the  
44 MUMT would allow. He (Mr. Rigby) went ahead and reserved some capacity and there  
45 was remaining capacity.

1 Mr. Noto said he wanted to be clear on something. The City doesn't do this school impact  
2 analysis. We provide the data and they give us the analysis. Where the kids end up  
3 going to school is a whole different discussion. Just because there is capacity doesn't  
4 mean they will go to school across the street and it doesn't mean they will go to school a  
5 mile away. That is something that is dealt with by the School Board and is something the  
6 City doesn't get involved with. He said he would be working with Mr. Rigby as the project  
7 moves forward to redefine the maximums of the project, but the analysis he has done  
8 already shows capacity is available for a project of this size.

9  
10 Member Gillis said it was stated 25 acres minimum. If they continue to buy property west  
11 of there could they have that rezoned into the MUMT as part of the 25 acres or would  
12 they have to start all over with a minimum of 25 acres.

13  
14 Mr. Noto said the project size here is actually 35 acres so they do exceed the minimum  
15 25. This is purely hypothetical. In looking at the parameters necessary under the MUMT  
16 and assuming the PUD was approved, if they were to do that they would have to amend  
17 the PUD to bring those properties into the boundaries of the PUD. It is a possibility. The  
18 land use category doesn't get into ownership. In PUDs you can have multiple owners.  
19 There is the possibility to make the project larger. There is no cap to the ultimate size of  
20 the project less the residential cap (500 units).

21  
22 Member Gillis said his second question goes to traffic. It looks like Longwood-Lake Mary  
23 Road is going to be the dumping point for townhomes and apartments. He asked if there  
24 was going to be access from Lake Mary Boulevard and just not one dumping point. It will  
25 probably be Washington Avenue and put a signal there and have something of that  
26 nature.

27  
28 Mr. Noto said without going too far into site design, there will be access from Lake Mary  
29 Boulevard and there will be access from Longwood-Lake Mary Road. Going back to that  
30 internal capture item, we want to make sure if those are gated townhomes they could still  
31 exit via the Boulevard or via Longwood-Lake Mary Road. They won't be pigeonholed to  
32 certain entrance or exit point.

33  
34 Chairman Hawkins asked if the applicant was present.

35  
36 Chuck Woodall, President of Unicorp National Developments, came forward. He thanked  
37 staff. We have been working with these guys for a couple of months. We sat down  
38 originally and talked about getting the property under contract and what the vision was of  
39 Lake Mary. We shared our visions of what we would like to see and collaboratively we  
40 have been working to put this together and bring something special to Lake Mary. We  
41 will share some conceptualls. We have not gotten into final design. We are doing  
42 preliminary design because we want to make sure what we are asking for is going to work  
43 and want to make sure what we are presenting is something acceptable to staff. We have  
44 met with the Commissioners and the Mayor and everybody is excited about where we  
45 have gotten to today.

1 Mr. Woodall said Unicorp has done a lot of projects. He said he was a native here. We  
2 have built the Baldwin Park Town Center, Altamonte Town Center, the Water Tower Place  
3 at Celebration, Delaggio on Sand Lake Road, a number of projects in Winter Park, and  
4 the Orlando Eye. We have done a lot of quality projects in Central Florida and we see  
5 this property as a very special opportunity. We changed the name from Griffin Farms  
6 Town Center to Griffin Farms at Mid-Town. We wanted to pay homage to the family that  
7 owns the property and it is in the heart of Mid-Town so it is an appropriate name. When  
8 we get to the architecture you will see we are trying to get a fresh new look that doesn't  
9 feel the same as all the other buildings and feels more like a modern farm-type of  
10 architecture.

11  
12 Mr. Woodall said the property to the west is bound by office buildings. The property to the  
13 east has got an older commercial center across the street. Behind us are all wetlands.  
14 The gentleman just asked the question could it be expanded. The likelihood is no and  
15 really not because the geographic boundaries of the property that we are surrounded by.  
16 This is all wetlands that go all around the property so there really is no room to expand it.  
17 On the western boundary it is completely built out with office buildings and then we have  
18 roads to the north and east of the property. He said he thought it would be highly unlikely.  
19

20 Mr. Woodall said one thing he would point out on the bubble plan is you see the density  
21 which would allow up to 200 townhomes and up to 300 apartments, and up to 515,000  
22 square feet of retail. He said he would not spend a lot of time on the traffic but would  
23 point at the traffic trip analysis. Five hundred fifteen thousand feet of retail is about 500%  
24 more than we have planned going on the property. We are going to do significantly less  
25 than that. The property is vested for traffic already but will be significantly less than what  
26 it's vested for.  
27

28 Mr. Woodall showed a site plan on the overhead. He said to show you what this translates  
29 to is we wanted to make a project that is very walkable that picks up passerby trips—  
30 someone who is already driving down the road would go to a grocery store, would go to  
31 the fitness club. We wanted to make sure the project compliments your Mid-Town. Not  
32 really the small shop space but something that plays off those. This is a great mixed use  
33 project. Picture you come home and you live in one of the apartments. These will be  
34 very upscale apartments with two resort style pools. It will cater to people who are  
35 building new homes, your executives and the office buildings up the street. Once you  
36 come home you will be able to shop, be able to go to the gym, go to one of the restaurants,  
37 or the hair/nail salon. Even though we have 200 townhomes it's not practical. We can't  
38 fit 200 townhomes. He thought they would wind up with 175. We will have nice water  
39 features, nice green areas, and nice walking paths.  
40

41 Mr. Woodall said we have a nice buffer from the wetlands. We are respecting the  
42 wetlands lines and holding the buildings off it. What is great about this plan is it has nice  
43 restaurants. The current land use plan would allow all of this to be commercial and it  
44 would be very heavy commercial. The Home Depot, Lowe's type of thing is what the  
45 zoning designation accomplishes and we think this is something much better for the  
46 community. The residential abuts residential. The apartments abut a commercial project

1 and office so we have it nestled nicely and cars that drive down the road would see the  
2 swimming pool and nice landscaping.

3  
4 Mr. Woodall said he would address the traffic points. We met with Seminole County. We  
5 would have a directional left here (from Lake Mary Blvd.) and it would not be signalized.  
6 They want to keep the traffic moving. There will be a full movement here, a right-in/right-  
7 out at Lake Mary Boulevard. We would have an access point here (Longwood Lake Mary  
8 Rd.) that trips could come in and out. We have been told not to align an access here (at  
9 Washington Ave.). Folks on Washington Street would not want that so we purposely  
10 didn't do that. He pointed out a giant oak tree that they are going out of their way to save.  
11 It will be in an island like you see at AAA.

12  
13 Mr. Woodall said there will be a nice terminus to this boulevard and you will see pretty  
14 landscaping, the water, and the oak tree. You come in here and there will be a gated  
15 townhome community and that will all be walkable for the rest of the project. Alongside  
16 the road we are trying to make it very street friendly. We are doing a tree lined street, we  
17 are doing generous wide sidewalks, and there are two parks. We spoke with the  
18 Commissioners and the Mayor and on the corner we wanted to make something special  
19 there. We designed a nice water feature on the corner. We said let's take the corner and  
20 not put a building there but put a nice architectural feature so when you are at the traffic  
21 light it draws your eye and attention to something beautiful in the development. This is  
22 conceptual but we have been working with staff to make sure we are heading in the right  
23 direction and would be something the City is happy with.

24  
25 Mr. Woodall said Joe (Antunovich) would talk about the inspiration of the projects and  
26 then we will get into some of the architecture.

27  
28 Joe Antunovich, President of Antunovich Associates, came forward. We have worked  
29 with Chuck (Woodall) on many projects that he mentioned. Even though our  
30 headquarters are in Chicago with offices in D.C., we spend most of our time in Orlando.  
31 We've traveled the country and we have done mixed use projects around the country. He  
32 showed some images from some of those projects on the overhead. These are images  
33 we would like to re-create here on this mixed use town center. The idea of being able to  
34 live, shop, work, play, exercise, and lay your head down all at one location is one of the  
35 goals stated earlier by Steve as we were going through the planning direction. These  
36 images are some of the inspiration that we have had.

37  
38 Mr. Antunovich said we would like to develop an architecture that is reminiscent of the  
39 past—the tin roofs, the sloped roofs, architecture that reflects the history and the history  
40 of the context of your town and then going back to the fact that this was a farm with  
41 buildings that did have tin roofs, buildings that had sloped roofs, buildings that were  
42 broken down in scale. This is a suggestion. Chuck said we would come up on the corner  
43 with a fountain and we will endeavor to keep as many of the old live oaks that are on the  
44 property as we can. We can have a water feature on the corner and buildings along the  
45 street that are developed on all sides—there is no front, there is no back, there are no  
46 sides. The buildings are developed on all sides and the buildings are developed for all

1 ages. We are big fans of putting in children's play areas, areas where you can sit under  
2 the trees, areas where you can sit outside with coverings so that if you get the occasional  
3 rainstorm you can be sheltered if you are outside. You can see the mix of uses, the mix  
4 of retail uses from the restaurants to many of the support facilities to the grocery stores  
5 will take upon this kind of an architectural expression.  
6

7 Mr. Antunovich said we wanted to show you this so it's not just left out there and say that  
8 is something that will come later. We wanted to be very much up front with you and to  
9 talk about the scale, to talk about the architecture, and then the residential buildings and  
10 the parking garage will be camouflaged and will very much be in keeping like these  
11 images you see here. We are very excited to be able to develop this property along and  
12 develop these designs. We will be thrilled to look forward to coming and working with you  
13 on the development of the project over the next three months.  
14

15 Mr. Woodall said there is varying architecture and it is very complimentary with varying  
16 materials. It is not all typical stucco. We have brick, we have stone, and metal roofs. We  
17 use a lot of pavers and we use real brick when we do it. It creates a soft environment, it  
18 creates a walkable environment, and creates a comfortable environment for people to  
19 hang out.  
20

21 Mr. Woodall said on all of our projects we spend an enormous amount of money on  
22 landscape and hardscape. It is important to us and it makes our projects successful. He  
23 said he owned 85 commercial properties and they are all just about 100% leased. We  
24 have maybe 5 vacancies between all of them. We've found the nicer the architecture, the  
25 nicer the hardscape, people want to come visit and more tenants do well. It is important  
26 for us. In most of our projects we have done we generally invest five to seven times what  
27 your code is in landscape. We go the extra mile.  
28

29 Mr. Woodall said the traffic and trips is always a hot spot. We have hired Traffic Planning  
30 and Design. Right now with what the property is approved for and what could be built on  
31 it today creates 9,550 trips a day. That would be the vested trips for the property. We  
32 create 6,363 trips a day which is about a 40% reduction. If you take your peak hour trips,  
33 we go from 863 down to 562. We will have a traffic study with the school traffic and all  
34 the things that were asked of us by Seminole County. That is also based on 200  
35 townhomes which we won't have so the numbers will actually come down beyond this.  
36 There will be less traffic generated than the current land use plan would allow for.  
37

38 Mr. Woodall said that's a brief presentation. As we start getting our drawings, 30%, 60%,  
39 etc. we will do a more in-depth. We will maintain the same flavor of what you see tonight.  
40 We think it is a great project and we are happy to be here. He said he would be happy to  
41 answer questions.  
42

43 Chairman Hawkins thanked them for the thorough presentation even though it is  
44 conceptual.  
45

46 Mr. York asked if there were any estimates what each of these townhomes might go for.

1  
2 Mr. Woodall said \$325,000 to \$425,000 is what we would expect them to go for. We are  
3 in negotiations with some homebuilders now. The apartments are expected to go \$1,100  
4 to \$2,200 a month. Everybody builds to their own niche and our niche is high end. We  
5 make everything nice. The apartments will have nice granite countertops, top of the line  
6 stainless steel appliances, upgraded carpet, we put in the most modern sound systems,  
7 and we deck them out. We are catering to executives that are moving to the area and  
8 are going to build a home. We just finished one in Windermere where we had people sell  
9 their homes and say they just wanted carefree living in the apartments because we made  
10 it very resort-style. Everybody goes all the range with apartments but we put in a lot of  
11 quality and money and have to charge a lot for them and they will be very nice.  
12

13 Chairman Hawkins asked if anyone wanted to come forward and speak for or against  
14 Items 2015-LU-01 and 2015-LU-02. He asked everyone to remember this is a policy  
15 meeting and is not the nuts and bolts of a development.  
16

17 Tommy Maggard, 228 Washington Avenue, came forward. With the high density my big  
18 concern would be the traffic from Longwood-Lake Mary to Fifth Street because there are  
19 maybe 25 cars in that area. How would that play into coming off of the townhomes and  
20 apartments if they want to come out and snake down our road. Right now most of our  
21 traffic is cut through. There are not that many residents that live there versus the traffic  
22 that is flowing. The width of the road and Star Child trying to go left and right out and left  
23 and right in and then trying to go left onto Washington. I am trying to see how that would  
24 all play into that much traffic impact. I know it's not in that stage right now but potentially  
25 that's what we could be looking at.  
26

27 Chairman Hawkins said that is one of the big concerns.  
28

29 Mr. Maggard asked if they could even do that without widening the road or put a median  
30 in.  
31

32 Chairman Hawkins said that was up to Seminole County. Seminole County is going to  
33 determine what the roads and how they are going to be configured and how they are  
34 going to be four-laned, three-laned, right turns, traffic signals. All of that is to be  
35 determined.  
36

37 Mr. Maggard asked how they figured out the traffic that's trying to get around that mess  
38 to get over to Country Club.  
39

40 Chairman Hawkins said you will have to ask Chief Bracknell that. Right now there is a lot  
41 of cut through traffic, especially at rush hour.  
42

43 Mr. Maggard said if anything happens on Lake Mary Boulevard between Advanced Auto  
44 Parts, the post office and then the next light, and then Fifth Street trying to go over to  
45 Crystal Lake and Lakeview and all that, those are pretty dangerous right now without the  
46 additional traffic. That is my biggest question because with the wetlands I don't think they

1 could four-lane it. I don't know that but without a median for them to come and go this  
2 way and that way so they don't have to go to the light and go down the Boulevard left or  
3 right, they might view that as an option like they do now.  
4

5 Chairman Hawkins said certainly all of that is going to be considered. That is to be  
6 determined. That is something we are going to look at seriously and the City is going to  
7 look at it more seriously as well as Seminole County.  
8

9 Mr. Maggard said I know they are going to potentially put 12 homes closer to my house  
10 so that is going to be a few more residents but those are all pretty good size pieces of  
11 property down through there. That road is very narrow and it needs to stay narrow  
12 because the bigger you make it the faster they go. My biggest concern is the high density  
13 and how it would impact people coming down the street.  
14

15 Chairman Hawkins said we all share your concern.  
16

17 Peter Murphy came forward. He said he owned the duplexes across the street. The  
18 definition of what residences can go into the MUMT code, I would like to post it that I  
19 would like it restricted to no gas stations and no drive-thru restaurants. I like your plan  
20 but as you well know things change. If this goes through and you do allow gas stations,  
21 McDonald's or whatever, I would not like that to be there. When you get to the point of  
22 defining what MUMT does restrict or allow.  
23

24 Chairman Hawkins said that would be at the PUD stage and that will delineate what parts  
25 of this development are Commercial, Restricted Commercial, Residential, and High  
26 Density Residential.  
27

28 Mr. Murphy asked if that would be decided on the 17<sup>th</sup> of September.  
29

30 Mr. Noto answered negatively. After the transmittal and we get to the adoption. We  
31 anticipate the adoption hearing will be the same hearing as the developer's agreement  
32 which will have those uses outlined. That will be later on this year.  
33

34 Mr. Omana said when those hearings come up, we will notify and do the mail out for the  
35 interested parties and the surrounding property owners.  
36

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

39 Member York said he thought this was a very exciting development.  
40

41 Chairman Hawkins said he thought there was a lot of promise to it but a lot of traffic too.  
42

43 Mr. Antunovich said the residential component will mitigate the additional traffic.  
44

45 Member Taylor said it is a good use for the property but the density causes her concern.  
46 A number of us live in that area and travel those roads frequently. She asked if the City

1 had a position or opinion on Washington. It's an unusual road for the City and we would  
2 be increasing people using that road. She asked the City's position as it stands right now.  
3

4 Mr. Omana said the City's position on Washington which we have made clear to the  
5 developer is as follows. In the past the City Commission, through the development that  
6 has already happened on Washington, has taken the position that it is to maintain its rural  
7 nature, not to be widened or improved in such a way to exacerbate any traffic issues.  
8 What we have relayed to the applicant is don't align the project that is proposed with  
9 Washington in terms of creating an intersection or any signalization whatsoever. Maintain  
10 Washington based on the direction we received from the City Commission.  
11

12 Member Taylor said people are still going to use it because as traffic flows like water it is  
13 often the point of least resistance for a congested area. She said she understood the  
14 City's position and understood the rationale behind that. If the City is going to adopt such  
15 a dense area, the City needs to take a hard look at the realities of keeping Washington  
16 rural because keeping a street in its rural nature when you have just completely changed  
17 the surrounding area to me doesn't quite mesh. She encouraged staff and the City  
18 Commission to take a second look in light of what their future land use is going to be.  
19 Other than that she thought they did a great presentation, both the City and the developer.  
20

21 Alternate Threlkeld said for the traffic coming off Lake Mary Boulevard into the project, he  
22 asked if there was going to be any kind of lane where people can turn off and into the  
23 project. We have the post office at Crystal Drive. He said he lived on Crystal Drive and  
24 we have wanted a light there forever. That might be a good way to slow traffic down  
25 before people get to that so there is not this raceway going down to Longwood-Lake Mary  
26 Road. It is really dangerous right now. People are crashing all the time.  
27

28 Mr. Noto said we met with the County on this and the intent is there will be some sort of  
29 decel lane. The final configuration is still being looked at.  
30

31 Alternate Threlkeld said Crystal Drive is the only place people can turn both left and right.  
32 There is no median blocking it so everybody piles in there. If we had a light there we  
33 could organize traffic better.  
34

35 Mr. Noto said we can pass those comments on to the County as part of the review.  
36

37 Alternate Threlkeld said it might change the traffic warrant for the additional 6,000 cars.  
38

39 Mr. Noto said the County is doing a study for the Boulevard. The County is doing a  
40 separate review as part of the One Penny Sales Tax. What their ultimate plans are he  
41 couldn't say at this point. The One Penny Sales Tax for the Boulevard is intersection  
42 improvements. What those are are still to be defined. We will be coordinating with them.  
43 We have looked at Crystal Drive as part of the 16 homes.  
44

45 Randy Morris, 323 West Trotters Drive, Maitland, Florida, came forward. Our study is  
46 required to look at a three-mile radius around the whole area so everything is looked at.

1 The gentleman who spoke earlier concerned about Washington, all of that is looked at.  
2 Cut-through traffic is looked at. It is comprehensive. It is done in tandem with the County  
3 who is doing an intersection study on every intersection from Country Club Road to  
4 Rinehart. That's part of the one-cent sales tax agreement that the City did last year in  
5 May when it got approved for renewal.  
6

7 Mr. Morris said we are doing a complete study on all movements relative to Longwood-  
8 Lake Mary Road and Lake Mary Boulevard. That intersection is critical. If that  
9 intersection fails, our development fails. That is critical for anybody coming in. Any  
10 retailer doesn't want to see us back up. It is critical to see the improvements that need to  
11 be made on their end that the County will make and what our contribution will make. You  
12 will see the results of the traffic study in tandem with the County.  
13

14 Mr. Morris said the City reviews all that and also reviews the curb cuts and where the  
15 intersections are. We have already committed to the City that we would not do alignment  
16 with Washington. There may be other commitments we need to make through the  
17 process. He assured the Board they would work with them and the residents.  
18

19  
20 **MOTION:**  
21

22 **Colleen Taylor moved to recommend approval to the Mayor and City Commission**  
23 **the request by Griffin Interests, LLC, and Piloian Property Holdings, LLC, regarding**  
24 **an Expedited State Review Comprehensive Plan Amendment (Text) to the City's**  
25 **Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use**  
26 **category, consistent with staff's Recommendation listed in the Staff Report. Justin**  
27 **York seconded the motion, which carried unanimously 5-0.**  
28

- 29 C. 2015-LU-02: Recommendation to the Mayor and City Commission regarding  
30 an Expedited State Review Comprehensive Plan Amendment (Map) to the  
31 City's Comprehensive Plan revising the future Land Use designation from COM  
32 (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Mid-  
33 Town) for Griffin Farms Town Center, +/- 34.52 acres of property located at the  
34 southwest corner of West Lake Mary Boulevard and Longwood-Lake Mary  
35 Road at 114 Longwood-Lake Mary Road, Lake Mary, Florida. Applicants:  
36 Griffin Interest, LLC and Piloian Property Holdings, LLC (Public Hearing)  
37

38 This item was presented and discussed and a public hearing held under Item B.  
39

40 **MOTION:**  
41

42 **Colleen Taylor moved to recommend approval to the Mayor and City Commission**  
43 **the request by Griffin Interests, LLC, and Piloian Property Holdings, LLC, regarding**  
44 **an Expedited State Review Comprehensive Plan Amendment (Map) to the City's**  
45 **Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use**

1 **category, consistent with staff's Recommendation listed in the Staff Report. Justin**  
2 **York seconded the motion, which carried unanimously 5-0.**

3

4 Chairman Hawkins asked when this would go before the City Commission.

5

6 Mr. Omana said that would be the September 17<sup>th</sup> transmittal hearing.

7

8 Chairman Hawkins thanked everyone for attending. We appreciate your input. This is a  
9 long process and we look forward to seeing most of you down the road.



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Stephen J. Noto, AICP  
Deputy City Planner

THRU: John Omana, Community Development Director

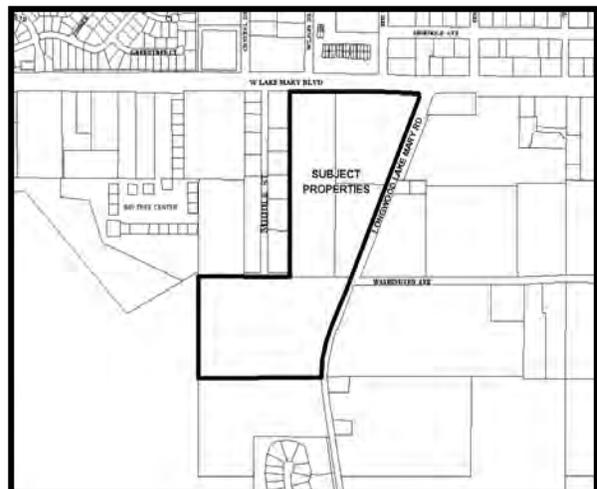
VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1533 - Expedited State Review Comprehensive Plan Amendment (Map) to the City's Comprehensive Plan revising the Future Land Use Designation from COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Mid-Town) for Griffin Farms Town Center, +/- 34.52 acres of property located at the southwest corner of W. Lake Mary Boulevard and Longwood-Lake Mary Road, 114 Longwood-Lake Mary Road; Griffin Interests, LLC & Piloian Property Holdings, LLC, applicants - First Reading (Public Hearing) (Steve Noto, Deputy City Planner)

**APPLICANT:** Griffin Interests, LLC & Piloian Property Holdings, LLC.

**REFERENCE:** City of Lake Mary Comprehensive Plan.

**REQUEST:** The applicant requests the revision of the existing Future Land Use Map designation of COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Midtown) for +/- 34.52 acres of property in order to build a mixed-use project. Unicorp ('Developer') is the contract purchaser for the site and will be referenced in this report.



## DISCUSSION:

**Location:** The subject properties are located at the southwest corner of W. Lake Mary Blvd., and Longwood Lake Mary Rd.

**Description:** The subject properties, which have split Future Land Use categories, contain approximately +/-34.52 acres, and consist of the following parcel ID numbers:

COM to MUMT	RCOM to MUMT
17-20-30-300-019A-0000 17-20-30-300-0090-0000 17-20-30-300-0110-0000 (Split Land Use)	17-20-30-300-0090-0000 17-20-30-300-0110-0000 (Split Land Use)

### Existing Zoning

NW C1/PUD	N PUD	NE PUD
W C1/PUD	SITE A-1	E A1/PUD
SW Seminole County PD	S Seminole County PD	SE A1/PUD

### Existing Future Land Use

NW OFF	N OFF	NE OFF
W COM/RCO M	SITE COM/RCOM	E RCOM/RR
SW Seminole County PD	S Seminole County PD	SE RR

**Proposed Land Use:** The existing COM (Commercial) and RCOM (Restricted Commercial) land use designations are proposed to be revised to MUMT (Mixed Use Midtown), a new Future Land Use Category. The proposed MUMT Future Land Use category – which is a separate FLU Amendment process being done concurrent with this application – is limited to properties with PUD zoning, a total development size of a minimum 25 acres, and properties located east of Rinehart Road, west of Longwood Lake Mary Road and south of Lake Mary Boulevard. In addition, a project that is proposed with MUMT land use must be of mixed use nature, providing for office/retail uses as well as mid to high density residential uses.

The developer has submitted a Preliminary Planned Unit Development (Preliminary PUD) concept plan that is currently under review. The proposed development program shows a mix of uses: retail, grocery, fitness, apartments, and townhomes. The proposed density of the project is a maximum of up to 60 residential dwelling units per acre on a per parcel/pod basis (up to 200 townhomes, and up to 300 apartment units), and approximately 136,700 sq. ft. of commercial/retail space. It is important to note that the Preliminary PUD plan is a separate process not being heard as part of this Amendment. In addition, if the current request for Transmittal to the State is approved, it does not vest any entitlements.

**Staff Analysis:** The subject properties have been owned by the Griffin Family for a number of years. Currently, the properties are utilized for cow pasture, a single-family

home, and storage/use of construction equipment. The current zoning of the subject properties is A-1, Agriculture.

The Future Land Use (FLU) categories are split between COM, Commercial, and RCOM, Restricted Commercial. Under the existing FLU categories, the applicant has the ability to rezone to C-1, General Commercial, on the properties with the RCOM designation – front +/- 600 feet – and C-2, Commercial District, on properties with the COM designation – rear properties. The difference between those two commercial zoning categories is the intensity of uses allowed. For example, C-1 allows for Professional Office uses, retail shops and restaurants, banks, and the like. C-2, on the other hand, allows for more intense uses such as drive-thru restaurants, gas stations, and hotels.

The proposed land use category, Mixed Use Midtown (MUMT), will require a mixture of uses throughout a minimum 25 acre development program with PUD zoning. MUMT is specific to the midtown area of the City, and is designed to capture existing pass-by tips, utilize the existing multi-modal transit infrastructure (i.e. LYNX), and promote internal capture through walkable design and a mix of internal uses. This is consistent with the City's desire to have "live, work, play" type projects within certain areas of the City.

**Applicant Justification:** The developer has provided a justification statement for the FLU Amendment, which is attached to this staff report. For purposes of clarity, outlined below are the Goals, Objectives, and Policies (GOP's) that the developer has referenced as being compatible with the proposed amendment:

#### **Future Land Use Element:**

**Objective 1:** The City shall maintain, implement and enforce the future land use map, and updated Land Development Regulations which manage future growth and development, incorporating innovative land development techniques such as mixed land uses and cluster development.

**Policy 1.3:** Over the past ten years, the Downtown has seen growth and redevelopment. The City anticipates that the upcoming SunRail Commuter Rail System, which is located in the heart of Downtown, will act as a catalyst for future redevelopment. To ensure proper and functional growth that will compliment and support SunRail, the City shall continue to promote mixed-use development patterns and alternative mobility strategies via the DDD (Downtown Development District, outlined in FLUE GOP Policy 1.4) Future Land Use category, and DC (Downtown Centre, Section 154.67 of the Land Development Code) zoning district. Both categories allow for a mixture of uses not permitted in other City land use designations and/or other City zoning districts. Development shall also be in harmony with the Downtown Master Plan described in Section 154.67 of the Land Development Code.

**Policy 1.8:** The entire City limits are hereby established as a Transportation Concurrency Exception Area (TCEA) as outlined by Senate Bill 360 on July 8, 2009. By creating the TCEA, the City can focus on future redevelopment opportunities including

infill development, and further redevelopment within the Downtown Development District adjacent to the SunRail Commuter Rail System.

The City will continue to use the established LOS standards from within the Transportation Element, but will also encourage multi modal options and will also monitor the impacts of continued development as it pertains to future multi modal improvements.

Objective 3: Continue implementation of land uses consistent with the community's character, through administration of the Future Land Use Map and of the updated Land Development Regulations.

Objective 5: Through the year 2010, the City shall coordinate with appropriate resource management plans prepared pursuant to Chapter 380, F.S., and other natural resource management plans.

Objective 6: Through the year 2010, the City shall regulate appropriate infill and redevelopment within the City, with the intent of reducing urban sprawl. It is the objective of the City to ensure, through its Comprehensive Plan and Concurrency Management System, the provision of adequate urban services within the City limits to maintain adopted level of service standards.

Objective 9: The City shall promote the application of innovative energy conservation measures as it relates to energy efficient land use patterns and building practices.

## **Housing Element**

Objective 1: Through the year 2010, the City shall assist the private sector in the provision of new single family and multi-family dwelling units that are safe, adequate and affordable for the existing and projected population. This will be achieved through information sharing on housing funding programs, allocation of sufficient land for a variety of housing types, and adoption of land development regulations that allow flexible land development techniques and facilitate special needs housing.

## **Transportation Element**

Objective 1: Throughout the planning period, 1999-2010, the City shall provide a safe, convenient and efficient motorized and non-motorized transportation system accessible to its citizens.

Objective 3: The City staff shall coordinate with the plans and programs of FDOT, Seminole County, other appropriate local jurisdictions, and Developments of Regional Impact pursuant to Chapter 380, F.S. throughout the planning period, 1999-2010, to represent the City's interests, ensure coordination between the City and the other governmental entities, and to keep informed of pertinent issues and changes in land use and the associated traffic impacts.

Objective 4: Throughout the planning period, 1999-2010, the Future Transportation Map shall serve to identify the roadways requiring improvements and additional right-of-way necessary to accommodate additional lanes.

Objective 5: Adopted levels of service shall be maintained on all City operated and maintained roadways throughout the planning period, 1999-2010.

Objective 6: Throughout the planning period, 1999-2010, the City shall utilize an updated database on all major roadways to include average daily and peak hour traffic, the subsequent LOS and reserve roadway capacity.

Objective 7: Throughout the planning period, 1999-2010, the City shall review the traffic impacts on all roadways associated with proposed development projects both in and adjacent to the city limits to ensure that adequate roadway capacity is or will be available to serve the development at the time of impact.

Objective 8: In order to reduce the reliance upon the automobile, the use of alternative modes of transportation will be encouraged throughout the planning period, 1999-2010.

Objective 10: Throughout the planning period, 2010-2020, the City will approve development, based upon the availability of adequate roadway capacity, and multimodal systems, to support the impacts of such development without degradation of the adopted levels of service.

## **FACILITIES AND SERVICES:**

The City's Concurrency Management System (CMS) will ensure that levels of service will not be degraded beyond the adopted levels of service for all regulated public facilities at the time development of this parcel occurs. Full concurrency review does not occur at the Future Land Use Amendment review level as the proposed development plan is not complete – as such, the applicant has provided a Concurrency Review Deferral. Full concurrency review will occur during the engineering review of the project.

### **Potable Water, Sewer Service and Reuse Water**

(Based on City of Lake Mary Water and Wastewater System Maps)

There is an existing 12” gravity sewer line and 20” water main within the Lake Mary Blvd. ROW (including a reuse water main), as well as a 4” sewer force main and a 12” PVC water main within a portion of the Longwood Lake Mary Rd. ROW. There are multiple water gate valves within 8” mains entering the subject properties; there are also two fire hydrants along the Lake Mary Blvd. frontage. When engineering review is completed, a capacity analysis will be done at that time.

### **Solid Waste**

(Based on the information from Seminole County Comprehensive Plan, Solid Waste Element)

As of 2008, Seminole County operates two solid waste facilities – the Osceola Road Landfill (landfill) and the Central Transfer Station (transfer station). The landfill is located in the northeastern corner of the County and provides disposal and recycling facilities serving the entire County, both unincorporated and municipal.

The transfer station, located at the center of the County’s urban area, provides a point from which to move the majority of the County’s solid waste to the landfill or other

contracted waste management and recycling facilities. As of 2006, the landfill and the transfer station are projected to meet the County's needs beyond the 2025 planning horizon, based on current regulations, disposal techniques, and operational policies. At the time of development, the impact of the proposed development upon the landfill will be determined and staff will ensure that adequate capacity exists. Coordination with the City's waste provider, Waste Pro, will also be required.

### **Drainage/Environmental**

(Based on Chapter 155, Appendix C of the Lake Mary Code of Ordinances)

The subject properties are located in an open drainage basin with positive outfall. For drainage basins which have a positive outfall, the City requires that for post-development conditions, the post-development peak discharge rate of the twenty-five (25) year frequency, twenty-four (24) hour duration storm must not exceed the pre-development peak discharge rate unless the project area consists of Type A soils (as described by the U.S.D.A Soil Conservation Service).

In areas of Type A soils, the total volume of runoff from the 25 year, 24 hour post-development storm event must be retained.

The subject property is adjacent to Soldier's Creek. As such, staff will be coordinating with the applicant/developer on appropriate setbacks from the wetland boundary/100 year flood boundary as part of the Final PUD process.

### **Parks**

(Based upon the City of Lake Mary Comprehensive Plan)

Per the Parks & Recreation Element, the City tracks two different types of parks: Neighborhood/Mini-Parks and Community Parks. Neighborhood/Mini-Parks are generally described as being in size of ¼ acre to 10 acres, serve an area within +/- ½ mile of the park, and provide facilities for a population of about 1,000 people.

The Stair Step Parks are an example of Neighborhood/Mini-Parks. Community Parks are generally described as being in size of over 10 acres, and may be 100 acres or more when serving a large community. Facilities may be provided to serve approximately 5,000 people. The Lake Mary Sports Complex is an example of a Community Park.

As of 2010, the City was obtaining its Level of Service (LOS) standard for both types of parks. However, based on recent population estimates received from the University of Florida, the City's current population is +/- 15,905 residents. That being said, the LOS for Neighborhood Parks is no longer being met (1.6 acres per 1,000 residents is the standard). The subject project has the potential to increase the City's population by another 1,000-1,200 residents. As such, the LOS issue will be exacerbated. City staff recommends working with the developer to provide additional Neighborhood/Mini-Park space either in the form of land donation or funds to expand the City's land holdings.

## **Roadways**

(Based on Seminole County Traffic Counts and adopted City of Lake Mary Comprehensive Plan)

The project is flanked by two County roadways, Lake Mary Blvd. and Longwood Lake Mary Rd. The County has directed the developer not to do a traffic study until Seminole County schools are back in session. That said, the developer has provided a traffic impact study methodology which is a precursor to the traffic study. There are 11,049 trips anticipated based on the potential development program. Of those trips, 21%, or 2,320, are expected to be internal capture, and 36%, or 2,366, are expected to be retail pass-by trips. That leaves 6,363 as the total new net trips. Again, these numbers will be fully verified and reviewed as part of an upcoming traffic study as part of the Final PUD process.

## **School Concurrency**

(Based on adopted City of Lake Mary Comprehensive Plan)

On July 9, 2015, the Facilities Planner for Seminole County Public Schools issued a School Capacity Analysis, School Capacity Determination. The development program outlined to their staff identified 250 attached single-family units, and 375 multi-family units. Please note that those dwelling unit figures exceed the maximum 500 units allowed by the proposed MUMT land use category.

That said, per the analysis done, the students generated at the three Concurrency Service Area (CSA) levels would be able to be accommodated without exceeding the adopted LOS for each CSA by school type. The developer will be required to have an updated review done when the engineering plans are submitted that outline the final development program. That information will be made part of the future staff reports.

**STAFF NOTE:** In the event the Planning & Zoning Board and City Commission move forward with staff's recommendation, the approvals do not vest the applicant/developer. While the application is being reviewed by the State and other agencies, staff anticipates the Final PUD (30% engineering) plans to be submitted by the applicant/developer. It is the intent of staff to have those plans reviewed by the City Commission at the same hearing as the adoption of the Comprehensive Plan amendment.

The Final PUD is the mechanism which vests the applicant/developer via a rezoning and Developer's Agreement and will cover bulk requirements such as building heights, setbacks, landscaping, parking, retail/office square footages, and the final residential unit count. It is important to note that the overall density and intensity of the project may be impacted by the engineering constraints of the site.

**PLANNING & ZONING BOARD:** At their regular August 25, 2015 meeting, the Planning & Zoning Board unanimously, 5-0, recommended approval of the requested amendment to the City's Comprehensive Plan revising the Future Land Use Designation from COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Midtown) for +/- 34.52 acres of property located at the south-west corner of W. Lake Mary Blvd. and Longwood Lake Mary Rd.

**RECOMMENDATION:** Staff has reviewed the above referenced application and recommends approval of the Transmittal of the proposed Future Land Use Amendments to the City of Lake Mary Comprehensive Plan, from COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Midtown).

**ATTACHMENTS:**

- Ordinance No. 1533
- Location Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Zoning Map
- Developer's Justification Letter
- Conceptual Land Use and Areas Map
- Seminole County Public Schools School Impact Analysis
- August 25, 2015 Planning & Zoning Board Minutes

ORDINANCE NO. 1533

**AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LAKE MARY, FLORIDA; PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION FROM COMMERCIAL (COM) AND RESTRICTED COMMERCIAL (RCOM) TO MIXED USE MIDTOWN (MUMT) FOR A +/- 34.5 ACRE AREA LOCATED WEST OF LONGWOOD LAKE MARY ROAD AND SOUTH OF LAKE MARY BOULEVARD; PROVIDING FOR TRANSMITTAL OF THE PLAN AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.**

**WHEREAS**, Section 163.3161 et seq., Florida Statutes established the Community Planning Act; and

**WHEREAS**, Section 163.3167, Florida Statutes requires each municipality in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

**WHEREAS**, Section 163.3167(1)(b), Florida Statutes, gives power and responsibility to municipalities to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

**WHEREAS**, Griffin Interests, LLC & Piloian Property Holdings, LLC, as petitioners of a future land use amendment, are desirous of amending the Future Land Use Element of the City of Lake Mary's Comprehensive Plan from COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Midtown) to allow for the construction of a mixed use project on the "Subject Property", as described in Section 1 below; and

**WHEREAS**, the Planning & Zoning Board, as the Local Planning Agency of the City of Lake Mary, held a public hearing on August 25, 2015, on the proposed Comprehensive Plan map amendment and unanimously recommended approval of the proposed amendment to the Mayor and City Commission of the City of Lake Mary; and

**WHEREAS**, the Comprehensive Plan amendment adopted by this Ordinance complies with the requirements of the Community Planning Act, as well as other applicable law, and is consistent with the City's Comprehensive Plan.

**IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:**

**SECTION 1. Future Land Use Amendment:** The portion of the Future Land Use Plan Element referenced as the Future Land Use Map of the Comprehensive Plan of the City of Lake Mary, Florida, is hereby amended to reflect a redesignation of certain real properties with the following Seminole County Parcel Identification Numbers:

- 17-20-30-300-019A-0000
- 17-20-30-300-0090-0000
- 17-20-30-300-0090-0000
- 17-20-30-300-0110-0000

The redesignation shall be from City of Lake Mary COM (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Midtown)

**SECTION 2. Severability.** If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid and inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

**SECTION 3. Conflicts.** All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

**SECTION 4. Effective Date.** This effective date of this plan amendment shall be the date a final development order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1) (b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which shall be sent to the Department of Community Affairs, Plan Processing Team.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015

FIRST READING: September 17, 2015

SECOND READING: \_\_\_\_\_

CITY OF LAKE MARY FLORIDA

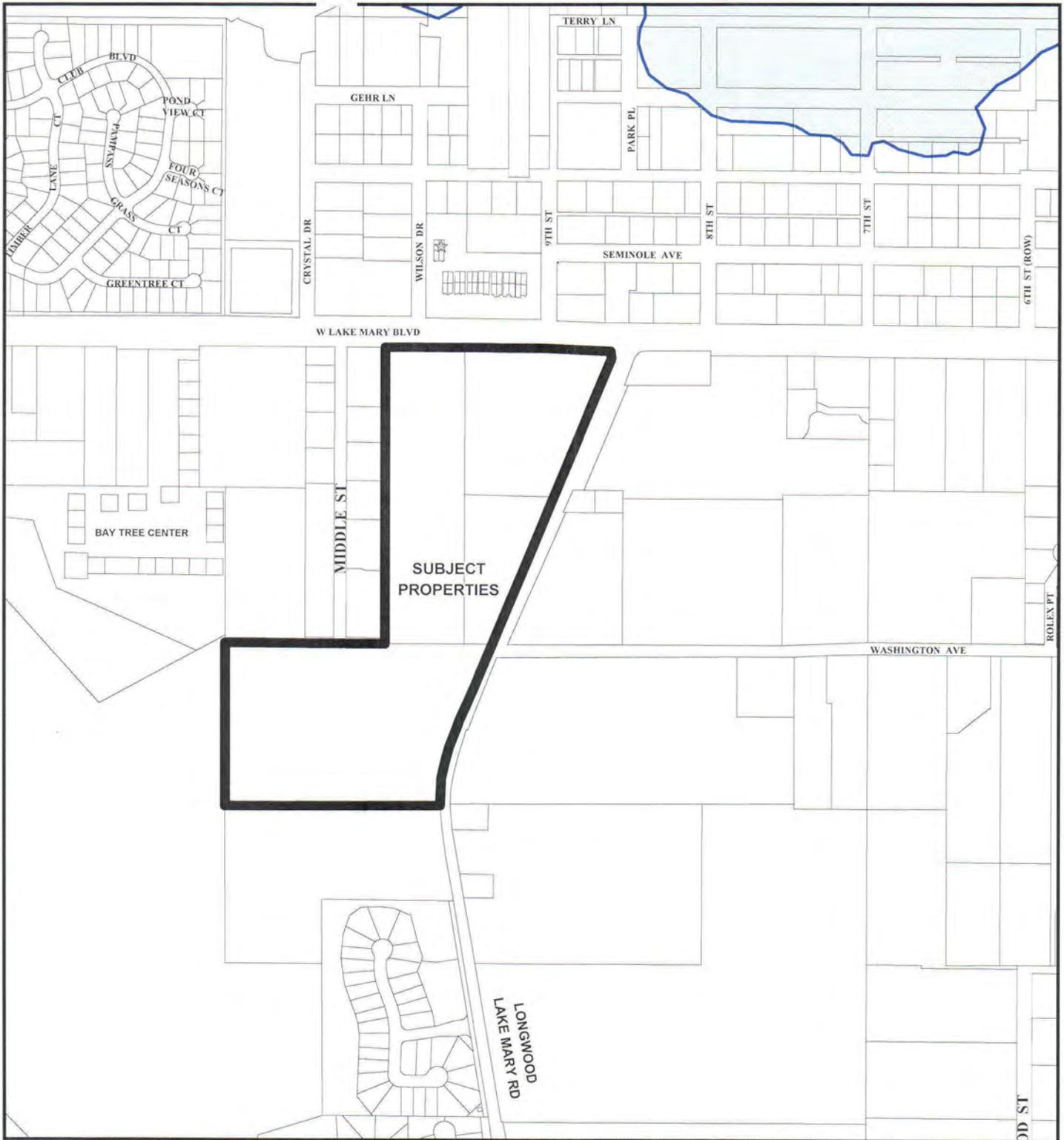
\_\_\_\_\_  
DAVID J. MEALOR, MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK, CAROL A. FOSTER

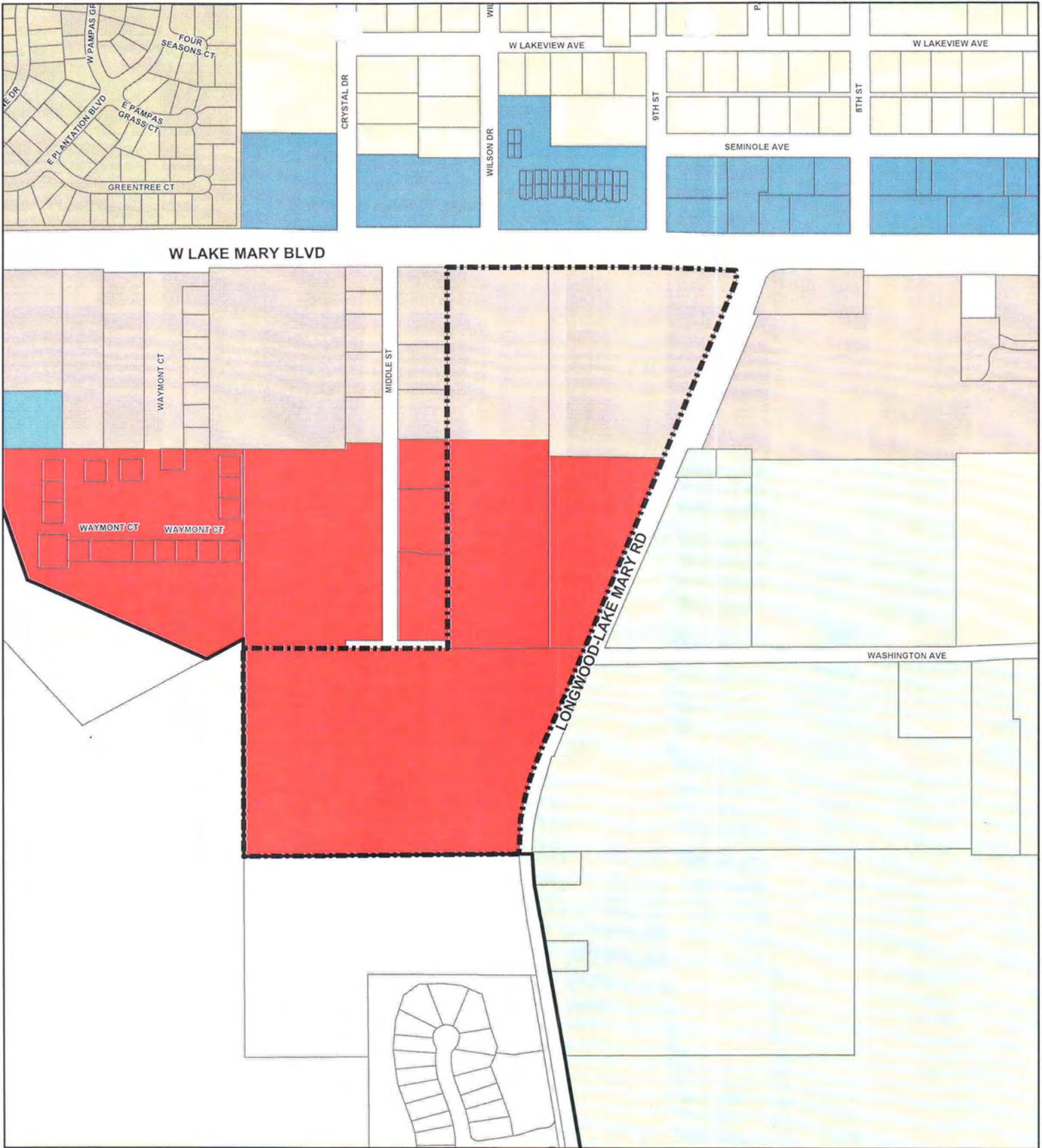
FOR THE USE AND RELIANCE OF THE CITY OF LAKE MARY ONLY  
APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CITY ATTORNEY, CATHERINE D. REISCHMANN



**LOCATION MAP**  
**114 Longwood Lake Mary Rd.**  
**Griffin Properties**



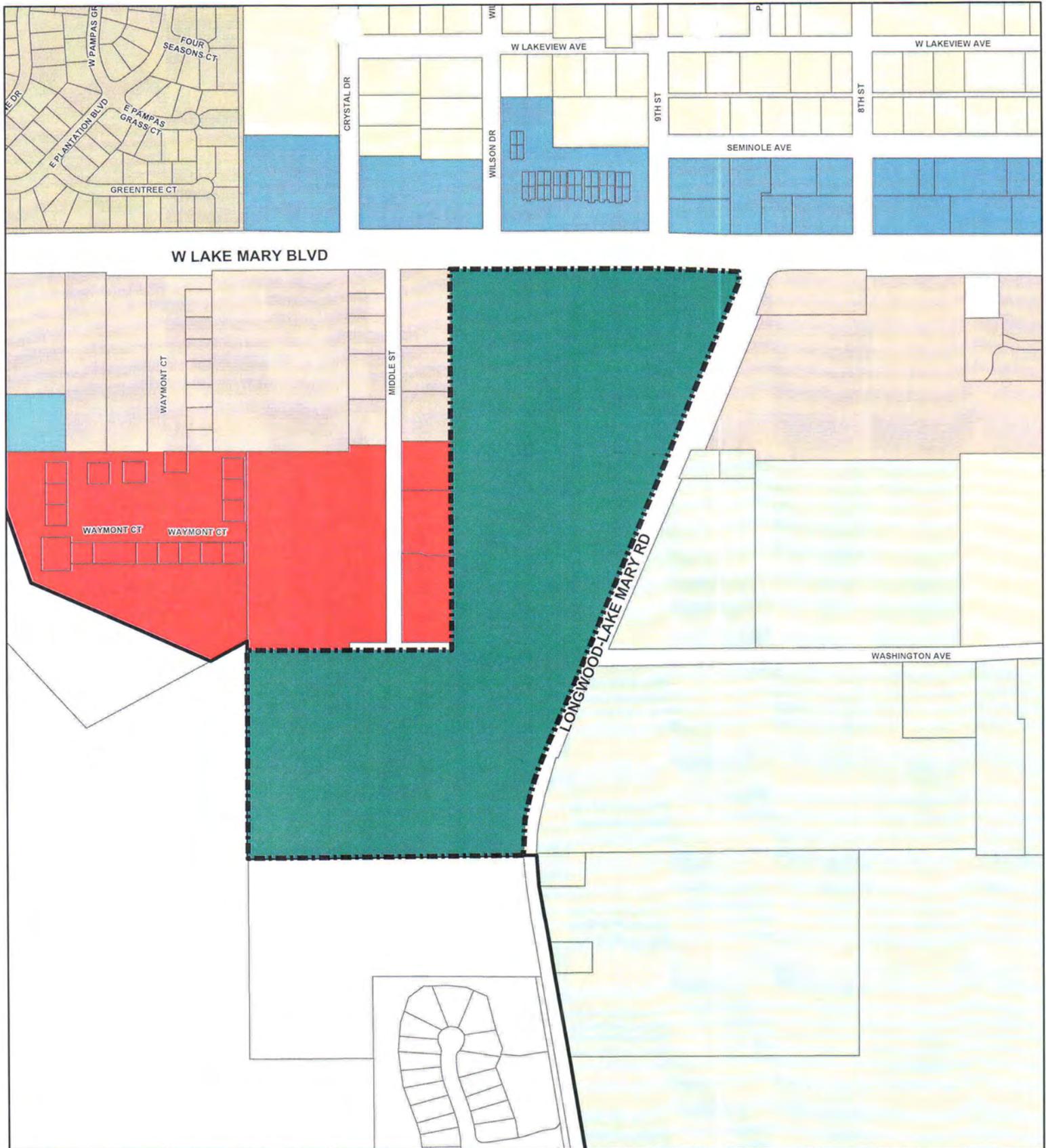


# Current Future Land Use



- |  |                                       |                                  |
|--|---------------------------------------|----------------------------------|
| Commercial (COM)                           | Industrial (IND)                      | Medium Density Residential (MDR) |
| Restricted Commercial (RCOM)               | Office (OFF)                          | High Density Residential (HDR)   |
| Downtown Development District (DDD)        | Low Density Residential (LDR)         | Rural Residential (RR)           |
| High Intensity Planned Development (HIPTI) | Low/Medium Density Residential (LMDR) | Public/Semi Public (PUB)         |
|  |                                       | Recreation (REC)                 |



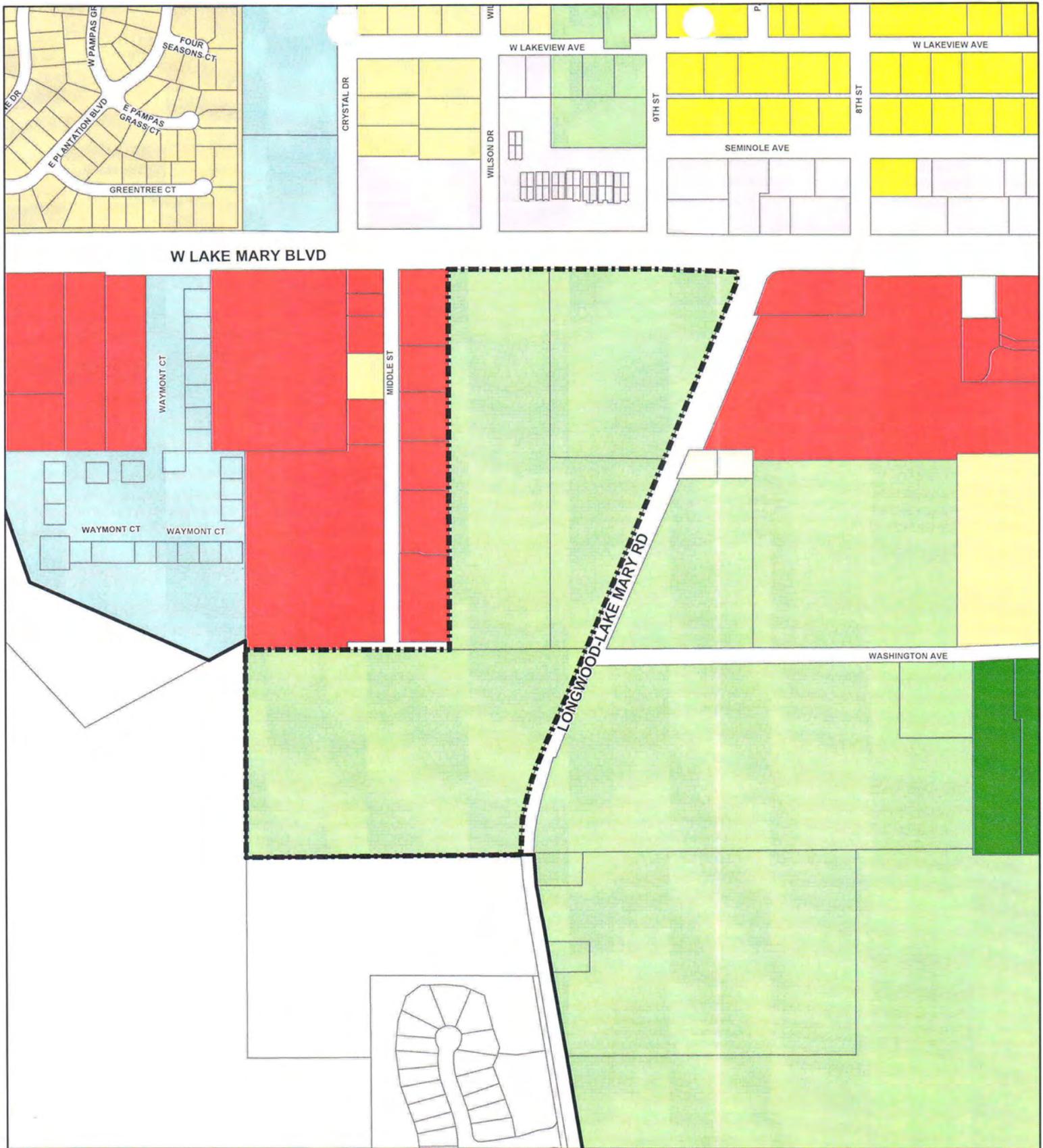


# Proposed Future Land Use



- |  |   |  |
|--|---|--|
|  Commercial (COM)                           |  Office (OFF)                          |  High Density Residential (HDR) |
|  Restricted Commercial (RCOM)               |  Low Density Residential (LDR)         |  Rural Residential (RR)         |
|  Downtown Development District (DDD)        |  Low/Medium Density Residential (LMDR) |  Public/Semi Public (PUB)       |
|  High Intensity Planned Development (HIPTI) |  Medium Density Residential (MDR)      |  Recreation (REC)               |
|  Industrial (IND)                           |  Mixed-Use Midtown (MUMT)              |  |





# Zoning Map

- |                          |                                |                        |                            |
|--------------------------|--------------------------------|------------------------|----------------------------|
| Agriculture (A-1)        | Government Use (GU)            | Single Family (R-1A)   | Multiple Family (R-3)      |
| General Commercial (C-1) | Light Industrial (M-1A)        | Single Family (R-1AA)  | Residential (R-M)          |
| Commercial (C-2)         | Industrial (M-2A)              | Single Family (R-1AAA) | Rural Country Estate (RCE) |
| Seminole County PUD      | Professional Office (PO)       | Single Family (R-1B)   |                            |
| Downtown Centre (DC)     | Planned Unit Development (PUD) | One & Two Family (R-2) |                            |



## **Justification for the adoption of the FLU Map amendment:**

The City's adoption of the requested FLUM amendment will be consistent with the City's Comprehensive Plan (the "CPP") and the proposed uses will be compatible with the surrounding area. The subject property is located at a significant intersection (i.e. Lake Mary Blvd. and Longwood-Lake Mary Road). The southerly and northerly portions of the property are currently designated Commercial (COM) and Restricted Commercial (RCOM), respectively. Changing the designation to MUMT merely adds a residential element to the development which is permitted under the COM/RCOM designations.

The justification for the creation of the MUMT designation (see below for reference purposes) identifies objectives and policies found in the CPP with which the MUMT will be consistent. The applicant is not aware of any CPP objectives or policies with which the MUMT will be inconsistent.

The addition of residential use to the currently approved commercial designations will not create any incompatible use conflicts with the surrounding area. Further, the mix of uses should strongly encourage internal capture and pass-by capture, thereby reducing the external traffic impacts from the otherwise permitted commercial use. A mixed project of residential and commercial uses is as compatible with the surrounding area as the currently authorized commercial use. The lowest residential density will be virtually surrounded to the south and west by Soldiers Creek and the wetlands adjacent to the creek and is arguably more appropriate and compatible with such environmentally sensitive lands than the intense commercial uses permitted under the COM designation. Either the residential or the commercial uses planned for the property are compatible with the office buildings located adjacent to the western boundary of the subject property. The northerly edge of the property will be developed exclusively for commercial uses which will be compatible with the existing commercial uses adjacent to Lake Mary Blvd. and located on both the west and east of the property.

### **New FLU Designation – MUMT** *(Listed here for reference)*

#### **Objective 1, Policy 1.4 of the FLU Element:**

Mixed Use Midtown (MUMT): This land use designation allows for mixed use development by requiring an integration of a full range of commercial uses as well as mid to high density residential uses through compatible design encouraging convenience and walkability for project residents. Development within this designation may also provide for entertainment, recreational, dining and shopping opportunities. A development within this category must have the Planned Unit Development (PUD) zoning classification, be a minimum of 25 acres in size, and be located East of Rinehart Road, West of Longwood Lake Mary Road, and South of Lake Mary Boulevard. The intensity of this land use requires that it be located where there is convenient access to collector and arterial roadways.

The MUMT land use designation shall permit up to 500 dwelling units throughout the entire City based on a density not to exceed 60 dwelling units per acre, per pod/parcel. A maximum impervious coverage of 65% and a minimum open space of 35% is required throughout the entire PUD. Proposed residential development shall reduce travel and promote bicycle/pedestrian trips for recreation and shopping through pedestrian friendly design and internal capture. Development shall also promote multi-modal transportation options through strategic placement of sidewalks, coordination with LYNX for future bus connections, and other actions deemed appropriate by the City Commission.

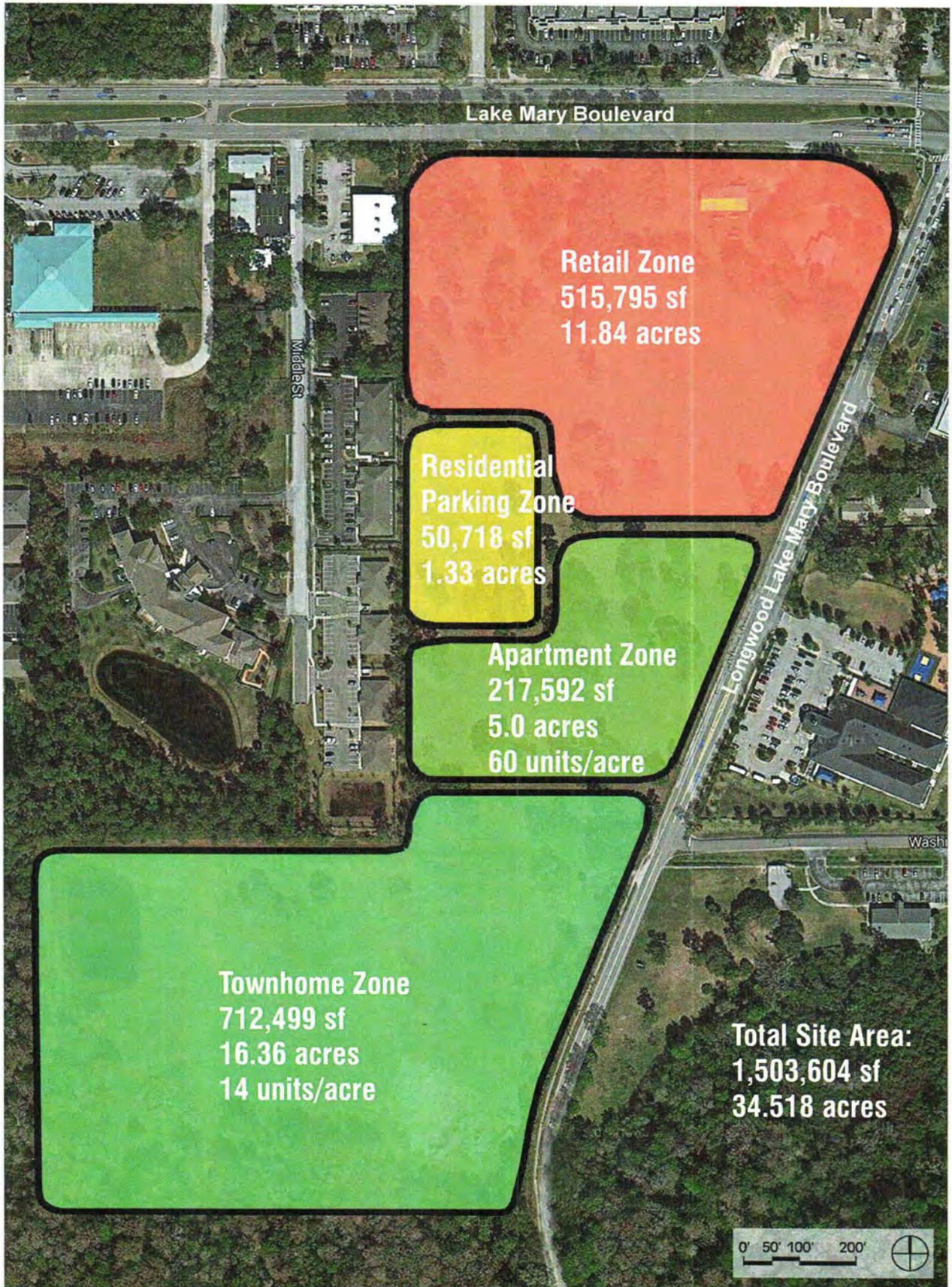
**Justification for the creation of the MUMT designation** *(Listed here for reference):*

Future Land Use Element: The City has likely reached build-out conditions for residential uses. Objective 1 encourages “innovative land development techniques such as mixed uses and cluster development.” The MUMT land use achieves that by requiring a mix of uses. Further, the MUMT is located in close proximity to the western edge of the Downtown Development District and its higher density residential and mix of commercial uses should complement the uses and businesses within the DDD and make it more likely that these will have the customer traffic needed to be successful. Further, the MUMT will help the City “ensure proper and functional growth that will compliment and support SunRail” and it will also “mixed-use development patterns” as called for under Policy 1.3. In addition, since (i) the MUMT is located adjacent to Lake Mary Blvd. where LYNX bus service and stops are provided, (ii) the SunRail station is located in the heart of the DDD which makes it convenient to the MUMT by foot, bike or bus, and (iii) development in the MUMT will promote multi-modal transportation options, the City is encouraging multi-modal options as required under Policy 1.8. Similar to the HIP-TI designation, the mixed use requirements of the MUMT will promote residential infill development, shall reduce urban sprawl and promote bicycle/pedestrian trips for recreation and shopping. Objective 3 (Community Character) will be achieved in the MUMT through innovative design, land development techniques and architectural standards. The commercial uses envisioned in the MUMT will complement, and fill a void, between the high intensity commercial located near I-4 and the consumer oriented commercial located in the DDD. MUMT will protect natural and historical resources as required by Objective 5. The MUMT will further the City’s desire to promote internal capture of trips, as well as infill and redevelopment as per Objective 6. Development in the MUMT will be compact with great amenities (great places to live, work, shop and recreate in a more pedestrian friendly setting as called for in Objective 9).

Housing Element: The City serves as a regional center for the commercial and business sectors. This is becoming more true as both the City, the areas adjacent to the City and the Orlando MSA continue to grow. The Introduction of the City’s Housing Element provides, in part, that “accommodating the need for additional housing is perhaps one of the most crucial issues for a municipality serving regional development needs such as Lake Mary.” The residential component of MUMT development shall, through the private sector, help the City meet the housing needs of its citizens by providing safe, adequate housing options as called for under Objective 1. Compact,

high density residential development envisioned in the MUMT is appropriate in places, like the City, which have or are close to reaching full build-out.

Transportation Element: As a result of the location of the MUMT along Lake Mary Blvd. and in close proximity to the western edge of the DDD, and the MUMT emphasis on mixed residential and commercial uses facilitating high internal capture of trips and effective pass-by capture of existing trips, the MUMT shall promote, or be consistent with, many of the policies found under Objective 1 (Safe, Convenient and Efficient Transportation) and 8 (Bicycles and Pedestrians) including, for example, (i) encouraging use of the existing multi-modal transportation network (specifically, pedestrian, bicycle, LYNX bus service and the SunRail), (ii) reduction of greenhouse gas emissions and VMT's (vehicle miles traveled), and (iii) energy efficiency. In light of the fact that both Lake Mary Blvd. and Longwood-Lake Mary Road are maintained by Seminole County, coordination and study of MUMT project impacts, and the need for road improvements, on these roads will be made with the County to prevent degradation of the adopted levels of service consistent with Objectives 3, 4, 5, 6, 7 and 10.



# Griffin Farms Town Center

Unicorp Developer | Antunovich Associates Architecture · Planning · Interior Design

Bubble Diagram

Lake Mary, Florida | August 18, 2015



## Seminole County Public Schools School Impact Analysis School Capacity Determination

**To:** Griffin Interests, LLC & Piloian Property Holdings, LLC  
City of Lake Mary Commissioners

**From:** Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

**Date:** July 9, 2015

**RE:** **Griffin Farms Town Center Land Use designation change & Rezone  
Project No. 2015-LU-01 & 2015-RZ-03**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

**Description:** +/- 34.5 acres, located at 114 Longwood Lake Mary Road the within the city limits of Lake Mary. The applicant is requesting a change to the Future Land Use Map and zoning designation to allow a maximum of 250 single-family attached and 375 multi-family dwelling units to be developed within the requested future land use and zoning designation. Parcel ID(s). **17-20-300-010D-0000; 17-20-30-300-019A-0000; 17-20-30-300-0090-0000; & 17-20-30-300-0110-0000.**

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elem	E-6	2540	3323	71	0	128	584
Middle	M-1	5321	6068	33	0	232	482
High	H-1	6504	7440	36	0	293	607

**Comments:**

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each CSA by school type, or there is adjacent capacity to meet LOS as allowed by interlocal agreement. Any planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from, or determined to meet the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

1 Chairman Hawkins said the next two items (Items B & C) on the agenda they would take  
2 care of together but will be separate voting on each item.  
3

4 B. 2015-LU-01: Recommendation to the Mayor and City Commission regarding  
5 an Expedited State Review Comprehensive Plan Amendment (Text) to the  
6 City's Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future  
7 Land Use category. Applicants: Griffin Interests, LLC and Piloian Property  
8 Holdings, LLC (Public Hearing)  
9

10 Mr. Omana said the two items are related to the Comprehensive Plan. They will require  
11 separate motions. In the back of the room are legislative sign in sheets for each item.  
12 Since these are associated with the Comp Plan, the process they are governed by is the  
13 legislative process. He emphasized this is the first step in the process for this proposed  
14 project. They still have to go through final PUD, site plan, platting and a number of other  
15 topics that Mr. Noto, who is the Project Manager, will touch upon.  
16

17 Mr. Omana said back to the legislative sign-in sheets in the back, for any member of the  
18 public who is interested in being kept abreast of this item, you are welcome to sign in at  
19 the back table and we will make a note of that and keep them part of the process.  
20

21 Mr. Omana emphasized that the item before the Board is not a site plan and is not a  
22 specific development and review issue per se. It does not vest them. They won't walk  
23 out of here this evening with a development entitlement approval. What is before the  
24 Board is a Comprehensive Plan Amendment to start setting the regulatory table that will  
25 create this project. He said Dr. Tom Tomerlin who is the City's Economic Development  
26 Manager will provide the Board and members of the public with some insight relative to  
27 the economic nature of this project.  
28

29 Dr. Tomerlin said he would try to give a perspective on why this property and where it is  
30 located is exceptional within the City of Lake Mary from an overall perspective of where  
31 the City boundaries lie. He distributed a new booklet that they have put together in  
32 cooperation with the City Commission. On Page 14 of the booklet they outlined  
33 opportunity zones within the City of Lake Mary. He showed the page on the overhead.  
34 The area in yellow highlighting is the city limits. He pointed out the Downtown area which  
35 is the heart of the City and where we host our events, including the Farmer's Market, it's  
36 where City Hall is, where the Events Center is, and the SunRail Station. It is the historic  
37 center of the City of Lake Mary and as such it is basically the heart of the City of Lake  
38 Mary.  
39

40 Dr. Tomerlin said Lake Mary has quite a few employment corridors. He circled those on  
41 the exhibit. Those employment corridors are tightly associated with the Interstate 4  
42 Corridor, and the movement of labor to those is no secret that's why that developed into  
43 a major employment corridor for the entire metro Orlando region.  
44

45 Dr. Tomerlin said this property is located in the middle and we refer to it in the booklet as  
46 Lake Mary's Mid-Town. Geometrically speaking it is no mystery why we call it Mid-

1 Town. It's midway between our Downtown and our employment centers within the City  
2 of Lake Mary. The location and the availability of some sizeable parcels of land have led  
3 us to a conclusion that this area deserves an identity. The name Mid-Town is referring to  
4 how it lies relative to the employment centers and the Downtown area. We are trying to  
5 accomplish a place. What we think this mixed use new land use designation for our  
6 comprehensive plan will enable us to do is to create a mixed use center of character that  
7 bridges the gap between the Downtown and those employment centers that serve  
8 surrounding neighborhoods, and that is to say residents of the City of Lake Mary. It also  
9 serves the workers that work in those employment centers.

10  
11 Dr. Tomerlin said the City of Lake Mary has a population of 15,905 and we are located  
12 within a metro Orlando region of roughly 2.3 million. That's less than 1% of the population  
13 located within the city limits of the four county metropolitan areas. We have captured  
14 about 25% of the jobs that have flowed through the Orlando EDC, so this little city of less  
15 than 1% has captured well above its weight of new job creation. We have these great  
16 jobs locating here and these are the kind of jobs that are incentivized. They are the type  
17 of jobs that are target industries and are associated with high wages.

18  
19 Dr. Tomerlin asked where they live. That question has come up strategically. We have  
20 done an excellent job punching well above our weight for absorbing these jobs. The  
21 question of where these workers eventually live is something that we have to scratch our  
22 heads about. The item that Mr. Schindler presented earlier is adding to the housing stock.  
23 That is certainly something in the background of this.

24  
25 Dr. Tomerlin said his purpose here was to make comments about how this notion of a  
26 Mid-Town came about within the City of Lake Mary and to talk about why we think it is  
27 located in an exceptional spot, and why we think this pursuit of a separate land use  
28 designation to apply basically within this neighborhood is called for. He said he was  
29 happy to answer any questions.

30  
31 Mr. York complimented the pictures in the booklet.

32  
33 Dr. Tomerlin said we appreciate that and have gotten quite a bit of mileage out of that. It  
34 is fairly new. He said he hasn't spoken in front of this body yet. He has been with the  
35 City almost two years. It has been a pleasure working with this planning team. Virtually  
36 every picture in there was produced by Steve Noto.

37  
38 Mr. Noto said we have a number of technical things to talk about this evening and will do  
39 his best to use regular English when describing this information. We have two separate  
40 items. We have a text amendment to the Comp Plan and a map amendment to the Comp  
41 Plan. The Comp Plan is much different from the Land Development Code. This board is  
42 most familiar with the Land Development Code when we deal with subdivision review,  
43 setbacks, traffic impacts, landscaping, etc. and what we call the bulk requirements when  
44 developing a piece of property. Not too often do we come before you with amendments  
45 to the Comp Plan. The Comp Plan is the growth blueprint of the City full of policy, goals,  
46 and objectives of how the City is going to develop.

1 Within there we have our future land use map. The future land use map identifies where  
2 certain uses can go in the City. It doesn't get down to the nitty gritty about landscape  
3 buffers and specific types of uses that that your zoning districts do. He said he would  
4 explain that as we move along.  
5

6 Mr. Noto said the text amendment portion of this item is to create a new land use  
7 designation—the Mixed Use Mid-Town (MUMT). If someone were to come into the City  
8 wanting to do a mixed use development outside of the Downtown, outside of west of I-4,  
9 let's just say in the Mid-Town. From a zoning and land use perspective, they would have  
10 to do something of a puzzle. Imagine if all those pieces were different land use categories  
11 and different zoning districts. From a land aggregation standpoint and an overall  
12 development standpoint, it is very messy to have to do different land use categories. If  
13 this project were to develop as a mixed use project, which is the proposal, the current  
14 land use is Restricted Commercial and Commercial. The Restricted Commercial is the  
15 pinkish color on the exhibit and the red is Commercial. They are both commercial but  
16 one is more intense than the other. You can see how the Lake Mary Boulevard Corridor  
17 has been planned out. The pink on the south side you have 600 feet linear going from  
18 north to south of Restricted Commercial land use. North of Lake Mary Boulevard in the  
19 dark blue is Office, and you have red west of Longwood-Lake Mary Road. If you wanted  
20 to do a mixed use project right now, you couldn't do residential so it wouldn't be a mixed  
21 use project and would be Commercial period. If you wanted to plug in some residential  
22 and you had different densities, you would either have HDR which is 9 dwelling units per  
23 acre or MDR or something in between. It's not the best way to go about it. What's being  
24 proposed in Mixed Use Mid-Town would allow for one project area to have residential,  
25 commercial, office all in one development program, very similar to the Downtown  
26 Development District land use and very similar to the High Intensity Planned Development  
27 Target Industry (HIP-TI) land use that exists west of I-4. Both of those land use categories  
28 allow for a mixture of uses within individual parcels.  
29

30 Mr. Noto asked to go back to the difference between Restricted Commercial and  
31 Commercial because this is key in understanding what can go there today. The front 600  
32 feet is Restricted Commercial and the back is Commercial. He showed the allowable  
33 uses matrix for Restricted Commercial. The zoning districts compliant with Restricted  
34 Commercial are A-1, which the subject property has right now, PO Professional Office,  
35 C-1, PUD, or Government Use. That alphabet soup means the following. The agricultural  
36 uses would be A-1, professional offices are architects, medical offices, consultants,  
37 banks, churches, movie theaters, restaurants, retail shops, assisted living facilities,  
38 childcare centers and government uses. Those are the uses you could do with rezoning  
39 from A-1, C-1 or PUD.  
40

41 Mr. Noto said in the back further down Longwood-Lake Mary Road, you have the  
42 Commercial land use which allows for the aforementioned zoning districts plus C-2. C-2  
43 is our more intense commercial zoning category. You can do all the things in C-1. The  
44 uses that are italicized are what you can do in addition to so we are talking drive-thru  
45 restaurants, large shopping centers, convenience stores, auto service stations, gas  
46 stations, hotels, and home improvement stores with outside storage. We are talking in

1 the back you could do big box, gas stations and things of that nature with the existing land  
2 use.

3  
4 Mr. Noto said how is the Mixed Use Mid-Town land use designation proposed to work.  
5 The applicant is proposing these amendments to the Comp Plan. If you think of the HIP-  
6 TI land use category all west of I-4, there is a reason it is all west of I-4 and it can only be  
7 west of I-4. It is specifically described that way and is the policy in the Comp Plan. With  
8 HIP-TI you can have a mixture of uses, you must be west of I-4, and you can have up to  
9 18 dwelling units per acre of residential density.

10  
11 Mr. Noto said the Downtown Development District has to be in Downtown. It has to be  
12 within the boundaries and you can have up to 18 dwelling units per acre, you can have  
13 up to 90% impervious coverage. Downtown is more urban center, the property sizes are  
14 smaller, the building covers a larger size of the property, and you have different types of  
15 open space and park systems within the Downtown.

16  
17 Mr. Noto said the Mixed Use Mid-Town is a mixture of the two. It wants to accomplish  
18 what you can do in the HIP-TI in the Downtown in the Mid-Town. He put an overlay on  
19 the map. The tealish color would be a new color on our future land use map and the  
20 properties would have a new land use designation of Mixed Use Mid-Town.

21  
22 Mr. Noto said what are the requirements of the Mixed Use Mid-Town. You have to have  
23 a development program with a minimum size of 25 acres. This is not something you could  
24 see happening, for example, if you go to the west. You see these pods of smaller parcels.  
25 Those individual pods could not have Mixed Use Mid-Town land use. If somebody  
26 brought together 25 acres, there is a possibility. The first performance standard is 25  
27 acres minimum size.

28  
29 Mr. Noto said the second is you are in the Mid-Town. For the sake of this amendment  
30 and for the sake of the policy, Mid-Town is described as being between Rinehart Road  
31 and Longwood-Lake Mary Road. That would be the Mid-Town for this land use category.  
32 We see Mid-Town going further out to Fifth Street but for the purpose of the Mixed Use  
33 Mid-Town designation, it will be between those two roadways.

34  
35 Chairman Hawkins asked Mr. Noto to clarify that because Longwood-Lake Mary Road  
36 stops at Lake Mary Boulevard. He asked if Mid-Town is going to do a jog or is there an  
37 imaginary line that goes north.

38  
39 Mr. Noto said it would go along Lake Mary Boulevard but it would only cover the area  
40 between Rinehart and Longwood-Lake Mary Road. It would be almost an overlay. If you  
41 want to have a Mixed Use Mid-Town project, you have to fall into that area.

42  
43 Member Aycoth stated so it has to be south of Lake Mary Boulevard.

44  
45 Mr. Noto said that was correct.

1 Chairman Hawkins said not north.

2

3 Mr. Noto said that was correct and you have to be east of Rinehart and west of Longwood-  
4 Lake Mary Road similar to the HIP-TI where you have to be west of I-4.

5

6 Chairman Hawkins questioned even though Tom has three other parcels or more in his  
7 Mid-Town collection.

8

9 Mr. Noto said that is correct. We are still going to view that whole area as Mid-Town. As  
10 of right now that is not a land use category. It is just a geographic area we identified. The  
11 Mixed Use Mid-Town land use because of the densities that are proposed and because  
12 of the acreages you have to have to get those densities and the land use, we have  
13 identified just that area. You could almost call it West Mid-Town because it is the western  
14 half of the Mid-Town district.

15

16 Chairman Hawkins asked Mr. Noto in his report as he goes forward could he specify the  
17 south of Lake Mary Boulevard because Rinehart stops at Lake Mary Boulevard and so  
18 does Longwood-Lake Mary Road.

19

20 Mr. Noto answered affirmatively. We will put together a better graphic or parameter of  
21 those.

22

23 Mr. Noto said he mentioned the minimum 25 acre development program. You also have  
24 to have PUD zoning to do a Mixed Use Mid-Town project. You could have up to 60  
25 dwelling units per acre. There is going to be a cap on the number of residential units for  
26 all Mixed Use Mid-Town properties.

27

28 Mr. Noto stopped and described the HIP-TI. The HIP-TI land use covers a certain area.  
29 Not all properties west of I-4 have HIP-TI. You can only have 482 residential units in the  
30 HIP-TI area. There are three apartment projects over there. Those apartment projects  
31 amass that entire number. If somebody wanted to come in tomorrow with a new  
32 residential project, they would have to amend the Comp Plan to allow for more residential  
33 units in the HIP-TI land use.

34

35 Mr. Noto said the proposal for the Mixed Use Mid-Town is for up to 500 residential units.  
36 If the lands to the west came in for the MUMT and these folks built all 500, the folks to  
37 the west could not build any more unless they amended the Comp Plan to allow for more  
38 residential units. They will also be required to have 65% maximum impervious coverage,  
39 which is similar to our other land use categories except for Downtown, and a minimum of  
40 35% open space. This is similar to our other land use categories outside of Downtown.

41

42 Mr. Noto said the amendment to the Comp Plan is to Future Land Use Policy 1.4 creating  
43 the district, describing the district and amending Table GOP 1 which outlines all the  
44 different land use categories, their density, and the allowable zoning categories.

45

1 Mr. Noto said the map amendment would be to change the parcel to Mixed Use Mid-  
2 Town. This is that item, which is 2015-LU-02, and is just a map amendment and not  
3 changing any policies or anything like that. Just to change the designation of the property.  
4

5 Mr. Noto said the applicant provided a justification statement for both the text and the  
6 map amendments and are in the staff report. We have outlined all the objectives that  
7 they have identified as the request being consistent with. That is what you look for in a  
8 Comp Plan amendment—consistency with other policies. We're not looking at setbacks  
9 and things of that nature. We are trying to make sure the proposal is consistent with the  
10 document that has already been approved.  
11

12 Mr. Noto asked to talk about this and what you will see potentially in the future—the site  
13 plan, the subdivision plan. Since this is policy related and is not specifically a  
14 development project, we are not in a position to talk about complete traffic impacts. We  
15 are not in a position to talk about school impacts and things of that nature because we  
16 don't know at this point what the final development program is. Those items will be  
17 discussed in the future with the PUD. There are no engineering plans as far as these  
18 proposals because it is just policy. It is whether or not the Board wants to see this happen.  
19 If so then they will create the engineering plans and we will review that at a later date. At  
20 this point we are not reviewing the building heights and not reviewing the setbacks. We  
21 are reviewing the potential of having a large piece of property, 25 acres, allow for a  
22 mixture of uses up to 60 units per acre.  
23

24 Mr. Noto showed a plan of what that breakout could be on this parcel. The applicant is  
25 present this evening. He emphasized that they would get to the building design and all  
26 those bulk requirements as part of the PUD and part of the developer's agreement when  
27 we nail down what the specific uses can be, heights, etc.  
28

29 Mr. Noto said a quick note about the traffic impact and parks. The project is flanked by  
30 two County maintained roads. The County has jurisdiction over Lake Mary Boulevard  
31 and Longwood-Lake Mary Road. They will be the ones reviewing the eventual traffic  
32 analysis—the traffic report and transportation report. We will be doing it in conjunction  
33 with them. We have been reviewing this project for a month and a half or two months  
34 and they said to wait until school starts to do the traffic study. That way we have a better  
35 understanding of what's happening on Lake Mary Boulevard and Longwood-Lake Mary  
36 Road for the majority of the year. That study is underway and that will take into account  
37 the densest project you could have. When we get to the PUD, engineering and nitty gritty  
38 details they may not be able to get that max density but will be studying it for that.  
39

40 Mr. Noto said a quick note on the parks. As part of our analysis in the Comp Plan, we  
41 make sure that level of service standards will not be impacted to the point where they are  
42 below standards. We did identify an issue with neighborhood parks. Because our  
43 population continues to rise, we have to have a certain amount of acreage of each  
44 different type of park. That is outlined in the Parks & Open Space Element. We are short  
45 on neighborhood parks and that's even before this project. We identified it as part of our

1 analysis and we are going to work with the applicant on that as we move forward to see  
2 how we can deal with that issue.

3  
4 Mr. Noto said he would do two recommendations since we have two separate files.

5  
6 Mr. Noto said for 2015-LU-01, which is the text amendment, staff has reviewed the above  
7 referenced application and recommends approval of the transmittal of the proposed  
8 amendments to the future land use element of the City's Comprehensive Plan to the  
9 Department of Economic Opportunity.

10  
11 Mr. Noto said the phrase "Expedited State Review" is not a City phrase. That is a state  
12 process as part of the Department of Economic Opportunity. Before legislation changed  
13 a few years ago, this project would have been termed a large scale project. When DCA  
14 (Department of Community Affairs) became the Department of Economic Opportunity,  
15 they shifted the language from large scale to expedited state review. We are not getting  
16 it through faster than any other project. He just wanted to make that clear for the record.

17  
18 Mr. Noto said for 2015-LU-02, which is the map amendment, staff has reviewed the above  
19 referenced application and recommends approval of the transmittal of the proposed future  
20 land use amendments to the City of Lake Mary Comprehensive Plan from COM  
21 Commercial and RCOM Restricted Commercial to Mixed Use Mid-Town.

22  
23 Mr. Noto said the transmittal process is you are the recommending body and this  
24 recommendation will go to the City Commission. If the City Commission approves it, we  
25 send this documentation to the state. They have a certain length of time to review it and  
26 they may have comments. If they do they send it to us, we work with them with the  
27 applicant on the comments and then it will go to the City Commission via ordinance for  
28 second reading for adoption. That would change the land use of the property and put the  
29 Mixed Use Mid-Town policies into the Comp Plan. It does not vest them any entitlements.  
30 It just gives them a new land use and that is when we start working on the engineering,  
31 developer's agreement, and all those other factors.

32  
33 Mr. Noto said the applicant was present and he would be happy to take any questions.

34  
35 Chairman Hawkins said one paragraph was bypassed that he would like Mr. Noto to  
36 expand upon. It is on Page 2 next to the bottom paragraph starting "Furthermore". He  
37 asked Mr. Noto to go through that.

38  
39 Mr. Noto said the Mixed Use Mid-Town is in one other way similar to the Downtown  
40 Development District and the HIP-TI. Both of those land use categories and both of those  
41 areas of the City are all about internal capture—mixed use, walkability, high quality  
42 amenities, and things of that nature. The same thing will apply to the Mixed Use Mid-  
43 Town. It is adjacent to Link 45 which is one of our public transportation routes. It is within  
44 roughly a mile of SunRail. If you have MUMT land use, the design of your project must  
45 be walkable, must be designed in a way to capture internal trips, the residential  
46 components have to be connected to the retail components through sidewalks, pathways

1 and things of that nature. That is the purpose of that paragraph. The City wants to see  
2 more projects that are more walkable in nature or the uses interact with others where you  
3 could live on a project site and be able to walk to public transportation or other types of  
4 uses that are on the project.

5  
6 Member Aycoth said the other two developments can have 18 residential units per acre  
7 and this goes up to 60. He asked how that number came about. It seems pretty high  
8 density.

9  
10 Mr. Noto said for an example of what 60 units per acre may look like, the Station House  
11 project next to SunRail sits on about 3.2 acres and is just under 70 units per acre. That  
12 is a 200-unit apartment project. As you can see on the bubble plan, in the upcoming  
13 development they have identified different sectors, retail zones, parking, the apartments  
14 and townhomes. The 60 number came up as the densest that area could be based on  
15 the number of units they were looking to develop. We anticipate that light green zone will  
16 be its own piece of property. It will be subdivided and sold for someone else to develop.  
17 You can see in the map amendment report we are talking about up to 200 townhomes  
18 and up to 300 apartments. That is where you get the 60 units per acre.

19  
20 Member Aycoth said we are talking four-story buildings.

21  
22 Mr. Noto said that is the potential. We haven't gotten to that point yet and will ask the  
23 applicant to build on that, but we could be looking at somewhere between four and five  
24 stories based on the size of the property and the density they are looking to do.

25  
26 Member Aycoth said that struck him as a very high number per acre.

27  
28 Member Taylor said she understood the parameters of what we have here legislatively  
29 that schools are going to be dealt with at a later point but it is referenced in the report that  
30 school capacity has been reviewed for 625 residential units. She asked Mr. Noto to  
31 explain what process he went through to get to that.

32  
33 Mr. Noto said they have a School Planner and a school impact analysis that came about  
34 in 2007. Some legislation came down for municipalities and counties to work with their  
35 school board to ensure capacity was there prior to projects being approved. What  
36 happens is either the City or the applicant gets with the School Planner, and in this case  
37 it was Mr. Mike Rigby who is their Facility Planner at Seminole County Public Schools.  
38 You can see the table they provided where they break out elementary, middle and high  
39 school. They let you know what the enrollment is, what the capacity is and then they  
40 have different equations that tell them how many students would be generated by a  
41 certain project based upon housing type—single family, apartment, townhomes and  
42 things of that nature. They did it for 250 single family attached (townhomes) and 375  
43 multi-family (apartments). The analysis was done for a higher density than what the  
44 MUMT would allow. He (Mr. Rigby) went ahead and reserved some capacity and there  
45 was remaining capacity.

1 Mr. Noto said he wanted to be clear on something. The City doesn't do this school impact  
2 analysis. We provide the data and they give us the analysis. Where the kids end up  
3 going to school is a whole different discussion. Just because there is capacity doesn't  
4 mean they will go to school across the street and it doesn't mean they will go to school a  
5 mile away. That is something that is dealt with by the School Board and is something the  
6 City doesn't get involved with. He said he would be working with Mr. Rigby as the project  
7 moves forward to redefine the maximums of the project, but the analysis he has done  
8 already shows capacity is available for a project of this size.

9  
10 Member Gillis said it was stated 25 acres minimum. If they continue to buy property west  
11 of there could they have that rezoned into the MUMT as part of the 25 acres or would  
12 they have to start all over with a minimum of 25 acres.

13  
14 Mr. Noto said the project size here is actually 35 acres so they do exceed the minimum  
15 25. This is purely hypothetical. In looking at the parameters necessary under the MUMT  
16 and assuming the PUD was approved, if they were to do that they would have to amend  
17 the PUD to bring those properties into the boundaries of the PUD. It is a possibility. The  
18 land use category doesn't get into ownership. In PUDs you can have multiple owners.  
19 There is the possibility to make the project larger. There is no cap to the ultimate size of  
20 the project less the residential cap (500 units).

21  
22 Member Gillis said his second question goes to traffic. It looks like Longwood-Lake Mary  
23 Road is going to be the dumping point for townhomes and apartments. He asked if there  
24 was going to be access from Lake Mary Boulevard and just not one dumping point. It will  
25 probably be Washington Avenue and put a signal there and have something of that  
26 nature.

27  
28 Mr. Noto said without going too far into site design, there will be access from Lake Mary  
29 Boulevard and there will be access from Longwood-Lake Mary Road. Going back to that  
30 internal capture item, we want to make sure if those are gated townhomes they could still  
31 exit via the Boulevard or via Longwood-Lake Mary Road. They won't be pigeonholed to  
32 certain entrance or exit point.

33  
34 Chairman Hawkins asked if the applicant was present.

35  
36 Chuck Woodall, President of Unicorp National Developments, came forward. He thanked  
37 staff. We have been working with these guys for a couple of months. We sat down  
38 originally and talked about getting the property under contract and what the vision was of  
39 Lake Mary. We shared our visions of what we would like to see and collaboratively we  
40 have been working to put this together and bring something special to Lake Mary. We  
41 will share some conceptals. We have not gotten into final design. We are doing  
42 preliminary design because we want to make sure what we are asking for is going to work  
43 and want to make sure what we are presenting is something acceptable to staff. We have  
44 met with the Commissioners and the Mayor and everybody is excited about where we  
45 have gotten to today.

1 Mr. Woodall said Unicorp has done a lot of projects. He said he was a native here. We  
2 have built the Baldwin Park Town Center, Altamonte Town Center, the Water Tower Place  
3 at Celebration, Delaggio on Sand Lake Road, a number of projects in Winter Park, and  
4 the Orlando Eye. We have done a lot of quality projects in Central Florida and we see  
5 this property as a very special opportunity. We changed the name from Griffin Farms  
6 Town Center to Griffin Farms at Mid-Town. We wanted to pay homage to the family that  
7 owns the property and it is in the heart of Mid-Town so it is an appropriate name. When  
8 we get to the architecture you will see we are trying to get a fresh new look that doesn't  
9 feel the same as all the other buildings and feels more like a modern farm-type of  
10 architecture.

11  
12 Mr. Woodall said the property to the west is bound by office buildings. The property to the  
13 east has got an older commercial center across the street. Behind us are all wetlands.  
14 The gentleman just asked the question could it be expanded. The likelihood is no and  
15 really not because the geographic boundaries of the property that we are surrounded by.  
16 This is all wetlands that go all around the property so there really is no room to expand it.  
17 On the western boundary it is completely built out with office buildings and then we have  
18 roads to the north and east of the property. He said he thought it would be highly unlikely.

19  
20 Mr. Woodall said one thing he would point out on the bubble plan is you see the density  
21 which would allow up to 200 townhomes and up to 300 apartments, and up to 515,000  
22 square feet of retail. He said he would not spend a lot of time on the traffic but would  
23 point at the traffic trip analysis. Five hundred fifteen thousand feet of retail is about 500%  
24 more than we have planned going on the property. We are going to do significantly less  
25 than that. The property is vested for traffic already but will be significantly less than what  
26 it's vested for.

27  
28 Mr. Woodall showed a site plan on the overhead. He said to show you what this translates  
29 to is we wanted to make a project that is very walkable that picks up passerby trips—  
30 someone who is already driving down the road would go to a grocery store, would go to  
31 the fitness club. We wanted to make sure the project compliments your Mid-Town. Not  
32 really the small shop space but something that plays off those. This is a great mixed use  
33 project. Picture you come home and you live in one of the apartments. These will be  
34 very upscale apartments with two resort style pools. It will cater to people who are  
35 building new homes, your executives and the office buildings up the street. Once you  
36 come home you will be able to shop, be able to go to the gym, go to one of the restaurants,  
37 or the hair/nail salon. Even though we have 200 townhomes it's not practical. We can't  
38 fit 200 townhomes. He thought they would wind up with 175. We will have nice water  
39 features, nice green areas, and nice walking paths.

40  
41 Mr. Woodall said we have a nice buffer from the wetlands. We are respecting the  
42 wetlands lines and holding the buildings off it. What is great about this plan is it has nice  
43 restaurants. The current land use plan would allow all of this to be commercial and it  
44 would be very heavy commercial. The Home Depot, Lowe's type of thing is what the  
45 zoning designation accomplishes and we think this is something much better for the  
46 community. The residential abuts residential. The apartments abut a commercial project

1 and office so we have it nestled nicely and cars that drive down the road would see the  
2 swimming pool and nice landscaping.

3  
4 Mr. Woodall said he would address the traffic points. We met with Seminole County. We  
5 would have a directional left here (from Lake Mary Blvd.) and it would not be signalized.  
6 They want to keep the traffic moving. There will be a full movement here, a right-in/right-  
7 out at Lake Mary Boulevard. We would have an access point here (Longwood Lake Mary  
8 Rd.) that trips could come in and out. We have been told not to align an access here (at  
9 Washington Ave.). Folks on Washington Street would not want that so we purposely  
10 didn't do that. He pointed out a giant oak tree that they are going out of their way to save.  
11 It will be in an island like you see at AAA.

12  
13 Mr. Woodall said there will be a nice terminus to this boulevard and you will see pretty  
14 landscaping, the water, and the oak tree. You come in here and there will be a gated  
15 townhome community and that will all be walkable for the rest of the project. Alongside  
16 the road we are trying to make it very street friendly. We are doing a tree lined street, we  
17 are doing generous wide sidewalks, and there are two parks. We spoke with the  
18 Commissioners and the Mayor and on the corner we wanted to make something special  
19 there. We designed a nice water feature on the corner. We said let's take the corner and  
20 not put a building there but put a nice architectural feature so when you are at the traffic  
21 light it draws your eye and attention to something beautiful in the development. This is  
22 conceptual but we have been working with staff to make sure we are heading in the right  
23 direction and would be something the City is happy with.

24  
25 Mr. Woodall said Joe (Antunovich) would talk about the inspiration of the projects and  
26 then we will get into some of the architecture.

27  
28 Joe Antunovich, President of Antunovich Associates, came forward. We have worked  
29 with Chuck (Woodall) on many projects that he mentioned. Even though our  
30 headquarters are in Chicago with offices in D.C., we spend most of our time in Orlando.  
31 We've traveled the country and we have done mixed use projects around the country. He  
32 showed some images from some of those projects on the overhead. These are images  
33 we would like to re-create here on this mixed use town center. The idea of being able to  
34 live, shop, work, play, exercise, and lay your head down all at one location is one of the  
35 goals stated earlier by Steve as we were going through the planning direction. These  
36 images are some of the inspiration that we have had.

37  
38 Mr. Antunovich said we would like to develop an architecture that is reminiscent of the  
39 past—the tin roofs, the sloped roofs, architecture that reflects the history and the history  
40 of the context of your town and then going back to the fact that this was a farm with  
41 buildings that did have tin roofs, buildings that had sloped roofs, buildings that were  
42 broken down in scale. This is a suggestion. Chuck said we would come up on the corner  
43 with a fountain and we will endeavor to keep as many of the old live oaks that are on the  
44 property as we can. We can have a water feature on the corner and buildings along the  
45 street that are developed on all sides—there is no front, there is no back, there are no  
46 sides. The buildings are developed on all sides and the buildings are developed for all

1 ages. We are big fans of putting in children's play areas, areas where you can sit under  
2 the trees, areas where you can sit outside with coverings so that if you get the occasional  
3 rainstorm you can be sheltered if you are outside. You can see the mix of uses, the mix  
4 of retail uses from the restaurants to many of the support facilities to the grocery stores  
5 will take upon this kind of an architectural expression.

6  
7 Mr. Antunovich said we wanted to show you this so it's not just left out there and say that  
8 is something that will come later. We wanted to be very much up front with you and to  
9 talk about the scale, to talk about the architecture, and then the residential buildings and  
10 the parking garage will be camouflaged and will very much be in keeping like these  
11 images you see here. We are very excited to be able to develop this property along and  
12 develop these designs. We will be thrilled to look forward to coming and working with you  
13 on the development of the project over the next three months.

14  
15 Mr. Woodall said there is varying architecture and it is very complimentary with varying  
16 materials. It is not all typical stucco. We have brick, we have stone, and metal roofs. We  
17 use a lot of pavers and we use real brick when we do it. It creates a soft environment, it  
18 creates a walkable environment, and creates a comfortable environment for people to  
19 hang out.

20  
21 Mr. Woodall said on all of our projects we spend an enormous amount of money on  
22 landscape and hardscape. It is important to us and it makes our projects successful. He  
23 said he owned 85 commercial properties and they are all just about 100% leased. We  
24 have maybe 5 vacancies between all of them. We've found the nicer the architecture, the  
25 nicer the hardscape, people want to come visit and more tenants do well. It is important  
26 for us. In most of our projects we have done we generally invest five to seven times what  
27 your code is in landscape. We go the extra mile.

28  
29 Mr. Woodall said the traffic and trips is always a hot spot. We have hired Traffic Planning  
30 and Design. Right now with what the property is approved for and what could be built on  
31 it today creates 9,550 trips a day. That would be the vested trips for the property. We  
32 create 6,363 trips a day which is about a 40% reduction. If you take your peak hour trips,  
33 we go from 863 down to 562. We will have a traffic study with the school traffic and all  
34 the things that were asked of us by Seminole County. That is also based on 200  
35 townhomes which we won't have so the numbers will actually come down beyond this.  
36 There will be less traffic generated than the current land use plan would allow for.

37  
38 Mr. Woodall said that's a brief presentation. As we start getting our drawings, 30%, 60%,  
39 etc. we will do a more in-depth. We will maintain the same flavor of what you see tonight.  
40 We think it is a great project and we are happy to be here. He said he would be happy to  
41 answer questions.

42  
43 Chairman Hawkins thanked them for the thorough presentation even though it is  
44 conceptual.

45  
46 Mr. York asked if there were any estimates what each of these townhomes might go for.

1  
2 Mr. Woodall said \$325,000 to \$425,000 is what we would expect them to go for. We are  
3 in negotiations with some homebuilders now. The apartments are expected to go \$1,100  
4 to \$2,200 a month. Everybody builds to their own niche and our niche is high end. We  
5 make everything nice. The apartments will have nice granite countertops, top of the line  
6 stainless steel appliances, upgraded carpet, we put in the most modern sound systems,  
7 and we deck them out. We are catering to executives that are moving to the area and  
8 are going to build a home. We just finished one in Windermere where we had people sell  
9 their homes and say they just wanted carefree living in the apartments because we made  
10 it very resort-style. Everybody goes all the range with apartments but we put in a lot of  
11 quality and money and have to charge a lot for them and they will be very nice.  
12

13 Chairman Hawkins asked if anyone wanted to come forward and speak for or against  
14 Items 2015-LU-01 and 2015-LU-02. He asked everyone to remember this is a policy  
15 meeting and is not the nuts and bolts of a development.  
16

17 Tommy Maggard, 228 Washington Avenue, came forward. With the high density my big  
18 concern would be the traffic from Longwood-Lake Mary to Fifth Street because there are  
19 maybe 25 cars in that area. How would that play into coming off of the townhomes and  
20 apartments if they want to come out and snake down our road. Right now most of our  
21 traffic is cut through. There are not that many residents that live there versus the traffic  
22 that is flowing. The width of the road and Star Child trying to go left and right out and left  
23 and right in and then trying to go left onto Washington. I am trying to see how that would  
24 all play into that much traffic impact. I know it's not in that stage right now but potentially  
25 that's what we could be looking at.  
26

27 Chairman Hawkins said that is one of the big concerns.  
28

29 Mr. Maggard asked if they could even do that without widening the road or put a median  
30 in.  
31

32 Chairman Hawkins said that was up to Seminole County. Seminole County is going to  
33 determine what the roads and how they are going to be configured and how they are  
34 going to be four-laned, three-laned, right turns, traffic signals. All of that is to be  
35 determined.  
36

37 Mr. Maggard asked how they figured out the traffic that's trying to get around that mess  
38 to get over to Country Club.  
39

40 Chairman Hawkins said you will have to ask Chief Bracknell that. Right now there is a lot  
41 of cut through traffic, especially at rush hour.  
42

43 Mr. Maggard said if anything happens on Lake Mary Boulevard between Advanced Auto  
44 Parts, the post office and then the next light, and then Fifth Street trying to go over to  
45 Crystal Lake and Lakeview and all that, those are pretty dangerous right now without the  
46 additional traffic. That is my biggest question because with the wetlands I don't think they

1 could four-lane it. I don't know that but without a median for them to come and go this  
2 way and that way so they don't have to go to the light and go down the Boulevard left or  
3 right, they might view that as an option like they do now.

4  
5 Chairman Hawkins said certainly all of that is going to be considered. That is to be  
6 determined. That is something we are going to look at seriously and the City is going to  
7 look at it more seriously as well as Seminole County.

8  
9 Mr. Maggard said I know they are going to potentially put 12 homes closer to my house  
10 so that is going to be a few more residents but those are all pretty good size pieces of  
11 property down through there. That road is very narrow and it needs to stay narrow  
12 because the bigger you make it the faster they go. My biggest concern is the high density  
13 and how it would impact people coming down the street.

14  
15 Chairman Hawkins said we all share your concern.

16  
17 Peter Murphy came forward. He said he owned the duplexes across the street. The  
18 definition of what residences can go into the MUMT code, I would like to post it that I  
19 would like it restricted to no gas stations and no drive-thru restaurants. I like your plan  
20 but as you well know things change. If this goes through and you do allow gas stations,  
21 McDonald's or whatever, I would not like that to be there. When you get to the point of  
22 defining what MUMT does restrict or allow.

23  
24 Chairman Hawkins said that would be at the PUD stage and that will delineate what parts  
25 of this development are Commercial, Restricted Commercial, Residential, and High  
26 Density Residential,

27  
28 Mr. Murphy asked if that would be decided on the 17<sup>th</sup> of September.

29  
30 Mr. Noto answered negatively. After the transmittal and we get to the adoption. We  
31 anticipate the adoption hearing will be the same hearing as the developer's agreement  
32 which will have those uses outlined. That will be later on this year.

33  
34 Mr. Omana said when those hearings come up, we will notify and do the mail out for the  
35 interested parties and the surrounding property owners.

36  
37 No one else came forward and the public hearing was closed.

38  
39 Member York said he thought this was a very exciting development.

40  
41 Chairman Hawkins said he thought there was a lot of promise to it but a lot of traffic too.

42  
43 Mr. Antunovich said the residential component will mitigate the additional traffic.

44  
45 Member Taylor said it is a good use for the property but the density causes her concern.  
46 A number of us live in that area and travel those roads frequently. She asked if the City

1 had a position or opinion on Washington. It's an unusual road for the City and we would  
2 be increasing people using that road. She asked the City's position as it stands right now.

3  
4 Mr. Omana said the City's position on Washington which we have made clear to the  
5 developer is as follows. In the past the City Commission, through the development that  
6 has already happened on Washington, has taken the position that it is to maintain its rural  
7 nature, not to be widened or improved in such a way to exacerbate any traffic issues.  
8 What we have relayed to the applicant is don't align the project that is proposed with  
9 Washington in terms of creating an intersection or any signalization whatsoever. Maintain  
10 Washington based on the direction we received from the City Commission.

11  
12 Member Taylor said people are still going to use it because as traffic flows like water it is  
13 often the point of least resistance for a congested area. She said she understood the  
14 City's position and understood the rationale behind that. If the City is going to adopt such  
15 a dense area, the City needs to take a hard look at the realities of keeping Washington  
16 rural because keeping a street in its rural nature when you have just completely changed  
17 the surrounding area to me doesn't quite mesh. She encouraged staff and the City  
18 Commission to take a second look in light of what their future land use is going to be.  
19 Other than that she thought they did a great presentation, both the City and the developer.

20  
21 Alternate Threlkeld said for the traffic coming off Lake Mary Boulevard into the project, he  
22 asked if there was going to be any kind of lane where people can turn off and into the  
23 project. We have the post office at Crystal Drive. He said he lived on Crystal Drive and  
24 we have wanted a light there forever. That might be a good way to slow traffic down  
25 before people get to that so there is not this raceway going down to Longwood-Lake Mary  
26 Road. It is really dangerous right now. People are crashing all the time.

27  
28 Mr. Noto said we met with the County on this and the intent is there will be some sort of  
29 decel lane. The final configuration is still being looked at.

30  
31 Alternate Threlkeld said Crystal Drive is the only place people can turn both left and right.  
32 There is no median blocking it so everybody piles in there. If we had a light there we  
33 could organize traffic better.

34  
35 Mr. Noto said we can pass those comments on to the County as part of the review.

36  
37 Alternate Threlkeld said it might change the traffic warrant for the additional 6,000 cars.

38  
39 Mr. Noto said the County is doing a study for the Boulevard. The County is doing a  
40 separate review as part of the One Penny Sales Tax. What their ultimate plans are he  
41 couldn't say at this point. The One Penny Sales Tax for the Boulevard is intersection  
42 improvements. What those are are still to be defined. We will be coordinating with them.  
43 We have looked at Crystal Drive as part of the 16 homes.

44  
45 Randy Morris, 323 West Trotters Drive, Maitland, Florida, came forward. Our study is  
46 required to look at a three-mile radius around the whole area so everything is looked at.

1 The gentleman who spoke earlier concerned about Washington, all of that is looked at.  
2 Cut-through traffic is looked at. It is comprehensive. It is done in tandem with the County  
3 who is doing an intersection study on every intersection from Country Club Road to  
4 Rinehart. That's part of the one-cent sales tax agreement that the City did last year in  
5 May when it got approved for renewal.  
6

7 Mr. Morris said we are doing a complete study on all movements relative to Longwood-  
8 Lake Mary Road and Lake Mary Boulevard. That intersection is critical. If that  
9 intersection fails, our development fails. That is critical for anybody coming in. Any  
10 retailer doesn't want to see us back up. It is critical to see the improvements that need to  
11 be made on their end that the County will make and what our contribution will make. You  
12 will see the results of the traffic study in tandem with the County.  
13

14 Mr. Morris said the City reviews all that and also reviews the curb cuts and where the  
15 intersections are. We have already committed to the City that we would not do alignment  
16 with Washington. There may be other commitments we need to make through the  
17 process. He assured the Board they would work with them and the residents.  
18  
19

20 **MOTION:**

21  
22 **Colleen Taylor moved to recommend approval to the Mayor and City Commission**  
23 **the request by Griffin Interests, LLC, and Piloian Property Holdings, LLC, regarding**  
24 **an Expedited State Review Comprehensive Plan Amendment (Text) to the City's**  
25 **Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use**  
26 **category, consistent with staff's Recommendation listed in the Staff Report. Justin**  
27 **York seconded the motion, which carried unanimously 5-0.**  
28

- 29 C. 2015-LU-02: Recommendation to the Mayor and City Commission regarding  
30 an Expedited State Review Comprehensive Plan Amendment (Map) to the  
31 City's Comprehensive Plan revising the future Land Use designation from COM  
32 (Commercial) and RCOM (Restricted Commercial) to MUMT (Mixed Use Mid-  
33 Town) for Griffin Farms Town Center, +/- 34.52 acres of property located at the  
34 southwest corner of West Lake Mary Boulevard and Longwood-Lake Mary  
35 Road at 114 Longwood-Lake Mary Road, Lake Mary, Florida. Applicants:  
36 Griffin Interest, LLC and Piloian Property Holdings, LLC (Public Hearing)  
37

38 This item was presented and discussed and a public hearing held under Item B.  
39

40 **MOTION:**

41  
42 **Colleen Taylor moved to recommend approval to the Mayor and City Commission**  
43 **the request by Griffin Interests, LLC, and Piloian Property Holdings, LLC, regarding**  
44 **an Expedited State Review Comprehensive Plan Amendment (Map) to the City's**  
45 **Comprehensive Plan creating the MUMT (Mixed Use Mid-Town) Future Land Use**

1 **category, consistent with staff's Recommendation listed in the Staff Report. Justin**  
2 **York seconded the motion, which carried unanimously 5-0.**  
3

4 Chairman Hawkins asked when this would go before the City Commission.  
5

6 Mr. Omana said that would be the September 17<sup>th</sup> transmittal hearing.  
7

8 Chairman Hawkins thanked everyone for attending. We appreciate your input. This is a  
9 long process and we look forward to seeing most of you down the road.



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Gary Schindler, City Planner

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

SUBJECT: Agreement for Traffic Law Enforcement on Private Roads - Crystal Reserve (Gary Schindler, City Planner)

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**APPLICANT:** Matthew Patterson for Pulte Home Corporation

**DISCUSSION:** On June 18, 2015, the City Commission approved the Preliminary Subdivision Plan for the proposed Crystal Reserve subdivision. This is a 5.19 acre property located on the west side of Crystal Drive, between Lake Mary Boulevard and Gehr Lane. It is part of Fountain Parke and is proposed to be developed into 16 single family dwellings. There is one internal subdivision street, which shall be owned and maintained by the HOA. Although the street is not owned by the City, staff proposes to enter into an agreement with the owners of the subdivision to allow the City's Police Department to enforce traffic regulations on the private street. The City has such agreements with a number of residential and nonresidential developments.

The proposed "Agreement" is attached.

**DISPOSITION:** Request Commission authorize Mayor to execute Agreement for Traffic Law Enforcement on Private Roads for the Crystal Reserve subdivision.

## AGREEMENT FOR TRAFFIC LAW ENFORCEMENT ON PRIVATE ROADS

This Agreement for enforcement of the traffic laws of the state on private roads located in the gated community of **CRYSTAL RESERVE** is entered into by and between the **CITY OF LAKE MARY**, Florida, (hereinafter "City") a municipal corporation and political subdivision of the State of Florida, and **PULTE HOME CORPORATION** (hereinafter "Owner") a Florida not-for-profit corporation, organized under the laws of the State of Florida.

### WITNESSETH:

**WHEREAS**, Owner owns fee simple title to all the private roadways lying within a gated community known as **CRYSTAL RESERVE** (hereinafter "Private Roads") more specifically described in Exhibit "A" which is attached thereto and incorporated herein; and

**WHEREAS**, pursuant to state statute, City does not have the traffic law enforcement jurisdiction over Private Roads such as those owned by the Owner; and

**WHEREAS**, *Florida Statutes*, Section 316.006(2)(b), provides that a municipality may exercise jurisdiction over any Private Road or roads if the municipality and the party owning such roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement; and

**WHEREAS**, the Owner wants the City to enforce the traffic laws upon the Private Roads of said Owner; and

**WHEREAS**, the City is willing to exercise traffic law enforcement upon the Private Roads; and

**NOW THEREFORE**, in consideration of the covenants and conditions herein, the City and the Owner hereby agree as follows:

1. The above recitals are true and correct, and are incorporated herein by reference and form a material part of this Agreement.
2. **Jurisdiction.** The City agrees to exercise jurisdiction over enforcement of the traffic laws upon the Private Roads pursuant to the terms and conditions expressed in *Florida Statutes*, Section 316.006(2)(b). The City shall be solely responsible for the means and methods of enforcement including the scheduling of patrols and the use of radar or other methods of enforcement.

3. **Signage.** The Owner shall establish the speed limit for the Private Roads and shall be responsible for posting the speed limits and other necessary traffic regulations by appropriate DOT approved signage along said roads.

4. **Authority in Addition to Existing Authority.** The City's exercise of traffic law enforcement pursuant to the Agreement shall be in addition to the authority presently exercised by the City over Private Roads and nothing herein shall be construed to limit or remove any such authority. The City agrees to continue to provide such police and fire services as are required by law.

5. **City to Retain Revenues.** All revenue from the fines, costs and penalties imposed by the traffic citations issued for violation of traffic laws on Private Roads shall be apportioned in the manner set forth in applicable statutes.

6. **Liability not Increased.** Neither the existence of the Agreement nor anything contained herein shall give rise to any greater liability on the part of the City than that which the City would ordinarily be subjected to when providing its normal police service.

7. **Indemnification.** To the fullest extent permitted by law, the Owner shall indemnify, defend, and hold the City harmless from any loss, costs, damage or expense, including attorneys' fees, for any action arising out of, related to, or stemming from, either directly or indirectly, the maintenance, repair and/or reconstruction of any road, road drainage or signage. To ensure its ability to fulfill its obligation under this paragraph, the Owner shall maintain General Liability insurance in the minimum amount of One Million Dollars (\$1,000,000.00), and shall file with the City current certificates of the required insurance providing a thirty (30) day advance written notice of cancellation. Such insurance shall, (a) name the City as an additional insured as it relates to activities other than law enforcement activities or police duties conducted pursuant to this contract and (b) be issued by companies authorized to do business under the laws of the State of Florida and acceptable to the City. For purposes of liability, the City is protected by sovereign immunity in accordance with State law. This Agreement shall not constitute a waiver of immunity by the City nor the City's consent to such waiver thereof as to a matter to which such immunity would apply, except to the limited extent set forth in Section 768.28, *Florida Statutes*.

8. **Road Maintenance.** Neither the existence of this Agreement nor anything contained herein shall impose any obligation or duty upon the City to provide maintenance on and/or drainage of the Private Roads. The maintenance, repair and construction or reconstruction of all Private Roads, drainage and signage within the gated community of **CRYSTAL RESERVE** shall at all times be solely and exclusively the responsibility of the Owner.

9. **Term.** The term of this Agreement shall be for one year, commencing on the date of the execution by the last of the two parties signing hereto, and this Agreement shall thereafter automatically continue for successive one year terms unless terminated by any party by thirty (30) days written notice to the other parties, or immediately, at the option of the City, in the event any of the terms, covenants or conditions of this Agreement have been violated.

10. **Entire Agreement.** This Agreement, including all exhibits attached hereto, constitutes the entire understanding and agreement between the parties and may not be changed, altered, or otherwise modified except when reduced to writing and executed in the same manner with approval by the Board of City Commissioners.

11. **Notice.** All notices to be given shall be in writing and sent by certified mail, return receipt requested, to the following addresses:

As to City: Jackie Sova, City Manager  
P.O. Box 958445  
Lake Mary, FL 32795-8445

Copy to: Steve Bracknell, Police Chief  
P.O. Box 958445  
Lake Mary, FL 32795-8445

As to the Owner: Matt Patterson  
Pulte Home Corporation  
4901 Vineland Rd. Suite 500  
Orlando FL 32811

12. **Assignments.** The City acknowledges and agrees that, upon Owner's conveyance of the Private Roads to the **CRYSTAL RESERVE AT LAKE MARY HOMEOWNERS ASSOCIATION, INC.** (the "Association"), the Association shall assume all obligations and responsibilities of Owner under this Agreement and Owner shall have no further rights, duties, obligations or liabilities arising under this Agreement from and after the date of such conveyance. Without limiting the generality of the foregoing, the Association shall assume the indemnification and maintenance obligations set forth in Paragraphs 7 and 8 hereinabove, and Owner's obligations shall thereunder shall cease and terminate as to matters arising after such conveyance of the Private Roads. Nothing herein shall operate to release, waive, limit, reduce or in any other way affect the rights, duties, obligations or liabilities of Owner or any successor in title to the Private Roads under this Agreement with respect to matters arising during their respective times of ownership of the Private Roads.

13. **Independent Contractor.** The relationship of the Owner to the City is that of independent contractor and not that of employee. No statement

contained in this Agreement shall be construed so as to find Owner an employee of the City, and Owner shall be entitled to none of the rights, privileges or benefits of City employees.

**14. Conflict of Interest.** Owner agrees that it will not engage in any action that would create a conflict of interest in the performance of its obligations pursuant to the Agreement with the City or which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statute, relating to ethics in government.

**15. Attorney's Fees.** The prevailing party in any action to enforce the Agreement shall be entitled to recover from the other party all attorney fees, paralegal fees, and costs expended in connection with enforcing this Agreement, at trial and for any appeal, whether litigation is undertaken or not.

***Miscellaneous:***

- a) *Agreement runs with the land.* This Agreement shall run with the property described herein and shall inure to the benefit of the parties and shall be binding upon the parties hereto and their successors in interest.
- b) *Applicable Law.* This Agreement shall be construed, controlled and interpreted according to the laws of the State of Florida.
- c) *Severability.* If one or more provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.
- d) *Recording.* This Agreement may be recorded in the Public Records of Seminole County, Florida.
- e) *Counterparts.* This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Traffic Law Enforcement Agreement for **CRYSTAL RESERVE AT LAKE MARY HOMEOWNERS ASSOCIATION, INC.**, on the dates indicated below.

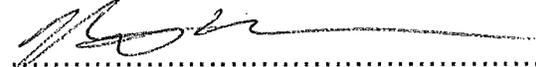
**City of Lake Mary**, a Florida Municipal Corporation

BY: .....  
Print Name: .....  
As its Mayor

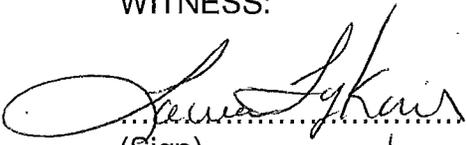
ATTEST:

BY: .....  
Print Name: .....  
As its City Clerk  
Date: .....

**CRYSTAL RESERVE AT LAKE MARY HOMEOWNERS ASSOCIATION, INC.**

BY:  .....  
Print Name: Matt Patterson.....  
As its: Vice President.....  
Date: 7/30/15.....

WITNESS:

 .....  
(Sign)  
.....  
Laura Lykins  
.....  
(Print Name)

 .....  
(Sign)  
.....  
Clint Ball  
.....  
(Print Name)

**EXHIBIT "A"**  
**CRYSTAL RESERVE SUBDIVISION**  
**LEGAL DESCRIPTION**

Tract F6, Fountain Park at Lake Mary Subdivision, PB 68, PGS 34 – 50, as recorded in the records of Seminole County, FL.



## MEMORANDUM

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Stephen J. Noto, AICP  
Deputy City Planner

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

SUBJECT: Release of Performance Bond for Pine Tree Terrace Subdivision (Steve Noto, Deputy City Planner)

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**BACKGROUND:** On February 6, 2014, the Planning & Zoning Board approved the final subdivision plans for the Pine Tree Terrace subdivision, located at the southeast corner of Pine Tree Rd. and Olivia Rose Ct. Subsequently, the City Commission approved the Final Plat for the project on May 15, 2014. As part of the subdivision construction process the applicant, M/I Homes, provided a performance bond in the amount of \$123,796.45 on April 17, 2014, in the event the developer defaulted on the improvements.

The applicant has requested to receive the original copy back from the City for purposes of closing out their files. The development has been built and all of the required infrastructure has been approved by the City.

**DISPOSITION:** Staff recommends the City Commission release the Bond documents back to the applicant, M/I Homes.

**ATTACHMENT:**

- Copy of bond



VIA THUNDERBIRD SERVICE (same day courier)

April 17, 2014

Stephen Noto  
Senior Planner  
Planning and Zoning  
City of Lake Mary – Community Development  
911 Wallace Court  
Lake Mary FL 32746  
Phone: 407-585-1440

Re: **Pine Tree Terrace Performance Bond**

Dear Stephen,

Enclosed please find Performance Bond #0181377 in the amount of \$123,796.45 for the above referenced subdivision.

Feel free to call me at 407-531-5168 or email me at [dcabrera@mihomes.com](mailto:dcabrera@mihomes.com) with any questions.

Thank you.

Sincerely,  
**M/I HOMES OF ORLANDO, LLC**

*Diana*

Diana Cabrera  
Director, Entitlements and Community Associations

**PERFORMANCE BOND**

**KNOW ALL MEN BY THESE PRESENTS:**

That we, M/I Homes of Orlando, LLC whose address is 3 Easton Oval Columbus, Ohio 43219, hereinafter referred to as "Principal" and Berkley Insurance Company, whose address is 475 Steamboat Rd Greenwich, CT 06830, hereinafter referred to as "Surety," are held and firmly bound unto the City of Lake Mary (Obligee), a municipality of the State of Florida, whose address is P.O. Box 958445, Lake Mary, Florida 32795-8445, hereinafter referred to as the "CITY", in the sum of \$ 123,798.45 (15% of original approved estimate or contract cost) for the payment of which we, the Principal and Surety, bind ourselves and our heirs, executors, successors and assigns, jointly and severally, firmly, by these presents:

**WHEREAS**, the above boundon Principal has as a condition precedent to the approval by the City of Lake Mary, of a plat of a certain subdivision known as Pine Tree Terrace has covenanted and agreed with the City of Lake Mary, to construct roads, streets and alleys, drainage as well as sidewalks, \_\_\_\_\_ and other improvements, (please add or delete improvements as applicable) based upon development plans and plans and specifications pertaining to said subdivision, said development plans and plans and specifications pertaining to said subdivision being dated \_\_\_\_\_, 20\_\_\_\_, and being on file with the Community Development Department of the City of Lake Mary, Florida; and

**WHEREAS**, it is a condition precedent to the recording of the subdivision that this bond be executed.

**NOW THEREFORE**, the conditions of these obligations are such that if the boundon Principal shall construct the aforesaid improvements in accordance with any date prescribed in the approved development plans and plans and specifications dated \_\_\_\_\_, 20\_\_\_\_, or within two years of the date of approval, whichever occurs first, and shall in every respect fulfill its, his, their obligations under the development plans and plans and specifications, and shall indemnify and save harmless the City of Lake Mary against contingent costs which the City of Lake Mary may sustain on account of the failure of the Principal to perform in accordance with the development plans and plans and specifications within the time therein specified, then this obligation to be void; otherwise to be and remain in full force and virtue.

The Surety unconditionally covenants and agrees that if the Principal fails to perform all or any part of the construction work required by the developments plans or plans and specifications above referred to, within the time specified, the Surety upon forth-five (45) days written notice from the City of Lake Mary, or its authorized agent or officer, of the default, will forthwith perform and complete the aforesaid construction work and pay the cost thereof, including, but not limited to engineering, legal and contingent costs. Should the Surety fail or refuse to perform and complete the said improvements, the City of Lake Mary, in view of the public interest, health, safety and welfare factors involved and the inducement in approving and filing the said plat, shall have the right to resort to any and all legal remedies against the Principal and the Surety, or either, both at law and in equity, including specifically specific

performance, to which the Principal and Surety unconditionally agree. The CITY is entitled to enforce any remedy against the Surety available to the CITY.

THE PRINCIPAL AND THE SURETY further jointly and severally agree that the City of Lake Mary, at its option, shall have the right to construct or, pursuant to public advertisement and receipt of bids, cause to be constructed the aforesaid improvements in case the Principal should fail or refuse to do so. In the event the City of Lake Mary should exercise and give effect to such right, the Principal and the Surety shall be jointly and severally liable hereunder to reimburse the City of Lake Mary the total cost thereof including, but not limited to, engineering legal and contingent costs, together with any damages, either direct or consequential, which may be sustained on account of the failure of the Principal to carry out and execute all the provisions of said agreement.

IN WITNESS WHEREOF, the Principal and the Surety have executed these presents this the 15th day of April, 2014.

Address:

**PRINCIPAL:**

M/I Homes of Orlando, LLC

Principal

By:



Mark Kirkendall

Its:

VP, Housing & Land Controller

(if corporation)

(SEAL)

ATTEST:



Address:

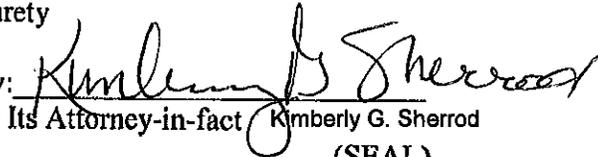
475 Steamboat Rd., Greenwich, CT 06830

**SURETY:**

Berkley Insurance Company

Surety

By:



Its Attorney-in-fact Kimberly G. Sherrod

(SEAL)

ATTEST:



POWER OF ATTORNEY  
BERKLEY INSURANCE COMPANY  
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Kimberly G. Sherrod, Suzanne Butsch or Jacob Doherty of Marsh USA, Inc. of Columbus, OH* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

**RESOLVED**, that, with respect to the Surety business written by Berkley Surety Group, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

**RESOLVED**, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

**RESOLVED**, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

**RESOLVED**, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 7 day of March, 2014.

Attest:

Berkley Insurance Company

(Seal)

By

Ira S. Lederman  
Senior Vice President & Secretary

By

Jeffrey M. Hafter  
Senior Vice President

**WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.**

STATE OF CONNECTICUT )

) ss:

COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 7 day of March, 2014, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Senior Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

Kathleen Corey  
Notary Public, State of Connecticut  
KATHLEEN COREY  
NOTARY PUBLIC  
CONNECTICUT  
MY COMMISSION EXPIRES OCTOBER 31, 2017

**CERTIFICATE**

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 15<sup>th</sup> day of April, 2014

(Seal)

Andrew M. Tuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.

## **Instructions for Inquiries and Notices Under the Bond Attached to This Power**

**Berkley Surety Group is the affiliated underwriting manager for the surety business of: Acadia Insurance Company, Berkley Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Union Standard Insurance Company, Continental Western Insurance Company, and Union Insurance Company.**

**To verify the authenticity of the bond, please call (866) 768-3534 or email [BSGInquiry@berkleysurety.com](mailto:BSGInquiry@berkleysurety.com)**

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**Any written notices, inquiries, claims or demands to the surety on the bond to which this Rider is attached should be directed to:**

**Berkley Surety Group  
412 Mount Kemble Avenue  
Suite 310N  
Morristown, NJ 07960  
Attention: Surety Claims Department**

**Or**

**email [BSGClaim@berkleysurety.com](mailto:BSGClaim@berkleysurety.com)**

**Please include with all notices the bond number and the name of the principal on the bond. Where a claim is being asserted, please set forth generally the basis of the claim. In the case of a payment or performance bond, please identify the project to which the bond pertains.**



## *CITY MANAGER'S REPORT*

DATE: September 17, 2015  
TO: Mayor and City Commission  
FROM: Jackie Sova, City Manager  
SUBJECT: City Manager's Report

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### **ITEMS FOR COMMISSION ACTION:**

1. Surplus item – air compressor.

### **ITEMS FOR COMMISSION INFORMATION:**

1. Monthly Department Reports.



## CITY MANAGER'S REPORT

DATE: September 17, 2015  
TO: Mayor and City Commission  
FROM: Bruce Paster, P.E., Director of Public Works  
VIA: Jackie Sova, City Manager  
SUBJECT: Surplus item - air compressor

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**DISCUSSION:** The Public Works Department has the following item to be considered for surplus:

Tank mounted air compressor 200 psi, Serial No. 118878; purchased in 1998.

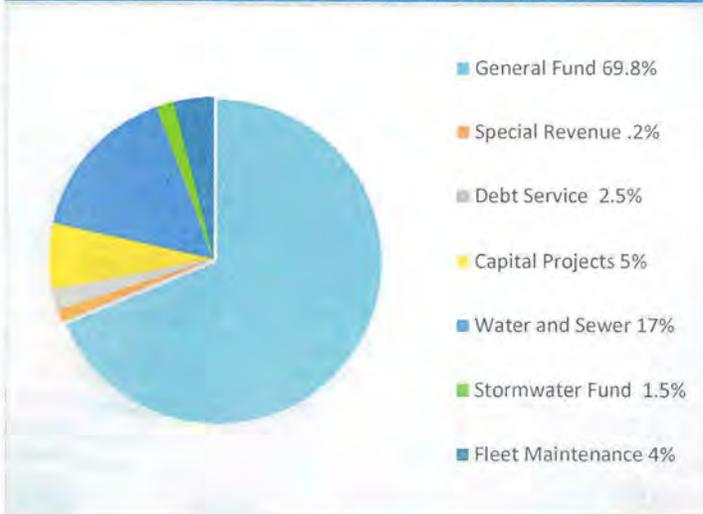
The air compressor is not functional and has reached the end of its useful life. Due to the age of the machine and the cost to repair, it would not be worth retaining.

**RECOMMENDATION:** Request Commission declare air compressor surplus and authorize City Manager to dispose of same.

## City of Lake Mary Budget Snapshot as of August 31, 2015

(92% of fiscal year elapsed)

### Fiscal Year 2014 - 2015 Adopted Budget



### General Fund Revenues

Revenues	Budget	Year-to-Date	%
Ad Valorem Taxes	\$ 6,327,960	\$ 6,434,506	101.7%
Franchise & Utility Taxes	6,077,242	4,777,856	78.6%
Business Tax Receipts	118,110	120,973	102.4%
Permits	833,645	932,348	111.8%
Fines & Forfeitures	72,074	90,954	126.2%
Intergovernmental	1,588,791	1,381,882	87.0%
Charges for Services	1,432,050	1,451,846	101.4%
Investment Income/Other	212,000	286,526	135.2%
Operating Transfers In	1,015,000	930,417	91.7%
<b>Total Revenues</b>	<b>\$ 17,676,872</b>	<b>\$ 16,407,308</b>	<b>92.8%</b>

### General Fund Expenditures

Expenditures	Budget	Year-to-Date	%
City Commission	\$ 96,882	\$ 86,031	88.8%
City Manager	634,437	528,449	83.3%
City Attorney	95,000	45,076	47.4%
City Clerk	233,155	196,891	84.4%
General Government	1,098,953	319,614	29.1%
Risk Management	16,000	13,673	85.5%
Finance	514,731	440,086	85.5%
Information Systems	305,894	226,019	73.9%
Community Development	622,775	542,899	87.2%
Building	499,153	332,452	66.6%
Facilities Maintenance	390,739	313,383	80.2%
Police Operations	5,153,207	4,395,308	85.3%
Fire Combat	4,629,920	3,841,123	83.0%
Fire Prevention	374,775	299,620	79.9%
Support Services	946,119	772,898	81.7%
PW Admin & Engineering	246,365	198,125	80.4%
Streets/Sidewalks	502,699	422,672	84.1%
Parks & Recreation	1,766,449	1,480,120	83.8%
Events Center	443,838	368,692	83.1%
Community Center	124,242	102,458	82.5%
Senior Center	103,697	84,735	81.7%
Tennis Center	50,181	38,871	77.5%
Transfers Out	1,537,708	1,409,566	91.7%
<b>Total Expenditures</b>	<b>\$ 20,386,919</b>	<b>\$ 16,458,761</b>	<b>80.7%</b>
<i>Fund Balance Forward</i>	14,138,405	15,368,972	108.7%
<b>Current Fund Balance</b>	<b>\$ 11,428,358</b>	<b>\$ 15,317,519</b>	<b>134.0%</b>

### Debt Service Funds

Revenues	Budget	Year-to-Date	%
Transfers In	\$ 632,208	\$ 579,524	91.7%
<b>Expenditures</b>			
PIRRB Series 2007	\$ 291,807	\$ 291,807	100.0%
PIRRN Series 2012	\$ 331,773	\$ 331,773	100.0%

### Special Revenue Funds

Revenues	Budget	Year-to-Date	%
Impact Fees	\$ 28,400	32,037	112.8%
Cemetery Sales	4,000	2,850	71.3%
Fines & Forfeitures	7,250	9,239	127.4%
Investment Income/Other	4,200	5,776	137.5%
<b>Total</b>	<b>\$ 43,850</b>	<b>\$ 49,902</b>	<b>113.8%</b>

Expenditures	Budget	Year-to-Date	%
Training	\$ 23,000	\$ 9,055	39.4%
Operating & DARE	13,000	17,706	136.2%
Contributions	13,500	4,500	33.3%
Capital	158,910	89,106	56.1%
Heritage Park	185,000	-	0.0%
Cemetery Operations	7,225	4,890	67.7%
<b>Total</b>	<b>\$ 400,635</b>	<b>\$ 125,257</b>	<b>31.3%</b>

<i>Fund Balance Forward</i>	721,287	847,740	117.5%
<b>Current Fund Balance</b>	<b>\$ 364,502</b>	<b>\$ 772,385</b>	<b>211.9%</b>

### Capital Projects Fund

Revenues	Budget	Year-to-Date	%
Investment Income	\$ 1,000	\$ 675	67.5%
Grants	-	327,174	0.0%
Intergovernmental/Other	434,000	417,952	96.3%
Transfers In	755,000	692,083	91.7%
<b>Total</b>	<b>\$ 1,190,000</b>	<b>\$ 1,437,884</b>	<b>120.8%</b>

Expenditures	Budget	Year-to-Date	%
Capital Projects	1,962,108	910,593	46.4%
<b>Total</b>	<b>\$ 1,962,108</b>	<b>\$ 910,593</b>	<b>46.4%</b>

<i>Fund Balance Forward</i>	1,176,112	1,020,717	86.8%
<b>Current Fund Balance</b>	<b>\$ 404,004</b>	<b>\$ 1,548,008</b>	<b>383.2%</b>

### Water and Sewer Fund

Revenues	Budget	Year-to-Date	%
Water Sales	\$ 2,000,000	\$ 1,864,952	93.2%
Sewer Revenue	1,870,000	1,848,745	98.9%
Reclaimed Water	205,000	180,562	88.1%
Water Impact Fees	50,000	51,861	103.7%
Sewer Impact Fees	10,000	23,934	239.3%
Investment Income/Other	135,500	199,601	147.3%
<b>Total</b>	<b>\$ 4,270,500</b>	<b>\$ 4,169,655</b>	<b>97.6%</b>

Expenditures	Budget	Year-to-Date	%
Operating Expenses	1,612,648	1,306,185	81.0%
Capital Projects	1,279,000	280,501	21.9%
Wholesale swr/reclaimed	1,333,000	1,187,016	89.0%
Transfers Out	1,039,500	952,875	91.7%
<b>Total</b>	<b>\$ 5,264,148</b>	<b>\$ 3,726,577</b>	<b>70.8%</b>

<i>Beg Unrestrict Net Assets</i>	14,683,952	13,860,913	94.4%
<b>Available Net Assets</b>	<b>\$ 13,690,304</b>	<b>\$ 14,303,991</b>	<b>104.5%</b>

### Stormwater Utility Fund

Revenues	Budget	Year-to-Date	%
Stormwater Fees	\$ 385,924	\$ 363,861	94.3%
Interest/Other	3,000	4,308	143.6%
<b>Total</b>	<b>\$ 388,924</b>	<b>\$ 368,169</b>	<b>94.7%</b>

Expenditures	Budget	Year-to-Date	%
Operating Expenses	332,183	224,358	67.5%
Capital Projects	190,000	214,731	113.0%
<b>Total</b>	<b>\$ 522,183</b>	<b>\$ 439,089</b>	<b>84.1%</b>

<i>Unrestricted Net Assets</i>	268,592	556,544	207.2%
<b>Available Net Assets</b>	<b>\$ 135,333</b>	<b>\$ 485,624</b>	<b>358.8%</b>

### Fleet Maintenance Internal Service Fund

Revenues	Budget	Year-to-Date	%
Fleet Transfers & Income	\$ 1,090,103	\$ 835,664	76.7%
<b>Expenditures</b>			
Operating Costs	\$ 282,006	\$ 242,134	85.9%
Vehicle Purchases	\$ 888,500	\$ 827,233	93.1%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of August 31, 2015**

Account Code	Description	2011 Actual	2012 Actual	2013 Actual	2014 Actual	2015 Budget	2015 Y-T-D	% FYTD
	Millage Rate	3.6355	3.6355	3.6355	3.5895	3.5895	3.5895	
311-10	Ad valorem tax	\$ 6,470,685	\$ 6,072,711	\$ 6,029,358	\$ 6,146,678	6,327,960	6,434,506	101.68%
	Franchise & Utility:							
313-10	Duke Energy - Franchise	1,283,358	1,224,950	1,128,047	1,146,509	1,134,190	935,582	82.49%
313-11	FP&L - Franchise	586,291	545,433	535,600	591,267	568,537	429,128	75.48%
313-40	Propane - Franchise	7,090	10,010	5,864	8,367	8,585	9,280	108.10%
313-70	Solid Waste - Franchise	402,902	419,745	428,368	441,060	442,491	333,759	75.43%
	Total Franchise	2,279,641	2,200,138	2,097,879	2,187,203	2,153,803	1,707,749	79.29%
314-10	Duke Energy - Utility	1,348,464	1,249,357	1,288,610	1,310,121	1,297,751	1,033,214	79.62%
314-11	FP&L - Utility	607,667	601,224	648,297	729,688	717,878	605,210	84.31%
314-20	Telecommunications	2,025,484	2,011,704	2,093,587	1,746,328	1,857,389	1,383,197	74.47%
314-80	Propane Gas - Utility	45,535	47,512	40,838	52,307	50,421	48,486	96.16%
	Total Utility	4,027,150	3,909,797	4,071,332	3,838,444	3,923,439	3,070,107	78.25%
	Total Franchise & Utility	6,306,791	6,109,935	6,169,211	6,025,647	6,077,242	4,777,856	78.62%
	Licenses and Permits:							
321-60	Business Tax Receipts	119,026	115,373	118,964	117,319	118,110	120,973	102.42%
322-10	Building Permits	501,449	851,192	1,543,828	864,080	720,524	840,084	116.59%
322-20	Electrical Permits	31,702	63,819	45,976	77,580	48,118	37,220	77.35%
322-30	Plumbing Permits	12,861	43,687	30,639	28,629	33,687	18,379	54.56%
322-40	Mechanical Permits	23,054	25,243	32,685	50,765	31,316	36,665	117.08%
	Total Licenses & Permits	688,092	1,099,314	1,772,092	1,138,373	951,755	1,053,321	110.67%
	Fines & Forfeitures:							
351-10	Court Fines	66,172	59,132	69,858	71,304	56,474	45,856	81.20%
351-30	False Alarm Fees	1,850	4,225	3,950	500	600	600	100.00%
351-50	Violation of Local Ordin.	12,901	7,810	33,586	47,850	15,000	44,498	296.65%
	Total Fines & Forfeitures	80,923	71,167	107,394	119,654	72,074	90,954	126.20%
	Intergovernmental:							
312-41	Local Option Gas Tax	204,746	224,965	249,978	250,577	258,107	216,211	83.77%
334-00	Grants	18,575	3,241	2,096	20,860	-	20,185	-
335-12	State Rev. Share/Gas Tax	268,887	275,591	293,595	319,579	336,458	331,126	98.42%
335-14	Mobile Home License	35	108	114	71	60	94	156.67%
335-15	Alcoholic Beverage Lic.	20,566	9,829	5,572	20,052	12,000	147	1.23%
335-18	1/2 Cent Sales Tax	795,364	800,439	834,141	880,882	957,126	807,099	84.33%
	Firefighter Supplement	10,580	11,200	11,740	14,355	14,040	7,020	50.00%
	Total Intergovernmental	1,318,753	1,325,373	1,397,236	1,506,376	1,577,791	1,381,882	87.58%

**City of Lake Mary, Florida**  
**General Fund Revenues**  
**As of August 31, 2015**

Account Code	Description	2011 Actual	2012 Actual	2013 Actual	2014 Actual	2015 Budget	2015 Y-T-D	% FYTD
<b>Charges for Services:</b>								
341-80	County Business License	12,665	10,715	10,836	11,098	11,000	9,438	85.80%
341-21	Zoning Fees	25,615	21,798	22,074	20,334	17,000	20,464	120.38%
341-22	Site Plan Fees	6,400	3,200	10,200	12,849	8,000	4,800	60.00%
342-10	Police Services	71,190	63,085	57,744	50,067	79,700	51,068	64.08%
342-60	Rescue Transport Fees	657,144	609,044	597,065	513,365	590,000	578,851	98.11%
347-10	Community/Events Center Rent	499,973	513,448	489,532	533,740	520,000	527,781	101.50%
347-15	Community Center	-	-	-	21,147	50,000	68,801	137.60%
347-20	Summer Camp Fees	-	-	-	51,475	45,000	73,270	162.82%
347-30	Farmers Market	36,838	31,379	29,719	23,107	25,000	20,136	80.54%
347-40	Skate Park Fees	16,296	8,819	4,221	3,198	4,000	3,078	76.95%
347-45	Splash Park Fees	23,504	24,274	22,811	25,760	24,000	23,276	96.98%
347-50	Park Rentals	675	630	1,082	783	850	2,234	262.82%
347-60	Sports Complex Rentals	24,658	27,330	29,288	30,620	30,000	26,034	86.78%
347-70	Softball Leagues	16,875	13,930	16,575	14,050	15,000	14,250	95.00%
347-80	Concession Revenues	5,444	679	2,435	7,326	7,500	10,647	141.96%
347-90	Tennis Center Revenues	52,204	50,231	40,729	23,364	16,000	17,718	110.74%
	<b>Total Charges for Services</b>	<b>1,449,481</b>	<b>1,378,562</b>	<b>1,334,311</b>	<b>1,342,283</b>	<b>1,443,050</b>	<b>1,451,846</b>	<b>100.00%</b>
<b>Other:</b>								
361-10	Interest	229,730	192,570	(1,038)	173,777	120,000	134,704	112.25%
363-10	Streetlighting	32,802	32,780	32,484	32,729	32,000	29,299	91.56%
364-00	Sale of Capital Assets	15815	51,917	388	701	-	2,314	-
369-00	Other Miscellaneous Rev.	113,923	160,060	126,900	151,663	60,000	120,209	200.35%
	<b>Total Other Revenue</b>	<b>392,270</b>	<b>437,327</b>	<b>158,734</b>	<b>358,870</b>	<b>212,000</b>	<b>286,526</b>	<b>135.15%</b>
<b>Transfers In:</b>								
381-00	Transfers from W&S	850,000	850,000	900,000	985,000	1,015,000	930,417	91.67%
381-00	Transfers from Cemetery FD	850,000	125,000	900,000	985,000	1,015,000	930,417	91.67%
	<b>Total Transfers In</b>	<b>1,700,000</b>	<b>975,000</b>	<b>1,800,000</b>	<b>1,970,000</b>	<b>2,030,000</b>	<b>1,860,834</b>	<b>91.67%</b>
	<b>Total General Fund Revenue</b>	<b>3,149,481</b>	<b>3,353,562</b>	<b>3,134,311</b>	<b>3,301,153</b>	<b>3,473,050</b>	<b>3,312,680</b>	<b>95.38%</b>
	<b>Carry-forward Fund Balance</b>	<b>15,145,583</b>	<b>15,066,183</b>	<b>16,369,093</b>	<b>17,541,260</b>	<b>14,138,405</b>	<b>15,368,972</b>	<b>108.70%</b>
	<b>Total Available</b>	<b>\$ 32,702,578</b>	<b>\$ 31,560,572</b>	<b>\$ 34,237,429</b>	<b>\$ 35,164,141</b>	<b>\$ 31,815,277</b>	<b>\$ 31,776,280</b>	<b>99.88%</b>

FINANCE DEPARTMENT  
MONTHLY REPORT  
August 2015

Purchasing/AP Activity	Aug-15	FYTD	Aug-14	FYTD
Purchase Orders Encumbered	23	355	32	460
Bids/RFPs Processed	0	7	0	6
Express Purchase Orders Processed	8	105	12	123
Express P.O. - Average \$ Value	\$155		\$187	
Checks Issued to Vendors	231	2,641	243	2,454
P-Card Transactions	280	3,300	257	3,244
P-Card Average \$ Value	\$139		\$117	

Accounting/Payroll Activity				
Journal entries Prepared and Posted	40	450	42	454
Items Deposited	2,454	29,601	2,961	30,723
Deposited Items Returned	2	36	4	38
Credit/Debit Card transactions	592	6,109	567	5,163
Credit/Debit Card Sales	\$81,543	\$920,478	\$102,774	\$793,301
Employees Paid	390	4,820	389	4,655

Utilities Activity				
Utility Refund Checks	3	233	42	209
Utility Turn-offs for Non-payment	29	260	26	201
Door Hangers for Non-pay prepared	172	1,716	139	1,461
Delinquent Letters Mailed Out	N/A	1,840	346	3,813
Utility Service Complaints Handled	12	143	23	204
Garbage Service Complaints Handled	N/A	59	17	154
Existing Utility Accounts Closed	52	739	76	737
New Utility Accounts Opened	52	719	85	739
Utility Bank Draft Customers	1,187		1,125	
Electronic Utility Payments	1,091	12,243	1,110	12,373
Paperless Billing Customers	712		733	
Current Residential Water Customers	4,746		4,741	
Current Residential Sewer Customers	2,570		2,582	
Current Residential Garbage Customers	4,387		4,900	
Current Commercial Water Customers	455		445	
Current Commercial Sewer Customers	388		384	
Current Commercial Garbage Customers	247		242	

IT Activity				
Helpdesk tickets logged	130	1,641	143	1,412
Computer/Server/Network tickets	125	1,578	139	1,361
Cell Phone tickets	5	57	4	46
Helpdesk tickets resolved	130	1,645	139	1,408
Average resolution time (days)	1		1	
Intranet/Website Updates	2	47	9	20,897
Unique Website Visitors	18,924	207,273	16,694	166,876

**Items of Interest During Reporting Period**

Investment Summary - As of August 31, 2015, the City held \$15,543,036 in federal agency bonds. The fixed rate portion is about 60% with an average yield of 1.43%. The remaining 40% are STEP coupons to help adjust to increasing interest rates and have an average yield of 1.3%. Our money market account is currently earning about 0.25%. Overnight cash is used to mitigate banking fees. Performance is measured to the Florida PRIME (SBA) which the yield is currently at 0.23%. Fed Funds are still at .25%. U.S. Treasury yields are at 0.02% for 3 mo., 0.25% for 6 mo., 0.39% for 1 year and 1.55% for 5 yrs.



## **MEMORANDUM**

DATE: September 17, 2015

TO: Mayor and City Commission

FROM: Bryan Nipe, Parks and Recreation Director

VIA: Jackie Sova, City Manager

SUBJECT: Parks and Recreation Update for August 2015

### August 2015 Descriptive Reports

Community Center	
<b>Rentals</b>	<ul style="list-style-type: none"> <li>• There were 23 rentals in August 2015.</li> <li>• At August's end, 224 rentals have been completed in FY 2015, 161 of which have been completed in calendar year 2015.</li> <li>• At August's end, 101 City HOA meetings have been held in FY 2015.</li> </ul>
<b>Programs</b>	<ul style="list-style-type: none"> <li>• Summer Camp program in August had an average of 52.5 campers due to late cancellations.</li> <li>• Summer Camp field trips in August included Dave and Busters, Wonder Works, bowling, and a trip to the movies.</li> <li>• Tri-Balance Martial Arts has increased this month to 14 participants per class average for August 2015.</li> <li>• Yoga is down to a 2.71 person per class average for August 2015.</li> </ul>
Sports Complex	
<b>Rentals</b>	<ul style="list-style-type: none"> <li>• Soccer field bookings began 8/3 for City residents and 8/14 for open bookings.</li> <li>• LMLL had a skills assessment on 8/15 and began practices on 8/31.</li> </ul>
<b>Programs</b>	<ul style="list-style-type: none"> <li>• Registration opened up in the beginning of August for the upcoming fall season for softball and kickball.</li> <li>• Co-ed softball was the first to be filled, with six teams registered. Men's softball and co-ed kickball each have three teams registered as of the end of August.</li> </ul>
<b>Skate Park &amp; Batting Cages</b>	<ul style="list-style-type: none"> <li>• 42 Annual Skate park passes have been sold to date – New program in 2015.</li> <li>• Pass usage is up 23.08% compared to July 2014.</li> <li>• 219 Batting Cage tokens were sold in July 2015 - New program in 2015.</li> </ul>
<b>Splash Pad</b>	<ul style="list-style-type: none"> <li>• Splash Pad usage was up 2.26% compared to August 2014.</li> <li>• Splash Pad Residence Pass usage was 126 compared to 66 August 2014. Nearly a 91% increase from August 2014.</li> </ul>
Farmers Market	
	<ul style="list-style-type: none"> <li>• Farmers Market vendor occupancy rate is down 1.79% from August 2014.</li> <li>• Weekly attendance is up 34.5% from August 2014.</li> </ul>

<b>Events Center</b>	
	<ul style="list-style-type: none"> <li>• LMEC hosted 17 weddings in August and 7 corporate events.</li> <li>• Some notable events in August include Seminole County Office of Emergency Management, Seminole County Chamber Breakfast, D.R. Horton, Fifth Third Bank, and Straumann.</li> </ul>
<b>Tennis Center</b>	
	<ul style="list-style-type: none"> <li>• August 31<sup>st</sup> was the Introductory Junior Program Jamboree.</li> <li>• August 25<sup>th</sup> was the launch of the new Women's Round Robin Challenge.</li> </ul>
<b>Senior Center</b>	
	<ul style="list-style-type: none"> <li>• Senior swing class moved to the Community Center due to limited space and participation is growing every week. Participant feedback on the move has been positive.</li> <li>• Senior Center Assistant Marie Bradham will retire on September 4<sup>th</sup></li> </ul>
<b>Historical Museum</b>	
	<ul style="list-style-type: none"> <li>• 150 patrons attended the "Local Artists" open house on August 14<sup>th</sup>.</li> <li>• The Halloween exhibit runs this year from September 26<sup>th</sup> through October 24<sup>th</sup>.</li> </ul>
<b>Grounds and Facilities Maintenance</b>	
	<ul style="list-style-type: none"> <li>• New planting and paver painting at Trailhead and the intersection of Rinehart and Lake Mary Blvd.</li> <li>• Large tree entry project in the Central Park paver area completed with up lighting, electric for holidays, new plantings and new pavers.</li> </ul>

# MEMO

TO: Bryan Nipe, Director of Parks & Recreation  
 FROM: Cristin Rumler, Customer Service Representative  
 DATE: September 8, 2015



## PARKS AND RECREATION MONTHLY ACTIVITY REPORT FOR THE MONTH OF: August 2015

EVENTS CENTER	Current Month	This Month Last YR	Current YTD	Previous YTD
non-revenue uses	1	0	16	75
rentals	24	23	303	274
catering revenue	\$ 5,553.51	NR	\$ 61,166.42	NR
rental revenue	\$ 39,890.75	\$ 42,220.75	\$ 466,615.44	\$ 494,346.84
total revenue	\$ 45,444.26	\$ 42,220.75	\$ 527,781.86	\$ 494,346.84
expenses	\$ 28,882.72	\$ 24,991.17	\$ 368,692.21	\$ 318,762.39

SENIOR CENTER	Current Month	This Month Last YR	Current YTD	Previous YTD
classes	116	114	1,308	1,313
individual participants	2,385	2,013	25,735	23,529
revenue	\$ 368.20	\$ 421.56	\$ 20,754.74	\$ 22,629.70
expenses	\$ 7,481.30	\$ 7,145.65	\$ 84,734.53	\$ 86,614.37

COMMUNITY CENTER	Current Month	This Month Last YR	Current YTD	Previous YTD
classes	62	17	564	68
non-revenue uses	11	0	101	0
rentals	23	14	224	45
rental revenue	\$ 6,388.90	\$ 7,072.60	\$ 68,801.10	18,072.60
expenses	\$ 7,260.34	\$ 5,980.39	\$ 102,458.21	\$ 83,565.57

TENNIS CENTER	Current Month	This Month Last YR	Current YTD	Previous YTD
memberships	153	153		
revenue	\$ 2,408.00	\$ 2,082.50	\$ 17,717.55	\$ 18,194.00
expenses	\$ 2,189.17	\$ 2,298.14	\$ 38,870.73	\$ 41,781.47

OTHER REVENUES	Current Month	This Month Last YR	Current YTD	Previous YTD
Farmers Market	\$ 1,803.24	\$ 1,997.18	\$ 20,136.16	\$ 21,120.79
Skate Park	\$ 104.70	\$ 366.96	\$ 3,077.83	\$ 2,965.97
Splash Park	\$ 2,788.80	\$ 3,387.46	\$ 23,275.69	\$ 24,396.35
Park Rentals	\$ 265.00	\$ 50.00	\$ 2,234.06	\$ 1,290.66
Sports Complex	\$ 2,945.00	\$ 3,126.49	\$ 26,034.03	\$ 26,736.02
Leagues	\$ 4,175.00	\$ 3,575.00	\$ 14,250.00	\$ 13,325.00
Concession (Trailhead & Sports Comp.)	\$ 190.90	\$ 625.00	\$ 10,647.39	\$ 6,700.46
Summer Camp	\$ 4,560.00	\$ 4,510.00	\$ 73,270.00	\$ 51,475.00
<b>TOTAL OTHER REVENUES</b>	<b>\$ 16,832.64</b>	<b>\$ 17,638.09</b>	<b>\$ 172,925.16</b>	<b>\$ 148,010.25</b>

**WORK ORDER EXPENSES**

TYPE	Aug-15	YTD	Aug-14	YTD	Aug-15	YTD	Aug-14	YTD
LABOR	39%	36%	24%	38%	\$ 4,867.07	\$ 52,413.69	\$ 2,423.56	\$ 42,360.25
MATERIALS	13%	20%	12%	28%	\$ 1,654.80	\$ 28,071.98	\$ 696.49	\$ 30,887.08
CONTRACTOR	48%	26%	64%	35%	\$ 6,085.91	\$ 61,811.08	\$ 8,653.24	\$ 79,822.21
<b>TOTALS</b>	100%	100%	100%	100%	\$ 12,607.78	\$142,296.75	\$ 11,773.29	\$153,069.54

**WORK ORDERS BY BUILDING**

FACILITY	Aug-15	YTD	Aug-14	YTD
CITY HALL	11	111	22	154
COMMUNITY CENTER	8	57	2	29
EVENTS CENTER	3	61	10	98
EMPLOYEE HEALTH CLINIC	0	1	0	10
FLEET	1	23	5	20
FRANK EVANS MUSEUM	3	12	1	11
LIBERTY PARK	0	5	0	3
MUNICIPAL COMPLEX	10	82	4	79
PARKS BUILDING	2	18	2	34
POLICE DEPARTMENT	11	80	9	79
PUBLIC WORKS BUILDING	5	34	4	44
SPORTS COMPLEX	2	38	1	38
STATION #33	6	42	6	37
STATION #37	2	31	5	34
TENNIS CENTER	2	42	4	33
TRAILHEAD PARK	5	18	3	14
WATER TREATMENT PLANT	1	13	4	23
<b>TOTALS</b>	72	668	82	740

**WORK ORDERS BY CATEGORY**

FACILITY	Aug-15	YTD	Aug-14	YTD
APPLIANCES	4	50	6	36
DOORS - INT, EXT, & HARDWARE	5	50	9	55
ELECTRICAL	18	211	25	253
FIRE ALARM SYSTEMS	0	4	0	11
FIRE SPRINKLER SYSTEMS	0	0	0	0
HVAC	6	49	7	49
JANITORIAL	1	17	0	21
MISCELLANEOUS	11	92	15	106
PAINT - INTERIOR & EXTERIOR	2	10	0	5
PEST CONTROL	1	11	0	12
PLUMBING	0	49	3	72
PREVENTATIVE MAINTENANCE	24	118	17	117
SECURITY SYSTEMS	0	5	0	3
SEPTIC TANKS	0	0	0	0
VENDING	0	3	0	0
<b>TOTALS</b>	72	669	82	740



# Lake Mary Police Department

## MONTHLY REPORT - AUGUST 2015

	FY 2015 AUG	FY 2015 YTD	FY 2014 AUG	FY 2014 YTD
<b>Monthly Call Volume</b>	6,214	56,481	4,785	53,125
<b>Response Times (in minutes)</b>				
Priority 1	2.64		4.11	
Priority 2	5.08		3.46	
Priority 3	7.3		6.94	

### UCR Crimes

Murders	0	0	0	0
Sex Offenses, Forcible	2	8	0	2
Robbery	1	8	0	3
Assault/Battery	8	105	7	92
Burglary	4	75	16	66
Theft, all other	12	154	14	179
Motor Vehicle Theft	0	10	1	7
Theft of Motor Vehicle Parts	0	7	0	14
Arson	0	0	0	0
D.U.I.	2	25	2	32

### Total Arrests

Adults	33	381	26	373
Juveniles	2	25	1	34

### Traffic Calls

Crashes	63	623	57	574
Criminal Citations	15	137	16	159
Citations- non criminal	294	2,554	281	3,817
Parking citations	2	72	5	108
K9 Deployments	6	135	9	114
Agency Assist; outside Jurisdiction	48	527	71	589

### Alarms

Total	105	1,101	105	1,028
Business	68	609	54	643
Residential	37	492	51	385

### Total Responses to City Ordinance Violations

33	294	25	209
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## Lake Mary Police Department IMPORTANT EVENTS

### Patrol Division

Lake Mary's Honor Guard served at the Seminole State College Graduation ceremony on August 20th.

Completed the Back To School Traffic Detail successfully.

### Criminal Investigations Division

14 cases were routed to the Economic Crimes Task Force.

Arrests made on Aggravated Assault, Lewd and Lascivious and Robbery cases.

CID responded to a suicide with handgun, and aggravated assault/battery with a firearm.

CID attended Volusia, Lake and Seminole County Intel Meetings; also represented LMPD at Safehouse Board and Human Trafficking Meetings.

Det. Hernandez completed a week long course on Injury and Death Investigations.

Sgt. Gowen attended Seminole State College's graduation ceremony.

CID processed two individuals for employment as police officers, administered examinations; performed CVSA testing for FD applicants.

Ofc. Connors attended a week long Task Force Officer training session.

### Community Relations Division

Victory Karate Summer Camp - Taught students ranging in age from 5 -12 about safety, bullying and cyberbullying.

The first three sessions of R.A.D. (Rape-Aggression-Defense), LMPD's new women's self-defense program, covered personal safety, risk awareness and prevention, and basic self defense; graduation is set for September 10th.

Back to School traffic and safety information was posted via social media; the post had 924 "likes", 96 comments and was shared 640 times!

Montessori Academy teachers received training on how to make their classroom environment safer and to create visual surveillance.

The Back to School Supply Drive was a great success! Enough donations were received to allow LMPD to make a large donation of supplies to A Gift For Teaching - Seminole.

Community Relations gave a local girl scout pack a tour of the police department. where they focused on police officers as helpers of the community.

LMPD hosted over 40 children and their mothers from the Hussein Islamic Center Mom's Group for a tour of the police department. The group's theme was "Angels with Badges" and they chose LMPD for their tour.

**Support Services Division**

LMPD welcomed Trina Burkholder as new Sr. Admin. for Property and Evidence, and Troy Stull as Emergency Communications Operator.

Various division members attended training on Florida Public Records, Managing Social Media and Body Cams.

Supervisor Suzanne Garfinkel attended the Public Safety Best Practice Forum.

# PUBLIC WORKS UPDATE

## August 2015

### Streets/Sidewalks – 432

1. Station House area parking, utility and road improvements substantially complete. Waiting on final as-built drawings.
2. Striping for Community Center parking lot to be installed on 9/23.
3. Emma Oaks Trail sidewalk bids received, waiting on Duke Energy work to be completed prior to award.

### Water Treatment – 434

12-month average daily water demand 3.09 million gallons (4% above previous 12 months). CUP allowance 4.94 MGD. 12-month maximum day demand 5.38, plant capacity 9.99 MGD. Rainfall one inch above average year to date.

### Water Distribution/Wastewater Collection – 435

1. Meter Change-out Program – ongoing.
2. Lift station pump maintenance program – all stations have been repaired/modified; we are experiencing a 25% reduction in electric use over 2011.
3. Palmetto Street Turn Lane and Lake Mary Blvd. Sewer Project awarded to Pospiech Contracting, notice to proceed August 24<sup>th</sup>. Will include turn lane on LMB at Palmetto.

	Aug-15	FYTD	Aug-14	FYTD
Work Orders Completed	41	316	22	315
Sidewalks Repaired (Feet)	30	1,026	0	1,960
Street Signs Installed	12	143	12	136
Streets Paved (Miles)	0.00	1.70	2.43	5
Paved Streets Maintained (Asphalt - Tons)	3.50	42.00	3.25	37
Millions Gallons Treated	92	1,047	95	993
New Water Meters Installed	1	20	2	34
Waterlines Installed (Feet)	0	100	0	230
Waterline Breaks Repaired	17	185	22	207
Meters Exchanged	7	341	67	346
Turn-On/Turn-Off (Customer Request)	104	1,457	161	1,476
Turn-Offs/Non-Payment	29	258	25	201
Water System Dist. Valves Exercised	0	195	5	285
Vehicle Preventative Maint. Inspections	50	547	51	536
Vehicles/Equipment Serviced	92	973	103	950

City of Lake Mary -  
Economic Development Activity Report

**Activity Detail**

**City of Lake Mary, Economic Development Activity Log**

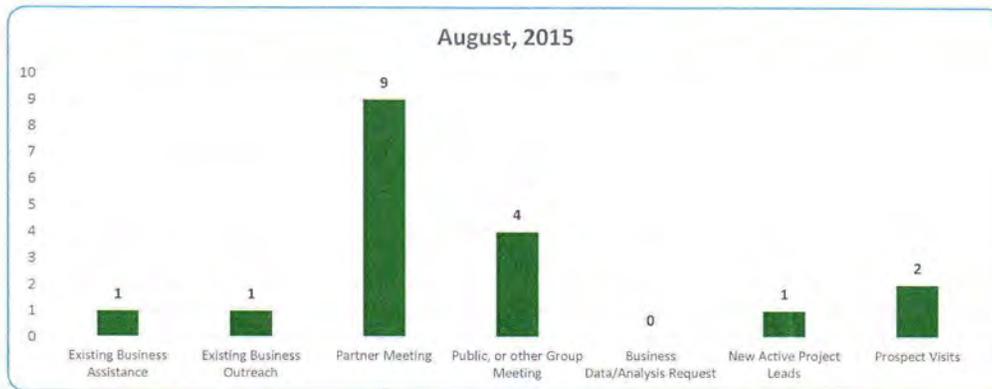
August, 2015

Name	Date	Activity Code	Explanation
Tom	8/3/15	Partner Meeting	Bimonthly Seminole Economic Development and Education Network (SEDEN) meeting highlighting the work of GrowFI and presentations by several second stage companies located in Seminole County.
Tom	8/5/15	Partner Meeting	Participated in Rollins College Entrepreneur forum with SSC.
Tom	8/5/15	Partner Meeting	Meeting with County Transportation Department to discuss traffic study for Griffin Farms at Midtown project.
Tom	8/6/15 and 8/7/15	Public, or other Group Meeting	Leadership Seminole Class 25 Participation.
Tom	8/6/15	Public, or other Group Meeting	City Commission Regular meeting. Acting City Manager Role.
Tom	8/10/15	New Active Project Leads	New Active Project Lead for a nationwide economic development project involving several build-to-suit scenarios. Worked with all economic development partners to put together an incentive matrix outlining the value of services our community could offer.
Tom	8/11/15	Partner Meeting	Meeting with reThink to discuss Lake Mary Sunrail usage and last mile connections.
Tom	8/11/15	Partner Meeting	Meeting with several Seminole County Cities to discuss Lynx Bus Service and potential improvements to the business model.
Tom	8/12/15	Public, or other Group Meeting	First Step meeting regarding Anderson Lane project.
Tom	8/13/15	Partner Meeting	Meeting with Seminole County Community Services to discuss programs and grants.
Tom	8/18/15	Partner Meeting	Mayors and Managers meeting held at Sanford City Hall.
Tom	8/20/15	Public, or other Group Meeting	City Commission workshop and regular meeting. Acting City Manager Role. Approval of State QTI incentive for Jeunesse LLC.
Tom	8/20/15	Existing Business Assistance	Meeting with Crescent Property Resources to discuss future development plans for 155 acre Rinehart property.
Tom	8/24/15	Prospect Visits	Meeting with Guidewell Emergency Doctors about potential interest in Lake Mary.
Tom	8/25/15	Prospect Visits	Meeting with new start-up business interested in a manufacturing facility in Lake Mary.
Tom	8/26/15	Existing Business Outreach	Discussed various parts of the City with a consulting planning/architecture group.
Tom	8/28/15	Partner Meeting	Meeting with several city economic developers to discuss projects and cooperation.
Tom	8/31/15	Partner Meeting	Meeting with County Transportation Department to discuss the Beyond the Ultimate Interstate 4 project.

**Activity Summary**

City of Lake Mary, Economic Development Activity Summary August, 2015	
Activity Code	Explanation
Existing Business Assistance	Existing business assistance involving a problem, and follow-up
Existing Business Outreach	Existing business outreach meeting or interview
Partner Meeting	Meeting with Economic Development partners
Public, or other Group Meeting	Public meetings, or other group meeting
Business Data/Analysis Request	Data and analysis request processed
New Active Project Leads	Meetings associated with new projects that develop into follow-up action or incentive
Prospect Visits	Meeting with business potentially interested in relocating or expanding in Lake Mary

Activity Count	August, 2015
Existing Business Assistance	1
Existing Business Outreach	1
Partner Meeting	9
Public, or other Group Meeting	4
Business Data/Analysis Request	0
New Active Project Leads	1
Prospect Visits	2
<b>Total Count</b>	<b>18</b>



**Milestones:**

City Commission approval of State QTI incentive for Project Youth (i.e., Jeunesse). This project will result in the creation of 150 new corporate headquarter jobs in the City of Lake Mary.
Several meetings to develop a response to a major economic development inquiry involving several build-to-suit scenarios, referred to as Project Arcadia.
Service as Acting City Manager.



The diagram to the left shows a typical pattern associated with workflow from a local (city) economic development office. Note concentration on existing businesses.



## **CITY MANAGER'S REPORT**

DATE: 9/9/2015

TO: Mayor and City Commission

FROM: Bobbie Jo Keel, Permitting/Zoning Coordinator

THRU: John Omana, Community Development Director

VIA: Jackie Sova, City Manager

SUBJECT: August Monthly Report

<b>BUILDING PERMITS ISSUED</b>					<b>BUILDING PERMIT VALUATIONS</b>			
ACTIVITY - PERMIT TYPE	Aug-15	YTD	Aug-14	YTD	Aug-15	YTD	Aug-14	YTD
COMMERCIAL - NEW	0	1	1	26	\$ -	\$ 1,434,000	\$ 780,000	\$ 4,266,838
COMMERCIAL - ALTERATION	11	122	9	85	\$ 1,204,475	\$ 18,008,330	\$ 165,069	\$ 17,667,678
RESIDENTIAL - NEW	1	33	1	28	\$ 1,344,400	\$ 6,988,414	\$ 204,344	\$ 32,300,108
RESIDENTIAL - ALTERATION	15	139	11	129	\$ 49,136	\$ 2,645,122	\$ 93,805	\$ 1,238,121
ELECTRICAL - NEW/ALTERATION	19	239	19	192	\$ 228,054	\$ 2,964,023	\$ 59,919	\$ 19,560,190
ELECTRICAL - TEMP/PREPOWER	3	56	2	69	\$ 10,600	\$ 18,000	\$ 600	\$ 7,100
MECHANICAL - NEW/ALTERATION	23	283	22	279	\$ 170,088	\$ 9,705,888	\$ 204,486	\$ 6,241,130
PLUMBING - NEW/ALTERATION	16	162	10	125	\$ 93,951	\$ 1,026,945	\$ 175,165	\$ 2,033,114
ROOFING - TILE, METAL & FLAT	3	31	4	62	\$ 21,336	\$ 464,454	\$ 172,619	\$ 1,463,996
RE-ROOFING	59	412	33	162	\$ 787,246	\$ 5,562,326	\$ 408,885	\$ 2,763,497
SWIMMING POOL	2	16	1	21	\$ 92,169.00	\$ 2,608,389.00	\$ 30,000	\$ 247,257.00
SCREEN ENCLOSURE	4	15	2	17	\$ 29,700	\$ 107,114	\$ 13,195	\$ 133,283
FENCE	4	79	9	63	\$ 7,342	\$ 216,428	\$ 33,131	\$ 169,410
SIGN	2	45	6	39	\$ 12,694	\$ 194,142	\$ 16,265	\$ 237,602
FOUNDATION ONLY	0	0	0	1	\$ -	\$ -	\$ -	\$ -
DEMOLITION	1	6	0	1	\$ 5,000	\$ 58,700	\$ -	\$ 12,000
<b>TOTALS</b>	163	1639	130	1299	\$ 4,056,191	\$ 52,002,275	\$ 2,357,483	\$ 88,341,324

<b>BUILDING INSPECTIONS PERFORMED</b>				
TYPE	Aug-15	YTD	Aug-14	YTD
BUILDING	348	2735	80	2217
ELECTRICAL	63	977	50	871
MECHANICAL	42	491	61	566
PLUMBING	46	618	68	446
<b>TOTALS</b>	499	4821	445	4100

**MAJOR PROJECTS**

1. Fountain Parke
2. Central Parc
3. Pediatric Urgent Care

**FIRST STEP MEETINGS**

1. Pulte Homes-Anderson Lane



## MEMORANDUM

**Date:** September 17, 2015

**To:** Mayor & City Commission

**FROM:** Gary Schindler, City Planner *G. M. Schindler*

**THRU:** John Omana, Community Development Director *[Signature]*

**VIA:** Jackie Sova, City Manager

**RE:** August 2015 Planning and Development Activity

### FY2014-2015 WORKLOAD DATA

	FY2014		FY2015	
	AUGUST	Total YTD	AUGUST	Total YTD
Land Use Amendments	0	1	1	3
Rezoning	0	7	0	2
Conditional Use	0	2	0	3
Subdivisions/Plat	1	6	0	7
Site Plans	0	9	0	4
Variances	0	1	0	0
Vacates	0	1	0	0
Annexations	0	0	0	0
DRI Development Agreement & Amendments	0	0	0	1
PUD Development Agreement & Amendments	0	0	0	0
Development Agreements, New	0	0	0	1
DRC Reviews	0	6	0	6
Home Occupation Review	3	45	1	43
Business License Review	17	161	26	287
Arbor Permits (non-development related)	9	161	14	162
Zoning Verification Letters	2	6	1	12
Site Permits Issued	1	9	0	9
Building Permits Review	38	377	38	393
Number of Pages Scanned	0	0	0	0

**Significant Meetings & Issues:**

- August 4 – Metro Plan Complete Streets Meeting; Verizon Transmission Pole Meeting & Griffin Farms Meeting**
- August 5 – Beazer Homes siting Meeting**
- August 6 – The Oaks Shopping Center Pond Meeting**
- August 7 – Bicycle/Pedestrian Plan Meeting**
- August 11 – rethink Meeting; Meeting with CPH regard a purchase order for a project in the CRA**
- August 12 – Anderson Lane Property First Step Meeting**
- August 14 – Purchase Order/Procurement Meeting**
- August 17 – Purchase Order/Procurement Meeting**
- August 21 – Webinar: Best Practices in Sustainable Comp Planning**
- August 25 – Lake Mary Coffee Club Chamber of Commerce Presentation**
- August 26 – Twelve Oaks Precon; Economic Element Kickoff; MetroPlan Bicycle/Pedestrian Advisory Committee Meeting**
- August 27 – Alan Goldberg Properties Meeting**
- August 31 – Beyond the Ultimate Meeting; Project Intake Meeting; Palmetto Palm Tree relocation Meeting**

# Human Resources

## August 2015 Report

Employment	08/15	YTD	08/14	YTD
Applications received/acknowledged	42	682	111	510
New Hire Orientations	2	31	2	22
Resignations/Terminations	7	26	8	23
Current Vacancies (FT/PT Employment Opportunities)	6	76	4	40
Positions filled in house	0	3	3	9
Positions filled outside	2	31	2	21
Surveys Conducted/Completed - Get Wanda's #s	12	128	7	91
Employee Evaluations	23	179	17	190
Employee Verifications	6	54	1	52
Personnel Actions Initiated	33	366	22	328
Grievances Filed	0	2	0	1
Employee Insurance Assistance	14	116	5	54
Current Full Time Employees	175		176	
Current Part Time Employees	24		19	
<b>Special Projects</b>				
Personnel Policy Manual				
Benefit Fair Prep				
<b>Insurance</b>				
	08/15	YTD	08/14	YTD
On the Job Injuries - Medical Attention Required	1	8	0	9
On the Job Injuries - No Medical Attention Required	0	1	2	7
City Vehicle Accidents Reported - Under \$500	1	5	0	8
City Vehicle Accidents Reported - Over \$500	0	5	0	3
Loss/Damage Reports - Under \$500	2	13	0	10
Loss/Damage Reports - Over \$500	0	7	3	6
Damage to City Property by Others - Under \$500	0	0	0	0
Damage to City Property by Others - Over \$500	0	0	0	1
Liability/Claimant Incident Reports - Under \$500	0	0	0	4
Liability/Claimant Incident Reports - Over \$500	0	0	0	4
Special Hearings/Mediations	0	0	0	0

**CITY CLERK'S OFFICE MONTHLY REPORT  
AUGUST 2015**

	FY 2015		FY 2014	
	AUGUST 15	YTD	AUGUST 14	YTD
MINUTES PREPARED (SETS)	2	21	2	18
ORDINANCES CREATED	0	0	0	0
ORDINANCES PREPARED	3	6	2	6
RESOLUTIONS CREATED	0	0	0	0
RESOLUTIONS PREPARED	1	4	1	2
PROCLAMATIONS PREPARED	1	21	1	16
OCCUPATIONAL LICENSES				
NEW	26	255	14	214
RENEWALS	670	1003	623	846
TRANSFERS	0	43	4	42
REVENUE GENERATED	\$48,005.00	\$77,988.25	\$41,625.00	\$72,624.75
CITY ELECTIONS HELD	0	0	0	0
DOCUMENTS RECORDED	4	39	8	36
RECORDS DESTROYED (CUBIC FEET)	15	15	0	15



**City of Lake Mary**  
**Fire Department**  
911 Wallace Court-Lake Mary, Florida 32746



## **Monthly Report**

### **August 2015**

#### **Administration and Emergency Operations**

We responded to 359 emergency alarms, had 146 transports, and accumulatively participated in 429 hours of EMS and fire related training during the month of August.

Emergency Operations and administrative personnel had an additional 18 public contacts for sharps boxes, blood pressures, child car seat installations, public relations, etc.

Administrative personnel completed work on the specifications for the new fire engine.

Preparations were made for the first annual 9/11 memorial ceremony to be held at City Hall.

General order completed by the Training Chief to help facilitate surface water rescue operations.

#### **Fire Prevention**

Fire inspectors conducted 101 combined inspections and 39 plan reviews.

#### **Activities included –**

- Continued training of new fire inspector.
- Site visits for several projects to resolve issues.
- Continued to work on Company Survey project – completed form, created training guidelines, worked on General Order and scheduled training dates.
- Worked on/completed fire evacuation routes for all city buildings (except Parks) – all routes are now posted.
- Monitoring/follow up of several buildings with posted fire watches due to systems being out of service.
- Assisted Orange County FD with Side-By-Side Sprinkler Burn Demonstration.

### **Meetings attended –**

First Step, Staff, DRC, CFFMIA, SEED, and contractor/project meetings  
Conference committee for statewide Fire Marshal/Inspector Association  
Statewide Assisted Living Facility Meeting regarding legislative/statute issues  
9/11 Event Planning  
FD Budget  
Emergency Management planning meetings for Tropical Storm Erika  
Webinar for new inspection software for FD officer staff  
Meeting with Maitland FD to review/learn about new inspection software  
Met with school principals regarding upcoming poster contest/open house  
Elder Affairs Commission  
Staff meeting for Open House/Fire Prevention Month/Poster Contest activities planning  
Halloween Spooktacular Planning

### **Classes/Training Completed/Attended –**

Central Florida Fire Marshal's Luncheon/Training – 1.5 Hours  
CPR Train-The-Trainer – 2 personnel – multiple hours/days for online/classroom training  
CPR Train-The-Trainer – 2 personnel – for CPR test  
EMT Training – Target Solutions – online training  
AO/GO – Target Solutions – online

### **Public Education Events –**

PR Visit – Star Child Academy – 2 hours – 130 in attendance  
Station Tour – Mom's Group – 1 hour – 30 in attendance  
PR – HTE – 1 hour – 40 people  
Fire Drill – 640 Century Point – 1 hour – 200 participated  
Smoke Alarm install – residential home – ½ hour – 2 people  
Smoke Alarm install – residential home – 1 hour – 2 people  
PR – Crossfit Lake Mary – 2 hours – 100 in attendance  
Station Tour – 1 hour – 40 in attendance