

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held June 18, 2015,  
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road, Lake  
3 Mary, Florida.

4  
5  
6 1. Call to Order  
7

8 The meeting was called to order by Deputy Mayor George Duryea at 7:02 P.M. He said  
9 he was standing in for the Mayor, and standing in for the City Manager is John Omana  
10 who is our Community Development Director.

11  
12 2. Moment of Silence  
13

14 3. Pledge of Allegiance  
15

16 4. Roll Call  
17

18 Mayor David Mealor - Absent  
19 Commissioner Gary Brender  
20 Deputy Mayor George Duryea  
21 Commissioner Sidney Miller  
22 Commissioner Jo Ann Lucarelli

Jackie Sova, City Manager – Absent  
Carol Foster, City Clerk  
Dianne Holloway, Finance Director  
John Omana, CDD/Acting City Mgr.  
Gary Schindler, City Planner  
Steve Noto, Deputy City Planner  
Bruce Paster, Public Works Director  
Tom Tomerlin, Economic Dev. Mgr.  
Bryan Nipe, Parks & Recreation Dir.  
Steve Bracknell, Police Chief  
Katie Reischmann, City Attorney  
Mary Campbell, Deputy City Clerk

23  
24  
25  
26  
27  
28  
29  
30  
31 5. Approval of Minutes: June 4, 2015  
32

33 **Motion was made by Commissioner Brender to approve the minutes of the June**  
34 **4, 2015, meeting, seconded by Commissioner Lucarelli and motion carried**  
35 **unanimously.**

36  
37 6. Special Presentations  
38

39 A. Police Department's Community Service Award – Jerry and Laura Cutchens,  
40 residents  
41

42 Chief Bracknell said today we have an opportunity to present a community service  
43 award to some citizens that assisted us in a very difficult and violent felony crime that  
44 occurred within our city. We are truly blessed to have Mr. and Mrs. Cutchens here.  
45

1 Chief Bracknell said on March 11<sup>th</sup> at 7:45 A.M., a female was approached by an  
2 unknown male near the wooded area on International Parkway near Heathrow Park  
3 Lane. The male proceeded to ask the young woman some questions and then battered  
4 her and attempted a sexual battery on the woman. The woman was able to fight off the  
5 male and he fled the area. Lake Mary residents Jerry and Laura Cutchens heard the  
6 commotion and saw the male fleeing. They reported the incident to the Colonial Grande  
7 Lake Mary maintenance personnel who happened to be in the area servicing the  
8 apartments. The Cutchens further assisted the woman by staying with her and helping  
9 attend to her injury. The suspect was caught moments later, arrested and promptly  
10 taken to jail. Due to their actions and willingness to get involved, they were able to help  
11 the citizen in need and capture the suspect. The City of Lake Mary and the Lake Mary  
12 Police Department thank them for their selfless efforts in assisting us in solving this  
13 crime.

14  
15 Chief Bracknell presented the Cutchens with certificates that read: For your willingness  
16 to get involved in your community and help a crime victim in need resulting in the arrest  
17 of the suspect.

18  
19 Chief Bracknell presented the Cutchens with a plaque that read: The City of Lake Mary  
20 Police Department Community Service Award to Jerry and Laura Cutchens for your  
21 willingness to get involved in your community helping a crime victim in need and  
22 participating in the criminal justice process which led to the arrest of the suspect. Thank  
23 you from the City of Lake Mary Police Department.

24  
25 Chief Bracknell said we are truly blessed to have citizens that do get involved. He  
26 thought one of the other special things that we enjoy in Lake Mary is when our citizens  
27 see something they say something. We really appreciate it.

28  
29 Deputy Mayor Duryea thanked Mr. and Mrs. Cutchens for coming. We and the citizens  
30 appreciate your steadfastness.

31  
32 B. Central Florida Expressway Authority's Visioning and Master Plan – Glenn  
33 Pressimone-Nathan Silva

34  
35 Nathan Silva, 482 South Keller Road, Orlando, Florida, came forward. He thanked the  
36 Commission for allowing him to give his presentation on the Central Florida Expressway  
37 Authority and their vision and master planning effort.

38  
39 Mr. Silva said in June of last year, the governor signed new legislation that transformed  
40 the Orlando/Orange County Expressway Authority, an agency that had been around  
41 since 1963, into the new Central Florida Expressway Authority. That legislation did  
42 several things but wanted to highlight three of the major items.

43  
44 Mr. Silva said first they expanded the makeup of the board. The old authority have five  
45 members and the new board has nine members, six of which are now elected officials  
46 made up of the Mayor of Orange County, Mayor of the City of Orlando, and one county

1 commissioner from each of the four counties: Lake, Seminole, Osceola, and Orange.  
2 The current Seminole County representative is Commissioner Brenda Carey.

3  
4 Mr. Silva said it also expanded the jurisdiction of the Authority beyond Orange County.  
5 Now the Authority has authorization to do work in Lake, Seminole, and Osceola  
6 Counties as well. Historically the Orlando/Orange County Expressway Authority mainly  
7 did toll roads and expressways. The new legislation gives them the authorization to get  
8 more involved in multi-modal projects like rail, transit, etc. These are projects they can  
9 do within their existing rights-of-way.

10  
11 Mr. Silva said there are six facilities that make up the Expressway Authority's system  
12 (he showed a list on the overhead). All these projects are within the boundaries of  
13 Orange County. The 417 and 429 extended to other counties but only these segments  
14 within Orange County are part of the Expressway Authority system. They are made up  
15 of lots of toll plazas, etc. On an annual basis they collect about 326 million transactions  
16 which equates to a little over \$300 million annually. He showed a graph of where that  
17 \$300 million goes. A little over half of it is used to pay debt service on outstanding  
18 bonds that were used to build the expressway system. A little under 20% of that is used  
19 for the routine operation, maintenance and administration of the Authority itself. That  
20 leaves about 20% of cash to be used for new projects or be committed for future bond  
21 sales.

22  
23 Mr. Silva showed a chart of who is using the Authority's system based on the E-Pass  
24 and Sun Pass transponders. Over 40% are from Orange County and just under 15%  
25 are registered to residents of Seminole County.

26  
27 Mr. Silva said the Authority is in the middle of developing their first long-range master  
28 plan and going into the visioning process. This master plan will set the Authority's  
29 policy on where they will invest their dollars in the future and then it will phase down into  
30 their five-year work program that they adopt each year. The master plan has four major  
31 elements that identify projects that they will invest in to maintain and improve their  
32 existing system such as roadway widening, resurfacing, and interchange improvements.  
33 They will have a section on their revenue and tolling program. This includes not just  
34 their tolling policies but also technologies that they will look into for future toll collections.  
35 It will have a section on potential expansion projects. Completion of the beltway has  
36 always been everybody's expansion project with funding finally coming in for the Wekiva  
37 Parkway. With actual construction of that starting, the Authority is looking for that next  
38 major expansion project in Central Florida. The Authority now has authorization to get  
39 involved in more multi-modal projects. That section of the master plan will identify  
40 programs they may consider getting involved in.

41  
42 Mr. Silva said the population in Florida recently became No. 3 in the country behind  
43 Texas and California. Within the seven counties that make up Central Florida we have  
44 over 4 million in population today and that population is projected to grow to over 5.5  
45 million by 2040. The purpose of this master plan is to identify projects and programs  
46 the Authority will invest in to help meet the transportation needs that come with this

1 population growth. The Authority always welcomes input and suggestions from the  
2 local communities, county commissions and city councils. We have been giving this  
3 presentation to various organizations around Central Florida for the last couple of  
4 months and we have created a survey. He had hard copies of the survey but it is also  
5 online. The Authority is genuinely interested in receiving input from the local community  
6 and getting ideas and views of what the Authority's role should be in the future.

7  
8 Mr. Silva showed the master plan schedule on the overhead. For the last several  
9 months we have been out in the community doing presentations like this garnering input  
10 from the local community. At the August board meeting the Authority is going to take all  
11 that information and set the vision and policies to help guide it for the next 25 years.  
12 Ultimately as we go through the evaluation and processes we will have a draft plan by  
13 the end of the year.

14  
15 Mr. Silva showed the website for the survey on the overhead:  
16 [CFX.2040.sgizmo.com/s3](http://CFX.2040.sgizmo.com/s3). It will be active until about the middle of July if the  
17 Commission would like to direct staff to go on. It is about 11 questions so the survey is  
18 not very time consuming. It will really help the Authority in identifying what the local  
19 community wants them to be doing and where they need to be investing that money.

20  
21 Deputy Mayor Duryea said they have no capital projects in mind and are just at the  
22 planning stage. He asked if that was correct.

23  
24 Mr. Silva said the last master plan was adopted in 2006 and it had a 2030 horizon. That  
25 was the last one of the Orlando/Orange County Expressway Authority which was a  
26 different agency with different makeup. We have a master plan but all the projects  
27 identified in there are coming to fruition. This will set the stage for this new expressway  
28 authority.

29  
30 Commissioner Brender said he sat for quite some time as Chairman of the Seminole  
31 County Expressway Authority so has kept in touch with the Wekiva Parkway. There has  
32 been a great deal of consideration back and forth about the 417 south of the bridge.  
33 While that is going on I-4 is going on. He asked if that was in discussion as part of this  
34 planning function.

35  
36 Mr. Silva said the section of 417 in Orange County is the Authority's. The section of 417  
37 in Seminole County is under the ownership, operation and control of the Florida  
38 Turnpike Enterprise. They have projects to widen the section to eight lanes with  
39 managed lanes in the middle. Other than what is public knowledge he didn't have more  
40 information.

41  
42 Commissioner Brender said the Wekiva Parkway (Western Beltway) got some  
43 additional monies. He asked if that moved the timeline for that project.

44  
45 Mr. Silva said the Expressway Authority had applied for a TIFIA (Transportation,  
46 Infrastructure, Finance and Innovation Act) loan. The Authority has five segments of the

1 Wekiva Parkway and they already had in their work program the first two segments that  
2 would take it from where it ends at 441 today up to Kelly Park Road which is about a  
3 four mile section. By them getting the TIFIA loan it allowed them to accelerate the other  
4 three sections so all of the Authority's sections will be open to traffic by January 2018.  
5 That is for the Expressway Authority. DOT is responsible for the east/west section. He  
6 didn't know if they had been able to advance that project. He thought that was still  
7 projected to open in 2020 or 2021.

8  
9 Commissioner Brender said the one thing he hears about more than anything in regards  
10 to SunRail as far as the multi-modal part is long before we expand to Deland or  
11 Poinciana we should be expanding to the Orlando International Airport. He asked if  
12 that was going to be under this.

13  
14 Mr. Silva said we have had conversations just like this as well as small group  
15 conversations with staff of SunRail, the Department of Transportation, and the Greater  
16 Orlando Aviation Authority on topics just like that. That is something that will be  
17 discussed. The legislation passed last year that created the CFX specifically said multi-  
18 modal projects within their existing right-of-way. SunRail is perpendicular to the 528,  
19 408, etc. As of right now technically they can't get involved in that but things change  
20 over the years. The major east/west multi-modal project we have been involved in is  
21 with All Aboard Florida which is the intercity rail that will go to Miami. That is within the  
22 528.

23  
24 Deputy Mayor Duryea thanked Mr. Silva for his presentation.

- 25  
26 7. Citizen Participation - This is an opportunity for anyone to come forward and  
27 address the Commission on any matter relating to the City or of concern to our  
28 citizens. This also includes: 1) any item discussed at a previous work session;  
29 2) any item not specifically listed on a previous agenda but discussed at a  
30 previous Commission meeting; or 3) any item on tonight's agenda not labeled as  
31 a public hearing. Items requiring a public hearing are generally so noted on the  
32 agenda and public input will be taken when the item is considered.

33  
34 No one came forward at this time and citizen participation was closed.

35  
36 8. Unfinished Business

37  
38 There was no unfinished business at this time.

39  
40 9. New Business

- 41  
42 A. Preliminary Subdivision Plan approval for Crystal Reserve Subdivision, 150  
43 Crystal Drive, Pulte Homes Corporation, applicant (Public Hearing) (Gary  
44 Schindler, City Planner) (quasi-judicial)

1 Mr. Schindler said this is a preliminary subdivision and only requires approximately 30%  
2 engineering. We have been working diligently with the applicant. In 2008 the  
3 Commission saw another subdivision on this property called Lake Crystal Woods. Both  
4 of them have 16 homes. This is part of the Fountain Parke PUD and it said it would  
5 have a maximum of 16 homes. In 2008 it was called Lake Crystal Woods and it came  
6 about the time the economy crashed and just went away. The preliminary subdivision is  
7 the first of three steps. The next step would be fully engineered plans and that will go to  
8 the Planning & Zoning Board. There will be a final plat that will go to P&Z as a  
9 recommending body and then back to the Commission for final approval. Tonight we  
10 are taking the first step and that is the preliminary subdivision.

11  
12 Mr. Schindler said this does comply with the developer's agreement for Fountain Parke.  
13 It will involve the improvement of Crystal Drive from north of the Crystal Center up to the  
14 intersection of Gehr and Crystal Drive. That will be built to full City cross section  
15 standards, sidewalks on both sides, internal sidewalks on the subdivision street, the  
16 street will be private and will be gated. We do not own or maintain private streets.  
17 Because it is gated it will be a private street.

18  
19 Mr. Schindler said it does not trip the threshold for a transportation study. That  
20 threshold is 300 trips a day or 50 peak hour. We also said we need to know whether or  
21 not a signal is going to be warranted at the intersection of Lake Mary Boulevard and  
22 Crystal Drive. We went to the County and they said they would do a warrant study and  
23 came back and said it doesn't warrant it. We were not happy with that but it does not  
24 warrant a traffic signal at the intersection. Because it doesn't warrant a traffic signal we  
25 don't have a rational nexus to require a contribution towards such a signal.

26  
27 Mr. Schindler said currently the property has access to potable water and they will be  
28 extending sanitary sewer northward along Crystal Drive up to the intersection of Gehr  
29 and Crystal. They will also be putting in laterals for the properties along Crystal Drive  
30 and there at the intersection. They are proposing landscape and irrigation in the  
31 common areas. They are proposing a six-foot high precast wall that will go on the east  
32 side along Crystal Drive on the south side and on the west side north between Crystal  
33 Drive and the Forest. When the Commission reviewed the project previously you were  
34 very adamant that there be concurrence with the Forest regarding the look of the wall.  
35 There is that condition for the final subdivision plan that they must work with the Forest  
36 to come up with an agreeable wall section.

37  
38 Mr. Schindler said he was told that the final subdivision plan will have a stop bar at the  
39 intersection of Crystal Drive with Gehr and there will be a stop sign. That will make the  
40 road much safer.

41  
42 Mr. Schindler said under findings of fact, staff finds the preliminary subdivision plan is  
43 consistent with the Comprehensive Plan, Code of Ordinances, and the Fountain Parke  
44 PUD. There are seven conditions. At the Planning & Zoning Board staff presented five  
45 conditions and the Planning & Zoning Board added Conditions No. 6 and No. 7. They  
46 did that at their regular May 26, 2015, meeting and was recommended for approval 4-0.

1  
2 Deputy Mayor Duryea said the original PUD included the property to the south.  
3  
4 Mr. Schindler answered affirmatively and is still part of the PUD. That property is  
5 designated as office use. It is 2.2 acres.  
6  
7 Deputy Mayor Duryea said the comp plan for this property is low density residential.  
8 What is being proposed is more dense than that.  
9  
10 Mr. Schindler said it may be but it complies with the adopted developer's agreement of  
11 up to 16 dwelling units.  
12  
13 Deputy Mayor Duryea questioned if that was something that went away with the original  
14 approval.  
15  
16 Mr. Schindler answered negatively. The developer's agreement carries on because of  
17 the fact that it was built upon with the multi-family and it continues to be enforced.  
18  
19 Commissioner Brender said there is a cut on Lake Mary Boulevard and Middle Street  
20 but does not line up to that.  
21  
22 Mr. Schindler said it does not but there is a cut. If you were traveling south on Crystal  
23 you would be able to turn left on Lake Mary Boulevard. If you were going east on Lake  
24 Mary Boulevard you could make a left and go north.  
25  
26 Commissioner Lucarelli said she had a concern. It says in the staff report that you want  
27 a letter from St. Johns saying that two ponds aren't needed. If you've two basins and  
28 you're only putting in one pond covering one of those basins then where is the water  
29 from the other basin going.  
30  
31 Mr. Schindler said the pond is being sized to accommodate the runoff from the entire  
32 development.  
33  
34 Commissioner Lucarelli said basins usually flow in opposite directions and questioned  
35 how they were getting everything over to one side.  
36  
37 Mr. Schindler said they are constructing the stormwater system so the basin goes into  
38 the stormwater system and we have been told there is a kinder and gentler St. Johns  
39 now. We want some documentation. Based upon the review by Ms. Danielle Koury  
40 who is our stormwater engineer, it appears that this pond works well.  
41  
42 Commissioner Brender asked if that was going to work for the office park too.  
43  
44 Mr. Schindler answered negatively. The office park will have to have its own  
45 stormwater system. During the final subdivision review process we want some  
46 documentation.

1  
2 Deputy Mayor Duryea asked if anyone wanted to speak for or against this project.  
3  
4 Frank Sabatino, 1810 Valley Wood Way, Lake Mary, Florida, came forward. He said he  
5 had a question on Crystal. He missed where the improvements are going to be. He  
6 asked if that was from Lake Mary Boulevard to the entrance.  
7  
8 Mr. Schindler said when the Crystal Center was built, which is on the north side of Lake  
9 Mary Boulevard between Crystal Drive and Wilson, they had to improve Crystal Drive  
10 from Lake Mary Boulevard to the north property line. This development will pick up that  
11 improvement from the north property line of the Crystal Center and will go up and will  
12 include the intersection of Gehr Lane.  
13  
14 Commissioner Brender said from Gehr Lane south we are a standard City road.  
15  
16 Mr. Schindler said it will be. Right now it is only cold mix. There will be sidewalks,  
17 pavement with two 12-foot wide travel lanes, curb and gutter. It will be a City standard  
18 cross section.  
19  
20 Deputy Mayor Duryea asked if that goes into the retention pond.  
21  
22 Mr. Schindler answered affirmatively. They had to size it to accommodate the runoff  
23 from the road.  
24  
25 Luke Classon, 2300 Maitland Center Boulevard, came forward. He said he was the civil  
26 engineer and engineer of record for this project representing Pulte Homes. He thanked  
27 the Commission. Staff has been more than accommodating returning phone calls and  
28 meeting with us. The report they did was very thorough. He said coming from an  
29 engineer that deals with multiple municipalities and counties it is not as common as you  
30 would think. He thanked the Commission for running a good staff and thanked staff for  
31 a good job on the report. It's a breath of fresh air to see that.  
32  
33 Mr. Classon said density was brought up. The total gross density is 2.7, 16 lots over 5.9  
34 acres. It is a 2.7 which does fall into the low density residential classification.  
35  
36 Mr. Classon said Commissioner Lucarelli mentioned the basins. Currently the site has  
37 a high point basin in the middle of the site. We had a pre-app with St. Johns. We have  
38 had a lot of coordination with them. They don't mind us combining in one pond as long  
39 as we match the pre-development rate for whichever basin we are choosing, which is  
40 the north basin. We have sized the pond and it does function.  
41  
42 Deputy Mayor Duryea asked if all the entitlements of the original development  
43 agreement go with this.  
44  
45 Ms. Reischmann answered affirmatively. It runs with the land.  
46

1 No one else came forward and the public hearing was closed.  
2  
3 Ms. Reischmann pointed out there are seven conditions. She asked if they were all still  
4 valid.  
5  
6 Mr. Schindler answered affirmatively.  
7  
8 Ms. Reischmann asked if staff was supporting the two P&Z conditions.  
9  
10 Mr. Schindler answered affirmatively.  
11  
12 Ms. Reischmann said if this is approved the motion would be to approve with the seven  
13 conditions outlined in the staff report.  
14  
15 Mr. Schindler noted that those conditions affect the final engineering plan. Staff  
16 supports all seven.  
17  
18 **Motion was made by Commissioner Brender to approve the Preliminary**  
19 **Subdivision Plan for Crystal Reserve Subdivision subject to the seven conditions**  
20 **outlined in the staff report, seconded by Commissioner Miller and motion carried**  
21 **by roll-call vote: Commissioner Brender, Yes; Commissioner Miller, Yes;**  
22 **Commissioner Lucarelli, Yes; Deputy Mayor Duryea, Yes.**  
23  
24 B. Palmetto Street Turn Lane and Lake Mary Boulevard Sewer Construction  
25 (Bruce Paster, Public Works Director)  
26 a. Resolution No. 965 – Amending 2015 Budget  
27  
28 The City Attorney read Resolution No. 965 by title only.  
29  
30 Mr. Paster said this is our latest sewer project. The area just east of the SunRail station  
31 is currently on septic tanks. This has been planned for many years and has now come  
32 to fruition. We will be adding a sewer line on Lake Mary Boulevard from Palmetto Street  
33 to High Street. It will be a gravity sewer line down the median. We will put a lift station  
34 on the corner of the SunRail property at the intersection of Palmetto and Lake Mary  
35 Boulevard. The lift station will pump wastewater up Palmetto to a dry line we put in  
36 under the tracks with the EPOCH project and we will tie into it.  
37  
38 Mr. Paster said the second portion of the project is for safety reasons. We will be  
39 putting in a right turn lane on Palmetto, widening that so there will be two lanes coming  
40 off of Palmetto from the SunRail station. We will also be adding a sidewalk on Palmetto  
41 from Lake Mary Boulevard up to the existing sidewalk by the entrance of the SunRail  
42 station.  
43  
44 Mr. Paster said in order to accomplish all this we re-appropriated some funds in the  
45 2015 budget. All funds are coming out of the Water & Sewer Fund for this project.  
46

1 Deputy Mayor Duryea asked if this had already gone out for bid.

2

3 Mr. Paster said it has gone out for bid and Pospiech Contracting was the most  
4 responsible bidder in the amount of \$958,000. There is a bid tab. We had four  
5 respondents for this project.

6

7 Deputy Mayor Duryea said so we need a budget amendment because we haven't  
8 budgeted enough for this item.

9

10 Mr. Paster said that is correct. We budgeted for the design and wasn't sure what the  
11 construction costs would be so we held off budgeting the full amount knowing that we  
12 had plenty of funds in the Water & Sewer Fund to fund the project. We appropriated  
13 funds from fund balance and impact fees to fund this project.

14

15 Commissioner Brender questioned if we were okay doing a turn lane out of the Water &  
16 Sewer Fund.

17

18 Ms. Holloway answered negatively. The turn lane, road work and sidewalk work will be  
19 done from the Capital Projects Fund. We currently have some projects we are not  
20 moving forward on right now so we are going to reallocate those funds to the road  
21 project part. We will be doing the sewer lift station and force main from the Water &  
22 Sewer Fund using impact fees and fund balance.

23

24 Commissioner Brender asked about the light.

25

26 Mr. Holloway said the light has been done and paid for.

27

28 Deputy Mayor Duryea asked if this significantly affected our fund balance.

29

30 Ms. Holloway said in 301 we are neutral. We are just reallocating funds for other  
31 projects to this project for the road. That was already covered with the General Fund  
32 transfer that was budgeted this year. We are not increasing any type of a transfer.

33

34 **Motion was made by Commissioner Miller to authorize the City Manager to enter**  
35 **into an agreement with Pospiech Contracting, Inc. in an amount not to exceed**  
36 **\$958,000 for the Palmetto Street Turn Lane and Lake Mary Boulevard Sewer**  
37 **Project, and approve Resolution No. 975 amending the 2015 budget. Seconded**  
38 **by Commissioner Lucarelli and motion carried unanimously.**

39

40 C. Resolution No. 966 – Adopting the 2015-2020 Seminole County Local  
41 Mitigation Strategy Plan (Danielle McKee Koury, Stormwater/Professional  
42 Engineer)

43

44 The City Attorney read Resolution No. 966 by title only.

45

1 Danielle Koury, Stormwater/Professional Engineer, came forward. She said this is the  
2 Local Mitigation Strategy Plan we adopted about ten years ago. Seminole County, Lake  
3 Mary and our sister cities did an update to this plan to keep current and resubmitted it to  
4 the state. The resolution is to adopt this update to the plan.

5  
6 Deputy Mayor Duryea said this is like a catastrophe strategy.

7  
8 Ms. Koury said mitigation to those catastrophes. We try to plan ahead. With hurricanes  
9 we would have projects that we could get funding for to put hurricane shutters up. We  
10 are trying to mitigate the hazard before it happens.

11  
12 Commissioner Miller said he went on the website and read this when the original  
13 agenda came out. He believed it was 240 pages and about as comprehensive as  
14 anything that he has ever seen. It seems to be well written and well planned.

15  
16 Ms. Koury said that is thanks to Seminole County and their staff.

17  
18 Commissioner Brender said it covers every conceivable thing you think could ever go  
19 wrong.

20  
21 **Motion was made by Commissioner Brender to approve Resolution No. 966,**  
22 **seconded by Commissioner Lucarelli and motion carried unanimously.**

23  
24 10. Other Items for Commission Action

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

27  
28 11. City Manager's Report

29  
30 A. Items for Approval

31  
32 There were no items for approval at this time.

33  
34 Mr. Omana said the Commission rescheduled the Commission meetings in July to the  
35 9<sup>th</sup> and 23<sup>rd</sup> with work sessions prior to each starting at 5:30 P.M.

36  
37 Mr. Omana said all non-emergency offices will be closed Friday, July 3<sup>rd</sup>, in observance  
38 of Independence Day.

39  
40 Mr. Omana said the Farmer's Market will be closed on Saturday, July 4<sup>th</sup>.

41  
42 B. Items for Information

43 a. Monthly Department Reports

44  
45 12. Mayor and Commissioners' Reports – 3

1 Deputy Mayor Duryea had no report at this time.

2  
3 Commissioner Lucarelli said she attended CLEO and there was a good turnout.

4  
5 Commissioner Brender said CALNO is off for the next two months. No July or August  
6 meetings. We will get back together at the County in September doing some kind of  
7 legislative update.

8  
9 Commissioner Miller said he met with Dr. Tomerlin, Metro Orlando EDC, and Tim  
10 Gomez, the CEO of Dixon Ticonderoga this week. They were extremely complimentary  
11 of the economic development team enabling them to make this move and stay here.  
12 The CEO said he was serious about being in Macon and we made it possible for them  
13 to stay here and are quite pleased with where they are. The museum isn't going to be  
14 open and available for another year but the facility is going to be really interesting, even  
15 the furniture. They have what looks like custom built furniture for the CEO's office. It is  
16 going to be a very interesting company to have in our city.

17  
18 Deputy Mayor Duryea said he got an e-mail from the City Clerk that the Florida League  
19 of Cities meeting in August is in Orlando. Those who are going or need some kind of  
20 authorization from her should get with her.

21  
22 13. City Attorney

23  
24 Ms. Reischmann said the Governor signed the private property rights new cause of  
25 action statute creating a new cause of action. It creates a new cause of action now  
26 against governments. The new cause of action will be for any government that offers  
27 up a compromised deal with a developer that is considered a prohibited exaction. A  
28 prohibited exaction is something not roughly proportional with the impact of the  
29 development. There are attorneys' fees associated with it even if the developer does  
30 not prevail monetarily. If they get a positive verdict they can still get attorneys' fees  
31 even if they get no money. It's hard to tell the impact of it. Just like it was with Bert  
32 Harris it may impact how cities negotiate with developers that we are going to be a lot  
33 more circumspect, a lot less willing to throw out (what about this, what about that), and  
34 instead just sticking to the facts and the typewritten list of here's what you can do,  
35 here's what we can do. It's hard to say at this point.

36  
37 Deputy Mayor Duryea asked the City Attorney to write and send each of them how she  
38 thinks this is going to change the way we do business. We typically negotiate in  
39 developer's agreements, conditional uses and so forth and would like to know if he  
40 could say anything anymore.

41  
42 Mr. Omana said under Item 12-A, we have the appointment/reappointment to the Police  
43 Pension Board of Trustees and the Planning & Zoning Board. Per the memorandum  
44 from the City Clerk, we have the narrative text indicating what transpired at the Planning  
45 & Zoning Board. Mr. Wickham was the alternate member but is no longer on the board  
46 for missing three consecutive meetings; therefore, there is a vacancy on that board.

1 Commissioner Duryea's term on the Police Pension Board expires on June 28, 2015,  
2 and has expressed his willingness to continue serving. Considering the factors outlined  
3 in the memo, the recommendation is to reappoint Commissioner Duryea to the Police  
4 Pension Board of Trustees for a two-year term and appoint a resident to serve the  
5 remainder of the term as the alternate member on the Planning & Zoning Board which  
6 expires December 21, 2015.

7  
8 **Motion was made by Commissioner Lucarelli to reappoint Commissioner George**  
9 **Duryea to the Police Pension Board of Trustees, seconded by Commissioner**  
10 **Miller and motion carried 3 – 0 (Commissioner Duryea abstained).**

11  
12 Deputy Mayor Duryea said we have this situation with an alternate for the Planning &  
13 Zoning Board. He considered that very important because those are the people who  
14 really get down into the mud. He asked the Board's pleasure.

15  
16 Commissioner Miller said he was remiss and had not done his homework on this.

17  
18 **Motion was made by Commissioner Miller to postpone the appointment to the**  
19 **Planning & Zoning Board to the July 9, 2015, Commission meeting, seconded by**  
20 **Commissioner Lucarelli and motion carried unanimously.**

21  
22 Commissioner Lucarelli said we picked our poster for the arts festival and can be found  
23 on their website [www.lakemaryheathrowarts.com](http://www.lakemaryheathrowarts.com). Linda Amundsen is going to be our  
24 poster artist. We voted on a poster for this year. We are entertaining an agreement  
25 with Cox Radio. We are excited about the changes this year and having Cox Media as  
26 a media partner. There is going to be some heavy promotion on a lot of local radio  
27 stations. They will have a radio personality on site to help negotiate better fees with the  
28 stage. They are saving us a ton of money and giving us a bigger bang for our buck.  
29 Bryan Nipe did the site plan and some of that will be reworked with the new construction  
30 out there. We have to reconfigure a few things. We're excited about this year. It is  
31 moved to the second weekend in November (14<sup>th</sup> & 15<sup>th</sup>). A lot of the new changes  
32 coming up will be much better.

33  
34 Commissioner Miller said he had a process question regarding the appointment of the  
35 Planning & Zoning person. The process would be one of them would nominate one of  
36 those candidates we think is the best candidate at the next meeting. He asked if we  
37 had their telephone numbers and was it okay to call the ones who have applied.

38  
39 Ms. Reischmann answered affirmatively.

40  
41 Ms. Reischmann said the U.S. Supreme Court handed out a decision today on striking  
42 down a city sign code which could have a lot of implications.

43  
44 Deputy Mayor Duryea asked the City Attorney if she was saying we are going to get the  
45 billboard people back.

1 Ms. Reischmann answered affirmatively. We could have some potential lawsuits there,  
2 finding sign codes to be content based, and applying strict scrutiny to and in this case,  
3 directional sign distinctions that the city made in its directional signs. It's a very tough  
4 standard to meet for any city code. There is concern that a lot of sign codes are in  
5 jeopardy.

6  
7 Deputy Mayor Duryea asked if that was something the Community Development  
8 Director is looking at and how this is going to affect us.

9  
10 Mr. Omana said we will be.

11  
12 Commissioner Lucarelli questioned who was behind that and was it the billboard  
13 companies. We have to have some kind of regulation or your city will look like a trash  
14 pile of crazy, obnoxious signs everywhere.

15  
16 Ms. Reischmann said that is what one of the justices said that either you go with a trash  
17 pile or you have these strict guidelines that are pure time, place, and manner. The goal  
18 is you don't have to read the sign to be able to regulate it. That's almost impossible.  
19 You can't have a sign code that you don't have to read a sign to regulate it. The goal is  
20 to have one category of temporary signs and one category of permanent signs and no  
21 mention of political signs, construction signs that every sign code in the nation has. It's  
22 a tough standard but we are going to have to live with it.

23  
24 14. Adjournment

25  
26 There being no further business, the meeting adjourned at 8:00 P.M.

27  
28  
29  
30 \_\_\_\_\_  
31 George Duryea, Deputy Mayor

\_\_\_\_\_

Mary Campbell, Deputy City Clerk

32  
33  
34  
35 ATTEST:

36  
37  
38  
39 \_\_\_\_\_  
40 Carol A. Foster, City Clerk