

1 MINUTES OF THE LAKE MARY CITY COMMISSION MEETING held March 5, 2009,
2 7:00 P.M., Lake Mary City Commission Chambers, 100 North Country Club Road.

3
4 I. Call to Order

5
6 The meeting was called to order by Mayor David Mealar at 7:05 P.M.

7
8 II. Moment of Silence

9
10 III. Pledge of Allegiance

11
12 IV. Roll Call

13		
14	Mayor David Mealar	John Litton, City Manager
15	Deputy Mayor Gary Brender	Carol Foster, City Clerk
16	Commissioner George Duryea	Jackie Sova, Finance Director/ Assistant City Manager
17	Commissioner Shirley Gray	John Omana, Com. Dev. Dir.
18	Commissioner Jo Ann Lucarelli – Absent	Gary Schindler, City Planner
19		Steve Noto, Planner
20		Bill Carrico, Parks & Rec. Dir.
21		Bruce Paster, Public Works Dir.
22		Colin Morgan, Deputy Police Chief
23		Craig Haun, Fire Chief
24		Ed Koch, Building & Facilities Maintenance Manager
25		Jean McCarthy, Finance Mgr.
26		Katie Reischmann, City Attorney
27		Mary Campbell, Deputy City Clerk
28		
29		
30		

31 V. Approval of Minutes: February 19, 2009

32
33 **Motion was made by Commissioner Gray to approve the minutes of the February**
34 **19, 2009, meeting, seconded by Deputy Mayor Brender and motion carried**
35 **unanimously.**

36
37 VI. Special Presentations

38
39 A. Special Recognition Awards for Community Service – Parks & Recreation

40
41 Mr. Carrico said tonight the individuals, organizations and clubs we are honoring
42 increased and enriched our quality of life through donations of time, financial
43 contributions, and energy. They have been highly instrumental in making Lake Mary
44 the premier city in the southeast United States. He said Melissa Flippin will ask the
45 honorees to come forward and Mayor Mealar will present a plaque that reads:

46
47 “Community Service Award – in grateful appreciation for your continued
48 support for the City of Lake Mary’s programs and events”.

CITY COMMISSION MEETING

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1 Ms. Flippin recognized AAA National Headquarters and asked Laura Palermo to come
2 forward. She said for the last three years AAA National Headquarters has been a major
3 sponsor of the City of Lake Mary Senior Center Shred-A-Thon.

4
5 Ms. Flippin said this past year the Lake Mary Elder Affairs Commission put together a
6 Senior Survey for the community. She recognized Denise Elmendorf of AAA Corporate
7 Affairs for her tireless efforts in creating and analyzing the survey.

8
9 Ms. Flippin recognized Hendry Scarfo who was instrumental in the Senior Center
10 Survey and all the senior programs.

11
12 Ms. Flippin recognized Jim Gudinas (who was not present) for volunteering his time for
13 Seniors versus Crime.

14
15 Ms. Flippin recognized Jim Lewis for assisting the seniors with tax returns.

16
17 Ms. Flippin recognized members of the Rotary Club of Lake Mary: Tim Whitefield, Joe
18 Kelly, Denise Carrol, Bart Pilcher, Bill Siegrist, Elvis Campos, Bruce Skawarlo, and
19 Chris Gates. She said the Rotary Club of Lake Mary has been a major sponsor of the
20 Lake Mary Senior Center Shred-A-Thon and has also volunteered their days and time at
21 the Shred-A-Thon.

22
23 Ms. Flippin recognized Shaw Construction: Kristen Shaw, Ryan Shaw, Terry and Linda
24 Shaw. She said Shaw Construction put together the first Movie in the Park and has
25 assisted with every major event we have had starting with the first annual Blues Review
26 to the Easter Egg Hunt to the Halloween Spooktacular to the Red, Rock and Blue. She
27 said they have helped her with everything and she could not have done it without them
28 and it was appreciated.

29
30 Ms. Flippin recognized Johnna Hark, Benjamin Ortega, Alex Andrews and Calie Wilson
31 of Shred-It, Orlando who have helped with the Lake Mary Senior Center Shred-A-Thon
32 over the last three years. They have donated the trucks every year for the event.

33
34 Ms. Flippin recognized Jane Kenovich and Jennifer Acevedo of Synergy. These ladies
35 have sponsored both Senior Center health fairs, Shred-A-Thons, Lake Mary Celebrates,
36 the Trailblazer 5K, the Red, Rock and Blue, and Halloween Spooktacular.

37
38 Mayor Meador said it's a honor to recognize everyone tonight. He said Melissa (Flippin)
39 does so much for the City and she does it with an attitude and spirit that reflects
40 positively on every one of them and we thank you.

41
42 B. Proclamation – Week of the Parents and Children

43
44 Mayor Meador asked Jennifer Grant, Executive Director of the Early Learning Coalition
45 of Seminole County, and Jennifer Small of The Grove Counseling Center to come
46 forward. He read and presented a proclamation proclaiming March 29, 2009 through
47 April 5, 2009 as "Children's Week" and April 5, 2009, as "Parents and Children's Day".
48

1 Ms. Grant thanked the Commission for recognizing the importance of children and
2 families in the community. On behalf of the Child Abuse Prevention Task Force we
3 wanted to thank you for the opportunity to recognize "Child Abuse Prevention Month" in
4 April.

5
6 C. FY 2008 Comprehensive Annual Financial Report – McDirmit Davis &
7 Company, LLC
8

9 Ms. Sova introduced Kelly Leary of McDirmit Davis who has been doing the City's audit
10 for 13 years.

11
12 Ms. Leary said the City got the Certificate of Achievement for the 2007 report and for
13 the 2008 report got an unqualified opinion, which is the best opinion that you can get.
14 The audit reports in the back of the CAFR are compliance and internal control-type
15 reports and those are all good opinions that say the City is in compliance with laws,
16 regulations, contracts, and grants. There is also the management letter where there are
17 certain things we are required to report on that the Auditor General wants addressed
18 such as you are following your investment policy and are not in a state of financial
19 emergency. We also make recommendations for internal control. We did not have any
20 comments on the prior year but this year we have one recommendation. We noticed
21 that the list of deposits for the new Events Center had some amounts for events that
22 have occurred in '08 that had not yet been refunded to the customer or recognized as
23 revenue. The finance department has assured us that they are going to reconcile that
24 each month. She said she thought because it was new it was a lot to keep up with.

25
26 Mayor Meador said Ms. Leary is contracted to scrutinize every single activity. He said it
27 was quite a compliment when you stop and think about an endeavor that is as new and
28 successful as the Events Center. If that's the only thing then our citizens should be
29 incredibly thankful.

30
31 Ms. Leary said she totally agreed.

32
33 Ms. Leary said the Management Discussion and Analysis starts on Page 13 and is an
34 overview of what went on in the City. The City's assets exceeded the liabilities by about
35 \$86 million and almost 66% of that is your investments in your capital assets and the
36 infrastructure of the City. Those capital assets increased this year by about \$4 million
37 because of the Events Center and land acquisition for the downtown area. Debt
38 decreased almost \$1 million because the required bond payments were made.

39
40 Ms. Leary said on the fund level financials, the fund balance in the General Fund
41 increased around \$1 million and is mainly attributed to the fact that you did not transfer
42 as much money to the Capital Projects Fund as you had in prior years. There was also
43 an increase in the building permit fee structure. The fund balance in the Capital
44 Projects Fund decreased \$4.5 million because of the expenditures made on the Events
45 Center.

46
47 Ms. Leary said the last thing we are required to look at is ratios that compare the
48 financial condition of the City of Lake Mary to other cities of similar size and it also looks

1 at the City's trend over the last five years. Most of the ratios are very good. There were
2 a few that she would call inconclusive and most of those were due to the large
3 expenditures made in the Capital Projects Fund.

4
5 Ms. Leary said you should be aware that total governmental cash investments over
6 expenditures has been declining over the last couple of years because of the large
7 expenditures for land and the Events Center. There is a trend and the cash is going
8 down but when compared to other cities you are still in great shape.

9
10 Ms. Leary said the other trend is that your water/sewer operating income ratio to total
11 revenue has also been decreasing but when compared to other cities the same size,
12 you are in good shape. But there is a trend within the City.

13
14 Deputy Mayor Brender said he would imagine the trend with capital outlays going down,
15 considering the budget situation that most cities are finding themselves in, he would
16 think that will be accelerating quickly throughout the state. He asked if that was correct
17 or if they were simply not spending capital dollars.

18
19 Ms. Leary said it varies. We audit 11 cities and half of those we have not completed.
20 You have a little of each and it is hard to make a generalization. The biggest trend she
21 had seen in cities is the revenue is declining and then you have to think about cutting
22 expenditures.

23
24 Mr. Litton asked the Commission to accept the audit as presented.

25
26 **Motion was made by Deputy Mayor Brender to accept the audit as presented,**
27 **seconded by Commissioner Gray and motion carried unanimously.**

28
29 Commissioner Gray extended special thanks Ms. Sova and her crew.

30
31 D. Presentation on the Lake Jesup Basin Management Action Plan (BMA))
32 Working Group – Vivian F. Garfein, Director, Central District of the Florida
33 Department of Environmental Protection

34
35 Mr. Paster said the City's Stormwater Engineer, D.S. Nagda, retired at the end of 2008
36 and is currently living in India. He introduced the new Stormwater Professional
37 Engineer, Brian Bates. He said Mr. Bates would be working with the City and all the
38 other cities on this TMDL program as well as picking up all the other projects that Durga
39 was working on when he left.

40
41 Mr. Paster said in July 2007 the City entered into an interlocal agreement for Total
42 Maximum Daily Load (TMDL) activities with Seminole County and all the other cities
43 within Seminole County. This agreement established a technical coordination group to
44 review TMDL related activities. This technical coordination group is part of a larger
45 group called the Lake Jesup Basin Management Action Plan (BMAP). This BMAP
46 working group headed by DEP is charged with the restoration of Lake Jesup. He said
47 Vivian Garfein, Director of the Central District, was unable to be here tonight. He
48 introduced Chris Ferraro, the Water Facilities and Water Resource Management

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1 Program Administrator for the Department of Environmental Protection in the central
2 district.

3
4 Ms. Farraro came forward and gave a PowerPoint presentation. (Copy attached and
5 made a part of these official minutes.) She said TMDL stands for Total Maximum Daily
6 Load and establishes the maximum amount of a pollutant that a water body can
7 assimilate without exceeding water quality standards. We have numeric water quality
8 criteria as well as designated uses, meaning that the water still needs to be fishable and
9 swimmable. The TMDL set numeric water quality goals to restore the health of a lake,
10 river, stream, spring, or estuary. The Total Maximum Daily Load Program is going on
11 all over Florida and we have a number of activities going on in Central Florida.

12
13 Ms. Farraro said the purpose of the program is to identify scientifically based
14 quantitative goals for restoration of water bodies that currently do not meet state water
15 quality standards and to implement a plan to achieve those goals. In order to
16 implement this plan the local information and stakeholder involvement is the foundation
17 of success of that plan. The plan is built on the stakeholder involvement.

18
19 Ms. Farraro said the first phase of the Watershed Management Cycle is the preliminary
20 evaluation of what water quality data we have on this water body. When we do the
21 preliminary assessment we identify where more data is needed so Phase 2 is doing
22 some of that strategic monitoring and assessment of the water body to verify that the
23 water body is impaired. That's a very important step because once a surface water
24 body is determined to be impaired then that's when we develop and adopt a total
25 maximum daily load for that water body and that is Phase 3. We have already
26 completed that for Lake Jesup and right now we are in the Development of Basin
27 Management Action Plan to achieve that TMDL (Phase 4). Phase 5 is the
28 implementation of the basin management plan and monitoring to make sure you are
29 making progress towards that restoration goal.

30
31 Ms. Ferraro showed exhibits of some of the TMDL watersheds with respect to Lake
32 Mary. TMDL's are adopted and a BMAP is in progress for Lake Jesup. The TMDL has
33 been adopted for Wekiva and the kickoff meeting for the Basin Management Action
34 Plan is tomorrow afternoon (March 6th). Lake Mary has a very small part of the Wekiva
35 planning unit and should not have too much responsibility under the Wekiva Basin
36 Management Action Plan. One coming down in the future will be the Lake Monroe
37 planning unit and the middle basin of the St. Johns River, and a lot of communities are
38 going to be involved.

39
40 Ms. Ferraro said Bruce Paster has been a representative as well as Durga Nagda and
41 we are happy to have Brian Bates join the group. She said Bruce Paster is the actual
42 member of the basin marking group and they are the decision making body in terms of
43 what projects get placed into the basin management action plan. We are working hard
44 to complete that plan. Projects are coming in and people are proposing to adopt things
45 like fertilizer ordinances and we hope to adopt that basin management action plan by
46 late spring of 2009. The kickoff meeting is tomorrow for the Wekiva BMAP at 1:30 P.M.
47 at Lake Sylvan Park. This year we will be working on developing TMDL's and adopting

1 them for Lake Monroe and the main stem of the St. Johns River. We are starting off
2 that basin management action plan in 2010.

3
4 Ms. Ferraro said TMDL development is very specific to a water body and a pollutant. It
5 takes a lot of science to determine what's going on with that water body and what the
6 assimilative capacity is which means how much pollutant that water body can handle
7 without having adverse effects. When they develop a TMDL they identify the sources
8 on a broad level and calculate the numeric pollutant reduction goal and allocations. It is
9 based on the best available information and data such as water quality data, land use
10 data, where best practices for stormwater have been implemented, and things like that.

11
12 Ms. Ferraro said the TMDL's are implemented through the Basin Management Action
13 Plan and is one of the most important parts of the process. It requires close
14 coordination among the stakeholders so that we have an effective and feasible
15 restoration plan at the end. It involves the integration of the best available scientific
16 information. You get credit for existing projects that were completed after the time
17 period that the TMDL was developed and new projects that are proposed. There are
18 many evaluations, studies and research that are conducted as part of the process.

19
20 Ms. Ferraro said the benefits for having a Basin Management Action Plan is that it does
21 use the best available science and relies on adaptive management. You might find
22 another project is better to do so it is flexible and can be modified down the road. If it
23 turns out that a project can't go forward and another project may be more cost effective
24 at removing the pollutant of concern, it also provides equity among the stakeholders
25 because everybody is treated equally. For those that have MS-4 permits (municipal
26 separate storm sewer system), Lake Mary is a permitted Phase 1 MS-4. What that
27 does for Lake Mary is by participating in the Basin Management Action Plan the only
28 commitment under that MS-4 permit is that you complete the projects that are identified
29 in the Basin Management Action Plan. It provides citizens with assurances that we are
30 working to restore these impaired waters and that they will be healthier in the future.

31
32 Ms. Ferraro said we define those water quality restoration goals in the BMAP. We have
33 a much better idea of the source identification and there are detail allocations by entity.
34 Lake Mary will have an allocation in the Lake Jesup Basin Management Action Plan. It
35 contains projects which is a very important part of it because that is how we meet that
36 restoration goal. It includes monitoring because you have to be able to monitor
37 progress and are these projects having any effect on the water body. It also includes
38 commitments with funding and timelines. We try to get funding for the projects that are
39 in the BMAP. There are a number of cost share programs available like the Section
40 319, which is the number of the Clean Water Act it is funded through. The requests for
41 proposals are out now for those projects. The state budget hasn't been doing so well.

42
43 Ms. Ferraro said there is a lot of technical work that goes into building a BMAP because
44 the TMDL is a gross level and you've got to figure out where all of that load is coming
45 from. You then define responsibility for those pollutant reductions which are allocations
46 and that is based on what you are contributing. It's very logical like what percentage of
47 that load is being contributed by a particular entity and that pretty much corresponds
48 with the allocation. You then bring in factors such as project feasibility and funding.

1 Ms. Ferraro said for the Lake Jesup Basin Management Action Plan we're looking for a
2 phased approach over 15 years to try and reach our ultimate quality goal. Part of that is
3 because a lot of communities are experiencing economic hardship with being able to
4 finance a lot of new capital projects. At the same time we are learning a lot as we go
5 along in the Lake Jesup BMAP. You evaluate existing and identify new projects and for
6 each one we have to figure out what type of benefit that project is going to produce in
7 terms of reducing phosphorous in Lake Jesup. You then move into the monitoring and
8 adaptive management phase.

9
10 Ms. Ferraro showed exhibits of defined responsibilities for the TMDL and BMAP. There
11 are the same categories in each TMDL: NPDES Point Source, NPDES Stormwater,
12 Other Non-point, and Margin of Safety. In the BMAP the allocation is much more
13 detailed. When they adopt the TMDL the focus is on the water body and the water
14 quality data. In the BMAP it shifts more to source identification, responsibility, and how
15 we get there.

16
17 Ms. Ferraro said some of the types of basin management projects are structural best
18 management practices and those are things like stormwater retention ponds, swales,
19 stormwater wetland—things that you actually construct. Non-structural best
20 management practices are things like street sweeping, education and outreach,
21 participation in the Florida Yards and Neighborhoods Program. There are projects
22 where we may not know everything we need to know about a particular water body so it
23 can include additional research and studies. In Lake Jesup we have done quite a bit of
24 additional research and studies. It could also result in changes to programs, permits,
25 local ordinances and policies, but those are up to the particular entity. If they would like
26 to adopt an ordinance to try to reduce the nutrient load from their city, everything is
27 stakeholder driven.

28
29 Ms. Ferraro said how the Basin Management Action Plan ties into the regulatory
30 framework is once we have a basin management action plan, that plan is adopted by
31 DEP Secretarial Order. It includes statements of commitment from the stakeholders
32 and it is then enforceable. It is enforceable through those NPDES and MS-4 permits
33 and they just require you to do the activities that you have committed to in the Basin
34 Management Action Plan. BMAPs also require implementation of best management
35 practices for those types of categories of activities that don't have permits like
36 agriculture. The Department of Agriculture and Consumer Services are the ones who
37 work with the agricultural interests in the basin to get them to adopt best management
38 practices for their industry.

39
40 Ms. Ferraro showed a slide of the TMDL development and implementation process (see
41 Page 8 of the attached PowerPoint presentation). It is a complicated process and we
42 come back every five years to the same basin. The upper Ocklawaha Basin was the
43 first one adopted in the State of Florida. We meet twice a year to catch up with each
44 other on how the projects are going, have some projects changed, and what's new.
45 Things are going on all the time as a city and maybe you don't have something in place
46 this year but maybe two years from now you do. We meet twice a year after the Basin
47 Management Plan is adopted because we don't want this to be a plan to put on the
48 shelf and not implement.

1 Deputy Mayor Brender asked how long the Ocklawaha program had been in effect.

2
3 Ms. Ferraro said it was adopted a year and a half ago. We had two semi-annual
4 meetings since then.

5
6 Deputy Mayor Brender said if water quality and the unit as a better water resource is the
7 goal, he asked if there was any sense of how long this process takes.

8
9 Ms. Ferraro said it depends on the particular water body. Sometimes it can take a long
10 time for water quality to improve. She said she had heard 30 years for Lake
11 Okeechobee. Each water body is different. In the Ocklawaha Basin Management
12 Action Plan, Lake Apopka has a tremendous nutrient load that flows downstream into
13 the other lakes. One of the projects that the Lake County Water Authority took on was
14 to build this nutrient reduction facility that will take the water flowing out of Lake Apopka,
15 treat it with alum off line and put the clean water back into the canal. Because that
16 project is going to reduce so much phosphorous immediately, you will probably see a
17 much faster response in the downstream lakes. It is pretty site specific. There is a lot
18 of concern with Lake Jesup about the bottom sediments and looking at dredging is in
19 some of our future phases, but first we want to reduce that external load that's coming
20 into the lake before we look at projects like that. She thought it was going to take a
21 while for Lake Jesup.

22
23 Mayor Mealor thanked Ms. Ferraro for the update and welcomed Mr. Bates.

24
25 Mayor Mealor asked Allen Plank to come forward.

26
27 Mr. Plank invited the Commission and citizens of Lake Mary to Lake Mary Celebrates
28 on Saturday, March 7th from 10:00 A.M. to 3:00 P.M. in Central Park. Lake Mary
29 Celebrates is an annual city festival and we have over 100 vendors this year. We've got
30 some great food and entertainment. The Lake Mary Fire Department will be barbecuing
31 chicken and serving it to residents. There will be games for the kids. The scouts are
32 going to hold a pirate themed carnival within the event. The fire department will be
33 operating fire-oriented kids' games. He said he was looking forward to seeing
34 everyone.

35
36 Deputy Mayor Brender said the Farmer's Market would be going on at the same time.

37
38 **SIDE 1B**

39
40 VII. Unfinished Business

- 41
42 A. Ordinance No. 1315 – Small Scale Future Land Use (FLU) Amendment
43 application from PUB (Public/Semi-Public) to LMDR (Low/Medium Density
44 Residential) for property located at 270 Greenleaf Lane, Meacham & Clark,
45 LLC/Darren Meacham, applicant – Second Reading (Public Hearing)

46
47 The City Attorney read Ordinance No. 1315 by title only on second reading.

1 Mr. Noto stated staff had no further comments.

2
3 Mayor Mealor asked if anyone wanted to speak for or against Ordinance No. 1315. No
4 one came forward and the public hearing was closed.

5
6 Mayor Mealor thanked the members from this community for their input.

7
8 **Motion was made by Commissioner Duryea to approve Ordinance No. 1315 on**
9 **second reading, seconded by Commissioner Gray.**

10
11 Deputy Mayor Brender said his problem is the position we are put in. He said he didn't
12 object to the use but what he had a problem with is this entire area is in the process of
13 being designated as the Transit Oriented District. He said he disliked it when
14 government gets put into this position where we can't stop something even though we
15 know that three or four years from now we could be asking those people who built
16 homes to have them torn down because the rules changed. He said he could not talk
17 himself into voting for this until we have a better thought process as to what's going to
18 happen in that area.

19
20 **Motion carried by roll-call vote: Deputy Mayor Brender, No; Commissioner**
21 **Duryea, Yes; Commissioner Gray, Yes; Mayor Mealor, Yes.**

22
23 B. Ordinance No. 1316 – Small Scale Future Land Use (FLU) Amendment
24 application from PUB (Public/Semi-Public) to COM (Commercial) for property
25 located in between C.R. 46A west and C.R. 46A east, east of the Oaklawn
26 Funeral Home, Twin Lakes Properties, LLC, applicant – Second Reading
27 (Public Hearing)

28
29 The City Attorney read Ordinance No. 1316 and Ordinance No. 1317 by title only on
30 second readings.

31
32 Mayor Mealor said we are reading both ordinances at this time. We will discuss in
33 unison but will vote separately.

34
35 Mr. Noto said staff's only comment is regarding the commitment agreement as part of
36 the rezoning. We have two changes. In the title it went from Developer's Commitment
37 Agreement to "Voluntary" Developer's Commitment Agreement. In Section 1 we
38 changed the wording midway through. There is a portion that reads subject property
39 and we changed that to "3.5+/-" for further clarification.

40
41 Mayor Mealor asked Mr. Litton if that had been noted. Mr. Litton answered affirmatively.

42
43 Deputy Mayor Brender said even though we are responsible for a relatively small
44 portion of this project, he wanted to make sure everyone understands that he expected
45 this thing to be followed through from everything from turn lanes to signage to lighting.
46 The effects of it will be felt by the citizens of Lake Mary. He said he could support this
47 as long as he knows that staff is going to be intimately involved even though the City of
48 Sanford will be running it.

1 Mr. Noto said we are taking this project very seriously, especially since it involves two
2 jurisdictions. We are working closely with Sanford staff. We had a meeting with them
3 this week for status updates and to get a feel for where they are headed and to let them
4 know where we are headed. We have taken all the concerns very seriously.
5

6 Deputy Mayor Brender asked that the Commission be kept informed of the results of
7 those meetings.
8

9 Commissioner Gray expressed concern of the gas tanks that will be buried
10 underground. She asked if any testing was done.
11

12 Mayor Meador said this was an issue of concern to the Florida Legislature. Statutes
13 were enacted and many of the justifiable concerns in the past are addressed with the
14 new standards. Some additional safety features have been added. It is an expense to
15 the owner but is a safeguard to the public.
16

17 Mr. Noto said staff would be coordinating with the applicable agencies to make sure any
18 additional safety measures that need to be taken will be taken.
19

20 Mayor Meador asked if anyone wanted to speak in reference to Ordinance No. 1316
21 and/or Ordinance No. 1317. No one came forward and the public hearings were closed.
22

23 **Motion was made by Deputy Mayor Brender to approve Ordinance No. 1316 on**
24 **second reading, seconded by Commissioner Gray and motion carried by roll-call**
25 **vote: Commissioner Duryea, No; Commissioner Gray, Yes; Deputy Mayor**
26 **Brender, Yes; Mayor Meador, Yes.**
27

28 C. Ordinance No. 1317 – Rezoning from A-1 (Agriculture) to C-2 (Commercial)
29 for property situated in between C.R. 46A westbound and eastbound, and to
30 the east of the Oaklawn Funeral Home, Twin Lakes Properties, LLC –
31 applicant – Second Reading (Public Hearing)

32 1. Approval of Voluntary Developer’s Commitment Agreement
33

34 Ordinance No. 1317 was read by title only on second reading and presented under Item
35 8-B.
36

37 Ms. Reischmann asked the Commission if there were any additional ex parte
38 communications since the last meeting. The Commission had nothing to declare at this
39 time.
40

41 **Motion was made by Commissioner Gray to approve Ordinance No. 1317 on**
42 **second reading, seconded by Deputy Mayor Brender and motion carried by roll-**
43 **call vote: Commissioner Gray, Yes; Deputy Mayor Brender, Yes; Commissioner**
44 **Duryea, No; Mayor Meador, Yes.**
45

46 **Motion was made by Deputy Mayor Brender to approve the Voluntary Developer’s**
47 **Commitment Agreement with the changes noted by staff, seconded by**

1 **Commissioner Gray and motion carried by roll-call vote: Deputy Mayor Brender,**
2 **Yes; Commissioner Duryea, No; Commissioner Gray, Yes; Mayor Mealor, Yes.**

3
4 VIII. New Business

5
6 There was no new business at this time.

7
8 IX. Citizen Participation

9
10 No one came forward at this time and citizen participation was closed.

11
12 X. Reports

13
14 A. City Manager

15
16 1. Request Commission cancel March 19, 2009, City Commission meeting

17
18 Mr. Litton said we have nothing coming forward and recommended the Commission
19 cancel the March 19, 2009, City Commission meeting. The next meeting would be April
20 2nd.

21
22 **Motion was made by Deputy Mayor Brender to cancel the March 19, 2009, City**
23 **Commission meeting, seconded by Commissioner Duryea and motion carried**
24 **unanimously.**

25
26 2. Request Commission authorize final change order to GWP Construction for
27 Downtown Sewer Phase II construction in an amount not to exceed \$31,358.13

28
29 Mr. Litton said this item is the final change order for the downtown sewer Phase II in the
30 amount of \$31,358.13 which is the result of several things but primarily has to do with
31 landscaping and restoration. There were some estimate deficiencies from the
32 engineers but that goes with any project of this magnitude. We never know what we are
33 going to get into when we start going underground. He said he was happy with the
34 project and thought the contractor did a great job. We got a great price on it, well below
35 the engineer's original estimate. He recommended approval in the amount of
36 \$31,358.13.

37
38 **Motion was made by Commissioner Duryea to approve the final change order in**
39 **the amount of \$31,358.13, seconded by Deputy Mayor Brender and motion carried**
40 **unanimously.**

41
42 3. Request Commission authorize City Manager to execute one-year extension of
43 janitorial contract with JMC Services, Inc.

44
45 Mr. Litton said this item is a request for a one-year extension on the janitorial contract
46 with JMC Services who provides these services to various locations. We have tried to
47 tweak the level of service in each building—decreasing in some and increasing in
48 others, specifically the Events Center. We are adding the tennis facility and parks

1 building one day per week but reducing city hall and the police department from three
2 days to two days and public works on Rinehart Road from two days to one day. The net
3 is a savings in the contract. The most important thing is since Mr. Koch has gotten hold
4 of this he has started to hold them accountable for what they are doing. It's not based
5 on how much time they are in the facility but on the job they do. They have agreed to
6 that. The net savings is \$3,778.31 bringing the new fixed cost to \$53,069.28. He
7 recommended the Commission approve the extension with JMC Services.

8
9 **Motion was made by Commissioner Duryea to approve the one-year extension**
10 **with JMC Services, Inc., seconded by Commissioner Gray and motion carried**
11 **unanimously.**

12
13 Mayor Meador thanked Mr. Koch for his diligence. At this particular time we have all
14 been tasked to try to find ways to conserve and this is helpful.

15
16 Mr. Litton reminded the residents that the new garbage/recycle program starts next
17 week. It reduces garbage pickup to one day per week and the day is posted on the new
18 recycling cart. We have had a lot of positive comments.

19
20 Mr. Litton reminded everyone of the Strategic Planning Session next Tuesday (March
21 10th) at 3:00 P.M. at the Events Center. We have quite an agenda and thought it would
22 be good. He said last night at CALNO Commissioner McLean reported the decrease in
23 County revenues. It was originally thought they would be down \$35 million but now it is
24 \$42.8 million and Commissioner McLean was talking about maybe getting to \$50 million
25 before they get into the budget. It's not real good.

26
27 Mr. Litton said the Trailblazers Annual 5K Run will be held Saturday, March 21st,
28 beginning at 8:00 A.M. at Timacuan Country Club. You can get an application and
29 more information by visiting www.beatrailblazer.com/5krun.

30
31 Mr. Litton said the Movie in the Park next week will feature "Beverly Hills Chihuahua" at
32 7:00 P.M.

33
34 Mr. Litton said the Seminole County Prayer Breakfast will be held tomorrow at the Lake
35 Mary Marriott at 7:00 A.M.

36
37 Mr. Litton said we received official and formal notification from the County that they
38 rescinded the original pool agreement. That means it would have to go back for
39 reconsideration and the County is supposed to reconsider that at their second meeting
40 in March.

41
42 Mr. Litton said the new telephone numbers for the Events Center beginning Monday will
43 be 407-585-1490 and 407-585-1494.

44
45 B. Mayor

46
47 Mayor Meador had no report at this time.

1 C. Commissioners (1)

2
3 Deputy Mayor Brender said he attended CALNO last night hosted by the City of Lake
4 Mary. He thanked the Mayor for attending and saying a few words. He thanked John
5 Omana for his presentation on the Transit Oriented Development (TOD) which is
6 something other cities find interesting and is something they are involved with.
7

8 Deputy Mayor Brender said we discussed inter-city savings initiatives. The discussion
9 is always about budgets and that's when Commissioner McLean mentioned the
10 County's deficit is looking to be closer to \$42 or \$43 million this year. Some of our sister
11 cities are facing in ratio similar problems. It is interesting to note that the City of
12 Casselberry has sent a letter to Seminole County requesting consolidation of their fire
13 services. We will be following that and see if the monetary figures work out.
14

15 Deputy Mayor Brender said he looked forward to Lake Mary Celebrates on Saturday.
16

17 Commissioner Duryea congratulated the Trailblazers and everybody else who worked
18 very hard to put together Lake Mary Celebrates. It takes a lot of time and appreciated
19 the work they do.
20

21 Commissioner Duryea said the museum would be open the same time and would be a
22 good time to peruse Lake Mary's history.
23

24 Commissioner Duryea said he had a friend by the name of Dan Watts who is a former
25 radio station owner/manager who is into advertising and media relations. Mr. Watts
26 said he would like to give something back to his community and asked what he could do
27 to help. He said he got Mr. Watts in touch with Melissa Flippin who was thrilled
28 because she can only do so much. Mr. Watts gave her a bunch of ideas on how we can
29 improve our events, advertise them or get them through the media without any cost to
30 us. Let's say we had a Country Night in the Park or something. We could get
31 advertising through one of the country stations, they would give us slots where they
32 would promote it weeks before if we tie the sponsor with the event. There are a number
33 of things we could do with that. He asked the Commission if they would object to
34 having a commercial entity tied to an event.
35

36 Deputy Mayor Brender said the 5K races are hosted in part with AAA and those are kind
37 of Lake Mary events.
38

39 Commissioner Duryea said if they went to Channel 35 and said if you would partner with
40 us and we would like a couple of on-site transmissions or ten slots a day and we would
41 call that the Fox 35/Lake Mary whatever. He asked the Commission if they had any
42 objection to having a commercial entity or other entity that is in Lake Mary connected
43 with an event.
44

45 Ms. Reischmann said if they have that level of control then they probably want control in
46 some areas that the Commission might not. They might come up with an agreement
47 that they want the Commission to sign. There could be issues like that.
48

1 Commissioner Duryea said that could be worked out and nothing is going to happen
2 without the Commission's consent. He said the same kind of things have been done in
3 Sanford. Some years ago Sanford lost their sponsorship for fireworks for the Fourth of
4 July. A couple of people got together and went to a radio station. The radio station said
5 they would put up 20 grand and then the radio station sold sponsorships and got the
6 money back, plus a little more for the City of Sanford. It worked out very well and they
7 had their fireworks again. It can work out very well and give us the opportunity to get
8 our events to the media. Not that we want everybody in Central Florida to descend
9 upon city hall but we have had some problems with getting the media to pay attention to
10 some of the things that we have been doing.

11
12 Deputy Mayor Brender said he had no problem with that.

13
14 Mayor Meador said he could not agree more. The Paint the Town last week was a
15 beautiful evening but very nominal attendance relative to the quality of the activities.

16
17 Commissioner Gray cautioned about unintended consequences.

18
19 Mayor Meador thanked Commissioner Duryea for the suggestion and asked Mr. Litton
20 and staff to come back with some thoughts.

21
22 Commissioner Duryea suggested getting Melissa Flippin involved because she has
23 been actively talking to these people.

24
25 Mr. Litton said he didn't see a problem with it.

26
27 Commissioner Gray said she and most of the Commission attended the Little League
28 opening day. There are 32 teams this year.

29
30 Commissioner Gray said she attended the Progress Energy Breakfast and they gave an
31 update on their intentions for the community.

32
33 Commissioner Gray said she attended the Metroplan Advisory Board meeting and they
34 talked about the stimulus package and the Central Florida area is getting \$29 million.
35 She said Lake Mary Boulevard, Rinehart Road, Greenwood, Currency, and Primera had
36 submitted for repaving. Go to the Metroplan Web site for more details. If communities
37 and counties refuse the money because they don't want to comply with the restrictions
38 then it will go back to the state and everybody tries to divvy up again.

39
40 Commissioner Gray said they also talked about the legislative update on SunRail and
41 the red light cameras. They are talking about grandfathering in some of the
42 communities that have invested in equipment but nothing is a done deal on that.

43
44 D. City Attorney

45
46 Ms. Reischmann said Rinehart Place had a letter of credit to complete infrastructure
47 that expired yesterday, and the City submitted a draw on that in the amount of
48 \$500,000. We were told that the draw wasn't exactly correct so we resubmitted

1 paperwork. The bank has not yet wired the funds but would check on that tomorrow.
2 They said they are required by law to tell us any deficiencies in our request and we had
3 been told the deficiency and complied with it so we should be getting the \$500,000
4 shortly to complete the infrastructure that's needed at Rinehart Place.

5
6 Commissioner Duryea asked if that committed the City to actually doing the
7 improvements.

8
9 Ms. Reischmann answered affirmatively. The City would have to hire someone to
10 complete those improvements.

11
12 Commissioner Duryea asked if the City would have to eat the difference if that amount
13 didn't cover it.

14
15 Ms. Reischmann said it is still the obligation of the developer to complete that work.

16
17 Mr. Omana said the majority of the infrastructure has been completed. Where we have
18 put the developer on notice is the pavement of the parking and access ways. Right now
19 they just have their first base and you don't want to drive through there in a condition
20 like that for public safety and otherwise. That's the bulk of the improvements that they
21 have to do. How much of that \$467,000 would be required to go towards the actual
22 paving would have to be done through the quoting process. It may not be the entire
23 \$467,000 and could be some amount less than that in light of the fact that they have
24 already done a good portion of the infrastructure, i.e. the ponds, retaining, walls and
25 things of that nature.

26
27 Commissioner Duryea said we have not done any final inspecting and have no idea
28 what the ultimate bill is going to be.

29
30 Mr. Omana said that was correct. In light of knowing the expiration of the surety, we
31 wanted to take advantage of our legal rights under that surety to protect our interests
32 and not have a potential eyesore at the corner of the entry to the City.

33
34 Ms. Reischmann said staff should be commended for utilizing the letter of credit method
35 because you do get your money as opposed to a performance bond where you
36 generally have to litigate to get your money. The letter of credit is much preferable in
37 light of the change in the law. She said she notified the City Manager that you cannot
38 sue sureties for bad faith. They have put something in the law and insurance code that
39 they can't be sued for bad faith so the letter of credit is the way to go and is hopefully
40 why we will come out on the good side of this one.

41
42 Mayor Mealor said we appreciate the expediency in the way Ms. Reischmann handled
43 this on such short notice.

44
45 Deputy Mayor Brender said if they are going to finish surfacing the pavement areas and
46 if this developer is having difficulties from there, he asked what happens as far as
47 maintenance.

1 Mr. Omana said we will have to go back and look at what they submitted as far as the
2 engineer's cost estimate to back up that \$467,000 to see what maintenance provisions
3 and things of that nature were involved with it.

4
5 Deputy Mayor Brender said he was concerned long term what happens--if they back out
6 and then it goes back to the bank.

7
8 Mr. Omana said that was something we will take a look at during these proceedings.

9
10 XI. Adjournment

11
12 There being no further business, the meeting adjourned at 8:30 P.M.

13
14

15

16

17 _____
David J. Mealor, Mayor

Mary Campbell, Deputy City Clerk

18

19

20

21 ATTEST:

22

23

24

25

26 _____
Carol A. Foster, City Clerk