



LAKE MARY CITY COMMISSION

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

**Regular Meeting
MINUTES
THURSDAY, APRIL 7, 2022, 7:00 PM**

NO VIDEO RECORDING WAS MADE FOR THIS MEETING

1. Call to Order

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

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

David Mealor, Mayor
Jordan Smith, Commissioner
George F. Duryea, Commissioner
Sidney Miller, Deputy Mayor
Justin York, Commissioner
Kevin Smith, City Manager
Steve Noto, Assistant City Manager
Joe Landreville, Deputy Fire Chief
Mike Biles, Police Chief
Brent Mason, Finance Director
Bruce Paster, Public Works Director
Bryan Nipe, Parks and Recreation Director

**CITY COMMISSION
April 7, 2022-1**

Krystal Clem, Community Development Director
Michelle McCurdy, City Clerk
Sabreena Colbert, City Planner
Chris Carson, Senior Planner
Lindsay Malsam, IT Manager
Amber Branton, Deputy City Clerk
Katie Reischmann, City Attorney

5. Approval of Minutes

A. Draft City Commission Meeting Minutes - March 17, 2022

Deputy Mayor Miller made a motion to approve the Draft City Commission Meeting Minutes for March 17, 2022. Commissioner York seconded the motion, and the motion carried unanimously.

6. Special Presentations

A. Proclamation - Water Conservation Month

Bruce Paster, Public Works Director, came forward.

Katie Reischmann, City Attorney, read the proclamation declaring April 2022 as Water Conservation Month for the City of Lake Mary.

Mayor Mealor thanked Mr. Paster and Public Works Department staff for a job well done.

Mr. Paster thanked the Mayor, City Manager, and the Commission for all the support over all the years he's been here. He stated that he was very proud to work with the City of Lake Mary.

- 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.**

No one came forward, and the citizen participation was closed.

8. Unfinished Business

- A. 2021-LU-04, Ordinance No. 1660, A request for a Small-Scale Future Land Use Map Amendment for a portion of property located on the east side of Rinehart Rd., south of Timacuan Blvd., from HDR, High Density Residential, to COM, Commercial. Applicant: Mrs. Erika Hughes, VHB. (Legislative - Public Hearing - Second Reading) (Chris Carson, Project Manager)**

Mrs. Reischmann read Ordinance No. 1660 by title only.

Chris Carson, Senior Planner, came forward to say staff has no additional comments regarding this item.

There were no questions related to this item.

The item was then opened for a public hearing. No one came forward, and the public hearing was closed. The item was then opened for discussion and motion.

Commissioner Smith made a motion to approve Ordinance No. 1660 a request for a Small-Scale future land Use Map Amendment for a portion of property located on the east side of Rinehart Rd., south of Timacuan Blvd., from HDR, High Density Residential, to COM, Commercial. Deputy Mayor Miller seconded the motion, and the motion carried unanimously 5-0 by roll-call vote on Second Reading. Commissioner Smith, Yes; Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Commissioner York, Yes; Mayor Mealor, Yes.

9. New Business

- A. 2021-PSP-03, A request for a Preliminary Subdivision Plan for Shealey Rd., a proposed 18-lot single-family residential subdivision, located at the southwest corner of Roland Garros Ln. and Shealy Rd. Applicant: Mr. Mark McIntosh, Toll Brothers, Inc. (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)**

Mayor Mealor thanked staff as well as the applicant's representative. He stated that at the Planning and Zoning meeting there were items discussed and through the work of our staff and applicant he believes that many of the items brought forward can be addressed.

Krystal Clem, Community Development Director, came forward to give a brief introduction of the project and some updates since working with Mr. Summit. Mrs. Clem stated that the property at 115 Shealey Road is currently zoned R-1A and has been zoned since 2001. The proposed development is following R-1A zoning district guidelines, meaning that the lots are the typical quarter-acre lots (75 feet wide). This is not a PUD; it is straight zoning. Along with being straight zoning, all of the lots are R-1A, meeting the established criteria. None of the lots on this property are lake front property. Lots 6-9 are separated from the lake by a tract that will be owned by the HOA and the applicant has agreed to have a conservation easement over the HOA tract as well as the wetland protection zone, and a 25-foot environmental buffer.

Mrs. Clem continued by stating that during the Planning and Zoning Meeting, there were concerns regarding the location of the lift station. Staff has worked with the applicant and the applicant has agreed to relocate the lift station away from abutting single-family residential with a minimum distance of 50-feet. Currently, the proposed plan was 5-feet from the property line, so it is a significant improvement.

Regarding access on West Shealey Road, the applicant has proposed three lots—Lots 16-18 as referenced on the overhead. Staff has added a condition of approval that the applicant shall retain all stormwater from the road improvement into their stormwater system. If they are unable to do that the applicant shall have no access off of West Shealey Road and that would mean that there would be no road improvements off of West Shealey Road.

Additionally, there were some concerns regarding increased storm water from residents that live on Channel Drive. This property and proposed project will be holding all the water on their site. It would actually be an improvement as far as storm water runoff is concerned.

Chris Carson, Senior Planner, came forward to present this item. He discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

At their regular February 22, 2022, meeting, the Planning and Zoning Board voted 4-1 to recommend that the City Commission approve the requested Preliminary Subdivision Plan with recommendations made by staff, and two additional conditions. If approved, the applicant shall submit the Final Subdivision Plan for review.

Staff finds that the request for Preliminary Subdivision Plan is consistent with the relevant criteria of the City's Preliminary Subdivision Plan regulations, the City's Code of Ordinances and Comprehensive Plan, and recommends approval with eight conditions of approval as stated in the Staff Report with three additional conditions of approval recommended by staff and two additional conditions recommended by the Planning and Zoning Board:

- At Final Subdivision Plan, the applicant shall manage stormwater from the approved section of West Shealey Road into their stormwater system and if not feasible, the applicant reconfigures Lots 16-18 to have no access on West Shealey Road.
- At Final Subdivision Plan, the applicant shall relocate the proposed Lift Station so that it does not abut existing single-family homes with a minimum buffer distance of 50-feet.
- At Final Subdivision Plan, the applicant commits to a conservation easement over the wetland protection zone and the 25-foot environmental buffer zone to include the land of open space Tract 1 between the lake and Lots 6-9.

Mrs. Reischmann wanted to clarify that the staff recommendation included a condition that states that if West Shealey Road remains as an entrance, the right-of-way along the north segment where the three homes are proposed would be 24-feet with sidewalk on the east side and drainage improvements to capture water and alleviate drainage concerns along that segment. To summarize, there are thirteen conditions of approval.

Commissioner Duryea asked if there are no setbacks for the lift station.

Mrs. Clem replied, there are no setbacks. However, relocated at Final Subdivision Plan and in that condition, we have added that it has to be at least 50-feet away.

Mayor Mealor stated that this is just a request for the plan. The Final Subdivision Plan will come back after all the direction from the Commission has been taken into consideration.

Commissioner Duryea stated that Lots 6-9 stop in the middle, yet you can see that the property continues. He asked if they are calling that a conservation easement to get out of the 40,000 square feet necessary to be on that property.

Ms. Clem replied, they are proposing an open space tract to create a buffer away from the lake, so they are not lake front property. This is going to prevent boat access, docks, and these kind of activities from occurring. A similar process was used for Lake Emma Sound.

Mayor Mealor believes Commissioner Duryea makes a valid point. It is an issue of concern to a number of people. He stated that with Lake Emma Sound there were concerns regarding Pine Circle Drive and residents that had lake access and what the impact would be. We did not receive any complaints nor has there been any issue of someone trying to encroach or take advantage of the lake related to that.

Deputy Mayor Miller asked about the distance from the lot line to the lake.

Mrs. Clem deferred the question to Mr. Summit.

Jeff Summit, Summit Engineering, 3667 Simonton Place, Lake Mary, came forward. He stated that in regard to the lake front property; it is very specific on what the definition of lake front property is in the Code. Lake front property has to physically touch the normal water level of the lake and that is when the applicability of that square footage is then applied to a lot of requirements. So, because we are not platting to the normal water level of the lake, we do not meet the definition and therefore do not meet the standard in regard to the additional square footage required for lake front property. That is why those lots are still $\frac{1}{4}$ -acre lots. That is why they have the tract in there and that is why it is an open space tract. We have agreed to the conservation easement that staff has recommended in order to prohibit docks, boats launches, and everything we can think of regarding water access.

Mr. Summit stated that as far as the separation distance is concerned, there is a normal water level, we have a wetland line that is the landward of the normal water level and then we then have a minimum 25-foot setback from the wetland, and we also have an additional 25-foot setback per Chapter 160. So, at a bare minimum, you are going to have at least 50-feet from the lot line to what would be considered the wetland line. The wetland land is going to vary from the water surface so there could be another 10-20 feet between the wetland line and the actual normal water level of the lake. He appreciates staff working with him in trying to address the Planning and Zoning Board comments and the conditions.

Deputy Mayor Miller asked for further clarification regarding why this would not be considered lakefront property. If the lake comes up 10% it is going to be in their yard.

Mr. Summit replied, it is a closed basin lake. It means that the water enters the lake and there is nowhere else for it to go. It does not get out to the St. John's River, Lake Jessup, Lake Monroe or any of the natural outfall pass that we have in this area or Soldier's Creek or any of the others. Mr. Summit said, yes, lake water fluctuation is going to be something that can occur. However, what we do as engineers is we set datapoints on water bodies. So, there is an established control elevation, there is an established 100-year flood elevation for that lake. He said that when he talked about the setbacks in regard to wetlands and lakeshore setbacks, that is what we based that on. It is based on those elevations, and they get those from the City Code. He said that the lake can possibly come up, but it can also recede a little bit. He stated that they cannot do variation, they must pick a medium, and that is the published elevation that they used when they start their work.

Commissioner York thanked the Planning and Zoning Board for being thorough with this item. He also appreciates the public comment that was received. From reading the Planning and Zoning meeting minutes it seemed that the overall concern is regarding stormwater overflow and flooding for the homes that are on Channel Drive and on Shealey Road. He asked the applicant to state plainly what features of the project can ensure the residents that there will not be issues that will interfere with the enjoyment of their property.

Mr. Summit stated that part of the additional conditions in regard to what we call West Shealey Road; the condition that we have agreed to is for that purpose. If we are going to have access to Shealey and if we are going to widen Old Shealey Road, we are going to have to handle that stormwater and if we cannot do that, then we are not going to touch that portion of the site. As far as the stormwater management is concerned, the site will have to be designed to the City standards for closed basins and would have to be designed to the St. Johns River Water Management District standards for closed basins. So, that is how their dry ponds will be designed.

Mr. Summit referred to flooding conditions that are already in existence. He stated that you have isolated pockets of low areas out here. As for the lakes in this area, some of the area was sinkhole prone in the past so you end up with these isolated pockets throughout the area. If you look at a large topographical map of the entire area, you will see drop off points that have 2-5 feet of water and this area specifically of that part of Shealey Road on the west side towards Timacuan you will notice that there is an isolated low area there. He stated that as far as flooding, that is where it is coming from. He said their site will not contribute to it in the future because that small portion of their site that does actually flow to the west because there is a basin break that kind of runs right down the middle of the site, that portion will now have to come either to their pond on the east side or they will have to build a pond to account for that drainage on the west side. That is how they will handle the drainage. Mr. Summit stated that they will be taking a little bit of the water that actually goes to that low spot that has been causing some of the flooding issues that have been experienced in the past and they will be taking that out of the equation.

Commissioner York wanted further clarification on how they are going to guide the stormwater discharge from Lots 16-18 over to where the ponds are on the east side.

Mayor Mealor added that they are going to have to come up with that if we go forward in Final PUD for Lots 16-18 to be developed.

Commissioner York stated that if that is a condition of approval then he is more comfortable with that.

Commissioner Duryea asked if tract 1 and stormwater 1 are going to be clear cut.

Mr. Summit replied, the stormwater tract will have to be clear cut. As far as the open space tract to the south, it is not going to be clear cut and that is not the intent.

Commissioner Duryea asked what it is going to happen to the tracts to the south later on. He referred to the area that continues along the east side of the lake that is part of the subdivision.

Mr. Summit replied, in regard to that open space tract, that is what it will be slated for in perpetuity. It will be platted as an open space tract on the plat, so it will not be a future development tract, it will be an open space tract.

Deputy Mayor Miller asked about the date of the aerial photograph referenced on the overhead.

Mr. Summit replied, he believes this is the current aerial off the Seminole County Property Appraiser's website. It is their GIS aerial, so he believes it is from 2020-2021.

Deputy Mayor Miller asked if there is a way to find out the month/year.

Mr. Summit stated that he can find out.

Deputy Mayor Miller stated that he would like to know the date of the photograph.

Commissioner Duryea asked about the conservation area being created. He asked who will be maintaining it.

Mr. Summit replied that the maintenance for that tract will be dedicated to the HOA.

Commissioner Duryea asked if the HOA bylaws would be introduced with the Final Subdivision Plan.

Mr. Summit replied, yes. He believes that they are required to submit those with the Preliminary Subdivision Plan, and he believes they did.

Mrs. Reischmann added that she has already reviewed them. She wanted to address some of the concerns regarding the lots ending up as “waterfront lots”. She said it is not really an issue because the only way they could be waterfront is if there are boundaries and their description is to the main high-water mark. They are not going to have that description. So, regardless of where the lake goes, they are not going to be considered lots with riparian rights or right to have docks even if the documents didn’t already restrict it. The definition of a waterfront lot is a lot whose boundaries are described by reference to the main high-water mark or lake.

Commissioner Smith asked if lots of 16-18 would be a part of the HOA.

Mr. Summit replied, currently the way that the plan is reflected, yes, that would be correct.

Commissioner Smith asked how they were going to prevent people from accessing the lake and keep them from impacting the conservation.

Mr. Summit replied, covenants and restrictions are there for that purpose. When you buy a piece of property you have to sign an acknowledgement regards to conservation easements and covenant restrictions and that is why we put them in the HOA documents. He continued by saying, they do have landscaping back there and their goal is not to clear that area. He said with the 25-foot wetland buffer, and additional 25-foot buffer; that will stay natural as it is. So, part of it would be that when you do not provide a path is going to be prohibited for people to actually get to the water surface. It is not clear cut all the way down to the water and the idea was to put that in conservation and it will grow over time and prevent people from having access to the water.

Mrs. Reischmann wanted to add that the conservation easement will run in favor of the City, so the City will have enforceability should there be an issue.

There were no further questions for the applicant. The item was then opened for a public hearing.

T. Gray Frazier, 137 E Crystal Lake Avenue, Lake Mary, came forward. Mr. Frazier also owns 127 Shealey Road, Lake Mary.

Mayor Mealor stated that he did speak with Mr. Frazier, who had concerns regarding the 40,000 square foot lot (R-1AAA). This is not R-1AAA zoning, this is R-1A, which is similar to the Reserve and other surrounding communities. He addressed Mr. Frazier and stated that he believes that his concerns have already been addressed. He thanked him for coming forward.

Mr. Frazier presented his concerns regarding the density of the new development, the consideration of the lots on the south side being lakefront property, the relocation of the lift station, type of barrier or fencing to be used prohibiting access to the lake, sidewalk, and drainage improvements, and fire truck access. Mr. Frazier also requested a wall instead of a fence. He asked to meet with the Planning and Zoning Board to address their concerns in detail.

Mayor Meador asked Mrs. Clem to confirm when this property was zoned R-1A.

Mrs. Clem replied, in 2001 it was rezoned from A-1 and R-1AA to R-1A so, it has been zoned for about 20-years.

Mayor Meador asked to confirm that when the 17-lot proposal came through in 2007, it was zoned R-1A at that time.

Mrs. Clem replied, correct. She added that regarding the density it is 2.5 units per acre for this property and they are proposing 18-lots. The current Future Land Use would allow for 23.

Rob Morgan, 126 Shealey Road, Lake Mary, came forward. Mr. Morgan expressed his concerns with the lift station, the distance from the homes, the necessity of a generator, and the hurricanes we experience in Florida. Mr. Morgan also discussed his environmental concerns of overflow and runoff.

Mayor Meador addressed the concerns, stating that the City has safeguards to prevent these issues from happening before the development ever gets approved.

Mr. Morgan then expressed his concerns about potential damage to existing structures on the surrounding properties.

Wayne Baumgartner, 128 Shealey Road came forward. He expressed his concerns of conservation of the oak trees currently there, and the aluminum fence between the new property and his.

David Batman, 116 Channel Drive, Lake Mary came forward. Mr. Batman had attended the Planning & Zoning meeting and was impressed with the expedience of how it was conducted. He questioned the restrictions for development of structures in the future, such as picnic tables and swings. He stated that he can look out and see the wildlife and trees and wanted to keep it that way. He also discussed plans of cleaning up the lake in the future, and how they plan to keep fertilizer and pesticides from contributing to the lake. He stated that he is impressed with the board and the comments/questions commission has been asking, that it shows concerns for the residents.

Mayor Mealor advised that the time spent at the Planning & Zoning meeting was time well invested.

Matt & Nicole Lind, 108 Channel Drive, Lake Mary dropped off a written letter. It was read by Mr. Carson. The letter expressed concerns of flood waters.

Mayor Mealor stated that should this development be approved; he believes that the issues that Mr. Batman and Mr. Morgan and others have brought forward regarding the impact of the runoff will be mitigated by the requirement that everything must be held on-site.

Mrs. Clem wanted to add that she does agree with the assessment that having the stormwater pond in this property is going to help alleviate some of the issues, and it is actually going to hold some of the water on the property instead of running directly off into the lake. Regarding open space and impervious area concerns, our Code requires 35% open space for new developments. This development is providing 71% open space.

Regarding the construction and how it is going to operate, if and when the Final Subdivision Plan is approved and the project goes to construction, we do have a separate permit known as a Site Construction Permit and at that time that is when we look at all of the silt fences and all of the procedures that will take place such as construction access, how the road is cleaned, when trucks are going to come in/out of the property.

Mrs. Clem continued by addressing the concerns regarding the fence versus wall. She stated that the way our Code is set up is that if you have similar abutting single-family, the Code does not require any type of buffer. We have worked with the applicant to provide a fence and vegetation screening. Regarding the discussions about the wall, some of the disadvantages of the wall is that you are required footings to be installed so you will disrupt more of the vegetation on the property line.

Mrs. Clem added that each of these lots are required to have canopy trees and some kind of landscape plan which will be included at the Final Subdivision Plan. We are going to require a landscape plan for each lot.

Regarding picnic tables and activities in the conservation area, the purpose of the conservation area is to prevent any type of activity. There is no fence proposed there to not disturb the existing vegetation and to really keep that area natural. This has worked at Lake Emma Sound, and we have not had complaints of people entering the conservation area. To continue, these properties will be fenced, and they are not going to be able to have gates to go out to the back onto the conservation area.

No one else came forward, and the public hearing section was closed. The item was then opened for discussion and motion.

Commissioner Smith appreciated the applicant working with the City staff and the residents coming out as well showing their concerns. One of his concerns is the lift station and where it would be relocated, he believes that depending on the location it is going to change the design of the site. The other concern of stormwater can be addressed at a later time.

Mayor Meador wanted clarification regarding the location and tying into existing sewer. He also asked for further clarification regarding the generator.

Bruce Paster, Public Works Director, came forward. He stated that the City has 18 lift stations that we maintain, and only 4 permanent generators on those and we are actively adding more generators. We also have portable generators to take care of those. Each of these lift stations in the City, some of them take 500-1000 homes per station. In addition, there are numerous 50-100 lift stations in the City, which the City does not own or maintain. A lot of them are commercial sites, small development sites, apartments, etc. He is not aware of any that have emergency generators. Because they are smaller, you do have a long lead time; even with our large lift stations, when the power goes out they do not overflow in an hour or two, it takes several hours, even with 500 homes going into it. It is not the volume of the lift station; it is the volume of the entire collection system that has to fill up before it reaches ground level. What the owners of the private lift stations do when there is an outage in the City is call a plumber. The plumbers have ways and means to either fix the situation or to get a truck out there to remove the sewage from the lift station thus giving it more time—several more hours—until the electricity is repaired. He cannot think of any sewer overloads that we have had in the City from a private lift station. We do request with all Developers to put in an emergency generator, but it is not in our Code nor is it a requirement. It is also not a requirement of Seminole County Utilities. Some of the standards that the City follows are Seminole County Utility standards but they do not request emergency generators at small private lift stations. We did require the applicant to make sure this lift station is up to Seminole County standards, even though it is private and the City is not maintaining it.

Commissioner York wanted to confirm that the applicant did provide an emergency generator.

Mr. Paster replied, they did not. The City asked if they would but it is not in our Code. The City asks if they all would but it is not in our Code, and most of the time the Developers do not provide one.

Commissioner York wanted to confirm that it is not the norm that one is provided.

Mr. Paster replied, that is correct.

Deputy Mayor Miller stated that he would like to research this item in depth.

Commissioner Smith concurred with Deputy Mayor Miller's comments. He stated development will be around for years, so we need to make sure that it is right.

Mayor Meador stated that this is a Toll Brothers project, and they have a reputation for an incredibly good product. However, we have some experience with this type of thing, with Lake Emma Sound. He believes that both Deputy Mayor Miller and Commissioner Smith both make a good point. He believes there is a valid point for us to have an opportunity for our residents to see a revised plan based on the input that staff has provided, community input, and Commission input.

Mrs. Clem replied, there is a possibility to table to item to another meeting and have the Developer draft an updated 30% drawing.

Mrs. Reischmann stated that that is certainly appropriate, and she understands the Commission's concerns. She asked for clarification on what that redraft will address.

Mayor Meador replied that they would like to see how they are going to contain the runoff for lots 16-18. If they can't do that then the vast majority of the concerns from the Shealey residents is already addressed because there will be no development in that quadrant. However, they are still going to have to show where the runoff is being retained, location of the lift station, and an emergency generator.

Steve Noto, Assistant City Manager came forward. Mr. Noto wanted to clarify that there are some items that will remain unknown for now because they are either not required by Code-- because it's 30% engineering--or they are not required. Mr. Noto encouraged the public to review in-house studies available to the public that will address questions/concerns. The studies are not typically presented here. There may be something that may not yet get solved at the next meeting. They will get solved for final, which is 100% engineering.

Deputy Mayor Miller made a motion to continue the item to a date uncertain. Commissioner Smith seconded the motion, and the motion carried 5-0 by roll-call vote. Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Mayor Meador, Yes.

B. 2021-RZ-06, Ordinance No. 1661, A request for an Amendment to the New Century Planned Unit Development (PUD). Applicant: Mr. Drew Abel, Weekly Home, LLC (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)

C. 2021-PSP-07, A request for a Preliminary Subdivision Plan for New Century Lot 1 consisting of +/-8.03 acres of property located on the east side of New Technology Blvd. and south of Caring Dr. Applicant: Mr. Drew Abel, Weekly Home, LLC (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)

Items B-C were related and discussed simultaneously.

Mrs. Reischmann read Ordinance No. 1661 by title only.

Sabreena Colbert, City Planner came forward to present both items. She discussed the information as presented in the Staff Report which was included in the agenda packet for review.

At their regular meeting on March 8, 2022, the Planning and Zoning Board unanimously recommended approval, 5-0, of the requested Amendment to the New Century Planned Unit Development (PUD) to allow for 50, single family attached, residential townhome units on the subject property as recommended by staff.

Staff finds that the request to amend the New Century PUD (Planned Unit Development), for a proposed 50-unit townhome development on Parcel 3, Lot 1 New Century, Lake Mary Wellness & Technology Park has met the relevant findings of fact as outlined above, is consistent with the City's Land Development Code and the City of Lake Mary Comprehensive Plan as outlined above, and recommends approval with the following condition:

1. A hedge at least two feet in height immediately upon planting shall be provided within the north and east buffers as required per Chapter 157.04 at time of Final Subdivision Plan.

At their regular meeting on March 8, 2022, the Planning & Zoning Board voted unanimously, 5-0, to recommend that the City Commission approve the requested Preliminary Subdivision Plan with the conditions recommended by staff.

Staff finds that the request for Preliminary Subdivision Plan is consistent with the relevant criteria of the City's Preliminary Subdivision Plan regulations, the City's Code of Ordinances and Comprehensive Plan, and recommends approval with the following conditions of approval:

1. A photometric plan shall be provided with the Final Subdivision Plan.
2. Signage shall require a separate building permit prior to construction. Signage shall comply with Chapter 155, Appendix (I) Section 6(D)(3) of the Land Development Code.
3. The tree mitigation fee in the amount of \$23,841.07 shall be paid prior to the issuance of a site construction permit.
4. The Preliminary Subdivision Plan shall not become effective until the PUD Amendment is given final approval.

Commissioner York made a motion to approve 2021-RZ-06, Ordinance No. 1661. A request for an Amendment to the New Century Planned Unit Development (PUD). Commissioner Smith seconded the motion, and the motion carried 5-0 by roll call vote. Deputy Mayor Miller, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.

Commissioner Smith made a motion to approve 2021-PSP-07. A request for a Preliminary Subdivision Plan for New Century Lot1 consisting of +/- 8.03 acres of property located on the east side of New Technology Blvd. And south of Caring Dr. Commissioner York seconded the motion, and the motion carried 5-0 by roll call vote. Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Mayor Mealor, Yes.

Commissioner Smith wanted to say it was a well-designed site nice with a variety of residential family homes. Mayor Mealor agreed and stated we have received a lot of positive feedback.

**D. Resolution No. 1049 - Tolling and Standstill Agreement (Public Hearing)
(Katie Reischmann, City Attorney)**

Mrs. Reischmann read Resolution No. 1049 by title only.

Deputy Mayor Miller made a motion to approve Resolution No. 1049. A Tolling and Standstill Agreement. Commissioner York seconded the motion, and the motion carried unanimously.

10. Other Items for Commission Action

There were no other items for Commission action.

11. City Manager's Report

A. Items for Approval

a. Police Department Flooring Replacement (1st Floor)

Mr. Smith discussed the information as presented in the Staff Report which was included in the agenda packet for review.

He requested Commission authorize him to approve a Purchase Order to Spectra Contract Flooring in the amount of \$59,800.00.

Commissioner Smith made a motion to approve the Purchase Order to Spectra Contract Flooring in the amount of \$59,800.00 Commissioner Duryea seconded the motion, and the motion carried unanimously.

b. Request to surplus Deputy Chief Wallace's department issued handgun and gift it to him upon retirement.

Mr. Smith discussed the request to surplus Deputy Chief Wallace's department issued handgun and gift it to him upon retirement. Deputy Chief Wallace has serviced the City of Lake Mary admirably for over seventeen years. If the item is approved, Chief Biles will present it to the Deputy Chief at a later date. Mr. Smith stated that he is one of the finest individuals that he's had the opportunity to work with in general and wishes him well on his retirement. Mr. Smith requests Commission to declare the above listed Glock surplus and authorize presentation to Deputy Chief James J. Wallace.

Commissioner Duryea made a motion to surplus Deputy Chief Wallace's department issued handgun and gift it to him upon retirement. Deputy Mayor Miller seconded the motion, and the motion carried unanimously.

c. FY 2022 Milling and Paving Program

Mr. Smith requested the Commission to authorize him to enter into an agreement with PNS Paving in the amount of \$1,141,201.66 for milling and paving road work as described in bid 22-01.

Commissioner Smith asked when will the paving and milling begin. He stated he thinks it is important that we notify the residents ahead of time.

Mr. Smith stated that we will use all of our communication efforts to notify the residents. Paving of the roads is extremely important to residents and called on Mr. Bruce Paster to advise of the time frame.

Mr. Paster stated that if approved tonight it normally takes about a month to six weeks to get all of the paperwork in and get a notice to proceed. It will take two – two and a half months to get the work started. Then it takes about a month to complete.

Commissioner York asked if since the bid came in under budget what do we plan to do with the additional funds, if we plan to do additional milling and paving or if the money will just roll over into the general fund.

Mr. Smith stated that this money comes from our third-generation sales tax so it will be retained in that for additional capital projects and could potentially include downtown. But if there is an opportunity that we see additional paving projects, and funds are available, we could do that as well.

It was the consensus of the City Commission to approve the request to authorize the City Manager to enter into an agreement with PNS Paving, in the amount of \$1,141,201.66.

B. Items for Information

There were no other items for information.

C. Announcements

There were no announcements.

12. Mayor and Commissioners Report

A. Deputy Mayor Miller

No report.

B. Commissioner York

He expressed concerns about the health of Channel Lake and different lake issues.

Mr. Noto stated that in the project they are working on with Mr. Dove regarding West Crystal Lake, he is including that as part of the review. We are still working with him and the County on how to best move forward on that entire process.

He regrets the cancelation of Family Fun Day and appreciates the effort our Parks and Recreation Department that continue to create opportunities to enjoy. He is looking forward to the Celebrate Liberty Park this weekend and wishes everyone a happy Easter holiday before we reconvene.

C. Commissioner Smith

He stated that he is looking forward to celebrating Liberty Park. He thanked the Parks and Recreation Advisory Board for recommending this event.

He also thanked the Elder Affairs Commission for “The mind, body and spirit, A celebration of seniors.” It was a wonderful event.

He attended an event at Seminole State. It was about the nursing program which has 520 students in the program and graduate about 200 nurses a year and have the highest pass rate.

He asked for an update on the last legislative session.

City Attorney to provide an update on the latest legislative session once the Governor signs.

D. Commissioner Duryea

No report.

13. City Attorney's Report

No report.

Mayor Mealor thanked her for her feedback and guidance in dealing with Shealey Road. He also thanked Community Development staff for how it was handled.

14. Adjournment

There being no further business, the meeting adjourned at 9:06 P.M.