



LAKE MARY CITY COMMISSION

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

**Regular Meeting
MINUTES
THURSDAY, AUGUST 4, 2022, 7:00 PM**

1. Call to Order

The meeting was called to order by Mayor David Mealor at 7:03.

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
Stephen Noto, Assistant City Manager
Michael Biles, Police Chief
Michael Johansmeyer, Fire Chief
Michelle McCurdy, City Clerk
Krystal Clem, Community Development Director
Bruce Paster, Public Works Director
Bryan Nipe, Parks and Recreation Director
Ehab Azer, Assistant Finance Director
Chris Carson, City Planner
Sabreena Colbert, Senior Planner

Tom Rhodes, Information System Analyst
John Montgomery, Fire Department Chaplain
Katie Reischmann, City Attorney

5. Approval of Minutes

A. The approval of the July 21, 2022, Draft City Commission Meeting Minutes and Work Shop Meeting Minutes will be included on the August 18, 2022 City Commission agenda.

Mayor Mealor stated that item 9D has been pulled from the agenda tonight and will be heard at a future date.

6. Special Presentations

A. Special Recognition - Gabriel Vella & Kevin Whitman (Mike Johansmeyer, Fire Chief)

Michael Johansmeyer, Fire Chief, came forward. He provided a department update outlining some of the upcoming changes and goals for the Fire Department. He then asked Gabe Vella and Kevin Whitman to come forward for their pinning ceremonies.

Mayor Mealor congratulated them both.

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 section was closed.

8. Unfinished Business

A. 2022-LU-01, Ordinance No. 1662 - A request for a proposed Expedited State Review Comprehensive Plan Amendment to the City's Comprehensive Plan creating a Water Supply Plan, providing for the Adoption of the proposed amendment to the Department of Economic Opportunity (DEO). (Legislative – Public Hearing – Second Reading) (Chris Carson, Senior Planner)

Katie Reischmann, City Attorney, read Ordinance No. 1662 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 public hearing. Nobody came forward and the public hearing section was closed.

Commissioner Duryea made a motion to approve 2022-LU-01, Ordinance No. 1662 - A request for a proposed Expedited State Review Comprehensive Plan Amendment to the City's Comprehensive Plan creating a Water Supply Plan, providing for the Adoption of the proposed amendment to the Department of Economic Opportunity (DEO). Deputy Mayor Miller seconded the motion, and the motion carried 5-0 by roll-call vote. Commissioner Smith, Yes; Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Commissioner York, Yes; Mayor Mealor, Yes.

B. Ordinance No. 1674 - Proposed Duke Energy Franchise Agreement. (Public Hearing - Second Reading) (Stephen Noto, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1674 by title only.

Steven Noto, Assistant City Manager, 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 public hearing. Nobody came forward and the public hearing section was closed.

Commissioner Smith made a motion to approve Ordinance No. 1674 - Proposed Duke Energy Franchise Agreement. Commissioner York 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 Mealor, Yes.

9. New Business

A. 2022-CU-01, A request for a Conditional Use for an Instructional Dance Studio in the PO, Professional Office zoning district, located at 3224 W. Lake Mary Blvd, Suite 1530. Applicant: Anastasia Maingot, School of Creative Arts Dance Center, LLC (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)

Sabreena Colbert, City Planner, discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

There were no questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner York made a motion to approve 2022-CU-01, A request for a Conditional Use for an Instructional Dance Studio in the PO, Professional Office zoning district, located at 3224 W. Lake Mary Blvd, Suite 1530. Deputy Mayor Miller 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.

B. 2022-RZ-06, Ordinance No. 1671, A request for rezoning of property located at the northwest corner of W. Lake Mary Blvd. and Crystal Dr. from A-1, Agriculture, to PO, Professional Office. Applicant: Crystal Devco, LLC. (Quasi-Judicial – Public Hearing – First Reading) (Chris Carson, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1671 by title only.

Chris Carson, Senior Planner, discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

Eric Violland, 538 Crystal Reserve Court came forward. He spoke on behalf of the Crystal Reserve Homeowners Association, representing sixteen homes that are directly behind the property of interest. He stated that the community is multicultural, multidemographic, and they range from children to more experienced residents. They take advantage of the community with bike rides and walks around the local area. When a zoning area has been rezoned for an office, it could raise some concerns. They wanted to take the opportunity to address the Commission to consider some of those concerns. One of the concerns is related to privacy, it is directly against one of the walls that is currently acting as that buffer. If the height of the building is two or three stories it could create privacy concerns. They are concerned about noise. When his family moved into the community, they appreciated the buffer between Lake Mary Boulevard, knowing at some point that it could potentially be converted and now they're faced with that challenge today. All the community is asking for is consideration to allow either trees or a retention pond that would be between whatever that office complex is and the wall, to give a little bit of a gap, to allow them to continue the ability to have that sense of quietness. It will also help with loitering. At times when office complexes come in near subdivisions there is an opportunity for loitering, potentially in the parking lot area. There is not a lot of traffic on Crystal Drive. He stated that they have to contend with some of the automobile driving classes that take place on that roadway, but the traffic for the most part is not significant. Their concern is that if we do introduce an office building with an entrance on Crystal Drive it could introduce additional traffic concerns. Another thing to consider is property value. When he came into the community, his family made a significant investment and over the course of the last few years they've seen a continued increase in that property value. They are concerned an office complex at the front portion of the community will impact the property values. He stated that they are coming to the City as a community. Each of them have taken the time to display what their concerns are. They've also put together some factors that could help mitigate some of these things. One of those things is to consider no U-turns on the turn in that comes in on Crystal Drive off of Lake Mary Boulevard. It does create complexity for the residents exiting. These are the concerns brought to you on behalf of Crystal

Reserve. He stated, for himself he believes the City has done a great job in the Lake Mary area in general and continued flourishing in the development. He appreciates that commitment, and to please consider these concerns and work together to mitigate some of them going forward.

Mayor Mealor thanked Mr. Violland and continued the public hearing section of this item.

Tom Beckwith, Vice President of The Forest Club of Lake Mary came forward. He stated that their only concern is that they would like to see a wall built on the west side of the property. Right now, they have a brick wall that faces Lake Mary Boulevard. They would like to have the wall continued so they can block it off. They are a 55 and older community and safety is their main concern.

Brad Donnelly, 1230 N US HWY 1, Ormond Beach, with Newkirk Engineering came forward to speak on behalf of the applicant. He stated that they are going to maintain a thirty-foot buffer on the west side and the north side.

Mayor Mealor thanked Mr. Donnelly for coming and providing clarification and advised that he may be called on again.

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

Mayor Mealor stated that he would like to note that the Florida League of Cities recognized Commissioner Duryea for his thirty-five years of elected service. He is the longest serving elected official in Central Florida and the third longest serving elected official in the State of Florida. He congratulated Commissioner Duryea and then called on him to proceed with his comments in relation to the agenda item.

Commissioner Duryea stated that most of the items the residents have brought up regarding the rezoning are site plan issues. The City will certainly review everything with the best interest of all the parties concerned. One of the things we must weigh is the best use of the property. On Lake Mary Boulevard it is much preferred to have an office building than a commercial venture. You can be assured we will make sure everyone's best interest will be looked after.

Commissioner Smith wanted to echo what Commissioner Duryea said. He also would like to thank the homeowners for coming out and assured them we have a phenomenal staff that will make sure when the property is developed it will be compatible with the neighborhood.

Deputy Mayor Miller asked Mr. Carson if he was aware of the neighborhood's concerns prior to this meeting. Mr. Carson stated that there was a good turn out at the Planning and Zoning Board meeting. The residents voiced their concerns there as well. Deputy Mayor Miller asked if he had a clear list of concerns and will be in communication with the residents and if he thinks the developer will have any issues meeting those concerns. Mr. Carson advised he did, and he did not believe there would be any issues.

Mayor Mealor stated that Crystal Reserve is a wonderful addition to our community. It increased property values. We have experienced, within two blocks of where this site is proposed, some of the professional offices that went in there dramatically increased the property values for the homes directly behind them. This falls under the Gateway standards. There can be no Professional Office on Seminole Avenue because of the residential properties there. He thanked Mr. Violland for being the spokesperson. He stated that this is probably one of the last undeveloped properties and it is important that it be done right.

Mayor Mealor stated that the City will be celebrating its 50th Anniversary this coming spring. The Forest Club, the neighbor to this property, will be celebrating its 50th Anniversary at the same time. In some ways that was a catalyst and served as a gathering place for the people that really brought the City of Lake Mary together. We will owe them a debt of gratitude down the road.

Commissioner Smith made a motion to approve 2022-RZ-06, Ordinance No. 1671, A request for rezoning of property located at the northwest corner of W. Lake Mary Blvd. and Crystal Dr. from A-1, Agriculture, to PO, Professional Office. Deputy Mayor Miller seconded the motion, and the motion carried 5-0 by roll-call vote on First Reading. Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Mayor Mealor, Yes.

C. 2022-ZTA-01, Ordinance No. 1669, A request to modify City Code Chapter 157.14 regarding Requirements for Tree Removal. (Public Hearing – Legislative – First Reading) (Chris Carson, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1669 by title only.

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

There were no questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner Smith stated that it is a step in the right direction.

Commissioner York stated that he agrees with Commissioner Smith. He would love for the preemptive language to be rescinded entirely; we aren't there yet but hopefully in the future. It is a real issue.

Mayor Mealor stated he believes it should be determined at the community level and appreciates the concerns.

Commissioner Smith made a motion to approve 2022-ZTA-01, Ordinance No. 1669, A request to modify City Code Chapter 157.14 regarding Requirements for Tree Removal. Commissioner Smith seconded the motion, and the motion

carried 5-0 by roll-call vote on First Reading. Commissioner Smith, Yes; Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Commissioner York, Yes; Mayor Mealor, Yes.

**D. Resolution No. 1051 – Electric Service Easements (Public Hearing)
(Bruce Paster, P.E., Public Works Director)**

This agenda item will be rescheduled for a future date.

E. Resolution No. 1053 - Removal of Board Member from Code Enforcement Board (Public Hearing) (Michelle McCurdy, City Clerk)

Katie Reischmann, City Attorney, read resolution No. 1053 by title only.

Michelle McCurdy, City Clerk, came forward and stated, as outlined in the agenda packet, at their last regularly scheduled board meeting, the members of the Code Enforcement Board requested that the City Commission revoke Juan “John” Morillo’s appointment to the board. She stated Mr. Morillo was appointed on December 2, 2021, to complete an existing term for a board member that retired from service. Since his appointment he has missed each of the scheduled meetings, with one absence excused by the Chairman. He has not been sworn in. At last check with the Supervisor of Elections office, he had not submitted his Statement of Financial Interest Disclosure forms for 2020 or 2021, as is required by the state. Resolution 1053 is brought before you for review. I am available if you have any questions.

Commissioner Smith asked if we had reached out to Mr. Morillo and if we knew if he was ok. Ms. McCurdy answered, numerous times and she believed there may have been some family issues, wellness issues, and at times no response.

There were no more questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

Deputy Mayor Miller made a motion to approve Resolution No. 1053 - Removal of Board Member from Code Enforcement Board. Commissioner York seconded the motion, and the motion was approved unanimously.

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

B. Items for Information

Mr. Smith stated that the second payment of the ARPA money in the amount of \$4.37 million has been received and we will be able to begin great projects downtown and throughout the City.

C. Announcements

12. Mayor and Commissioners Report – 2

A. Commissioner Duryea

Commissioner Duryea stated that the Fire Department is a great group of people and he feels good when funding those things. He feels like he's done something right.

Mayor Mealor advised that he's done many things right and it will be documented someday, there is a legacy there. He is sure of it.

B. Deputy Mayor Miller

He stated that he'd like to commend Ms. McCurdy for addressing what was clearly a very difficult issue.

C. Commissioner York

He said he would like to thank the staff that was responsible for the Board Appreciation dinner event. He knows that there is a lot of people involved. It was a great event. Everyone who attended had a great time and was recognized for the work they do for the City. He hopes we make it a regular event.

D. Commissioner Smith

He stated that he agreed with Commissioner York about the Advisory Board dinner. He also thanked Torry Walker for doing the Hands-On CPR at Crystal Lake Elementary School on Tuesday. Many teachers were there for the training and hopefully we can get that going at other elementary schools in the City. He thanked Bryan Nipe and his team for the Pop-Up Park Parties that are going on. He then wished all the Lake Mary families and students a happy return to school next week, and hopes they have a successful year.

E. Mayor Mealor

He wanted to bring attention to an article in the Orlando Sentinel which reviewed one of Lake Mary's restaurants. It brings him great joy and he has to say that the review of Lighthouse Seafood by the Sentinel food critic is probably one of the most positive and effusive articles that she has ever written. It speaks volumes about people that want to invest in Lake Mary and those people that make a commitment to our community. We appreciate it.

13. City Attorney's Report

No report.

14. Adjournment

There being no further business, the meeting adjourned at 7:58.