



LAKE MARY CITY COMMISSION

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

**Regular Meeting
DRAFT MINUTES
THURSDAY, JANUARY 6, 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 7:00 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
Frank Cornier, Fire Chief
Mike Biles, Police Chief
Brent Mason, Finance Director
Bruce Paster, Public Works Director
Bryan Nipe, Parks and Recreation Director
Krystal Clem, Community Development Director

**CITY COMMISSION
January 6, 2022-1**

Michelle McCurdy, City Clerk
Sabreena Colbert, City Planner
Lindsay Malsam, IT Manager
Wanda Broadway, Human Resources Manager
Christopher Carson, Senior Planner
Katie Reischmann, City Attorney

5. Approval of Minutes

A. Draft City Commission Meeting Minutes - December 2, 2021

Commissioner Smith made a motion to approve the Draft City Commission Meeting Minutes of December 2, 2021. Deputy Mayor Miller seconded the motion, and the motion carried unanimously.

6. Special Presentations

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

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

8. Unfinished Business

There was no unfinished business.

9. New Business

A. Ordinance No. 1654 - Amending the Code of Ordinances to create Chapter 98 - Emergency Management (Legislative - Public Hearing - First Reading) (Wendy Niles, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1654 by title only.

Wendy Niles, Deputy Fire Chief, discussed the information as presented in the Staff Report, which was included in the agenda packet for review.

Mrs. Reischmann wanted to add that with the pandemic; we are severely limited as far as the time period to have an emergency order run. This has to do with vaccination requirements, mask mandates, all of that really being governed by the State. This takes away authority so that if it is a non-weather-related emergency, not only do we have to

be narrow about how we prescribe emergency orders, but it is also only good for seven days and has to be extended by the Commission. We did include that the Commission can delegate to the City Manager the ability to extend an emergency order, which is allowed by State law.

There were no questions in relation to this item. The item was opened for a public hearing. No one came forward, and the public hearing section was closed. The item was then opened for discussion and motion.

Commissioner York made a motion to approve Ordinance No. 1654 - Amending the Code of Ordinances to create Chapter 98 - Emergency Management. Commissioner Duryea 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.

B. Washington Avenue Traffic Calming Update (Stephen Noto, Assistant City Manager, and Krystal Clem, Community Development Director)

Steve Noto, Assistant City Manager, 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.

Mayor Mealor stated that he appreciates that this is a citizen-driven initiative. He said that on Lakeview Avenue, we had a similar situation. A group of citizens came to us with concerns regarding the cut-through traffic and speeding in the area. It was decided that what we would do is we would put stop signs in every possible intersection/location. Many of the stop signs ended up in people's front yard—technically the right-of-way. He was concerned about how that would be received. He said that he was pleasantly surprised when the citizens came back and thanked the City for doing that, and another group that lived on a side street came to us and asked for stop signs to be installed in a similar manner.

Mayor Mealor continued by stating that he appreciates that technique because it then gave our Police Department the opportunity to enforce. The citizens informed the Police Department of violations (vehicles/time of day), and the Police Department was able to enforce and issue citations. He believes that the traffic calming measures taken have been effective.

There were no additional comments or questions related to this item. The item was then opened for a public hearing.

Joseph Donoughe, 321 Washington Avenue, came forward. He stated that he resides where the stop signs are supposed to be located and that they will be right at his driveway. He has two driveways—a horseshoe driveway—and the southside will be in between his two driveways. It is said that it is going to be slowing down people going through the neighborhood. Based on his observations, he is home almost all the time, and he does not see where it is a big issue since they put in the speedbumps and digital

speed signs. If there was a study done after the speedbumps were put in, he would love to see it. He continued by stating that as it was said earlier about the tickets for stop signs, what about tickets for speeding? Have there been any tickets for speeding on Washington Avenue in the last six months? He believes that would be proof that there are speed issues. If no tickets have been issued, it is just a simple observation by a couple of neighbors. He does not understand where the information is coming from because he has not seen it personally.

Mike Biles, Police Chief, came forward.

Mayor Mealor asked if there had been any speeding tickets issued or if the Police Department received concerns related to the speeding on Washington Avenue.

Chief Biles replied, not since we have done the traffic-calming measures there. He said that before that, we were out there quite a bit. With the measures that have been placed, the complaints have gone down, so we have been enforcing traffic in other areas. Chief Biles stated that we can do a study within the Police Department to see what the speed is looking like now. That can take up to two weeks to complete, and we can put that together.

Commission directed Police Department staff to perform a traffic study. If it comes back that there is an issue, then it can be brought back before Commission.

Steve Weisstein, 616 Washington Oaks Court, came forward. He said no one showed up from his side of the street, and that they stopped this project almost when it was completed because there was input, and that was the only input at the time. He said if you refer to the notes from the Planning and Zoning meeting which Mr. Noto alluded to earlier tonight, which is part of this whole idea of a pedestrian corridor for Washington Avenue, not a thoroughfare that allows people who want to cut traffic off of Lake Mary Boulevard and speed through there. He said that he doesn't know what planet you are living on when you say there has been no increase in speeding.

Mayor Mealor addressed Mr. Weisstein and thanked him for his input. He asked him to limit the discussion to the stop signs, striping, and the double-yellow line.

Mr. Weisstein stated that he is all for the double-yellow line. He stated that he is the Vice-President of the Homeowners Association for Twelve Oaks, so there has been a lot of talk about this since the Toll Brothers project came up and the stop sign was not included in the traffic calming measures.

Dennis Bowman, 629 Washington Oaks Court, came forward. He stated that he lives in the very first house, so he is closer to the street; if the stop sign were to be there it would probably have as much effect on them as anybody. However, he does see now that he sees the entrance for the potential Toll Brothers project as a potential compromise because they do not want traffic calming to alienate any of their neighbors. So, in the interest of a compromise, they may very well do what we are looking to do and even more with the placement of the entrance of Toll Brothers that goes pretty

much the way it is shown on the map shown on the overhead. He continued by saying that a third speed table right in between the two entrances would serve to slow down for people coming in and out of the area and would probably be a good compromise and can slow everything down and provide a buffer for people going in and out of the new PUD, if it happens as well as his place. He said that right now it is like Daytona 500; as soon as they go over one hump, they hit the gas and fly to the next one.

Tommy Maggard, 228 Washington Avenue, came forward. He said that he had seen some improvements from the speed tables, although the very first week coming home from work around 5:30, he saw a Hyundai Genesis hit the first one about 55mph, became airborne, and went into the other lane, almost losing control. Mr. Maggard stated that he sits on his front porch in the evenings and has a glass of wine to unwind, and he knows when they hit the speed tables by Rolex Point, they are gone. He said that this past weekend, which is not as much traffic on the weekends, he heard a vehicle take off, and it was extremely fast. He went out there, and the vehicle went through the stop sign at Fifth Street and never stopped because he walked out to his fence and watched it. The vehicle went through the stop sign at the new park and then went onto Third Street, took a hard left turn, and never slowed down. He said that people will be people, and there are always going to be offenders. He knows that from Fifth Street to the first speed table, there are a lot of repeat offenders that know it is there, so they hammer it and drive 40mph by the time they pass his house. He said the trucks sometimes do not slow down; they just drive over them, so they get a pretty good run from Fifth Street to Washington Avenue. Mr. Maggard believes that something needs to be in between there to break it up from point A to point B. It is too long of an open run, and he does not know how the new development is going to come into play with that. He is sure that it is going to be a big part of it.

Mr. Maggard stated that he has seen a definite improvement, but people still fly down that road. He is out there working on his house all the time, and 40 mph is not uncommon. He said that if they can get up to that speed from Fifth Street to his driveway, that is not even a tenth of a mile, so you know what they can do in a quarter of a mile. He likes the idea of the stop signs or maybe a big turnabout where they are forced to go around a corner. He believes we have to force people to do the right thing and that they are not going to do it on their own.

Mayor Mealor addressed Mr. Maggard and said that the whole point of this right now is to look at options. He knows that we have done some different things to calm traffic in certain parts of this community. We are looking at options to find a better way.

Mr. Maggard replied, there has definitely been an improvement, but he thinks it still needs more work, and he is curious to see how other developments are going to come into play with that where they come in and out, and that is going to have an effect on it as well. There are going to be more cars, but for the most part, he thinks that most people that are offenders, there are probably a few of them, that he knows live on that street that are constantly doing it. He said that most of them are probably cutting through to get around Lake Mary Boulevard. Mr. Maggard continued by saying that the

turn lane up there did help, and he believes it took a little bit of pressure off. He would like everyone to keep working on it until we get it right.

Sandra Donoughe, 321 Washington Avenue, came forward. She thanked the Police Department for being willing to do the study. She said that she is a teacher, and in teaching and education, they make a decision based on data, not what they think is happening or what they observe; it is based on what actually happens (how many tickets are written, how many times somebody speeds by and is measured). She appreciates the fact that the Police Department is willing to get some data. She said that yes, there had been a problem on Washington Avenue, and she appreciates the steps that the City has taken to fix that; yes, we are getting more traffic with this new development. She understands that it needs to be looked at and see where the best placement is going to be.

Mrs. Donoughe stated that she had been a resident since 1999, so they have seen the growth. However, when you talk about putting a stop sign in front of her house, that is going to make issues for her to get in and out of her driveway and different things like that. She said she is concerned about that and that she doesn't want it there unless it needs to be there. She believes that this is what the data will do. It will tell us if we need to have that.

She continued by stating that most people she has asked during conversation, "what stops you from speeding?" She said that the answer is always "a speeding ticket"; if you hit their wallet, they are not going to repeat it. They are going to say, "Don't speed in Washington Avenue; it is a \$200 ticket". She said they had a lawn guy once who got a ticket years ago, and it was over \$200; he did not speed on that street anymore. She said that there is something to be said for old-fashioned law enforcement presence and giving tickets, not warnings—that will stop the speeding.

Deputy Mayor Miller wanted clarification regarding the stop signs. He asked if a third speed table could replace the stop signs.

Mr. Noto replied, Mr. Donoughe made that recommendation. Staff's recommendation was the stop signs.

Deputy Mayor Miller asked if there were remote ways to detect speeders.

Kevin Smith, City Manager, wanted to clarify that, as Chief Biles stated, we have not done any surveys or studies since the improvements were made. He stated that before we make any improvements anywhere in the City, we always start with Chief Biles doing a study. That study was done here as well. The initial study dictated that improvements were warranted, but as it was stated earlier, we have not done another study since.

Chief Biles added that we have original data to base this from, and we can make a good comparison when we go back out there. He continued by stating that in reference to remote tracking, we have a device that we can put in the area that will count traffic in

both directions for about five days based on battery power. We then take that data and chart some graphs that indicate speed, times, etc.

Commissioner Smith stated that he appreciates the public input. He asked staff how we are updating the residents on the recommended updates for this study.

Mr. Noto replied, how we started was a mailer to the residents letting them know we were doing the study and then followed up with letting them know when the final decision was going to be made, which was this past July. Since then, we did not hear back until the Planning and Zoning Board meeting for the Toll Brothers project, so that is when everything came back to the surface, and we started getting feedback on what had been installed and what needed to be done, etc. From here, we would approach it in a similar manner.

Commissioner York asked what facts were factored into the staff's decision to include two stop signs at the entrance to Twelve Oaks rather than speed bumps.

Mr. Noto replied that they were looking at stopping vehicles from traveling to slow their speed. He said the built-in grid from Fifth to Third Street; you have those built-in intersections where the stop signs, of course, are traditionally placed. We did not have that between Fifth and Longwood Lake Mary Road. So, we were trying to find a logical intersection to put it at—that is what landed us at Twelve Oaks. The reason for the stop signs versus the speed table was partially based on the survey that was sent and internal discussions to figure out the best way to have people slow down and get them to stop was the way that we found to be most helpful as opposed to get them to go over another speed table. We have not looked at in-depth what a speed table would do between Twelve Oaks and the Toll Brothers project that would interact with the other speed tables.

Commissioner York believes that with the speed study, we can get good data on the speed calming measures that are already in place and the effectiveness of those measures and whether it may warrant something as aggressive as two additional stop signs, and we can have the data to make a decision to put in stop signs when you have concerns from residents who would be affected by it. He asked if a temporary speed calming measure could be placed.

Chief Biles replied, as long as we don't have a measurement device out there that might skew our numbers. He thinks the digital speed board that was put up as you come off Longwood Lake Mary Road onto Washington Avenue is making a difference. That is the fifth one we have put up in the City, and we just picked up two more over the last couple of weeks. We have noticed a significant difference on some of the other streets where we have put those in, and you can go out there and visually sit and watch that sign, and as people approach it, they see their speed up there and begin to slow down.

Commissioner Smith asked if the signs record data.

Chief Biles replied, no.

It was the consensus of the Commission to wait for the traffic study results before moving forward with this item and review traffic-calming options. The striping was agreed upon unanimously.

Commissioner Smith asked about when the striping would take place and if the traffic study would be done after the striping is completed.

Mr. Noto replied, according to Bruce Paster, Public Works Director, the striping would take a month to complete so we can coordinate internally regarding the timing for both activities.

There were no further questions for Mr. Noto, and he concluded his presentation.

C. 2021-RZ-07, Ordinance No. 1655 - A request to rezone +/- 0.23 acres of property located at 173 E. Wilbur Ave. from R-1A Residential to DC, Downtown Centre. Applicant: David and Maureen Montes (Quasi-Judicial – Public Hearing – First Reading) (Chris Carson, Project Manager)

Mrs. Reischmann read Ordinance No. 1655 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. Staff finds that all conditions have been met; the Findings of Fact on page 20 are determined to provide support for the request to rezone the subject property from R-1A to DC by establishing consistency and compatibility. Therefore, staff recommends approval.

The Planning and Zoning Board recommended approval at the regularly scheduled December 14, 2021, meeting for this request. The Mayor and City Commission will hear this item on January 20, 2022, for Second Reading.

There were no questions in relation to this item. The item was opened for a public hearing. No one came forward, and the public hearing section was closed. The item was then opened for discussion and motion.

Commissioner Smith made a motion to approve 2021-RZ-07, Ordinance No. 1655 - A request to rezone +/- 0.23 acres of property located at 173 E. Wilbur Ave. from R-1A Residential to DC, Downtown Centre. Commissioner Duryea seconded the motion, and the motion carried 5-0 by roll-call vote on First Reading. Commissioner Duryea, Yes; Deputy Mayor Miller, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Mayor Mealor, Yes.

D. 2021-RZ-04, A request for a Preliminary Planned Unit Development (PUD) for a 23-lot single-family residential subdivision, on +/- 8.30 acres of property located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt., from A-1 to PUD. Applicant: Mr. Mark McIntosh, Toll Brothers, Inc. (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)

Krystal Clem, Community Development Director, came forward. She wanted to give a brief overview of the history of the property. She stated that back in 2018, there was a growth and development workshop where we spoke about possible areas for infill and redevelopment in the City. The area of Washington Avenue was discussed at that meeting. The direction received from the City Commission was that they did not want to see anything high-density in this area and to stay in line with single-family homes—more in line with Twelve Oaks. Since this direction was received, we have been approached by developers to do items such as townhomes, mixed-use development like Griffin Farms, and based on what this applicant is proposing, this is most in line with the direction that we received from the Commission.

Sabreena Colbert, City Planner, discussed the information as presented in the Staff Report, which was included in the agenda packet for review. Staff finds that the Preliminary PUD is consistent with the relevant criteria of the City's Preliminary PUD regulations, Code of Ordinances, and Comprehensive Plan with eight conditions listed in the Staff Report.

On December 14, 2021, the Planning and Zoning Board voted unanimously 5-0 to recommend that the City Commission approve the request with the eight conditions recommended by staff and an additional condition of approval as noted regarding means of planting canopy trees, so they don't damage sidewalks or driveways. Mrs. Colbert added that not knowing the location of those trees, the language right now is open, and when we get to the Final PUD, that can be tightened up.

Staff also recommends two additional conditions to be considered, as noted in the Staff Report.

If approved, the applicant will begin working on the Final PUD followed by the subdivision process.

Commissioner Duryea asked why this is a PUD.

Mrs. Colbert replied that the variation in some of the lot sizes does not all meet the minimum requirements for straight zoning. So, if they were to rezone from the current zoning to an R-1A, what they are proposing doesn't meet, and part of that is because of the cul-de-sacs flanking to provide that turnaround access although the lot area all but two lots do meet those minimum requirements.

Mayor Mealor asked about the open space.

Mrs. Colbert replied, the open space overall for the development is 65%, and each lot will have 40%.

Commissioner Duryea stated that he was always told that when we did a PUD, there was a negotiation process where the City could ask for certain things that we would not necessarily ask for. He does not see the City gaining anything with this PUD.

Mr. Smith wanted to add that, in his opinion, the extra two lots that they want that are not meeting the minimum requirements because of the cul-de-sac seems like a reasonable accommodation to get this type of project in, and in order to do that, we needed to do a PUD. While it may not maybe appear that there was a negotiation, there actually kind of was that resulted in this type of PUD zoning for purposes of getting this project.

There were no further questions related to this item. The item was then opened for a public hearing. No one came forward, and the public hearing section was closed. The item was then opened for discussion and motion.

Commissioner Smith thanked the citizens for their input. He believes this is a well-laid out planned project, and he believes it will add value to the area, and he is looking forward to seeing it developed.

Commissioner York echoed Commissioner Smith's comments. He appreciates staff for being attentive and making sure that the land as it is developed is single-family homes. He thinks it is going to be a great addition to the City and reiterated the traffic-calming measures discussed earlier.

Mrs. Reischmann referred to Commissioner Duryea's earlier comments. She added that as Mrs. Colbert indicated, we do not generally see the Preliminary PUD agreement, so when you see the PUD agreement, she thinks they will see that some provisions in there will make this a better development in light of some of the aesthetic requirements that have been added, so we will have that opportunity rather than just straight zoning. We will have the ability to add some things to the PUD agreements.

Commissioner York made a motion to approve 2021-RZ-04, A request for a Preliminary Planned Unit Development (PUD) for a 23-lot single-family residential subdivision, on +/- 8.30 acres of property located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt., from A-1 to PUD with eleven conditions of approval as noted in the Staff Report. Commissioner Smith seconded the motion, and the motion carried 5-0 by roll-call vote on First Reading. Deputy Mayor Miller, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, Yes; Mayor Mealor, Yes.

Mayor Mealor thanked the citizens for their input.

10. Other Items for Commission Action

There were no other items for Commission action.

11. City Manager's Report

A. Items for Approval

a. Downtown Parking Improvements Design

Mr. Smith discussed the information as presented in the Staff Report, which was included in the agenda packet for review. He requested Commission authorize the approval of a Purchase Order to Inwood Consulting Engineers Inc. for the design of Downtown Parking Improvements in the amount of \$71,154.35.

There were no questions for Mr. Smith in relation to this item.

Commissioner Duryea made a motion to approve the request to authorize the City Manager to approve a Purchase Order to Inwood Consulting Engineers Inc. for the design of Downtown Parking Improvements in the amount of \$71,154.35. Commissioner York seconded the motion, and the motion carried unanimously.

b. Well Design and Testing Plan

Mr. Smith discussed the information as presented in the Staff Report, which was included in the agenda packet for review. He requested Commission authorize the approval of a Purchase Order to CHA Consulting, Inc. for the design of a water well, testing plan, and construction services in the amount of \$87,500.

There were no questions for Mr. Smith in relation to this item.

Commissioner York made a motion to approve the request to authorize the City Manager to approve a Purchase Order to CHA Consulting, Inc. for the design of a water well, testing plan, and construction services in the amount of \$87,500. Commissioner Smith seconded the motion, and the motion carried unanimously.

c. Purchase of Portable and Mobile Radios

Mr. Smith discussed the information as presented in the Staff Report, which was included in the agenda packet for review. He requested Commission authorize the approval of the purchase of portable and mobile radios from Motorola Solutions in the amount of \$38,158.12.

There were no questions for Mr. Smith in relation to this item.

Deputy Mayor Miller made a motion to approve the purchase of portable and mobile radios from Motorola Solutions in the amount of \$38,158.12. Commissioner York seconded the motion, and the motion carried unanimously.

B. Items for Information

a. Monthly Finance Report

The Monthly Finance Report was included in the agenda packet for review.

C. Announcements

There were no announcements.

12. Mayor and Commissioners Report

A. Mayor Mealor

He called upon Commissioner Smith for his report.

B. Commissioner Smith

He wished everyone a Happy New Year. He stated that the holiday lights were successful again this year. It was great to see families and visitors Downtown.

He thanked everyone who participated in the second annual Cards for Seniors event. He said that the Parks Department was a tremendous help, as well as Lake Mary Preparatory School, Lake Mary Childcare, and Crystal Lake Elementary School. We were able to provide drawings and holiday messages to the three assisted living facilities in our City. We had a Forest resident make some hats for men and women, and those were delivered on Christmas Day.

He continued by saying that he had the opportunity to see the Christmas concert by The Quintessential Brass at the Lake Mary Museum. It was a great performance.

Lastly, he had the opportunity to attend the Asian Lantern Festival, which ends on January 16, 2022. He highly recommends the event.

He concluded his report by thanking staff for everything they do.

C. Commissioner Duryea

Commissioner Duryea wanted to thank the employees again for a job well done and for organizing all of the events that took place since the last Commission meeting. All of those events have been very successful.

He asked about Shred-A-Thon.

Mr. Smith replied we will announce the dates at the next meeting.

Commissioner Duryea then concluded his report.

D. Deputy Mayor Miller

He referred to Commissioner Duryea's earlier comments about the PUD. He appreciates Commissioner Duryea for his expertise and experience.

Mayor Mealor concurred. He said we are very fortunate.

Deputy Mayor Miller stated that as a Commission, we are looking for the absolute best decision for everything that comes before us, and he is proud to be part of the group. He then concluded his report.

E. Commissioner York

He wished everyone a Happy New Year. He continued by saying that the Holiday in the Park was a spectacular event and had a great turnout.

He continued by saying that he will be attending the Florida Legislature Leads on Monday. He will be monitoring the calls from the League of Cities to keep abreast of any legislation that may be relevant to us.

Mayor Mealor thanked Commissioner York and Commissioner Smith for their advocacy.

Commissioner York then concluded his report.

13. City Attorney's Report

Mrs. Reischmann had no report.

14. Adjournment

There being no further business, the meeting adjourned at 8:15 P.M.