LAKE MARY CITY COMMISSION

Lake Mary City Hall
100 N. Country Club Road

Regular Meeting
MINUTES
THURSDAY, JUNE 1, 2023, 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 7:02 PM.

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
Michelle McCurdy, City Clerk
Michael Biles, Police Chief
Michael Johansmeyer, Fire Chief
Brent Mason, Finance Director
Danielle Koury, Public Works Director
Allison Marcous, Human Resources Manager
Sabreena Colbert, Community Development Director
Bryan Nipe, Parks & Recreation Director

Corey Bowles, Assistant Fire Chief
Dave Dovan, Assistant Public Works Director
Jill Semento, Assistant Parks and Recreation Director
Chris Carson, Senior Planner
Bruce Fleming, Senior Code Enforcement Officer
Tom Rhodes, Network Specialist
Catherine Reischmann, City Attorney

5. Approval of Minutes

A. Approval of 5/18/23 Draft City Commission Meeting Minutes

Deputy Mayor Miller made a motion to approve the Draft City Commission Meeting Minutes of May 18, 2023. Commissioner Duryea seconded the motion, and the motion carried unanimously.

6. Special Presentations

A. Proclamation - Code Enforcement Officers' Appreciation Week (Bruce Fleming, Sr. Code Enforcement Officer)

Bruce Fleming, Senior Code Enforcement Officer, came forward to receive the proclamation from Mayor Mealor. He thanked the Mayor and Commission for their support.

Mayor Mealor thanked Mr. Fleming for all of his hard work.

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.

Patty Licata, 311 Washington Ave, Lake Mary, came forward with concerns of flooding and drainage on Washington Avenue.

Mayor Mealor directed staff to respond to Ms. Licata’s request.

Kevin Smith, City Manager, stated Mrs. Koury, Public Works Director, is aware of the issue. She has already been working with Toll Brothers, to make improvements and prevent the issue from getting worse. The area is currently under observation and results are expected soon. He stated that staff will keep Commission informed as well as Ms. Licata.

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

8. Unfinished Business

A. 2023-RZ-02, Ordinance No. 1682, A request for the Second Amendment to the Rinehart Place Planned Unit Development (PUD) to update the signage standards for the PUD located on the southwest corner of Rinehart Rd. and CR 46-A, south to Timacuan Blvd. Applicant: Ms. Jennifer Stickler, P.E., Kimley-Horn. (Quasi-Judicial – Public Hearing – Second Reading) (Sabreena Colbert, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1682 by title only.

Sabreena Colbert, Community Development Director, came forward and stated that since the first reading in April, the applicant worked with the property owners of Lot 5. However, due to lack of cooperation, Lot 5 has been exempted from the current agreement in the revised staff report. Staff will be working with Code Enforcement to get a resolution with the directional signs on site.

Commissioner Smith stated he is disappointed that Lot 5 isn't included. He asked how the property will mesh with the rest of the work that is being completed.

Mrs. Colbert stated that they will have to comply with the 2006 Developer's Agreement as they currently are now. Staff will also be reviewing this with Code Enforcement.

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. 1682, A request for the Second Amendment to the Rinehart Place Planned Unit Development (PUD) to update the signage standards for the PUD located on the southwest corner of Rinehart Rd. and CR 46-A, south to Timacuan Blvd. Commissioner York 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. 2023-RZ-01, Ordinance No. 1683, A request for rezoning of property located at 136 9th St. from A-1, Agriculture to R-1A, Single Family Residential. Applicant: Mr. Mark Montes, (Quasi-Judicial – Public Hearing – Second Reading) (Chris Carson, Project Manager)

Katie Reischmann, City Attorney, read Ordinance No. 1683 by title only.

Chris Carson, Senior Planner, came forward and stated that staff has no additional information at this time.

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 Ordinance No. 1683, A request for rezoning of property located at 136 9th St. from A-1, Agriculture to R-1A, Single Family Residential. 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. Resolution No. 1058, Legislation in Progress Regarding Amendments to the Comprehensive Plan and Land Development Code to clarify provisions in the Live Local Act, which Amended Fla. Stat. 166.04151 (Legislative – Public Hearing) (Sabreena Colbert, Community Development Director)

Katie Reischmann, City Attorney, read Resolution No. 1058 by title only.

Sabreena Colbert, Community Development Director, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

Commissioner Smith asked what the time frame is for the legislative process and if it could be lengthened.

Mrs. Reischmann stated that there is no specific amount of time, but one would typically move diligently. The intention is to move as swiftly as we can on the Land Development Code. The Comprehensive Plan has to be sent to the state and we will have to wait a bit for that.

Commissioner Smith asked if the terms “to be defined”, such as mixed use residential and Class A Office were spelled out.

Mrs. Reischmann stated that they are not actually spelled out in the Act.

Commissioner Smith asked if they can be challenged by someone who may not agree with the way we are defining those terms.

Mrs. Reischmann stated that they can.

Commissioner Smith asked if the amenities that are proposed are required for both affordable units and those that do not qualify as affordable.

Mrs. Reischmann stated that as Mrs. Colbert pointed out, the R-3 Multi-Family section in our code is inadequate. This hasn’t created a problem in the past because we generally put multi-family in a PUD. That’s where all of the regulations are added

regarding a multi-family development. Since this Act allows this to come in, outside of a PUD, we want to be able to strengthen this section. Then it will apply across the board to all apartments.

Commissioner Smith stated the updated code amendments need to define these terms with no question of what is expected of the developer.

Mrs. Reischmann stated that Mrs. Colbert is undertaking the definition additions of some of the elements that the City is asking for.

Commissioner Smith asked how the City would enforce additional regulations if the property was no longer qualified as affordable.

Mrs. Reischmann stated that this is an idea of a way to ensure that property is maintained. There are a whole lot of items set in stone that can't be touched. It's hard to know how to enforce something when suddenly they stop having affordable housing there. What do you do at that point? And I don't think that has been worked out by the legislature either.

Commissioner York stated that in Section 2, Item 5, the definition of Commercial made a reference of excluding commercial properties with a conservation overlay from the definition. He asked Mrs. Colbert if she knew the number of parcels that have conservation overlays and where they're located within the City.

Mrs. Colbert stated that staff is running that data through our GIS software. Preliminary numbers show with Commercial and Industrial we're at about 563 acres of Commercial designated land. That does not include the conservation areas. When those areas are deducted the City is down to about 460 acres of Commercial.

Commissioner York asked for an example of a property zoned Commercial but has a conservation overlay.

Mrs. Colbert stated that the cell tower next to Holy Cross has a land use designation of Commercial. However, it is all wetlands and is not a developable property. That would be part of the overlay.

Commissioner York asked if there is any precedent that allows the City to remove the property from the list of commercial properties.

Mrs. Reischmann replied yes, and stated she has not worked with a City that does it the way Lake Mary does. We do an overlay to what would typically be designated as a conservation area. It would be appropriate to have that land set aside to be labeled conservation instead of commercial since that's what it is.

Commissioner York asked if there are any other local, state, or federal environmental protections that could lend some support.

Mrs. Colbert stated the conservation areas include lands that are below the 100-year flood plain, wetlands, and water bodies. We are defining those jurisdictional wetlands the same as defined by St. Johns, as well as the National Wetlands Inventory which is a US Fishing and Wildlife Service program. Those are amendments that we are incorporating into the Comp Plan as we speak.

Commissioner York stated that a lot of federal agencies will broadly interpret water of the United States and will try to find ways to get even a puddle under their jurisdiction whether they are Army Corp of Engineers or the EPA. He asked if the City could approach this with the mindset of finding any conservation nexus where land could be purchased that is included as conservation with a conservation overlay.

Mrs. Reischmann stated the City doesn't intend to take any land and make it conservation that isn't already conservation. The intent is pure housekeeping. This property is already classified as that. We're just making clear to developers that we, in fact, do not have an abundance of commercial property. It has a conservation overlay and should not be included in our inventory.

Commissioner York stated that makes sense considering how many water bodies of varying sizes are seen when looking at a map of the City. He stated in the updated version of the resolution there was a red line change in Number 4 Section 2 that clarifies the definition of mixed-use zoning. He asked for an example of mixed-use zoning since it states one of the uses can't be residential.

Mrs. Reischmann stated it uses in the same clause, the term mixed-use residential and the term mixed-use. The term mixed-use is used in conjunction with, and as it says, properties zoned commercial, industrial or mixed-use. The logical way of using the term statutory interpretation is to take the legislature at their word, assuming that they intended it to be two different things. In doing so then you come up with mixed-use, meaning a mix of commercial and recreation, commercial and conservation, commercial and industrial, industrial and institutional. Leaving out the residential component is the only logical way to interpret it.

Commissioner York stated he appreciates the work that was put into assembling the resolution.

Commissioner Duryea asked if the new act enforces more than we already have to reach our requirement for residential affordable housing.

Mrs. Reischmann stated that is the intent. The legislature wanted to circumvent the public process, but in the process of doing that they didn't give clear guidance of what they were doing. That is why we are trying to define it. They are intending to enforce cities to basically allow apartments, very dense, very tall, in areas of the city, regardless of the zoning and if you have a PUD agreement. We are unsure of their thoughts

regarding PUD's. It appears that working out a special zoning contract with a developer doesn't matter.

Mayor Mealor stated that in his opinion this bill leaves a lot to be desired, but it preempts any authority that this Commission has in terms of zoning requirements and expectations for the City of Lake Mary. That is why this resolution is very important.

Commissioner York asked if there is any active or imminent litigation challenging the validity of the statute.

Mrs. Reischmann stated she isn't aware of any. She thinks a lot of City Attorneys are just now turning their attention to this legislation.

Commissioner Smith asked if in the Resolution 7B is saying that the two uses are residential and retail or office, and home-based business cannot be a second use.

Mrs. Reischmann stated that he is correct.

Commissioner Smith stated that in reading the act it looks like they separated City and County and asked if there are differences.

Mrs. Reischmann stated no.

Commissioner Smith asked her to clarify what the exemptions are and what would exempt us from doing this.

Mrs. Reischmann stated if we meet the requirement of under 20% of our property zoned commercial or industrial then any development can only go in property zoned commercial or industrial. So that would seem to mean not PUD. It doesn't use mixed-use in that particular portion. If we fit under that 20% rule, then they can't just build apartments they have to build mixed-use. In addition, they can only go in zoning of Commercial and Industrial.

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 Resolution No. 1058, Legislation in Progress Regarding Amendments to the Comprehensive Plan and Land Development Code to clarify provisions in the Live Local Act, which Amended Fla. Stat. 166.04151. Deputy Mayor Miller seconded the motion and the motion carried 4-1 by roll-call vote. Deputy Mayor Miller, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Duryea, No; Mayor Mealor, Yes.

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

a. Bid Award for Janitorial Services

Kevin Smith, City Manager, discussed the information as presented in the Staff report, which was included in the agenda packet for review.

He requested Commission award RFP 23-03 for janitorial services to Building Maintenance Services in the annual amount of $109,500.00.

Commissioner York made a motion to award RFP 23-03 for janitorial services to Building Maintenance Services in the annual amount of $109,500.00. Commissioner Duryea seconded the motion, and the motion was approved unanimously.

b. Trailblazer Park Improvements

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

He requested Commission authorize himself to issue a Purchase Order to Rep Services, Inc. utilizing Clay County contract, for the purchase and installation of replacement playground equipment and amenities in the amount of $60,030.80.

Commissioner Duryea asked if the demo could be completed by staff.

Mr. Smith stated that staff is spread pretty thin already and we are looking to get this done turnkey.

Commissioner Smith stated he appreciates the additional seating area at the park. As a constant user of this park, families are going to really appreciate that.

Commissioner York made a motion to authorize Mr. Smith to issue a Purchase Order to Rep Services, Inc. utilizing Clay County contract, for the purchase and installation of replacement playground equipment and amenities in the amount of $60,030.80. Commissioner Smith seconded the motion, and the motion was approved unanimously.

c. Joe Payne, Inc. Change Order

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

He requested Commission approve a change order to the purchase order for Joe Payne, Inc. to the total amount of $52,250.00 and authorize himself to execute same.

Commissioner Duryea made a motion to authorize Mr. Smith to approve a Change Order to the Purchase Order for Joe Payne, Inc. to the total amount of $52,250.00. Deputy Mayor Miller seconded the motion, and the motion was approved unanimously.

B. Items for Information

C. Announcements

Mr. Smith requested a budget workshop prior to the regular meeting on July 20th to start at 5:00 PM.

There was no objection. Commission directed Mr. Smith to schedule the budget workshop.

Mr. Smith requested that the first Commission Meeting in July be cancelled as it falls during the week of the Fourth of July. He stated he does have a few items for that time frame and requested Commission to convene an extra meeting on the fifth Thursday of June.

Commissioner York made a motion to schedule a third Commission Meeting on June 29, 2023, and to cancel the Commission Meeting scheduled for July 6, 2023. Deputy Mayor Miller seconded the motion, and the motion was approved unanimously.

12. Mayor and Commissioners Report – 2

A. Commissioner Duryea

No report.

B. Deputy Mayor Miller

No report.

C. Commissioner York

He thanked staff for expeditiously addressing the equipment at Trailblazer Park. A resident reached out to him. He passed it on to Mr. Smith, and he appreciates the quick turnaround time.

D. Commissioner Smith

He said that Mayor Mealor, Mr. Smith, and himself attended a recognition ceremony at the Fire Department to recognize their achievements and dedication. It was a very nice

ceremony and he learned about all of the exciting programs they’re working on over there. He congratulated all of those men and women.

13. City Attorney's Report

No report.

14. Adjournment

There being no further business, the meeting adjourned at 7:44 PM.