



LAKE MARY CITY COMMISSION

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

**Regular Meeting
MINUTES
THURSDAY, JUNE 15, 2023, 7:00 PM**

NO VIDEO RECORDING WAS MADE FOR THIS MEETING.

1. Call to Order

The meeting was called to order by Deputy Mayor Miller at 7:00.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

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
Sabreena Colbert, Community Development Director
Dave Dovan, Assistant Public Works Director
Jill Semento, Assistant Parks and Recreation Director
Miguel Conde, City Engineer
Chris Carson, Senior Planner
Brittany Hill, Human Resources Administrator

Tom Rhodes, Network Specialist
Neysa Borkert, City Attorney

5. Approval of Minutes

A. Approval of 6/01/23 Draft City Commission Meeting Minutes

Commissioner Duryea made a motion to approve the Draft City Commission Meeting Minutes of June 1, 2023. Commissioner Smith seconded the motion, and the motion carried unanimously.

6. Special Presentations

A. Proclamation - In recognition of Dr. Jason C. Wysong

Dr. Jason Wysong, Manatee County School District Superintendent, came forward to receive the proclamation from Commissioner Smith. He thanked the Commission for their support and stated he is proud to be a resident of Lake Mary.

B. Proclamation - Parks & Recreation month (Jill Semento, Assistant Parks & Recreation Director)

Jill Semento, Assistant Parks & Recreation Director, came forward to receive the proclamation on behalf of the department and thanked the Commission.

Deputy Mayor Miller thanked Ms. Semento and her team for all of their 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.

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

8. Unfinished Business

None

9. New Business

A. 2023-LU-03, Ordinance No. 1684, A request for an Expedited State Review Comprehensive Plan Amendment, amending FLU Element Policy

**1.4, Table GOP-1 and Map 1.2. (Public Hearing – Legislative – First Reading)
(Sabreena Colbert, Project Manager)**

**B. 2023-ZTA-02, Ordinance No. 1685, A City initiated code amendment to
amend Chapter 154, of Title XV, Land Usage. (Public Hearing – Legislative –
First Reading) (Sabreena Colbert, Project Manager)**

Items A-B were related and discussed simultaneously. They will be voted on separately.

Neysa Borkert, City Attorney, read Ordinance No. 1684 and 1685 by title only.

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

Commissioner York asked if the conservation of future land use overlay is defined in the code.

Mrs. Colbert stated it is in the comprehensive plan as a land use designation. However, Lake Mary describes it as an overlay district. The lands have a designation of, for example, low density residential or commercial. There is also the conservation overlay on top of that. The map prior to this revision did not reflect that. However, we are bringing that into this amendment and comprehensive plan.

Commissioner York stated it looks great and is very helpful. He endeavored to look into the code and came away from it with the notion it was implied rather than being explicit when a parcel had a conservation overlay.

Mrs. Colbert stated that in the land development code, it would defer to Chapter 160, and have to meet those requirements related to environmentally sensitive properties. The comprehensive plan is the reigning law of the land use applications. We want to make sure that is very clear, which is why we are updating the map.

Commissioner Smith stated that it is the City's view, which we are clarifying, by adopting Ordinance No. 1685 that Lake Mary would not be subject to 166.04151 regarding property with future land use designation of commercial that has a conservation overlay.

Mrs. Borkert stated that in this case the conservation overlay would prevail because the conservation overlay is consistent with the jurisdictional wetland lines. Those jurisdictional wetlands can't typically be developed unless you do heavy mitigation.

Commissioner York stated that his understanding is that the statute doesn't supply the term commercial. We're supplying the definition of commercial and we're saying this is how we're going to operate. What would happen if the legislature decided to then

redefine commercial differently with their own definition? Would that then trump our definition?

Mrs. Borkert stated it would depend on how it was done, whether it is applied retroactively rather than moving forward. Typically, it isn't done that way, as it would cause a lot of issues. Especially for property owners that have relied on certain regulations up unto that point. It would be problematic. Normally, if further amendments are done to a statute, they apply going forward.

Mrs. Colbert stated our comprehensive plan has a defined land use designation of conservation. There are limitations within that of what can be developed and commercial is not one of them.

Mrs. Borkert agreed and stated that is not changing here.

Commissioner York asked her to clarify her last point.

Mrs. Colbert stated that in Policy 1.4 where all of the future land use designations are defined, conservation is one of those designations. However, it was not graphically represented on the future land use map, which is what they are incorporating.

Mrs. Borkert read the existing language and noted what had been added.

Commissioner York stated that any of the commercial parcels with a conservation overlay would not be considered as a site for the affordable housing contemplated by the new law.

Mrs. Borkert stated that he was correct.

Commissioner York asked if there has to be a certain amount of conservation overlay or is just any iota of conservation overlay enough for prevention.

Mrs. Colbert stated that in terms of the way the comp plan is, it would be the commercial land use area minus the area that is designated conservation. If you have a five-acre parcel, and three of those acres are conservation, then you have two acres of commercial. She offered to supply the percentage as applied in the statute to Commission.

Commissioner Smith thanked staff for putting it all together. He stated it was a phenomenal job with quick turnaround. He referenced Ordinance No. 1685 and stated he believes balconies could be interpreted in many different ways. He requested staff to shore up the definition and try to come up with a balcony that is potentially useable. Mrs. Colbert stated it doesn't specify a functional or usable space the way it reads or what is being proposed. We can add language to make it a requirement so that it isn't a faux application to the exterior with just an appearance of a balcony when it isn't functional.

Both items were then opened for public hearing. Nobody came forward and the public hearing section was closed.

Commissioner York made a motion to approve 2023-LU-03, Ordinance No. 1684, A request for an Expedited State Review Comprehensive Plan Amendment, amending FLU Element Policy 1.4, Table GOP-1 and Map 1.2. Commissioner Duryea seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner Smith, Yes; Commissioner Duryea, Yes; Commissioner York, Yes; Deputy Mayor Miller, Yes.

Commissioner Smith made a motion to approve 2023-ZTA-02, Ordinance No. 1685, A City initiated code amendment to amend Chapter 154, of Title XV, Land Usage with one condition. Commissioner York seconded the motion and the motion carried 4-0 by roll-call vote. Commissioner Duryea, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Deputy Mayor Miller, Yes.

Condition: Provide minimum standards for balconies.

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

a. Change Order for Emergency Vehicle Repair (EVR)

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 Emergency Vehicle Repair in the total amount of \$75,000.00 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 Emergency Vehicle Repair in the total amount of \$75,000.00. Commissioner York seconded the motion, and the motion was approved unanimously.

b. Change Order for W T Comp, Inc.

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 W T Comp, Inc. in the total amount of \$85,000.00 and authorize himself to execute same.

Commissioner York made a motion to authorize Mr. Smith to approve a Change Order to the Purchase Order for W T Comp, Inc. in the total amount of \$85,000.00. Commissioner Smith seconded the motion, and the motion was approved unanimously.

B. Items for Information

a. Monthly Finance Report

Mr. Smith stated that everything is trending normally. Brent Mason, Finance Director, has added a new section to reflect the Penny Sales Tax expenditures of the City.

C. Announcements

12. Mayor and Commissioners Report - 3

A. Commissioner York

He wished a Happy Father's Day to the fathers in the room.

B. Commissioner Smith

He congratulated Fire Chief Johansmeyer on his recognition.

C. Commissioner Duryea

No report.

D. Deputy Mayor Miller

No report.

13. City Attorney's Report

No report.

14. Adjournment

There being no further business, the meeting adjourned at 7:32 PM.

