



LAKE MARY CITY COMMISSION

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

Special Called City Commission Meeting MINUTES THURSDAY, JUNE 29, 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 Director
Sabreena Colbert, Community Development Director

Bryan Nipe, Parks & Recreation Director
Chris Carson, Senior Planner
Tom Rhodes, Network Specialist
Catherine Reischmann, City Attorney

5. Approval of Minutes

A. Approval of 6/15/23 Draft City Commission Meeting Minutes

Commissioner York made a motion to approve the Draft City Commission Meeting Minutes of June 15, 2023. Deputy Mayor Miller seconded the motion, and the motion carried unanimously.

6. Special Presentations

A. Chief Fire Officer Designation - Assistant Chief Corey Bowles and Battalion Chief Gabe Vella (Michael Johansmeyer, Fire Chief)

Michael Johansmeyer, Fire Chief, came forward to congratulate Assistant Chief Corey Bowles and Battalion Chief Gabe Vella for successfully completing the professional designation of Chief Fire Officer.

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

Katie Reischmann, City Attorney, read Ordinance No. 1685 by title only.

Sabreena Colbert, Community Development Director, came forward. She stated that based on the feedback and Commission's direction after the first reading, the minimum standards for balconies have been added to the revised language under the amended code section, 11 – A. The added language includes balconies must be a minimum, usable, unobstructed area, of at least six feet in depth. They may not be fully enclosed.

Faux and Juliet balconies or other standing type balconies would be prohibited as referenced in this section of the code. Number fourteen has also been added to the amended section. This revision provides clarification that amenities in architectural elements cannot be duplicated or counted toward other requirements of the section. Staff recommends approval of the second reading of Ordinance No. 1685.

Logan Opsahl, 215 N Eola Dr, came forward to express concerns regarding the legality of Ordinance No. 1685. He stated that an important component of the Live Local Act is that it requires municipalities to allow for multifamily development within commercial, industrial and mixed-use designations. Importantly from that Act, it allows up to the maximum density as allowed within that jurisdiction. This ordinance amends the definition for mixed use. The ordinance attempts to redefine what is universally accepted by the market and other jurisdictions. That mixed use component is uniformly recognized to have both a residential and non-residential component to it. The market recognizes it and many definitions throughout the state and other materials recognize it that way. It makes some sense if you have a dentist office next to a U Break/I Fix. That's not really mixed use, that is retail commercial uses. There is this presumption that people and experts know what Mixed Use means. It's simple, that it has a residential component and a non-residential component. It's problematic in the ordinance body that it amends the definition of Mixed Use to prohibit explicitly residential type development. Similarly, on the Commercial side of things and in Mixed-Use designations, it introduces this notion of high end commercial, which is defined in the ordinance as specialty retail stores. This notion of limiting the Commercial uses is similarly problematic from the standpoint of how that component is contemplated in the Live Local Act itself.

Ordinance 1684 was transmitted. We've developed a letter to be sent up to the DEO's offices and copied the Senate President's office and will provide a copy to City staff. One of the concerns with that ordinance is that it changes this methodology for counting densities within the City. It changes by dividing the total number of dwelling units allowed in each designation and that is via the unit cap by the total number of land acres for each designation. This is at odds in our reading of the ordinances with your code, Section 154.09 which defines gross residential density as the total number of dwelling units divided by the total number of land acres on the site. We have this site-by-site process. These are the two largest zoning densities in the City, MUMT. The ordinance would change it from 60 dwelling units an acre to fifteen dwelling units an acre and HTM from 30 to 2.5. The ordinance has the potential to somewhat expose the City to potential liability, because certain parcel owners do have these designations. They have these vested densities as it stands today. Cutting back on those densities retroactively almost down to a quarter of what they were originally vested as it exists today can potentially expose the City to Burt Harris Acts from those parcel owners. This idea of Mixed Use moving the definition and narrowing the general Commercial definition and then again retroactively limiting the densities, in our opinion, both expose the City to some legal exposure and liability. We also find problematic the intent and purpose of the Live Local Act that will have some struggles passing legal scrutiny on

those fronts. Certainly, our firm and our clients very much appreciate the hard work of staff and the thoughtfulness. We very much enjoy doing projects with you and appreciate the time to bring these concerns to you and request that you deny this ordinance.

Jeff Sharkey, CEO and President of Capital Alliance Group, came forward. He stated that he is a government relations lobbyist/issue advocate out of Tallahassee focusing on affordable housing for many years. They have been focusing on the scope and intent of the Live Local Act. He worked significantly on the bill and helped draft portions of it with the Senate President's office. He stated that workforce housing is super important everywhere. This is the Senate President's number one priority. We're losing more affordable units across the state than we're getting every year with the current funding for the Sadowski Act. The current efforts by affordable housing developers, local developers, rehab renovations are a downward trend. The goal behind this is innovative, it is transformative, it is disruptive, and they all knew that when they moved this through the session. It was predominately, unanimously voted in both the House and the Senate, Republicans and Democrats. As you can see through certain parts of this bill, particularly in this section that we're talking about, the idea behind this was how do we get multifamily market rate developers to even consider setting aside some units for affordable housing. There had to be some kind of quid pro quo, some incentive. He thinks as Lake Mary certainly interpreted this, just like the Hill Point developers, along with local governments across the state, are trying to figure out how does this work, does it work, can it work. It's really a negotiating tool but it provides incentives on both sides of that equation. This is a unique, innovative, experimental bill. It has created a lot of interest and a lot of discussion on all aspects of this bill. For example, the ad valorem issue, as well as the density and height bonus issue. That piece right there that your ordinance addresses is really one of the most central pieces of that particular legislation. All eyes will be on the ordinances that are being submitted through the DEO. The bill becomes a law next week. Everybody is trying to figure out how this works. Your feedback is certainly important. You're getting a lot of feedback. I shared some of these concepts with the Senate President's office last week. People are trying to figure this out. They want to protect their community, but at the same time the motivation is to provide opportunities for affordable housing. He stated that he would be happy to answer any technical questions. This will be a continuing dialogue. He appreciates the opportunity to come to the meeting, and to continue to work with the attorneys and developer on this project.

Katie Reischmann, City Attorney, stated that just to be sure that there is no confusion, it is not the intent of the drafters or Commission to prohibit residential in mixed use. The definition of mixed use in this ordinance is for purposes of the Live Local Act only and it's defining it in accordance with statutory construction principles, which has been endorsed by the attorney that was hired by the League of Cities and just issued a Q & A on the League of City's page. What the City is doing is consistent with statutory construction, but it's not intended to say we're prohibiting residential in mixed use.

The second point has to do with Ordinance No. 1684 which was heard at both the Planning and Zoning Board meeting and the first reading at Commission. We didn't get any comments at either of those hearings. It is only coming up now. There will be a second reading and the state will review it. We're not changing any methodologies; we're not attempting to do anything other than to bring home the fact that when we approved a high-density development it was in a cluster. The units were limited, everything was put in one area. It's difficult to strictly apply the Live Local Act to that development and one other area when we have limited units. In trying to take that into account we tried to do the best we could as a housekeeping measure. It is not intended to affect anyone's vested rights. At the meeting she had stated that we're not changing anybody's designation. We're not eliminating anybody's rights. We're simply explaining that when we limit units, that affects the density of the land.

Mayor Mealor thanked Mr. Opsahl and Mr. Sharkey for coming forward. He stated when looking at the strike throughs and language of Senate Bill 102 it's safe to say, just as Mr. Sharkey stated, it is experimental. It is innovative. It is disruptive in a lot of ways. He has talked to several members of the legislature, and they are in agreement that this is a work in progress. It is definitely needed, no one will argue, it is just simply now about how we work through this. We've had a remarkable working relationship with the firm that Mr. Opsahl represents. Some of the problematic issues that we may have had from former DRI's, your team was very innovative and helpful. We're going to go forward but at no time is this meant to disenfranchise nor is it meant to limit anyone. One of the things people will tell you of all of the people they work with across their spectrum they have not enjoyed working with any group more than they have Lake Mary. Whether it is Orlando Health or Top Golf, for our flexibility and creativity. The direction we go in with Ordinance No. 1685, will not change any of that in any way. We welcome input. It will be reviewed, commented on, and in all likelihood modified in some regard down the road.

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

Commissioner Duryea (incorrectly identified as Deputy Mayor Miller) made a motion to approve Ordinance No. 1685, A City initiated code amendment to amend Chapter 154, of Title XV, Land Usage. 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.

9. New Business

A. 2023-LU-01, 2023-LU-02 Ordinance No. 1686, A request for a Small Scale Future Land Use Map Amendment for a property located at 911 Wallace Ct. and the property located on the east side of Skyline Dr., north of Emma Oaks Trl. from IND (Industrial) to PUB (Public/Semi Public). Applicant: City of Lake Mary (Legislative – Public Hearing – First Reading) (Chris Carson, Project Manager)

B. 2023-RZ-04, 2023-RZ-05 Ordinance No. 1687, A request for rezoning of the +/- 4.88 property located at 911 Wallace Ct. and the +/- 1.57 acre property located on the east side of Skyline Dr., north of Emma Oaks Trl. from M-1A, Office & Light Industrial to GU, Government Use. Applicant: City of Lake Mary, (Quasi-Judicial – Public Hearing – First Reading) (Chris Carson, Project Manager)

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

Katie Reischmann, City Attorney, read Ordinance No. 1686 and 1687 by title only.

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

Commissioner Duryea asked what the City uses the Skyline property for.

Mr. Carson stated it is currently a retention pond. It collects runoff from Skyline Drive.

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

Commissioner Smith made a motion to approve Ordinance No. 1686, A request for a Small Scale Future Land Use Map Amendment for a property located at 911 Wallace Ct. and the property located on the east side of Skyline Dr., north of Emma Oaks Trl. from IND (Industrial) to PUB (Public/Semi Public). Commissioner Duryea 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.

Commissioner Duryea made a motion to approve 1687, A request for rezoning of the +/- 4.88 property located at 911 Wallace Ct. and the +/- 1.57 acre property located on the east side of Skyline Dr., north of Emma Oaks Trl. from M-1A, Office & Light Industrial to GU, Government Use. Commissioner York 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.

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

a. EMS Patient Stretcher/Power Load Unit

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 purchase of EMS Equipment from Stryker Medical, sole source, in the total amount of \$57,872.24 and authorize himself to execute same.

Commissioner Duryea asked how many units are included in the amount.

Mr. Smith stated that the cost is for one item.

Deputy Mayor Miller made a motion to authorize Mr. Smith to approve a Purchase Order to Stryker Medical in the amount of \$57,872.24. Commissioner Smith seconded the motion, and the motion was approved unanimously.

b. Original Water Treatment Plant Electrical Upgrades (Design)

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 Purchase Order with EMI Consulting Specialties, Inc. (EMI) for the Original Water Treatment Plant Electrical Upgrades, in the amount of \$43,329.00 and authorize himself to execute same.

Commissioner Duryea asked if the plant would need to be shut down for the upgrade.

Danielle Koury, Public Works Director, stated we will need to shut the plant down to process the transfer over. That will be in the construction phase. This is just for the design specifically.

Commissioner Duryea asked if that would affect the delivery of water.

Mrs. Koury stated that it would be scheduled so that it would not affect the delivery of water. After the design, the construction request will come back at a future date. But she expects it will be constructed so that it will transfer power and be without power for maybe an hour.

Commissioner York made a motion to authorize Mr. Smith to approve a Purchase Order to EMI Consulting Specialties, Inc in the amount of \$43,329.00. Commissioner Smith seconded the motion, and the motion was approved unanimously.

c. S. Country Club Rd. Stormwater Force Main (Construction)

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 Purchase Order with B&B Underground & Drilling, Inc., via piggyback from Volusia Contract MA 780 32437A-2, for the installation of a stormwater force main, in the total amount of \$36,500.00 and authorize himself to execute same.

Commissioner Smith asked Mr. Smith what the timetable for the two-part initiative is going to be.

Mr. Smith stated we have to go through a permitting process with St. John's and that takes some time, so probably this time next year for the installation of the permanent lift station. In the meantime, we will bring out a portable generator to pump water out during this hurricane season if needed.

Commissioner Smith stated that he thinks they've all received emails from residents in that area. If the City can at least let the residents know that this project is going to be occurring, the timetable, and what the project is going to accomplish, he thinks that would be helpful.

Mayor Mealor complimented Mrs. Koury and her team. We had a resident come before us last month, concerned again about drainage. You took the time to meet with her, explain the situation, and the feedback has already been quite positive. It is very important based on what we had last year, and what is projected. This is one of those times we need to be one step ahead of the program.

Commissioner Smith made a motion to authorize Mr. Smith to approve a Purchase Order to B&B Underground & Drilling, Inc in the amount of \$36,500.00. Commissioner York seconded the motion, and the motion was approved unanimously.

B. Items for Information

C. Announcements

12. Mayor and Commissioners Report – 1

A. Reappointment to Police Pension Board

Mayor Mealor stated that Commissioner Duryea's term on the Police Pension Board expired June 28, 2023. He has expressed his willingness to continue to serve therefore, if it is your will we would need to reappoint him to serve a two-year term. He has done remarkable work for us in the past.

Deputy Mayor Miller made a motion to reappoint Commissioner Duryea to the Police Pension Board. Commissioner Smith seconded the motion, and the motion carried unanimously.

B. Commissioner Smith

He thanked the Police and Fire Departments for hosting the babysitting CPR class. It is a popular class and is beneficial. His son, Mason took the class. He knows it sells out every year. He thanked them for offering the class. He thanked the employees for all they do on a daily basis and wished everyone a happy and safe fourth of July.

C. Commissioner Duryea

No report.

D. Deputy Mayor Miller

No report.

E. Commissioner York

He wished everyone a happy fourth of July and a happy birthday to Commissioner Smith.

13. City Attorney's Report

She stated she will have a legislative update the first meeting in August.

14. Adjournment

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