



LAKE MARY CITY COMMISSION

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

**Regular Meeting
MINUTES
THURSDAY, OCTOBER 5, 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 7:01.

2. Moment of Silence

3. Pledge of Allegiance

3. Roll Call

David Mealor, Mayor
Jordan Smith, Commissioner
George F. Duryea, Commissioner
Sidney Miller, Deputy Mayor
Justin York, Commissioner
Kevin Smith, City Manager
Brent Mason, Finance Director
Danielle Koury, Public Works Director
Bryan Nipe, Parks and Recreation Director
Sabreena Colbert, Community Development Director
Allison Marcous, Human Resources Director
Amber Branton, City Clerk
Kevin Pratt, Deputy Police Chief

Wendy Niles, Deputy Fire Chief
Anthony Seda, Police Sergeant
Matt Schaefer, Police Lieutenant
Dave Dovan, Assistant Public Works Director
Miguel Conde, City Engineer
Chris Carson, Senior Planner
Michael Lopez, Planner
Tom Rhodes, Network Specialist
Catherine Reischmann, City Attorney

5. Approval of Minutes

A. Approval of Draft City Commission Meeting Minutes for September 21, 2023

Commissioner York made a motion to approve the Draft City Commission Meeting Minutes of September 21, 2023. Deputy Mayor Miller seconded the motion, and the motion carried unanimously.

6. Special Presentations

None

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-CU-03, A request for a Conditional Use to operate a private school for middle and high school students located in an existing +/- 24,700 sq. ft. facility at 960 Paul Hoyer Way. Applicant: Mrs. Wendy Cox Blair, Arbor School of Central Florida (Quasi-Judicial – Public Hearing) (Chris Carson, Project Manager)

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 if there were traffic issues with the pickup and drop off when the previous school was there and if there are any traffic issues at the existing site as it is currently.

Mr. Carson stated that at this time only the church is operating, and there are no traffic issues at this time.

Sabreena Colbert, Community Development Director, stated staff is not aware of any major concerns related to school traffic when they were operational at Holy Cross. The preschool did utilize their pedestrian access that connects to the commercial parking lot to the west. Traffic for the preschool would queue through that parking lot for drop off and pick up. The site can accommodate adequate queuing and stacking of vehicles.

Commissioner Smith asked if the traffic for the existing school comes from Rinehart or Lake Mary Blvd.

Mrs. Colbert stated that the cars come in from Rinehart Road headed west down Sun Drive to make a right into the existing UCP school. Then they queue through the parking lot of UCP which is shared with a medical office building. As the cars come out, they make a right onto Sun Drive to continue west.

Commissioner Smith asked if prior to UCP, there was an issue with traffic.

Mrs. Colbert stated that she was not aware of any issues. There was a pre-school/daycare that operated prior to UCP and the approvals date back to 1996 for that site. There was an illegal subdivision in 1998 where that site ended up going through a subdivision process and recording a plat to rectify some of the issues created when the property fell into two separate ownerships.

Commissioner Smith asked what type of schools require conditional use in the C-1 Zoning district.

Mr. Carson stated that it is middle and high school.

Commissioner Smith asked if the K12 academy operating on the second floor required conditional use.

Mr. Carson stated that it was a private school, but they also received conditional approval in 1996.

Commissioner Smith asked if that conditional use expired.

Mrs. Colbert stated that the locational criteria for schools is for public and private schools. It runs with the land. This is a charter school and to meet the zoning requirement it requires conditional use in the C-1 zoning.

Commissioner York stated that he is aware that there are some concerns about the existing school interfering with traffic flow on Sun Drive. He asked if there is sufficient ingress and egress onto Sun Drive, and if staff has considered that some students may want to drive themselves to school and park their own vehicles. That may have an effect on the traffic flow as well.

Mr. Carson stated that they did look into it but based on information from the applicant there won't be many students that have a driver's license. If any decide to drive it will be minimal. Holy Cross conservatively fits about eighty vehicles on site. The school is proposing 100-110 students in total. Approximately thirty of those students will be shuttled in from Winter Springs. The start and end times are also going to be staggered to help aid in traffic flow.

Commissioner York stated that the Planning & Zoning minutes referenced plans for staff to confer with the County regarding traffic flow improvements at that intersection. He asked if there has been any update with that information and if staff plans to undertake any additional studies of Sun Drive to see if there is any way we can aid in better traffic flows.

Mr. Carson stated that they did speak with the traffic engineering department at Seminole County, and the county staff noted that there were no issues at this intersection. At this time there are no concrete plans to do a traffic study. It is on their radar and something they will continue to monitor.

Commissioner York asked if staff had spoken with Lake Mary Police Department about traffic flows, particularly documented.

Mr. Carson stated that there were no complaints as of the recent discussion. They have also communicated with the school resource officer as well.

Commissioner York asked if there were any complaints from the neighboring commercial property owners to Lake Mary Police Department about traffic obstructing access to their lots.

Mr. Carson stated that to his knowledge there were not.

Commissioner York asked if there had been any discussions with the applicant regarding partnering with LMPD to enhance school security.

Mr. Carson stated that fencing and access gates are being added, and the second floor can only be accessed by keycards.

Commissioner York asked Kevin Pratt, Deputy Police Chief, if there were any personnel dedicated to the school itself.

Deputy Chief Pratt stated that it has been reviewed, and since it is a private school, they are going to secure their own.

Commissioner York asked if that is customary of private schools.

Deputy Chief Pratt stated that yes, it is.

Commissioner York asked if there had been any complaints that might fall outside of a strict police report regarding traffic obstructing access to lots there.

Deputy Chief Pratt stated that with UCP there were a few challenges. Typically, at the start of any school year parking can be a little challenging as parents are looking to go into the school and drop their children off. However, it has become extremely efficient over time with a lot of reoccurring parents. As a whole they do not run into problems with traffic flow on Sun Drive. There are people flowing in from Rinehart to Sun Drive and it seems to manipulate itself quite well. When Holy Cross was operating it didn't appear that we ever ran into a problem either. As we've mentioned it has a good capacity for onsite cars to stack appropriately.

Commissioner York asked if there had been any discussion or evaluation whether or not they would want to have a LMPD officer out there directing traffic in the mornings or afternoons when cars are stacking at the neighboring charter school.

Deputy Chief Pratt stated in typical fashion during onset of the school year beginning and ending we would have a presence like they typically do at our schools to try to get the flow of traffic set to the right pace.

Commissioner Duryea stated that in the Planning & Zoning minutes there were some complaints from the physicians about people not being able to get into the building because of the stacking problems on Sun Drive.

Mr. Carson stated that staff has gone out to the site multiple times and did notice that internal to the UCP site it does seem pretty full. However, it is all internal to the site. The site itself is constrained to having two separate buildings on it with one access driveway. It is a tough situation but doesn't seem to flow out onto Sun Drive.

Commissioner Smith recommended staff to meet with Seminole County out on the site. As a Facility Planner for Seminole County Public Schools, they've met with Seminole County traffic at Lake Mary Elementary and they were able to see the issue. They had said that there was no issue at first, but coming out of the site they were able to assess the situation with staff.

Katie Reischmann, City Attorney, stated that in speaking with the City Planners, Sun Drive is a local road. So, it is not typically considered for concurrency. Also, since this site is going to have the same use and even fewer numbers of students, they are exempt from any concurrency determination or traffic studies. It's actually going to get better than it was.

Mayor Mealor asked the applicant from the Arbor School of Central Florida to come forward.

Wendy Blair, 727 Sybilwood Circle, Winter Springs, came forward. She thanked the Commission for considering their application. She stated that they have been a school since 2002. It is a wonderful place to work with their special needs children. Being able to provide them with an education is her greatest achievement. They understand there are some concerns and have been working with Holy Cross on some quick studies and measurements for space. With full enrollment of their students the pickup line can be run in about seven and a half minutes. They stagger dismissal as it works better for the smaller kids. The time frame for the pickup and drop off is very short. She did a recount of the number of children who will be shuttled in and there are forty-two students instead of thirty. There are also about ten children who will use public transportation with the Lynx Access Program. They are always aware of their relationship with the community and want to work together. It is a work in progress, and if an occurrence of backing up into Sun Drive occurs it will be addressed. They do not want to disrupt the neighbors.

Commissioner York asked Ms. Blair what the upper limit of children enrolled in the school will be.

Ms. Blair stated that with the space they have, they are probably at their limit of 100 – 110 students.

Commissioner Smith asked if they intend on adding more capacity in the future.

Ms. Blair stated that based on the leased space 100 – 110 students is capacity for future as well.

The item was then opened for public hearing.

Pothen Koruth, MD, Lake Mary came forward to discuss the traffic on Sun Drive. He stated, based on the Commissioner's questions, they must have caught wind of the traffic situation on Sun Drive already. They are having issues with traffic stacking up on Sun Drive already caused by the UCP School. It's been brought to these parties in the past and he is surprised that no one has brought it up.

Mayor Mealor stated that they are aware, but the item being discussed is not about UCP. It is about the conditional use for a school at Holy Cross Lutheran Church. Commissioner Smith requested our staff to meet with the County and look specifically at that item. However, that item is not under consideration tonight.

Zia Fatemi, MD, came forward and stated he has been in the building next to UCP for twenty-five years. He stated that he has two criticisms, and he won't mention UCP. Last time when he had talked with Commission, they discussed traffic on Sun Drive. When the City says it is an internal problem, he has a problem with that. If you observe what happens in the mornings and afternoons no matter where the traffic is coming from, when the patients or the staff cannot get to their office, it is the City's problem. The City approved UCP, and now they don't want to talk about it. It backflows to Sun Drive. If the City wants to bring more traffic to it and then be here next year and talk about the problem that the City has, we will meet again.

Mayor Mealor thanked Dr. Fatemi and stated that they are aware. He would like them to know that the issue before them tonight does not appear to contribute to the stacking issue. What they are bringing up is being heard, and staff will be directed. It is not being ignored but it is also not something that needs to be factored into the decision making for this specific item for conditional use. It is taking into account what's already been heard from staff and feedback from the County.

Dr. Fatemi asked if Mayor Mealor was saying that the traffic on Sun Drive does not contribute to this meeting as far as the new business.

Mayor Mealor stated that is not what he is saying, based on the staff report and the analysis it does not appear that should this conditional use be approved that the stacking will be an issue on that portion of Sun Drive. That is what they are saying and that is the item before them. He knows that they've heard all three commissioners address that concern.

Commissioner Smith asked if there are any numbers on how many vehicles operated at the K12 academy and now the new private school.

Mr. Carson stated that the former approval accommodated 185 students for the K12 and about 35 for the preschool.

Commissioner Smith stated that most of them were driven to school by their parents versus this operation with the shuttle.

Commissioner Duryea asked if there is a road in the section of property between Holy Cross and the medical building to the east.

Mrs. Colbert stated that there is a cellular tower back there, so there is an access. There is a curb cut and dirt drive access for maintenance and it backs up to a conservation area to the north.

Commissioner Duryea asked if it is possible to put a condition that if traffic becomes a problem, they will have to improve that access to get in and out of the property.

Mrs. Colbert stated that it is a separate property owner, and she does not think we can impose that requirement on this applicant or the Holy Cross property owner. But there may be opportunities for cross access with an easement to the commercial site to the west. The parking lot that is behind the tire store to the west of Holy Cross. They have existing pedestrian access to a parking lot that is part of the Home Depot plaza.

Commissioner Duryea asked if we could put in some kind of condition that says should there be some kind of issue that they would have to negotiate some sort of cross access or easement.

Mr. Carson stated that they are recommending a condition that would cover if stacking, queuing or issues on Sun Drive become a problem then staff will work with them to modify the site or make any necessary improvements to address those concerns.

Commissioner Smith stated that he understands that condition. However, what if the backup is not a result of this particular school's traffic. Are we making the property owner make improvements for something that they did not create.

Mrs. Reischmann stated that in Florida it is a primary tenant of transportation law that you're not responsible for an existing problem. Especially here where they're basically vested for this school. But the condition that Mrs. Colbert was talking about was not to hold them responsible for problems on Sun Drive. But to simply state something to the affect that the City at its sole discretion may require a modification to the site plan to address any issues that may arise from the queuing of traffic at the school for that specific site and if we can't require any particular easement because that is outside of their control. We can revisit this at our discretion.

Commissioner York stated that he appreciated the comments and questions from the Planning & Zoning board meeting. They did a good job of flushing out the issues. He appreciates members of the business community who are here tonight and at the Planning & Zoning meeting. He thinks that the greater internal circulation at this property exceeds that of the neighboring UCP property which makes him less concerned about the traffic spill over on Sun Drive during school pick up and drop off periods. He understands the traffic flow concerns that have been raised but we can't penalize this applicant for existing traffic issues when they are emanating from a different property. But he does think that the Planning & Zoning deliberation and comments from the local business community have surfaced traffic issues that he may have been passively aware of having driven that road. He thinks it might be worth staff's attention and time to look into it and see if there are any ways to alleviate the stacking issue. It may be unfair to business owners who are trying to see patients and schools who are trying to get students to and from school safely.

Mayor Mealor addressed Dr. Koruth and Dr. Fatemi stating that Commission hears them, but we cannot deal with existing conditions on property issues separate from this item. He thinks they've heard the commissioners that this will be looked at. They have been of incredible value and important members of the community and just as the Arbor

School will provide a unique service that is what they've been doing, and the City appreciates them. He thanked them for their time this evening.

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

Commissioner Smith made a motion to approve 2023-CU-03, A request for a Conditional Use to operate a private school for middle and high school students located in an existing +/- 24,700 sq. ft. facility at 960 Paul Hoyer Way with the condition that the City at its sole discretion may require a modification to the site plan to address any issues that may arise from the queuing of traffic at the school. It is consistent with the locational criteria per section 154.68. It does not adversely affect the public interest and it is a reasonable request based on the staff report. 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 Meador, Yes.

B. 2023-LU-05, Ordinance No. 1692, A request for a Small-Scale Future Land Use Map Amendment for the properties located at 503 Primera Blvd. and 1002 Primera Blvd. from COM (Commercial) to PUB (Public/Semi-Public) and the property located at 510 New Technology Blvd. from HTM (High-Tech and Medical) to PUB (Public/Semi-Public). Applicant: City of Lake Mary (Legislative – Public Hearing – First Reading) (Chris Carson, Project Manager)

Mrs. Reischmann read Ordinance No. 1692 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.

The item was then opened for public hearing. No one came forward and the public hearing section was closed.

Commissioner Duryea made a motion to approve 2023-LU-05, Ordinance No. 1692, A request for a Small-Scale Future Land Use Map Amendment for the properties located at 503 Primera Blvd. and 1002 Primera Blvd. from COM (Commercial) to PUB (Public/Semi-Public) and the property located at 510 New Technology Blvd. from HTM (High-Tech and Medical) to PUB (Public/Semi-Public). Deputy Mayor Miller 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 Meador, Yes.

C. 2023-LU-06, Ordinance No. 1693, A request for a proposed Small Scale Comprehensive Plan Amendment to change the Future Land Use Map of the City of Lake Mary Comprehensive Plan from LDR (Low Density Residential) to PUB (Public/Semi-Public) for City owned properties with existing drainage, sewer, and parking improvements. Applicant: City of Lake Mary (Legislative – Public Hearing – First Reading) (Chris Carson, Project Manager)

Mrs. Reischmann read Ordinance No. 1693 by title only.

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

The item was then opened for public hearing. No one came forward and the public hearing section was closed.

Commissioner York made a motion to approve 2023-LU-06, Ordinance No. 1693, A request for a proposed Small Scale Comprehensive Plan Amendment to change the Future Land Use Map of the City of Lake Mary Comprehensive Plan from LDR (Low Density Residential) to PUB (Public/Semi-Public) for City owned properties with existing drainage, sewer, and parking improvements. Commissioner Smith 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. Replacement of Body Worn Cameras and Tasers

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

He requested Commission approve the purchase of the referenced items from Axon in the amount of \$607,499.60.

Commissioner Duryea stated he thinks it is a good idea and asked if anyone else in the area uses this program.

Mr. Smith stated that all of the other agencies in Seminole County are using the same technology.

Commissioner Smith asked if our police vehicles have cameras inside.

Deputy Police Chief Pratt came forward and stated that currently the cameras are outfitted in vehicles but moving forward with the new transition they will not be inside the cars but will be strictly body cameras.

Commissioner Smith asked if the systems will be able to communicate until we have completely switched over to the new system.

Deputy Chief Pratt stated that it is two different systems. Axon has its own cloud server. Currently we maintain an internal server with IT until they become obsolete.

Mr. Smith stated we will move away from that once the transition takes place. It will be part of the cost savings that we endure, plus the improved technology.

Commissioner Duryea made a motion to approve the purchase of the referenced items from Axon in the amount of \$607,499.60. Commissioner York seconded the motion, and the motion was approved unanimously.

b. Storage Tank Replacement

Mr. Smith discussed the information as presented in the Staff report, which was included in the agenda packet for review. Due to an abundance of caution and after careful evaluation they're going to replace the tanks. The costs will be refunded by the responsible parties that originally purchased and constructed the plant for the City.

He requested Commission authorize himself to execute a Purchase Order to Carl Eric Johnson, Inc in the amount of \$46,166.02 for the replacement of storage tanks.

Deputy Mayor Miller made a motion to authorize Mr. Smith to execute a Purchase Order to Carl Eric Johnson, Inc in the amount of \$46,166.02 for the replacement of storage tanks. Commissioner Smith seconded the motion, and the motion was approved unanimously.

B. Items for Information

C. Announcements

12. Mayor and Commissioners Report - 2

A. Proclamation - Providing for November 7, 2023, Election

Mayor Mealor read the Proclamation providing for a November 7, 2023, election, in accordance with state statutes and Section 34.03 of our Code of Ordinances.

B. Commissioner Duryea

No report.

C. Deputy Mayor Miller

No report.

D. Commissioner York

He applauded Lake Mary Police Department and Orlando Health for putting on National Night Out. It is a great event every year. He looks forward to the Halloween Spooktacular coming up at the end of the month.

E. Commissioner Smith

He echoed what Commissioner York said about National Night Out, it was a tremendous job. It was crowded to the very end, despite the rain that moved in. Tomorrow he will be attending the Florida League of Policies Committee along with Commissioner York. He thanked the students from Seminole High School that attended the meeting. He hopes that they have learned how meetings are run effectively and efficiently.

13. City Attorney's Report

No report.

14. Adjournment

There being no further business, the meeting adjourned at 8:01.