

1 **City of Minneola**
2 **Special Council Meeting**
3 **Minneola City Hall**
4

July 25, 2006
7:00 P.M.

5 The City of Minneola Special Council Meeting was called to order by Mayor Yeager.
6 Present were: Mayor David Yeager, Vice Mayor Ed Earl, Councilwoman Sue Cordova,
7 Councilman Joseph Teri, Councilman Shane Perreault, Scott Gerken (City Attorney), Lt.
8 Greg Link (LCSO), , Bruce Behrens (City Manager), Peter Brandt (GCG), Carl Gosline
9 (CDD), Linda Crane (Finance Director), and Mark Odell (Public Works Director).

10
11 A moment of silence was observed and the Pledge of Allegiance was spoken.
12

13 **Tab # 1 Approval of Minutes**
14

15 Council Workshop	June 20, 2006 @ 7:00 P.M.
16 Special Council Meeting	June 27, 2006 @ 7:00 P.M.
17 Quasi-Judicial Hearing	June 27, 2006 @ 7:10 P.M.
18 Quasi-Judicial Hearing	June 27, 2006 @ 7:30 P.M.
19 Quasi-Judicial Hearing	June 27, 2006 @ 9:05 P.M.
20 Regular Council Meeting	July 11, 2006 @ 7:00 P.M.
21 Quasi-Judicial Hearing	July 11, 2006 @ 7:10 P.M.
22 Council Workshop	July 18, 2006 @ 7:00 P.M.

23

24 Sue Cordova made the following changes:

- 25
- 26 • July 11, 2006 Regular Council Meeting, pg. 2 of 8, line 32 add AMENDED to the
27 beginning of the line.
 - 28 • July 11, 2006 K B Homes Quasi-Judicial Hearing, pg. 2 of 3, line 42, to include
29 the easement requirements are to be obtained by the owner/developer and that
30 there would be no delay in the developer building the fence.
- 31

32 Ed Earl made the following correction:

- 33 • July 11, 2006 Regular Council Meeting pd 6 of 8, line 47 to change looking to
34 looked
- 35

36 Joe Teri made the following correction:

- 37 • July 11, 2006 Regular Council Meeting, pg. 6 of 8, line 47 change it to read
38 Asked Mr. Gerken to look into the idea of obtaining park naming rights.
- 39

40 **MOTION by Shane Perreault, SECONDED by Sue Cordova, to approve the**
41 **minutes as amended.**
42

43 **AYE:** Perreault, Cordova, Yeager, Earl, Teri
44

45 **NAY:** None
46

47 **MOTION PASSED: 5-0**

1 **Agenda Review**

2
3 **Sue Cordova:** Requested that the FDOT presentation to be heard prior to Audience to be
4 Heard to allow for public comment

5
6 **Shane Perreault:** Requested that tab 8 & 9 be tabled.

7
8 **Sue Cordova:** Requested that those items be heard to allow for public comment.

9
10 **Ed Earl:** Requested that Tab # 2 be table, as he had received the Developers Agreement
11 this afternoon and did not have time to read it.

12 **Council agreed to hear the FDOT.**

13
14 **MOTION by Ed Earl to table Ordinance 2006-01 until the next meeting.**

15
16 **Sue Cordova:** Requested that the Ordinance be re-advertised as a 1st reading.

17
18 **Ed Earl AMENDED the MOTION, SECONDED by Shane Perreault to table**
19 **Ordinance 2006-01 to the next meeting (*August 8*) and to have it re-advertised the as**
20 **a first reading.**

21
22 **AYE:** Perreault, Cordova, Yeager, Earl, Teri

23
24 **NAY:** None

25
26 **MOTION PASSED: 5-0**

27
28 **Jennifer Montgomery (FDOT Representative):** Gave a 20 minute presentation
29 (Exhibit A) regarding the alternatives for the trail detour.

30
31 **Jim Frana (208 Lace Bark Ct.):** Expressed his concerns with a pedestrian crossing at
32 the Washington/Hwy. 27 intersection.

33
34 Council discussed the project in general and thanked Ms. Montgomery for the
35 information.

36
37 **Audience to Be Heard**

38
39 **Jeff Frisz (12421 Sullivan Rd.):** Complained that Sullivan Road was quickly
40 deteriorating and asked when the road would be patched.

41
42 **Susan Hildebrandt (12421 Sullivan Rd.):** Stated that she had spoken to Mr. Stivender
43 regarding Sullivan Road, and the possibility of violations during the installation of the
44 sewer line down the road.

1 **Christy Jarzemski (12711 Sullivan Rd):** Complained that there has been a lot of trash
2 along the road since the construction of the wastewater plant began and asked that the
3 area be cleaned and kept clean.

4
5 **David James (12611 Sullivan Rd.):** Expressed his concerns with the condition of the
6 road.

7
8 **Jim Frana (208 Lace Bark Ct.):** Expressed his concerns with a sexual predator in his
9 neighborhood, and in other areas in the city. He also stated that Grassy Lake & North
10 Grassy Lake Roads had a lot of pot holes.

11
12 **Randall Baker (Land Art Architecture):** Stated that he represented land owners and
13 home owners in the North Grassy Lake area, and expressed their concerns for the wildlife
14 in the area.

15
16 **Engineering Updates**

17
18 **Marc Walch (PBS&J):** Stated that Encore was on schedule with the construction of the
19 waste water plant; thanked Mr. Behrens for speaking to the County and getting the
20 permits approved for the electrical work at the wastewater plant; explained that SMU had
21 completed 90% of the pipe construction; and that the repair of Sullivan Road should
22 begin in approximately 30 days; and stated that the City need to acquire easements on the
23 Ladd/Lowndes property.

24
25 **Bruce Behrens:** Stated that he and Mark Odell had responded to the trash issue on
26 Sullivan Road.

27
28 **Sue Cordova:** Asked that the contractors be made aware of the allowed construction
29 hours Ordinance, and asked that the roads be patched prior to school starting in three
30 weeks.

31
32 **Ed Earl:** Stated that the road should be repaired now, and not in 30 days.

33
34 **Mayor Yeager:** Stated that the City needed to be a good neighbor and address the
35 residents concerns.

36
37 **Bill Musser (Tetra-Tech):** Requested the approval of a stormwater projects change
38 order in the amount of approximately \$21,000.00.

39
40 **MOTION by Shane Perreault, SECONDED by Sue Cordova, to approve the change**
41 **order not to \$25,000.00**

42
43 **AYE:** Perreault, Cordova, Yeager, Earl, Teri

44
45 **NAY:** None

1 **MOTION PASSED: 5-0**

2
3 **Tab #2 – Tabled to the August 8th meeting at the Agenda Review section.**

4
5 **Tab # 3 Resolution 2006-12 Constitution Week**

6
7 **Scott Gerken:** Read Resolution 2006-12 by title only.

8
9 **Mayor Yeager:** Asked for public comment. There were no comments.

10
11 **Mayor Yeager:** Asked for Council comment. There were no comments.

12
13 **MOTION by Sue Cordova, SECONDED by Shane Perreault, to approve Resolution**
14 **2006-12.**

15
16 **AYE:** Perreault, Cordova, Yeager, Earl, Teri

17
18 **NAY:** None

19
20 **MOTION PASSED: 5-0**

21
22 **Tab # 4 Resolution 2006-13 Firefighter Appreciation Week**

23
24 **Scott Gerken:** Read Resolution 2006-13 by title only.

25
26 **Mayor Yeager:** Asked for public comment. There were no comments.

27
28 **Mayor Yeager:** Asked for Council comment. There were no comments.

29
30 **MOTION by Sue Cordova, SECONDED by Shane Perreault to approve Resolution**
31 **2006-13, but to make sure that the seal says City of Minneola, not Town of**
32 **Minneola.**

33
34 **AYE:** Perreault, Cordova, Yeager, Earl, Teri

35
36 **NAY:** None

37
38 **MOTION PASSED: 5-0**

39
40 **Tab # 5 Ordinance 2006-20 Supplemental Appropriation for the 2005-2006 Budget**

41
42 **Scott Gerken:** Read Ordinance 2006-20 by title only, for the second time.

43
44 **Sue Cordova:** Inquired as to how the Council could approve the budget that includes a
45 salary for a position that was not approved by the Council.

1 **Bruce Behrens:** Stated that he had created the position of Community Development
2 Director but the job title could be changed to Planner; but was not aware that he had
3 violated a policy.

4
5 **Sue Cordova:** Stated that she would like the labor attorney and the city attorney to
6 investigate the position, and if any violations either to the Charter of the personnel
7 manual had been made.

8
9 A lengthy discussion pursued.

10
11 **Scott Gerken:** Stated that he would speak with Dottie Green (Labor Attorney) and come
12 back with a recommendation and job description.

13
14 **Joe Teri:** Asked why the title was changed from Planner to Community Development
15 Director.

16
17 **Bruce Behrens:** Explained that a Community Development Department would oversee
18 the building department, Code Enforcement and the planning department.

19
20 **Shane Perreault:** Stated that he did not believe Mr. Behrens had violated any City
21 policy.

22
23 **Mayor Yeager:** Asked for public comment.

24
25 **Jim Frana (208 Lace Bark Ct.):** Asked if the title Community Development Director
26 would have more power than a planner.

27
28 **Sue Cordova:** Stated that she believed the job opening was not properly advertised and
29 requested that the job description be publicly noticed and to allow for public comment.

30
31 **Ed Earl:** Stated that he had approved the position of a planner, and did no think the job
32 title was a problem.

33
34 **MOTION by Sue Cordova, SECONDED by Ed Earl, to approve Ordinance 2006-20**
35 **and excluding line 555.120, 555.210, 555.240, 555.230, 555.250, 555.510, 555.512,**
36 **555.540 which can be heard after a discussion with Dottie Green.**

37
38 **Ed Earl:** Asked if the new position is not approved tonight, how the salary would be
39 funded.

40
41 **Linda Crane:** Stated that the motion should state the department number of 516.

42
43 **Sue Cordova AMENDED the motion to include the department number of 516.**

44
45 More discussion pursued regarding the budget amendment.

1 **Scott Gerken:** Suggested that the Council move forward and recommended that they
2 approve this item, and allow for a discussion with the labor attorney regarding the job
3 title.

4
5 **AYE:** Cordova, Teri

6
7 **NAY:** Perreault, Yeager, Earl

8
9 **MOTION FAILED: 2-3**

10
11 **MOTION by Ed Earl to approve Ordinance 2006-20.**

12
13 **Shane Perreault AMENDED the MOTION to be contingent upon clarification by**
14 **Mr. Gerken and Dottie Green.**

15
16 **Joe Teri SECONDED the amended motion.**

17
18 **AYE:** Perreault, Yeager, Teri

19
20 **NAY:** Cordova, Earl

21
22 **MOTION PASSED: 3-2**

23
24 A ten minute recess was called at 8:26; the meeting reconvened at 8:36.

25
26 **Tab # 6 Ordinance 2006-21 Code Changes**

27
28 **Scott Gerken:** Read Ordinance 2006-21 by title only, for the second time.

29
30 **Mayor Yeager:** Asked for Council comments.

31
32 **Joe Teri:** Requested that instead of replacing Mayor with City Manager, but to add City
33 Manager and Mayor.

34
35 **Scott Gerken:** Advised that no Council Members attend the DRC meetings.

36
37 **Mayor Yeager:** Asked for public comments. There were no comments

38
39 **MOTION by Shane Perreault, SECONDED by Joe Teri to approve Ordinance**
40 **2006-21 as written.**

41
42 **AYE:** Perreault, Cordova, Yeager, Earl, Teri

43
44 **NAY:** None

45
46 **MOTION PASSED: 5-0**

1
2 **Tab # 7 Ordinance 2006-22 Endangered Species**
3

4 **Scott Gerken:** Read Ordinance 2006-22 by title only, for the second time. He explained
5 that the recommended changes and clarifications had been made; and that the Ordinance
6 was in compliance with Florida Fish & Wild Life stipulations.
7

8 **Shane Perreault:** Asked who would be responsible for hiring a “specialist” and if the
9 Ordinance was enforceable.
10

11 **Scott Gerken:** Stated that the developer would be responsible for hiring a specialist, and
12 that the Ordinance was enforceable.
13

14 **Sue Cordova:** Asked if this Ordinance was supported by Florida Fish and Wildlife.
15

16 **Scott Gerken:** Stated that they did support the Ordinance.
17

18 **Sue Cordova:** Requested that the competent evidence be supplied by the developer from
19 Florida Fish and Wildlife and that no take permits allowed, and that it be stipulated in the
20 developers agreement.
21

22 **Ed Earl:** Stated that Katrina did a wonderful job and the fact that it can be included in
23 the developers agreements that no take permits would be issued.
24

25 **Joe Teri:** Requested that in Section 2, (A) 1 – 3rd line down, to add the word not after
26 may; and in Section 2 (B) 2 – the last line shall to be changed to may.
27

28 **Mayor Yeager:** Stated that he supported the Ordinance.
29

30 **Scott Gerken:** Stated that the intent of the Ordinance was to stop the developers from
31 getting an incidental take permit without first trying to relocate the animals, and that they
32 must come before the Council and explain why a take permit was needed.
33

34 **Sue Cordova:** Suggested that in Section B 1 and change the wording to read, that Such
35 evidence must include a written recommendation and to also include the developer must
36 pay the City three times the FSWCC cost on all incidental take permits except in the case
37 of disease, to purchase City conservation land.
38

39 **Scott Gerken:** Stated that he would not suggest that type of wording, but that there
40 could be some type of alternative for a developer such as a variance.
41

42 **Mayor Yeager:** Asked for public comment. There were no comments.
43

44 **MOTION by Sue Cordova, SECONDED by Ed Earl to approve Ordinance 2006-22,**
45 **with two changes: 1) in B2 to change shall to may; 2) in B1 changing Such evidence**
46 **must (from may) and adding a section stating that the City may charge a developer**

1 **to purchase conservation land if the developer chooses an incidental take permit**
2 **over conservation, except in the case of disease.**

3
4 **AYE:** Perreault, Cordova, Earl, Teri

5
6 **NAY:** Yeager

7
8 **MOTION PASSED: 4-1**

9
10 **Tab # 8 Ordinance 2006-29 Additional Homestead Exemption for Seniors**

11
12 **Scott Gerken:** Read Ordinance 2006-29 by title only, for the first time. He explained
13 that at the last meeting the Council had requested that the household income to be
14 \$30,000.00 but that there was a statutory limit of \$20,000.00 and that the statute had been
15 in effect since 1999 but did provide for an annual increase, and that the Lake County
16 Property Appraiser had stipulated that the actual amount could be \$22,693.00. He also
17 stated that this would only apply to Minneola taxes.

18
19 **Ed Earl:** Stated that he approved of the Ordinance.

20
21 **Joe Teri:** Also approved of the Ordinance.

22
23 **Mayor Yeager:** Also supported the Ordinance and thanked Ms. Cordova for bringing it
24 to their attention.

25
26 **Mayor Yeager:** Asked for public comment.

27
28 **Jim Frana (208 Lace Bark Ct.):** Asked is there was a methodology also available for
29 lifelong residents after reaching a certain age for an additional tax break. He stated that he
30 believed the City of Ocoee had such an Ordinance.

31
32 **Bruce Behrens:** Stated that he would check into that.

33
34 *First reading; no action taken.*

35
36 **Tab # 9 2006-30 Vicious Animals**

37
38 **Scott Gerken:** Read Ordinance 2006-30 by title only, for the first time. He explained
39 that most interlocal agreements between Lake County and other cities that the cities are
40 required to repeal any animal control Ordinances that may conflict with county
41 ordinances. He stated that the City of Minneola's agreement did not contain that clause.

42
43 **Shane Perreault:** Stated that he liked the Ordinance as written.

44
45 **Sue Cordova:** Stated that she had asked for a sign for every 5' on every side of the fence
46 that is visible to the public from all directions. She also requested that if a new interlocal

1 agreement was made between the county and the city, that in Section 2, County
2 Obligations that the 1st sentence read: County shall upon request of a citizen of the city **or**
3 **a city official**....; and that there is no stipulation in the newer interlocal agreements
4 stating that if the Ordinance that would be amended that the amendments would be
5 addressed.

6
7 **Ed Earl:** Had no problems with the changes suggested by Ms. Cordova, and questioned
8 the 6' fence requirement in Section 10-11 B stating that most animals would not be able
9 to jump over a fence of that height and that the Ordinance does not define a "vicious"
10 animal and to define who determines a vicious animal.

11
12 **Joe Teri:** Suggested that in Sect 10-11 B the required fence should be solid and not
13 chain link.

14
15 **Mayor Yeager:** Stated that he would prefer a chain link fence.

16
17 **Mayor Yeager:** Asked for public comment.

18
19 **Jim Frana (208 Lace Bark Ct.):** Stated that he believed the animal control department
20 would determine a "vicious" animal and that in Winter Springs, that Ordinance required
21 that if an animal had been deemed "vicious", that the owner was required to maintain a
22 \$100,000 liability policy just for that purpose.

23
24 **Pat Murphy (202 E. Osceola St.):** Commented that having a solid fence does not
25 provide for a quiet community and urged the Council to maintain the height requirement
26 for a fence to be at 6 ft. and preferred a chain link fence.

27
28 **Sue Cordova:** Suggested that the Ordinance state that the fence should be adequate, and
29 to remove any height requirement.

30
31 **Joe Emanuele (212 Grassy Lake Road):** Suggested that the owner should be to control
32 the "vicious" animal, and that no height requirement should be included.

33
34 *First Reading; no action taken.*

35
36 **Tab # 10 Charter Changes**

37
38 **Ed Earl:** Explained that the Charter Review Committee had recommended changes and
39 that as Chairman of that committee, he had prioritized the recommended changes and
40 asked for Council comments.

41
42 **Shane Perreault:** Commented on the recommended change to Section 3.5 that he did
43 not believe that the section should be changed.

44
45 **Scott Gerken:** Explained that the Council would decide what would go on the ballot as a
46 referendum. He summarized the recommended changes as:

- 1 • Changes to certain sections from Mayor to City Manager
- 2 • Changes clarifying what is intended by a meeting (Regular & Special)
- 3 • Changing the term of Council from two years to three years, would be phased in
- 4 and it would not go into effect until possibly 2007
- 5 • That districting would take longer, and would probably not go on the ballot this
- 6 year, as that would take more time
- 7 • Appointing two alternates to the P & Z Board

8
9 **Shane Perreault:** Stated that he did not agree with the recommended changes regarding
10 the meeting attendance mandatory.

11
12 **Sue Cordova:** Suggested that it should be clarified that two meetings would be held
13 each month and that attendance requirements should only pertain to Council meetings.
14 Stated she did not have a problem with the term changes; agreed that balance transfers
15 should be done by an Ordinance; and disagreed with the appointment of alternates to the
16 P & Z Board. She agreed with the other recommended changes.

17
18 **Ed Earl:** Stated that if the two monthly meetings are specified as Regular Council
19 meetings with required attendance that the percentage of meetings attended would not be
20 necessary; stated he did not think that the charter should specify the second week and
21 fourth week of the month, but should specify twice a month; and that workshops should
22 not be considered a regular meeting; and that he did not agree with changing the term
23 extensions and districting; that he did not agree with the alternates to P & Z Board.

24
25 **Scott Gerken:** Explained that meeting days could be changed by Ordinance.

26
27 **Joe Teri:** Stated that he would exclude the workshops as required meetings, exclude the
28 question regarding Council compensation; and agreed that a balance transfer should be
29 done by Ordinance.

30
31 **Mayor Yeager:** Stated that he believed that former Council members should be allowed
32 to serve on the P & Z Board; and believed that it was time for districting.

33
34 Council discussed the stipulation of gainful City employment/appointment.

35
36 **Scott Gerken:** Stated he would bring back an Ordinance with the recommended changes
37 to the next Council Meeting.

38
39 **Tab # 11 Prohibiting St. Augustine Grass**

40
41 **Scott Gerken:** Explained that he had spoken with several agencies and other cities
42 regarding this, and most had recommended against prohibiting a certain type of grass and
43 asked for Council comments on the subject.

44
45 **Shane Perreault:** Stated that he was not in favor of prohibiting St. Augustine grass.

46

1 **Sue Cordova:** Stated that she did not believe that prohibiting St. Augustine grass would
2 be enforceable but would be in favor of adding something in the developers agreements
3 requesting that they not use St. Augustine grass in common areas.

4
5 **Mayor Yeager:** Stated that the City should support xeriscape as stipulated in the code.

6
7 **Ed Earl:** Stated that it would be enforceable and that he was not opposed that developers
8 can not put in St. Augustine, but that the homeowner would be allowed to if they desired;
9 and it would be enforceable if included in the developers agreement.

10
11 **Joe Teri:** Stated that he was in favor of prohibiting St. Augustine grass.

12
13 Council consensus was to look into adding something into future developer agreements
14 regarding the restricted use of St. Augustine grass.

15
16 **Reports:**

17
18 **Bruce Behrens:** Asked if the Council had any questions on his report (Exhibit A), and
19 reported that Founders Ridge would be moving forward soon, and that although Lennar
20 had withdrawn from the Hills of Minneola project, that the annexation. Rezoning and
21 comprehensive plan amendment would continue to move forward.

22
23 **Lt. Link:** Stated that he had contacted the headquarters for the Kangaroo station and that
24 he was waiting for a response from them in regards to the overnight truck parking; and
25 reported that his deputies were working on the reoccurring vandalism in Quail Valley.

26
27 **Scott Gerken:** Stated that he had provided a memo regarding park naming rights and
28 that the Council is required per the City Manager's contract to consider an annual
29 increase in the City Manager's salary and that it could be addressed at the next Council
30 meeting.

31
32 **Shane Perreault:** Stated that he would not able to attend the budget workshop scheduled
33 for Thursday.

34
35 **Sue Cordova:** Requested that the Council consider closing Galena near the Washington
36 intersection and that staff contact the two business owners and four residents on the street,
37 meet with them and bring back a recommendation to the Council.

38
39 Council agreed.

40
41 **Sue Cordova:** Stated that she would like to conduct a study by UCF to find out what
42 would be in the best interest of the City, whether to stay with Lake County Sheriff's
43 Department or to start a new police department and asked for Council's comments.

44
45 Council consensus was for Ms. Cordova to move forward with the idea.

46

1 **Sue Cordova:** Expressed her opinion that she would like to start all over with the Gregg
2 Family property (formerly the Lennar project) and to decide what the Council would like
3 to see developed on the property; expressed her concerns with a CDD and asked the
4 Council to consider a handicap accessible park.

5
6 **Bruce Behrens:** Suggested that the Council could make a list of their wishes for the
7 project and give that list to the attorney for the Gregg Family.

8
9 **Ed Earl:** Asked for an update on Turkey Farms Road; asked if the street sweeper was
10 being utilized throughout the City; explained that he had misinformed Mr. Perreault's
11 wife, that the workshop was on last Wednesday not on Tuesday and he requested that Mr.
12 Perreault be excused from that workshop; and asked that the Council take more time
13 when making motions.

14
15 **Carl Gosline:** Explained that Eric Rahenkamp was still working with the County to get
16 the approval from the County for the road construction.

17
18 **Mark Odell:** Explained that he did not have the manpower to operate the street sweeper
19 on a regular basis.

20
21 **Joe Teri:** Stated that the Reserve would be starting soon and asked that as many trees
22 are saved as possible and that the City ensure that the trail is constructed on the school
23 site at the Reserve.

24
25 **Mayor Yeager:** Requested that all the City property be surveyed, and an inventory be
26 made of all City owned property. He also requested that the City consider purchasing the
27 old schoolhouse on Main Ave. and look into some property that is for sale on Grassy
28 Lake Road.

29
30 The meeting adjourned at 11:00 P.M.

31
32
33 _____
34 Mayor David Yeager

35 ATTEST:

36
37 _____
38 Jan McDaniel, CMC
39 Minneola City Clerk