

**Minneola City Council
Minutes
June 4, 2019 at 6:30 PM
Minneola City Hall**

The City of Minneola Council Meeting was called to order by Mayor Pat Kelley. Also present were Vice Mayor Pam Serviss, Councilor Lisa Jones, Councilor Kelly Price, Councilor Joe Saunders, Scott Gerken (City Attorney), Mark Johnson (City Manager), and April Sheppard (Acting City Clerk)

CALL TO ORDER

Mayor Kelley called the meeting to order.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence was observed, and the Pledge of Allegiance was led by **Vice Mayor Serviss**.

AGENDA REVIEW

There were no requests to modify the agenda.

PUBLIC COMMENTS

Mayor Kelley asked for public comments.

Daniel Smith, city resident and P&Z Commissioner, spoke on minimum requirements for canopy trees and understory trees per new development lot. He asked the council to consider changing the requirements to one canopy tree and three under story trees.

Mayor Kelley explained most of this is addressed in the Hills P.U.D. He stated the council and staff are working on mitigating the issue.

Mark Johnson commented council has been very engaged on this issue and have made modifications to the tree requirement for Ardmore Reserve and the Hills of Minneola through the P.U.D. documents.

Council and staff mentioned the state legislature have made modifications to what local governments can do regarding tree requirements and explained P.U.D. agreements specifically address trees. It was suggesting that the P & Z commission look into the issue and make a recommendation to the council.

Mayor Kelley recommended reviewing city code and the Hills P.U.D., over the next month, for uniformity and P.U.D. 's from future developments.

Paul Giacalone, city resident and P & Z Commissioner, commented on the twenty-four foot (24') road width for the Founders Ridge development. He read from the Florida NFPA Fire Code Chapters 18.2.3.4.1.1 and 18.2.4.1.1-3 and also cited the definition of "Fire Department Access Road" in 3.3.117 and "Fire Lane" in 3.3.122. He stated unobstructed access could be met by designating one side as fire lane with no parking. He gave the council an NFPA Red Book as a reference.

Scott Gerken explained this issue will be coming before the council in two weeks.

Mayor Kelley asked for public comments. There were no public comments.

CONSENT AGENDA

Item 1: City council Meeting Minutes – May 21, 2019.

Item 2: Purchase Request – Master Lift Station Pump Replacement.

Council considered a request to purchase a replacement pump for a master lift station in the Highland Oaks Subdivision.

Mayor Kelley asked for public comments. There were no public comments.

MOTION by Councilor Saunders, SECONDED by Vice Mayor Serviss, to approve the Consent Agenda.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

DISCUSSION & ACTION ITEMS

Item 3: Site Plan – Sterling Venues, Inc. ~ Quasi-Judicial

Scott Gerken swore in members of the public, applicant, and staff including Joyce Heffington, Ramon Flores, and Mark Johnson.

Joyce Heffington introduced the site plan and stated the P&Z commission recommended approval conditioned upon it addressing the staff's comments. She stated the staff recommends approval too.

Mayor Kelley asked for public comments. There were no comments.

Scott Gerken recommended approval contingent upon staff recommendations.

91 **Council** asked for clarification regarding whether the structure was made of wood or block.

92
93 **Christopher Germana**, Germana Engineering and Associates, LLC, stated the project is
94 compliant with the building plans and consistent with the utility plan.

95
96 **Council** commented that the project was a beautiful place, thanked Christopher Germana,
97 and also asked about gopher tortoises.

98
99 **Christopher Germana** explained an environmentalist has been retained to relocate gopher
100 tortoises, if any, within the proximity of construction.

101
102 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to approve site**
103 **plan for Sterling Venues, Inc. with staff comments.**

104
105 **AYE:** Serviss, Jones, Kelley, Price, Saunders

106
107 **NAY:** None

108
109 **MOTION PASSED: 5-0**

110
111 **Item 4: Ordinance 2019-06– Patios and Screen Enclosures- First Reading and Public**
112 **Hearing.**

113
114 **Scott Gerken** read Ordinance 2019-06 by title only.

115
116 **Joyce Heffington** introduced the ordinance to council and gave the staff recommendation
117 for approval for uncovered patios and screened enclosures and emphasized this does not
118 include additions or other structures.

119
120 **Council and staff** discussed tightening the definition and mentioned the conflict in design
121 standards regarding setbacks and larger lot sizes are not included. A requested for
122 clarification within code was made.

123
124 **Scott Gerken** commented and stated he will adjust the code for clarification purposes.

125
126 **Item 5: Ordinance 2019-05 - The Hills of Minneola Community Development District**
127 **- First Hearing.**

128
129 **Scott Gerken** read Ordinance 2019-05 by title only.

130
131 **Scott Gerken** introduced the C.D.D. ordinance as governed by Florida Statute Chapter 190.
132 He explained a second reading is scheduled for the first city council meeting in July, staff
133 has compiled a list of additional requests to be added, and the council was asked to add to
134 the list at this time. He stated the applicant will make a presentation at the next meeting and
135 mentioned there is a notary issue on the petition that will need to be fixed.

136 **Mayor Kelley** asked for public comments.

137
138 **Ed Gonzalez**, county resident, asked the council to consider preservation of the hills and
139 trees.

140
141 **Council** discussed tree mitigation and explained agricultural harvesting.

142
143 **Council** asked for an explanation of the C.D.D. process and discussed the C.D.D. time
144 parameters, extensions or termination, and the City's roles and responsibilities.

145
146 **Scott Gerken** summarized the C.D.D. is adopted by ordinance of the City. He explained
147 that it is a financing tool for developers and follows the same process as other ordinances.
148 He commented that the applicant's financial representative has been requested to attend the
149 next meeting to address the council's financial concerns.

150
151 **Mayor Kelley** asked for public comments. There were no comments at this time.

152
153 **Mayor Kelley** asked for the C.D.D. documents to be received by council in plenty of time
154 for review.

155
156 **Council** asked for the applicant or representative to come forward and speak to the council.

157
158 **Brent Spain**, applicant's attorney, approached the podium to answer the council's
159 questions.

160
161 **Council Saunders** inquired about compensation to the board of directors of the C.D.D.

162
163 **Brent Spain** commented as to the initial petition of the C.D.D. and its board members.

164
165 **Richard Jerman**, principal property owner, approached the podium and Mr. Spain deferred
166 to Dick Jerman who responded regarding compensation and processes of the C.D.D. board.
167 He also explained that the governing requirements of the Florida statutes are not addressed
168 in the petition. If council wills, more statute information can be presented before the next
169 reading in written form.

170
171 **Councilor Saunders** acknowledged the request.

172
173 **Council Saunders** also inquired about how the city council is informed of the matters that
174 are in process, and asked what happens if the C.D.D. fails to pay its bonds, collection of
175 H.O.A. dues, and requirements to disclose the C.D.D. to property owners.

176
177 **Dick Jerman** responded the C.D.D. advertises public meetings with minutes for public
178 record and is governed by Florida Statutes and subscribes to the Sunshine Law. He spoke
179 of the C.D.D. being another layer of government contrasting the relationship between the
180 H.O.A. and CDD regarding collection of fees, failure of bond payments, and bond risk. He

181 stated that disclosure requirements for C.D.D.s are much greater than disclosure
182 requirements for H.O.A.s under Florida Statutes.

183
184 **Council** discussed C.D.D. disclosures in a real estate transaction and cited disclosure
185 requirements from Florida Statute 190.048.

186
187 **Councilman Saunders** asked if the C.D.D. public meetings could be held at city hall and
188 be so stated within the agreement.

189
190 **Dick Jerman** responded in the affirmative and expressed agreement with the location. He
191 added that the C.D.D. meetings are required to be advertised as public meetings where
192 anyone can attend.

193
194 **Council** discussed if it were possible for the H.O.A. fees to be paid through annual property
195 tax bills and cited the Greater Pines community as an example that may be collecting fees
196 through that process. The council requested **Scott Gerken** to research this issue before the
197 next hearing.

198
199 **Scott Gerken** agreed and will research the H.O.A. dues and tax bill special relationship
200 issue.

201
202 **Councilor Saunders** inquired about where the original documents are to be held and the
203 designation of a liaison to sit on the board of directors/supervisors be put into the petition.

204
205 **Mayor Kelley** requested **Scott Gerken** to research and advise council on the matter of a
206 liaison to the C.D.D. board.

207
208 **Councilor Saunders** also asked about the starting debt number, amortization process, use
209 of C.D.D. monies and asked for a breakdown per phase be provided. He also inquired about
210 boundaries regarding water and stated that the Turnpike was not addressed.

211
212 **Dick Jerman** addressed council's concerns and gave explanations for clarification
213 including the debt being validated with the State and the reasons for providing a "cap" to
214 the bond debt.

215
216 **Council** inquired about infrastructure maintenance, C.D.D. extension for water supply
217 financing, and impact fee credits.

218
219 **Dick Jerman** addressed finance source options.

220
221 **Council Saunders** then inquired about existing property owners, and transfer process from
222 the development company to the C.D.D. board of directors to the H.O.A.

223
224 **Dick Jerman** provided explanation of the C.D.D. board transfer process.

225 **Council and staff** asked about the intent of the C.D.D. to run in perpetuity, transferring the
226 responsibilities to the H.O.A. and the need to petition for an extension of the C.D.D. if the
227 board wanted to extend the term of the C.D.D.

228

229 **Council** inquired whether a C.D.D. can pay for or designate a parcel within the C.D.D. for
230 a new fire station and requested infrastructure items planned to be funded by the C.D.D. to
231 be listed in the petition for council approval.

232

233 **Dick Jerman** responded with the need to hold the bond level down. He stated, for
234 clarification, they have no intention of using the C.D.D. for widening of Hancock Road. He
235 stated one of the primary objectives for the C.D.D. is to fund construction of offsite utilities.

236

237 **Councilor Saunders** then asked about providing enough water for two thousand five
238 hundred (2,500) homes and businesses.

239

240 **Dick Jerman** replied they are working with staff and consultants to expand the ability to
241 produce water. There is enough water to start four hundred (400) homes now and they are
242 planning to help solve the need for additional capacity.

243

244 **Mark Johnson** explained that the property owners have been good partners so far. He stated
245 the utility master plan has entered the next phase and they are currently working on an
246 updated capital improvement plan which he expects to be ready in the next few months.

247

248 **Mayor Kelley** asked for public comments. There were no comments.

249

250 **Item 6: Ordinance 2019-04 Amended & Restated Development Agreement – Hills of**
251 **Minneola – First Reading and Public Hearing ~ Quasi-Judicial**

252

253 **Scott Gerken** read Ordinance 2019-04 by title only.

254

255 **Scott Gerken** swore in members of the public, development representatives, and staff
256 including Joyce Heffington, Ramon Flores, and Mark Johnson.

257

258 **Joyce Heffington** introduced ordinance and gave the staff recommendation for approval
259 with conditioned upon resolving staff comments and subject to attorney review and
260 modifications. She clarified there are no changes to number of houses, but they are adding
261 an adjacent property, there are no changes to buffers, or reduction of green space. She stated
262 the amendment addresses the technical issues.

263

264 **Mayor Kelley** thanked the P&Z commission for doing a great job. He inquired about the
265 civic site grading, the school site grading, and asked for a meeting, within the next month,
266 between Mark, Scott, Bill Mathias, the school district superintendent, and the school board's
267 attorney to address the school site. He requested a one (1) month deadline to resolve the
268 concerns.

269 **Mayor Kelley** asked about the age defined component and the use of town homes within
270 the multifamily designated area.

271

272 *(Councilor Price left the chambers and returned.)*

273

274 **Brent Spain** advised of the development standards from the 2015 P.U.D., commented on
275 the age-restricted housing cap versus no age-restricted housing, and requested some
276 flexibility. He addressed town houses and noted the percentages within low, medium, and
277 high densities.

278

279 **Mayor Kelley** requested a visual for clarification on town houses for the next meeting to
280 better show these differences to council and the public.

281

282 **Mayor Kelley** asked Scott Gerken for advice as to whether or not the council is required to
283 approve the new agreement or to stay with the original agreement that is currently in place.

284

285 **Council and staff** discussed the civic and school site grading issues with the civic piece
286 being more challenging and costly. They discussed the need for clarification of items on the
287 developer's list. Staff explained many of their concerns are being addressed with the
288 developer and remaining issues expected to be resolved before the next reading.

289

290 **Mayor Kelley** stated he feels very strongly about the need for the developer to grade the
291 civic property and asked the council for their positions on grading the civic site.

292

293 **Vice Mayor Serviss** affirmed she feels strongly about the issues with the civic grading piece
294 and needs more information.

295

296 **Councilor Jones** inquired about the adjustments that were made to the amendment.

297

298 **Scott Gerken** also offered clarification regarding stricken items.

299

300 **Brent Spain**, and one of the developer's representatives (name unknown), commented on
301 the council's concerns.

302

303 **Council and staff** discussed how the amount of green space was calculated.

304

305 **Council consensus** for Section 9, numbering three hundred sixty-six and six tenths (366.6)
306 acres to be a definitive number rather than the twenty percent (20%) listed in the proposed
307 amendment. They requested the developer come back with a definitive number.

308

309 **Council and staff** discussed Section 10(d), page 8, regarding the northwest access point for
310 the Sugarloaf Mountain project and stated the wording is complicated.

311

312 **Developer Representative** gave a visual explanation regarding access point from the Hills
313 of Minneola Conceptual Plan.

314 **Council and staff** discussed Section 13, page 11, of the proposed amendment regarding
315 impact fee credits and the normal use and process of the credits.

316

317 **Brent Spain** answered the questions regarding impact fee credits and explained they could
318 use them on-site or sell them to another developer.

319

320 **Councilor Jones** recapped the council's requests including verbiage changes to be "will"
321 not "may," preserving eighteen and three tenths (18.3) acres of wetlands. She requested they
322 strike "attempt to" regarding the natural conservation lands and make it a definitive number
323 in the next thirty (30) days.

324

325 **Council and staff** discussed designating wetlands.

326

327 **Councilor Jones** voiced her position that grading is very important. She commented on the
328 need to affirm the developer's willingness for the grading of the fire station site.

329

330 **Brent Spain** will meet with Scott Gerken to address the language concerns.

331

332 *(Councilor Jones left the chambers and returned)*

333

334 **Councilor Price** affirmed the need to look at the grading issue.

335

336 **Councilor Saunders** stated grading is very important to the council. He requested a finished
337 agreement be presented to the council rather than a draft version. He stated resolving the
338 grading issue on the civic property is essential and needs to be resolved before the agreement
339 is finalized.

340

341 **Council consensus that grading issue concerns remain.**

342

343 **Councilor Saunders** inquired about the Hills of Minneola project build time.

344

345 **Brent Spain**, and a developer's representative, replied that they have thirty (30) years from
346 agreement date but are looking at ten (10) to twenty (20) year buildout time. He stated they
347 predict Phase III will be completed by 2031 which is a twelve (12) year build. He
348 apologized for presenting the red line version of the agreement and stated he intended it to
349 be helpful.

350

351 **Mayor Kelley** expressed appreciation to the developer for his cooperation and due
352 diligence.

353

354 **Mayor Kelley** asked for public comments.

355

356 **Nathan Focht**, county resident, stated he appreciated the council's comments and the
357 changes they requested. He added that he has concerns about controlled growth versus
358 building acceleration, Sugarloaf Mountain build issues, and impacts of traffic with the road
359 connections.

360 **Mayor Kelley** explained the developer will have to mitigate the road connection issue.

361
362 **Nathan Focht** also commented on grading of the project as a whole, cited the P.U.D.
363 commercial code standard exemption of fifteen feet (15'), and the request for twenty-two
364 feet (22'). He stated Sugarloaf Mountain is two hundred thirty-six feet (236') high and the
365 grading equals ten percent (10%) of the mountain. He requested the agreement be changed
366 to eliminate the fifteen feet (15') exemption and to designate specific parcels that will be
367 allowed to have increased grading amounts.

368
369 *(Vice Mayor Serviss left chambers and returned.)*

370
371 **Mayor Kelley** gave reference to the hospital site and requested Scott Gerken to tighten up
372 the verbiage to target specific parcels.

373
374 **Nathan Focht** commented on the tree issues and referenced the small lot sizes. He
375 expressed appreciation to the builders.

376
377 **Daniel Smith**, citizen and P & Z commissioner, suggested modifying the design guidelines
378 for canopy trees and understory trees.

379
380 **Ed Gonzalez**, county resident, thanked David Yeager, P & Z commissioner, for pushing for
381 the seventy-five foot (75') buffer. He also thanked the developers for the stormwater space.
382 He also commented on the aesthetics, tree line perimeter buffer, and habitat protection.

383
384 **Mayor Kelley** asked for public comments. There were no comments.

385
386 **Mayor Kelley** extended his appreciation to David Yeager and the planning and zoning
387 commission for their service.

388
389 **Mayor Kelley** reminded the staff and the developer of council's wishes for a final version
390 of the amendment as soon as possible and extended a thank you to the staff.

391
392 **Council and staff** recapped their recommendations and requests for the developer to
393 address.

394
395 **Scott Gerken** reminded the council and the audience that a second reading of the C.D.D.
396 ordinance and the development agreement is scheduled for July 2nd, 2019 council meeting.
397 He stated, if possible, the latest version is to use strike through and underlines to show the
398 changes made that have been made.

399
400 **Item 7: Resolution 2019-12 – Grant - Hazard Mitigation – First Reading**

401
402 **Scott Gerken** read Resolution 2019-12 by title only.

Mark Johnson introduced the resolution and explained the grant is for \$187,500 in federal grant funds plus and estimated \$62,500 of matching City funds for a total of \$250,000 to purchase and install an emergency generator at city hall. He added that the grant will require the generator to be installed before the fire station begins construction. He also mentioned that the grant will place additional requirements on the City going forward including the requirement to seek federal approval of any site modifications to the city hall property. He explained that the federal government has already authorized the fire station construction and that the generator will be hard wired to city hall and to the new addition when it is built.

Mayor Kelley asked for public comments. There were no comments.

MOTION by Councilor Price, SECONDED by Councilor Jones, to approve Item 7: Resolution 2019-12 Grant – Hazard Mitigation.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

Item 8: Resolution 2019-13 – Support of the State Road 50 Realignment Project

Mayor Kelley introduced resolution to show support for downtown Groveland project.

Mayor Kelley asked for public comments. There were no comments.

MOTION by Councilor Jones, SECONDED by Councilor Price, to approve Item 8: Resolution 2019-13 Support of the State Road 50 Realignment Project.

Scott Gerken read Resolution 2019-13 by title only.

Roll Call Vote

Vice Mayor Serviss: AYE

Councilor Jones: AYE

Mayor Kelley: AYE

Councilor Price: AYE

Councilor Saunders: AYE

NAY: None

MOTION PASSED: 5-0

FINAL PUBLIC COMMENTS

Mayor Kelley asked for final public comments.

Daniel Smith asked if the council approves of him sitting at the dais during planning and zoning commission meetings, even when a full commission is present, as opposed to being seated in the audience.

Council consensus was supportive.

Scott Gerken recommended Daniel Smith swear in whenever he is speaking as a citizen while sitting on the dais.

David Yeager addressed council regarding construction dumpster revenue conversation. Suggested developers pay fee per house/per property for wear and tear. Also, commented on the Overlook subdivision, tree removal and the approval process.

David Yeager suggested the council consider creating an ordinance regarding irrigation wells and mentioned the permitting regulation futility. He asked the council to reconsider the City's position on the ordinance and identified the Hills of Minneola project may have a future need for irrigation wells in their common areas.

REPORTS

Mark Johnson reported:

1. Vista Grande Workshop
 - a. Waiting on the applicant's attorney to schedule the workshop.
 - b. Rather than a combined council and P. & Z. workshop, it will be a general public charrette and workshop unless the council wishes otherwise.
2. Workshop Dates for Fire Assessment Fee
 - a. Preliminary rates are scheduled to be set at the July 16th council meeting.
 - b. We need to hold a workshop prior to that meeting to discuss the methodology and rates.
 - c. Our contractor, GSG, is scheduled to be here on Tuesday June 18th (council meeting night).
3. Mailbox issue at The Reserve at Minneola
 - a. Cluster box at The Reserve was installed without a site plan.
 - b. Staff prefers a curb cut be installed to allow at least three cars to pull outside of the roadway while checking their mail.
 - c. The City may require a new site plan or the developer could install "no parking" striping and signage on the opposite side of the roadway at their expense.
 - d. The building department are providing conditional building permits until the mailbox issue has been resolved
4. OneBlood
 - a. OneBlood may bring their bus to city hall on Thursday, July 18th from 12 to 6 for a blood drive.

- 495 5. SORBA
496 a. wants to hold a mountain bike trail volunteer workday on Saturday, June 1st, and
497 would like to add some banked turns with stabilized bases.
498 6. Skate Park R.F.P.
499 a. The R.F.P. has been advertised.
500 b. Bid packages are due July 19th at 2:00.
501 7. Grassy Lake Name Change
502 a. The County is offering the City to weigh-in on the name change for North Grassy
503 Lake Road
504 b. He asked council to provide him with any suggestions they may have.
505 8. RaceTrac
506 a. Demolition has begun on the site.
507 b. They have chosen to have a propane tank cage, which is governed by state law, and
508 shield it from view with opaque landscaping.
509 9. Lake County Schools
510 a. They will hold a “families in transition” meeting will be at city hall this Thursday.
511 10. An Organized Bike Ride Takes Place this Saturday
512 a. It is not a competition but a pleasure ride.
513 b. So far, less than 30 riders have signed up.
514 c. The anticipated group size does not meet the County’s threshold for a special event
515 permit.
516 d. The staff required riders be released in groups no larger than ten (10) at a time with
517 a ten (10) minute space between group starts.
518 e. Staff required the organizer to provide a prerace class including an overview of the
519 State’s bicycle laws, littering laws, etc.
520 11. A.D.A. Playground Equipment
521 a. The proposed site has been marked.
522 b. Please take a look the site before the slab is poured and make sure you are okay with
523 the location.
524 c. The project was shifted it up in priority, over other Trailhead Park projects, due to
525 council’s sense of urgency to meet the needs of the A.D.A. community.
526

527 **Mayor Kelley reported:**

- 528 1. Scott Gerken will be on vacation at next meeting and Grant will be attending the council
529 meeting.
530 2. The Ardmore developer is requesting some changes to the P.U.D. including the ability
531 to build Phase 6 next, impervious slabs versus impervious pavers, and trees and curb
532 cuts.
533

534 **MOTION by Councilor Jones, SECONDED by Councilor Price, to adjourn.**
535

536 **AYE:** Serviss, Jones, Kelley, Price, Saunders
537

538 **NAY:** None
539

540 **MOTION PASSED: 5-0**

541 *(Meeting adjourned at 9:45 P.M.)*

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547

548 **ATTEST:**

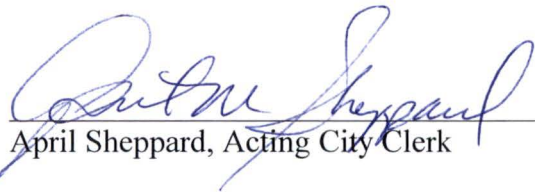
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April Sheppard, Acting City Clerk


Pat Kelley, Mayor

