

**Minneola City Council
Minutes
May 7, 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 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

Vice Mayor Serviss requested Item 8: Site Plan – Reserve at Minneola Amenity be moved ahead of the consent agenda.

Councilor Jones requested Item 6: Discussion of Temporary Certificate of Occupancy be moved to the end of the agenda.

Scott Gerken stated Item 7: Right of Way Vacation - Big Sky Court to be postponed to August 6, 2019.

MOTION Vice Mayor Serviss to table Item 7: Right of Way Vacation – Big Sky Court to August 6, 2019. Mayor passed gavel to Vice Mayor Serviss. Motion SECONDED by Mayor Kelley.

AYE: Serviss, Jones, Kelley, Saunders

NAY: None

MOTION PASSED: 4-0

MOTION by Councilor Jones, SECONDED by Vice Mayor Serviss, to excuse Councilor Price.

AYE: Serviss, Jones, Kelley, Saunders

NAY: None

48 **MOTION PASSED: 4-0**

49 **PUBLIC COMMENTS**

50

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

52

53 **Briana Solares**, a junior at Lake Minneola High School, spoke about the importance of
54 trees and maintaining a tree line along the school parking lot.

55

56 **Mayor Kelley** explained that those trees were planted by the property owner for agricultural
57 purposes with the intention of harvesting them at a later date. He added that the next site
58 plan on that site will include treed landscape plantings and that council is also concerned
59 about trees. He thanked Ms. Solares for her comments.

60

61 **Vice Mayor Serviss** recommended Ms. Solares consider going before the State to express
62 her opinion regarding trees too.

63

64 **Mark Johnson** explained the State has the primary control over agricultural laws and
65 suggested Ms. Solares speak with State Representative Anthony Sabatini about her
66 concerns.

67

68 **Vice Mayor Serviss** extended appreciation and encouragement to Ms. Solares.

69

70 **Councilor Jones** complimented Ms. Solares and encouraged her to continue to use her
71 voice. She also clarified Ms. Solares' stated view on the City's moratorium.

72

73 **Mayor Kelley** asked for any additional public comments. There were no further comments
74 at this time.

75

76 **Item 8: Site Plan – Reserve at Minneola Amenity**

77

78 **Mayor Kelley** stated the main concern was parking at the pool. He advised that the City
79 received a letter from the H.O.A. acknowledging they were aware of potential parking
80 problems and assume the responsibility thereof.

81

82 **Scott Gerken** offered to swear in any member of the audience wishing to speak on the
83 matter.

84

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

86

87 **Vice Mayor Serviss** clarified that the city council consensus at the last meeting was not to
88 deny the pool and added that council suggested the need for the pool to be built in another
89 location which would allow an additional parking area to be constructed to prevent possible
90 traffic problems. She explained that the developer stated the pool could not be built in
91 another location.

92

93 **Councilor Jones** explained the main concern for her was the permeability and this project
94 meets permeability. She added that she did not like the location of the pool either.

95
96 **MOTION by Vice Mayor Serviss to approve Item 3: Site Plan for the Reserve at**
97 **Minneola Amenity. Mayor passed gavel to Vice Mayor. Motion SECONDED by**
98 **Mayor Kelley.**

99
100 **AYE:** Serviss, Jones, Kelley

101
102 **NAY:** Saunders

103
104 **MOTION PASSED: 3-1**

105
106 **Mark Johnson** asked the developer if they would address the resident's tree concerns on
107 Citrus Grove Road. The developer agreed to look into the matter.

108
109 **CONSENT AGENDA**

110
111 **Item 1: City Council Meeting Minutes – April 16, 2019**

112
113 **Item 2: Outdoor Fitness Center – Change Order**

114
115 **Item 3: Professional Services Contract – Permit Application – Alternative Water**
116 **Supply**

117
118 **Item 4: Professional Services Contract – Permit Renewal – Wastewater Treatment**
119 **Facility**

120
121 **Item 5: Purchase Request – Wheelchair Accessible Single Bay Swing & Merry-Go-**
122 **Round**

123
124 **Mayor Kelly** asked for council discussion on consent agenda items.

125
126 **Councilor Jones** asked for clarification regarding the monkey bars which was included in
127 one of the exhibits but not included in A.D.A. playground equipment recommendation.

128
129 **Mark Johnson** explained that the citizens' original request was for a merry-go-round and
130 bay swing and these two items have already put them over the allotted amount.

131
132 **Vice Mayor Serviss** asked about the color of the canopy.

133
134 **Fred Miller**, project manager, responded from the audience that the canopy will be
135 tan/beige in color.

136
137 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Jones, to approve the**
138 **Consent Agenda.**

139 **AYE:** Serviss, Jones, Kelley, Saunders

140

141 **NAY:** None

142

143 **MOTION PASSED: 4-0**

144

145 **DISCUSSION & ACTION ITEMS**

146

147 **Item 7: Right of Way – Big Sky Court – Tabled to August 6, 2019**

148

149 **Item 9: Ordinance 2019-02 Cosmetic Tattooing – First Reading**

150

151 **Scott Gerken** read Ordinance 2019-02 by title only.

152

153 **Joyce Heffington** supplied the city council with a current copy of the ordinance
154 recommended for approval by the planning & zoning commission and explained the
155 cosmetic tattooing regulation.

156

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

158

159 **Item 10: Ordinance 2019-03 Deviations of Finished Floor Elevations - Second Reading**

160

161 **Scott Gerken** read Ordinance 2019-03 by title only.

162

163 **Joyce Heffington** expressed this only provides for a maximum deviation of 0.2 feet before
164 a builder would need to apply for a variance.

165

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

167

168 **MOTION by Councilor Jones, SECONDED by Vice Mayor Serviss, to approve Item**
169 **10: Ordinance 2019-03 Deviations of Finished Floor Elevations.**

170

171 **AYE:** Serviss, Jones, Kelley, Saunders

172

173 **NAY:** none

174

175 **MOTION PASSED: 4:0**

176

177 **Item 11: City Owned Properties Discussion**

178

179 **Mark Johnson** opened the discussion for disposing of various city owned parcels located
180 near the Highland Oaks, Highland Ridge, and Quail Valley subdivisions.

181

182 **Ralph Atchley**, representative for Highland Oaks, supplied the council with map handouts
183 of the City's property near Highland Oaks. He explained his plans for the development of a
184 neighborhood park and the need for more property. Mr. Atchley stated they would like to

185 make a request to own the remaining land. He added that the H.O.A.'s intent is to develop
186 a set of park plans for the property and eventually build the park there. He explained the
187 H.O.A. currently maintains property.

188
189 **Councilor Saunders** stated he was in favor of releasing property to the H.O.A.

190
191 **Council** discussed the property owned for lift station tract at northwest corner and asked if
192 a purchase price had been considered. **Ralph Atchley** stated he would consider zero a good
193 price.

194
195 **Mayor Kelley** asked the council about adverse possession.

196
197 **Scott Gerken** responded by saying you can't adversely possess city government property
198 and gave historical examples of no impact fees for parks and park lands were community
199 maintained but publicly dedicated.

200
201 **Council** continued discussion regarding maintenance.

202
203 **Ralph Atchley** commented that his H.O.A. currently maintains the parcel and they can limit
204 access to the public with the exception of City access to pump station.

205
206 **Council consensus** in favor of moving forward with an agreement with the H.O.A. being
207 responsible for any fees associated with the transaction.

208
209 **Scott Gerken** stated the agreement will come back to council for approval.

210
211 **Council and staff** discussed the property near Quail Valley and discussed what, if anything,
212 should be done with the dead end street on the buildable lot in Quail Valley. Various options
213 were suggested.

214
215 **Mayor Kelley** opened the floor for public comments.

216
217 **Ray Nivarel**, Quail Valley H.O.A. President, explained they are still very eager to acquire
218 the property; however, due to some legality with covenants, it is currently under review by
219 their board.

220
221 **Scott Gerken** asked for a recommendation of what the H.O.A. would like to see happen.

222
223 **Ray Nivarel** stated the City maintains the property, but we have been excited to get it and
224 maintain it as a field buffer to Ardmore.

225
226 **Council** discussion included a cul-de-sac versus dead-end street.

227
228 **Mark Johnson** stated the quarter acre parcel adjacent to the dead-end road is currently
229 dedicated to the Quail Valley H.O.A. per Lake County property records.

230

231 **Scott Gerken** and **Mark Johnson** will review and confirm.

232

233 **Council** continued the discussion on additional parcels, 13.5 acres in Quail Valley
234 maintained by City, and additional parcels within retention areas and flood plains. There
235 was a suggestion of planting Florida native plants for green space. The aggressive
236 topography was identified as a factor to what could be done with the land.

237

238 **Council** discussion continued including lake side parcels extending from roads to the Lake
239 Minneola shoreline.

240

241 **Scott Gerken** stated he is not familiar with the dead-end roads to the lake and would need
242 to review how they are platted. He stated he will research the matter.

243

244 **Council** discussed the large parcel at Highland Ridge.

245

246 **Council consensus** was to transfer property to the H.O.A.

247

248 **Council** discussed the cul-de-sac parcel at Oak Valley. The H.O.A. turned down the City's
249 previous offer to donate the park to them. The City is currently repairing the playground.

250

251 **Council consensus** was to transfer various properties back to their respective subdivisions.
252 They also discussed whether to include conditions to the transfer such as a requirement for
253 the property to be kept natural and agreed considerations may be made for any land
254 dedications.

255

256 **Mayor Kelley** opened the floor for public comment.

257

258 **Daniel Smith**, city resident, asked if there is the future possibility of the South Grassy Lake
259 Road parcel, below Quail Valley, to be used for an additional access road connection to
260 Ardmore.

261

262 **Mayor Kelly** responded it would need to be donated to Ardmore who would have to build
263 the road.

264

265 **Item 6: Discussion of Temporary Certificates of Occupancy.**

266

267 **Angel Luis Perez**, Building Inspector, Safebuilt, Inc., addressed council's concerns
268 regarding the issuance of certificate of occupancies (C.O.'s) and temporary certificate of
269 occupancies (T.C.O.'s). He explained how, when, and why T.C.O.'s are used and added that
270 T.C.O.'s are generally limited to ninety (90) days. He also stated the number and frequency
271 of T.C.O.'s can be limited.

272

273 **Council** discussed how developers may use the T.C.O.'s to their advantage without making
274 corrections during the build time. They expressed concerns over how this may impact the
275 quality of the building.

276

277 **Angel Perez** cautioned council on eliminating the T.C.O.
278

279 **Council** commended staff for putting additional checks in place and expressed appreciation
280 to Angel Perez for coming before council and keeping council grounded. They noted the
281 inspections are made according to the building code.
282

283 **Councilor Saunders** cautioned the use of absolutes for T.C.O.s because the T.C.O. is a tool
284 to help resolve problems.
285

286 **Angel Perez** explained the ninety (90) day period is a good practice on a case-by-case basis
287 with City approval for extensions.
288

289 **Mayor Kelly** requested a letter explaining the T.C.O. deadline be given to the home buyer.
290

291 **Staff** stated they do require the homebuyers of a home with a T.C.O. to sign an
292 acknowledgement form indicating they are aware of the process and potential consequences
293 if a C.O. is not received.
294

295 **Council** stated they have concerns with the number of recent variances for finished floor
296 elevations.
297

298 **Angel Perez** explained since the form board survey has been instituted, he doesn't foresee
299 finished floor elevations to be a future problem. He added that they keep a log of notices
300 issued and will be issuing the resident letter requested by the mayor.
301

302 **Ramon Flores** stated we have no active T.C.O.'s at the present time.
303

304 **Council** commented on the good job Angel Perez is doing and appreciates how
305 accommodating he is.
306

307 **Mark Johnson** mentioned Angel Perez and Joyce Heffington have created a training
308 program for residential field superintendents which are offered by the City on a quarterly
309 basis to improve the quality of the finished project and reduce the amount of reinspections.
310

311 **Mayor Kelley** opened the floor for public comment.
312

313 **David Yeagar**, resident and planning & zoning commissioner, commented on:

- 314 • The trees north of school are all gone.
- 315 • The Quail Valley parcel was originally intended to be a passive park in the flood plain
316 area.
- 317 • The elevation issues have been taken care of by the planning & zoning commission.
- 318 • The build process and inspection process will always have mistakes.
319

320 **Daniel Smith**, resident, spoke about the notices to residents for annual back flow testing.
321 He request to consider bringing the service in-house then spread out the costs to residents
322 on a monthly basis through the water bill.

323 **Council** discussed the options, processes, costs, differences within older neighborhoods, the
324 pros and cons of that option, and expressed appreciation of the speaker's intentions and
325 comments.

326
327 **Mayor Kelly** asked **Mark Johnson** to look into the pros and cons of bringing this in house.
328

329 **Mayor Kelly** stated the council will entertain any standardizations the speaker would like
330 to present for the newer communities.

331
332 **Daniel Smith** stated he would like to take the council's suggestions and continue this
333 discussion with staff in an effort to mutually benefit the City and the residents.

334
335 **Council** suggested the initial notice about backflows be given to each resident when they
336 have their water turned on. They discussed the number of backflow violations issued each
337 year.

338
339 **Ramon Flores** stated that the amount is minimum and that backflow testing is regulated by
340 code.

341
342 **Nathan Focht**, Lake County resident on Sugar Loaf Mountain, commented on:

- 343 • Complimented council for posting the agenda on social media.
- 344 • Requested the planning & zoning commission also post their agenda on social media.
- 345 • Asked about the Hills of Minneola P.U.D. changes and where notices may be found.

346
347 **Council** and **staff** recommended the available option of the shared Dropbox and to sign-up
348 for e-alerts on the City's new website. They stated the developer requested P.U.D. changes
349 are being tabled for further review and explained a P.U.D. is an agreement which takes two
350 sides coming together where changes go through staff first with hard vetting by the planning
351 & zoning commission and city council.

352

353 **FINAL PUBLIC COMMENTS**

354

355 **Mayor Kelley** asked for final public comments. There were no further comments.

356

357 **REPORTS**

358

359 **Mark Johnson:**

- 360 • Lake County cancelled the automatic aid agreement meeting again but offered the City
361 some terms that staff is working through
- 362 • The Hills of Minneola submitted a formal request to create a C.D.D.
- 363 • The skate park R.F.P. has been drafted and is under review
- 364 • The splash pad concept is being reviewed and staff as started drafting an R.F.P.
- 365 • Staff received a proposal for a mixed commercial and residential project on C.R. 561
366 with a request to hold a workshop to receive feedback on their concept plan.
- 367 • The lawn maintenance R.F.P. pre-bid meeting has been held and a site visit tour has
368 been completed.

- 369 • We are working on the environmental study and survey of the Shamrock Automotive
370 property.
371 • The Vista Grande meeting was cancelled by the County.
372 ○ The County has not agreed to partner on a solution for the Ardmore reclaim line.
373 The City has offered impact fee credits for a portion of the sidewalk removal and
374 reinstallation costs subject to council's approval.
375 • Staff found a sale on office chairs and ordered new chairs for the city council.
376 • Minutes have not been uploaded to the new website yet because staff is working to
377 ensure scanned documents are A.D.A. compliant.
378

379 **Scott Gerken:**

- 380 • The State's legislative session has ended and a synopsis will be forwarded to the council.
381 • The Minneola Elementary project is being reviewed and the council will need to provide
382 input.
383

384 **Mayor Kelley:**

- 385 • Asked about the State's decision on the certificate of need for hospitals.
386 ○ Scott Gerken stated he will research the issue and forward the information to the city
387 council.
388

389 **Vice Mayor Serviss:**

- 390 • The kickball fundraiser is being planned for the second weekend in September.
391 ○ Beginning in 2020, the annual kickball tournament will be held in February.
392

393 **Councilor Jones:**

- 394 • Would like to hold a workshop to prioritize the list of city projects.
395

396 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Jones, to adjourn.**
397

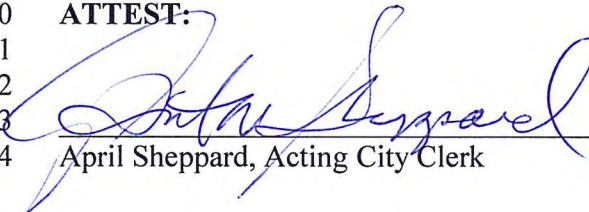
398 **AYE:** Serviss, Jones, Kelley, Saunders
399

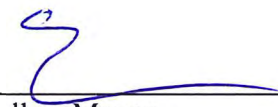
400 **NAY:** None
401

402 **MOTION PASSED: 4-0**
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404 *(Meeting adjourned at 8:50 P.M.)*
405
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407

408
409
410 **ATTEST:**

411 
412
413
414 April Sheppard, Acting City Clerk

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Pat Kelley, Mayor

