

**Minneola City Council
Minutes
August 06, 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 Kelly Price, Councilor Joe Saunders, Scott Gerken (City Attorney), Mark Johnson (City Manager), and Barbara Hollerand (City Clerk). Councilor Lisa Jones arrived after the meeting was called to order.

CALL TO ORDER

Mayor Kelley called the meeting to order.

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

A moment of silence was observed.

Vice Mayor Serviss led the Pledge of Allegiance.

AGENDA REVIEW

Vice Mayor Serviss noted that there was a request to cancel Items 3 and 4, and asked that Item 5 be considered after the consent agenda.

Councilor Lisa Jones arrived.

Council agreed to the agenda changes.

PUBLIC COMMENTS

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

CONSENT AGENDA

Item 1: City Council Meeting Minutes July 16, 2019

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

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

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

46 **MOTION PASSED: 5-0**

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48 **DISCUSSION & ACTION ITEMS**

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50 **Item 5: Design-Build Award – Skate Park**

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52 **Mark Johnson** stated that Council and the C.R.A. had directed staff to advertise a request
53 for proposals for a design-build skate park. Because it is a specialty field, only two firms
54 attended the mandatory pre-bid meeting and Team Pain Skate Parks was the sole submittal.

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56 **Mark Johnson** said there is still time to modify the design, but staff recommends approval
57 of contracting with Team Pain Skate Parks to build the project.

58
59 **Mayor Kelley** asked for public comments. There were no comments.

60
61 **Mayor Kelley** explained the proposal included an option with a street course and a bowl
62 and a second option with a street course only and site amenities such as landscaping and
63 benches. He indicated his preference for the street course and bowl with other amenities
64 added at a later date.

65
66 **Mayor Kelley** spoke regarding Team Pain's extensive experience in building skate parks
67 in Florida, the company's approach of involving end-users in the final park design, and the
68 potential for future phases to include a pump track for other users on bikes, scooters, and
69 inline skates, and the nine-month timeline included in the proposal.

70
71 **Mayor Kelley** said the location of the skate park at Trailhead Park is still to be determined
72 and that Council would have final approval of the plan.

73
74 **Mayor Kelley** asked again for public comments.

75
76 **Wade Schepman**, a professional rollerblade athlete, who grew up in the area, voiced his
77 support for the skate park.

78
79 **Mayor Kelley** expressed his desire to have adaptive skating for users with wheelchairs,
80 prosthetic limbs, and other challenges.

81
82 **Councilor Jones** spoke regarding shade structures at the playground at Trailhead Park.

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84 **Mayor Kelley** said shade structures for the playground should be included in the budget
85 discussions.

86
87 **Mayor Kelley** asked about the skate park equipment the Town of Montverde had donated
88 to the City.

89
90 **Mark Johnson** said it is being stored at the Pearl Street building.

MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to move forward with Team Pain's proposal instructing staff to negotiate a contract with Team Pain based on the present skate park conceptual design with the street course and bowl.

Scott Gerken clarified that a formal contract would be coming back for Council approval.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

Item 4: Ordinance 2019-17 – Regulation of Donation Bins – Second Reading

Scott Gerken read Ordinance 2019-17 by title only.

Scott Gerken indicated that revisions had been made to the ordinance after first reading but the revised ordinance was not included in the Council packet. He described the recommended changes to include: (1) a restriction that donation bins may not exceed 127 cubic feet in size (2) elimination of the Section J-3 language which was deemed too broad and (3) updated Section A language to include state-registered charitable solicitation companies in addition to nonprofit organizations.

Scott Gerken said other potential changes to consider included (1) revising the ordinance language to stipulate that donation bins may have earth-tone colors consistent with City code for commercial buildings instead of the original requirement that colors had to match the building (2) allowing donation bins in the front of properties and (3) allowing donation bins in C.R.A.s.

Council discussed keeping the language that prohibited donation bins in the C.R.A.s.

Mayor Kelley asked for public comment.

David Yeager asked if they were still required to meet hurricane requirements.

Scott Gerken said they need to be anchored to the ground.

David Yeager said he would like donation bins not allowed in the C.R.A.s.

Scott Gerken summarized the changes to the ordinance to be the capping of the size to not exceed 127 cubic feet, deleting Section J-3 language, adding state-registered charitable solicitation companies, and allowing earth-tone colors consistent with code.

MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to approve Ordinance 2019-17 with the recommended changes.

136 **AYE:** Serviss, Kelley, Price, Saunders

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138 **NAY:** Jones

139
140 **MOTION PASSED: 4-1**

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142 **Item 6: Agreement – Polling Place - 2020**

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144 **Mark Johnson** said the agreement would allow the supervisor of elections office to use the
145 City's gymnasium for a polling place in 2020.

146
147 **Mayor Kelley** asked for public comment. There were no comments.

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149 **MOTION by Councilor Jones, SECONDED by Vice Mayor Serviss, to Approve Item**
150 **6.**

151
152 **AYE:** Serviss, Jones, Kelley, Price, Saunders

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154 **NAY:** None

155
156 **MOTION PASSED: 5-0**

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158 **Item 7: Agreement – Nondisclosure of Information Exempt from Public Disclosure**
159 **Under Chapter 119 of the Florida Statutes**

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161 **Mark Johnson** stated that state law changed in July which expanded certain public records
162 from public disclosure for individuals authorized to have their records exempted. The
163 property appraiser's office requires City approval of the nondisclosure agreement before it
164 can release property data information to the City.

165
166 **Mayor Kelley** noted that the intent was to ensure the City safeguarded the data after it was
167 released by the property appraiser's office.

168
169 **Mayor Kelley** asked for public comment. There were no comments.

170
171 **MOTION by Councilor Jones, SECONDED by Vice Mayor Serviss, to Approve Item**
172 **7.**

173
174 **AYE:** Serviss, Jones, Kelley, Price, Saunders

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176 **NAY:** None

177
178 **MOTION PASSED: 5-0**

FINAL PUBLIC COMMENTS

Mayor Kelley asked for final public comments.

David Yeager asked if the City was financially responsible for replacing a damaged light pole at the park & ride lot and if the City had eliminated semi-truck parking at the lot.

Mark Johnson stated the City has made efforts to enforce illegal parking on the lot and explained the challenges of enforcement for the various law enforcement agencies.

David Yeager noted that although the lot is F.D.O.T. property, the City can't enforce parking violations but is financially responsible for repairing damage caused by semi-tractor trailers. He asked about the City's agreement with F.D.O.T.

Mark Johnson said the agreement was reviewed, but it was determined that the City was responsible for the light pole replacement. He said F.D.O.T. installed improved no-parking signage at the lot.

David Yeager mentioned Lake County's alignment of the Fosgate Road extension (Education Avenue) within the center of the 100-foot right-of-way, his concern that it will be over capacity when it opens, and his interest in getting additional right-of-way from F.D.O.T. for future improvements to the road and sidewalks.

REPORTS

Mark Johnson:

- Reminded everyone of the ribbon cutting for the outdoor fitness center on Thursday, Aug. 15
- Asked if Council would like to have ribbon cutting for Education Avenue
 - **Mayor Kelley** stated he would just like to open the road
- Requested Council approval to extend the site plan approvals for Gillman mini-storage (now known as Saxon Properties), Minneola Business Park, and Minneola Business Park Lot 1 due to the unexpected applicant circumstances

MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to Extend the Site Plan Approval for 12 months for Gillman, Minneola Business Park and Minneola Business Park Lot 1.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

Scott Gerken:

- Reminded council that the state law regarding infringement of franchises, logos, or trademarks could have some implications for the color and signage on some donation bins.
- Updated council that Highland Oaks would like to move forward with acquiring the pocket park in their neighborhood, and he verified Council's support of that transfer
- Explained the driveway for Minneola Charter will not be in place prior to the beginning of school on Aug. 12. The school officials said high construction estimates have led to changes in the timeline, and the driveway is now expected to open within the first nine weeks of school. Because school officials view the road as an accommodation for the City, they want the City to participate in about \$40,000 of the estimated \$200,000 in surveying/construction costs as well as to pay for the curb cut on Education Avenue, and requested Council direction.
 - **Mayor Kelley** spoke regarding his frustration with the project's planning but that the driveway needs to be completed for the benefit of everyone.
- **Scott Gerken** said school district projects are unique in that they are generally not subject to local government permitting regulations but that driveway permits are the exception because they are off-site improvements. He said a cost-sharing agreement for the driveway will be coming back to the Council for review.
 - **Councilor Jones** said she supports funding the curb cut but not paying for a portion of the driveway because the school administration previously said they would do it.
 - **Mayor Kelley** spoke regarding a future interlocal agreement with the school board for the Hills of Minneola school site.
- **Scott Gerken** spoke regarding the first draft of that interlocal agreement with the school board that will address the Hills of Minneola school site and head off future misunderstandings between the parties.
- **Scott Gerken** said the second part of the Minneola Charter issue is that originally the school officials had requested a temporary easement to cross the City's property, but they are now wanting a more permanent easement tied to the development of the remaining 20 acres and are not interested in a land swap.
 - **Mayor Kelley** said he would support giving the property to the school board to eliminate City liability but is not in favor of transferring it to the school itself because the adjacent parcel is already owned by the school district.
 - **Councilor Saunders** asked if the intent was to give just the property associated with the easement or the entire tract
 - **Council** discussed whether the City should both give up all the property and pay \$40,000 in driveway costs
 - **David Yeager** supported giving the entire tract to the school board and paying the \$40,000 to resolve the traffic issue
 - **Daniel Smith**, City resident, spoke regarding giving the property to the school board but not paying the \$40,000
 - **Councilor Jones** spoke regarding fair business practices, keeping future meetings with the school recorded and within public forums, ensuring future discussions were in writing, and having traffic complaints directed to the school administration
 - **Vice Mayor Serviss** spoke regarding the City acting in the best interests of its residents

- 268 • **Scott Gerken** spoke regarding the existing interlocal agreement requirement for
269 coordination with the City and the district's acknowledgement that it did not happen
270 with the Minneola Charter expansion.
- 271 • **Scott Gerken** updated Council on the cell tower pole on F.D.O.T. property and asked
272 for direction. F.D.O.T.'s position is that the cell tower does not require City approvals,
273 but he believes the City does have a legitimate position as well. He asked for Council
274 direction.
- 275 ○ **Council** discussed how the cell tower could improve service for City residents
- 276 • **Scott Gerken** said the cell tower company that leases the site from F.D.O.T. has been
277 open to working with the City to provide landscaping or other enhancements to the site.
278 He said there may be opportunities to negotiate that the company maintain the Park-and-
279 Ride lot and the adjacent stormwater pond. He clarified his understanding that the
280 Council did not want to pursue having the tower removed, but that it wanted to negotiate
281 some benefit for allowing it to remain.
- 282 ○ **David Yeager** spoke regarding opportunities for the City to negotiate receiving a
283 percentage of the revenues from the tower company when new providers are added
284 to the pole, similar to a franchise fee.
- 285 • **Scott Gerken** said they would try to set a meeting with the two parties.
- 286 ○ **Council** discussed whether or not the City should negotiate with F.D.O.T. to share
287 in any of the revenues generated by the cell tower
- 288 ○ **Councilor Saunders** expressed concern with the cell tower's location adjacent to
289 U.S. Highway 27 and the possibility of it coming down in a storm.

290

291 **Vice Mayor Serviss:**

- 292 • Reminded everyone about Clermont Councilman Ray Goodgame's memorial service
293 Saturday.

294

295 **Councilor Jones:**

- 296 • Spoke regarding the loss of trees in the City as properties develop, the attractiveness of
297 other areas in Florida with trees, and setting aside uncleared tracts within developments
298 to preserve natural areas within the City.
- 299 ○ **Scott Gerken** said that the Lake County Water Authority is under contract to acquire
300 770 acres that will be in a conservation easement for the enjoyment of the public
- 301 ○ **Mark Johnson** suggested that the City require the school board to plant trees on the
302 property the City is giving to the district
- 303 ○ **Vice Mayor Serviss** spoke regarding how existing subdivisions developed in the
304 City after the land was cleared
- 305 • **Councilor Jones** spoke regarding requiring landscaping in yards but also requiring set-
306 aside tracts of undisturbed trees within developments

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308 **MOTION by Councilor Price, SECONDED by Vice Mayor Serviss, to adjourn.**

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310 **AYE:** Serviss, Jones, Kelley, Price, Saunders

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312 **NAY:** None

313 **MOTION PASSED: 5-0**

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315 *(Meeting adjourned at 7:55 P.M.)*

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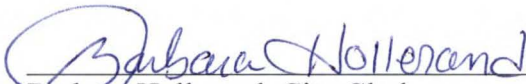
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ATTEST




Barbara Hollerand, City Clerk



Pat Kelley, Mayor