

**Minneola City Council
Minutes
June 16, 2020 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 Barbara Hollerand (City Clerk). Due to the Covid-19 pandemic, all present were practicing “social distancing” by remaining at least six feet apart in the council chambers.

CALL TO ORDER

Mayor Kelley called the meeting to order at 6:31 p.m.

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 that Item 9: Resolution 2020-04 – Variance – RaceTrac be moved up on the agenda to be heard after the Consent Agenda.

MOTION by Councilor Price, SECONDED by Councilor Jones, to move Item 9: Resolution 2020-04 – Variance – RaceTrac up on the agenda to after the Consent Agenda.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

Mark Johnson requested that Item 5 – Ordinance 2020-06 — Duke Energy Franchise Agreement be postponed to July 7, 2020.

MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to table Item 5 – Ordinance 2020-06 Duke Energy Franchise Agreement – Second Reading to July 7, 2020.

AYE: Serviss, Jones, Kelley, Price, Saunders

NAY: None

MOTION PASSED: 5-0

PUBLIC COMMENTS

Mayor Kelley asked for public comment.

There were no comments.

CONSENT AGENDA

Item 1: City Council Meeting Minutes June 2, 2020

Item 2: Surplus & Disposal of Equipment

Item 3: Contract – Design & Construction – Budgeted

Item 4: Emergency Purchase Request – Lift Station Pump Repair

Mayor Kelley asked for public comment.

There were no comments.

MOTION by Councilor Jones, 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 9: Resolution 2020-04 – Variance – RaceTrac – Quasi-Judicial

Scott Gerken read the resolution in title only and swore in those who wished to speak.

Joyce Heffington provided background information. She said that due to a mistake, St. Augustine grass was installed, and the applicant was requesting a variance to be allowed to maintain it. She said the Planning & Zoning Commission recommended approval with the stipulation that if the St. Augustine dies, it would be replaced with Bahia. She said the Planning & Zoning Commission also asked for verification from the St. Johns River Water Management District that it would not hold the variance approval against the City at the time it applied for its consumptive use permit renewal.

Mayor Kelley stated that he had spoken with RaceTrac representatives and they had consented to the conditions including replacing the St. Augustine with Bahia if the water management district objected.

Scott Gerken stated that he had reviewed the water management district letter. He said he agreed with that condition and the requirements of the water management district.

97 **Mayor Kelley** asked for public comment.

98

99 There were no comments.

100

101 **Vice Mayor Serviss** clarified that the Planning & Zoning Commission vote was 4-1 to
102 approve the variance.

103

104 **Scott Gerken** spoke regarding the council's prior discussions on the Washington
105 Street/U.S. Highway 27 intersection.

106

107 **Mayor Kelley** spoke regarding the importance of maintaining the landscaping.

108

109 **MOTION by Councilor Jones, SECONDED by Councilor Price, to approve Item 9:**
110 **Resolution 2020-04 – RaceTrac Variance with the proposed conditions.**

111

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

113

114 **NAY:** None

115

116 **MOTION PASSED: 5-0**

117

118 **Item 6: Amended Interlocal Agreement – Lake County Library Impact Fee Grant**

119

120 **Mark Johnson** provided background information. He said the City received a second grant
121 for \$250,000 and the interlocal agreement is being amended to reflect a total award of
122 \$750,000 for the project.

123

124 **Mayor Kelley** asked for public comment.

125

126 There were no comments.

127

128 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to approve Item**
129 **6: Amended Interlocal Agreement.**

130

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

132

133 **NAY:** None

134

135 **MOTION PASSED: 5-0**

136

137 **Scott Gerken** noted that the City now has four years to use the grant money.

138

139 **Item 7: Resolution 2020-03 – Right-of-Way Vacation – Holden Ridge**

140

141 **Scott Gerken** read the resolution in title only.

142

143 **Joyce Heffington** provided background information. She said the utilities easement would
144 be reflected on the final plat.

145 **Mayor Kelley** asked for public comment.

146

147 There were no comments.

148

149 **MOTION by Councilor Jones, SECONDED by Vice Mayor Serviss, to approve Item**
150 **7: Resolution 2020-03 – Right-of-Way Vacation – Holden Ridge.**

151

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

153

154 **NAY:** None

155

156 **MOTION PASSED: 5-0**

157

158 **Item 8: Site Plan – Hills of Minneola Park – Quasi-Judicial**

159

160 **Scott Gerken** stated that it was a quasi-judicial matter and swore in those who wished to
161 speak.

162

163 **Joyce Heffington** provided background information and stated that it was a neighborhood
164 park. She said the Planning & Zoning Commission recommended approval with the
165 conditions stipulated. She said the commission asked that Brooke Moffis with the
166 University of Florida's extension office provide comments and suggestions.

167

168 **Mayor Kelley** asked that Richard Jerman, who was in attendance, be given a copy of the
169 landscaping comments.

170

171 **Mayor Kelley** asked for public comment.

172

173 There were no comments.

174

175 **MOTION by Councilor Price, SECONDED by Vice Mayor Serviss, to approve the**
176 **Item 8: Site Plan – Hills of Minneola Park with the condition that the developer works**
177 **within the landscaping guidelines.**

178

179 **Councilor Jones** asked about an AstroTurf area.

180

181 **Richard Jerman** was sworn in.

182

183 **Richard Jerman**, 1750 W. Broadway, Oviedo, said the AstroTurf is near the playground
184 area.

185

186 **Councilor Jones** asked for clarification regarding the location of the parking spaces relative
187 to the road right-of-way.

188

189 **Mayor Kelley** spoke regarding a similar parking area at the post office.

190

191 **Scott Gerken** spoke regarding the right-of-way utilization agreement the applicant would
192 be required to sign.

193 **Councilor Jones** spoke regarding Florida-friendly landscaping.

194

195 **Richard Jerman** stated he was not opposed to the landscaping recommendations
196 provided.

197

198 **Mayor Kelley** reminded council that there was a motion made to approve.

199

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

201

202 **NAY:** None

203

204 **MOTION PASSED: 5-0**

205

206 **Item 10: Ordinance 2020-08 – Property Transfer – Ardmore Reserve Tract F – First**
207 **Reading**

208

209 **Scott Gerken** read the ordinance in title only and said no vote would be taken at first
210 reading.

211

212 **Joyce Heffington** provided background information.

213

214 **Scott Gerken** said that he will verify the legal description before the second reading to
215 confirm that Tranquility Street is not part of what is being transferred, as it is to remain
216 under City ownership.

217

218 **Mayor Kelley** spoke regarding another dead-end road that could also be transferred to an
219 adjacent subdivision.

220

221 **Mayor Kelley** asked for public comment.

222

223 There were no comments.

224

225 **Item 11: Discussion – Special Magistrate**

226

227 **Scott Gerken** spoke regarding the City's need for a special magistrate. He said the position
228 had been vacant since the last special magistrate retired. He said attorney Sam Pennington
229 had been approached about the position and had agreed to serve as the City's special
230 magistrate for code enforcement matters.

231

232 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to approve the**
233 **appointment of attorney Sam Pennington as Special Magistrate.**

234

235 **Mayor Kelley** asked for public comment.

236

237 There were no comments.

238

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

240

241 **NAY:** None

MOTION PASSED: 5-0

Item 12: Discussion – Ballot Measures

Scott Gerken provided background information. He said that at the last meeting the council had discussed if there were any measures the City wanted to add to the ballot this November. He stated that he had confirmed the August deadline with the supervisor of elections office and that there was time to consider adoption of an ordinance to place measures on the ballot.

Mayor Kelley clarified that should the council not adopt an ordinance that a citizen petition could be circulated for the purposes of placing an item on the ballot.

Scott Gerken spoke regarding the two principal ways an item can be placed on the ballot, the number of registered voters who would be required to sign a citizen's referendum, rules on districting, and the City's current candidate qualifying process. He spoke regarding how districts are established, rules for residing in a district, and voting for candidates in any district.

Mayor Kelley clarified the detail required on the charter amendment.

Scott Gerken spoke regarding an estimate from Land Planning Group for drafting proposed district boundaries. He spoke regarding using census data for drawing the final district boundaries and holding public workshops. He said that for the purposes of the charter, the district boundaries would not need to be finalized.

Mayor Kelley spoke of options including establishing four districts with an at-large mayor or five districts with a mayor chosen by the council.

Scott Gerken confirmed that the citizens or a future council could go through the same process to change the charter, and the voters could remove the districts. He referenced an ordinance example proposing a charter amendment for the city of Fruitland Park that had been included in the council packet. He said Fruitland Park voted to change to districts four years ago when the Villages was going to be incorporated into the city. He asked for direction on the number of districts and whether the mayor would be chosen from among the council.

Councilor Jones said March 31, 2021 is when the 2020 census data would be released. She recommended waiting until 2020 census data could be used. She stated her preference for four districts and one at-large seat for the mayor.

Scott Gerken spoke regarding 2022 as when the detailed demographic census data might be available. He spoke regarding redistricting every 10 years with the census. He spoke regarding a phased-in approach.

Councilor Jones asked when the Hills of Minneola would be completed.

Mayor Kelley supported moving forward on a timeline to use the 2020 census data.

Council discussed options for structuring the districts.

291 **Mayor Kelley** asked for public comment.
292
293 **Daniel Smith**, 1849 Kerry Street, expressed support for four districts and one at-large
294 seat. He recommended that the 2022 election be the first impacted by the change.
295
296 **Nathan Focht**, county resident, spoke in favor of districts. He cautioned that seats might
297 not be filled.
298
299 **Gustavo Ortiz**, 1068 Scenic View Circle, asked if unopposed seats could become at-large
300 seats.
301
302 **Scott Gerken** spoke regarding home rule.
303
304 **Council** discussed appointing empty seats and special elections.
305
306 **Mayor Kelley** spoke regarding residency requirements.
307
308 **Nathan Focht** spoke against residency requirements.
309
310 **Councilor Saunders** spoke regarding the requirements for candidate qualifying.
311
312 **Debbie Flinn**, 905 Forest Hill Drive, asked if the districts could be phased in and coincide
313 with term limits.
314
315 **Scott Gerken** spoke regarding the need to phase in districts.
316
317 **Mayor Kelley** spoke in support of a citywide election but with candidates residing in one
318 district.
319
320 **Councilor Jones** spoke in favor of citywide elections.
321
322 **Council** discussed 12 months as the residency requirement.
323
324 **Scott Gerken** asked which districting option the council was leaning toward.
325
326 **Mayor Kelley** summarized that using the final data from the 2020 census, the City would
327 move to a four districts structure with an at-large mayor with all five seats elected
328 citywide.
329
330 **Daniel Smith** spoke regarding determining residency.
331
332 **Councilor Jones** stated that she did not believe property ownership should be a
333 requirement to run for any City position.
334
335 **Scott Gerken** clarified that a citizen who lives in an apartment can still run for council.
336
337 **Mayor Kelley** asked about terms.

338 **Councilor Jones** said that she now supports the three-year terms so that candidates are
339 part of a presidential election cycle.

340
341 **Vice Mayor Serviss** spoke against term limits at this time.

342
343 **Councilor Price** spoke against term limits at this time.

344
345 **Councilor Jones** spoke regarding her eight years on the council as the shortest tenure for
346 a council member. She spoke regarding the challenges to beat an incumbent. She spoke
347 regarding ensuring that other citizens can get an opportunity to serve.

348
349 **Daniel Smith** spoke in favor of term limits to allow others to serve. He recommended
350 three, three-year terms.

351
352 **Vice Mayor Serviss** spoke regarding not terming out a council member if there is not a
353 compelling reason.

354
355 **Daniel Smith** spoke regarding bringing in new people and new ideas.

356
357 **Gustavo Ortiz** asked for clarification on how term limits would work.

358
359 **Councilor Jones** spoke regarding a two-year wait period.

360
361 **Mayor Kelley** stated that the details were still up for discussion.

362
363 **Gustavo Ortiz** spoke in favor of term limits and in succession planning.

364
365 **Mayor Kelley** spoke regarding letting the citizenry bring a referendum forward if there is
366 community interest. He said candidates will be voted out if a change is needed.

367
368 **Daniel Smith** spoke regarding changing to three-year terms if not going to term limits.

369
370 **Mayor Kelley** suggested that citizens could misinterpret the intention.

371
372 **Councilor Saunders** spoke against making changes that the citizens haven't asked for. He
373 spoke regarding representing the people. He spoke regarding the stability of the City and
374 making continuous improvements. He spoke regarding maintaining City property and
375 planning for future needs.

376
377 **Daniel Smith** voiced his appreciation to the council for their commitment. He spoke
378 regarding putting safeguards in place should something change in the future. He again
379 expressed support for three-year terms.

380
381 **Councilor Saunders** responded that one council member only has one vote.

382
383 **Mayor Kelley** spoke regarding the professional growth of the council over the years.

384
385 **Councilor Jones** summarized that there seems to be interest in districts and residency but
386 not in term limits.

387 **Mayor Kelley** asked about other questions for the ballot.

388

389 **Councilor Price** stated she had not heard questions, only compliments.

390

391

FINAL PUBLIC COMMENTS

392

393 **Mayor Kelley** asked for final public comments.

394

395 There were no comments.

396

397

REPORTS

398

399 **Mayor Kelley:**

400

- Stated that he would like to raise the salary of City Manager Mark Johnson to \$130,000

401

- Spoke regarding his high regard for the city manager's performance and leadership

402

- Spoke regarding the city manager providing competitive pay for Minneola employees

403

- Confirmed that to remove a city manager requires four affirmative votes

404

405 **MOTION by Vice Mayor Serviss, SECONDED by Councilor Price, to approve**
406 **increasing the annual salary of City Manager Mark Johnson to \$130,000.**

407

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

409

410 **NAY:** None

411

412 **MOTION PASSED: 5-0**

413

- **Mark Johnson** thanked the council.

415

416 **Scott Gerken:**

417

- Stated that he had verified in the city charter that no former council member can hold a compensated appointive city office or employment until two years after the expiration of the term to which he or she was elected

419

420

- Stated that he had verified in the city charter that 15 percent of the signatures of the electorate from the last election were required to put a question on the ballot

421

422

423 **Vice Mayor Serviss:**

424

- Reminded Council of the free food distribution event on Friday, June 19

425

426 **Councilor Jones:**

427

- Spoke regarding graffiti on the bridge overpass adjacent to the trail. She suggested approaching F.D.O.T. about assuming the maintenance of that area and creating an art contest for murals under the bridge

428

429

430

431

- **Gustavo Ortiz** suggested creating an event around that idea

432 **Mayor Kelley:**

433 • Stated that the City received preliminary plats from the age-restricted community in the
434 Hills of Minneola. He spoke regarding the houses on Sugarloaf Mountain Road, an
435 emergency-only access point, additional buffering, and the 40-foot lots.

436

437 ○ **Nathan Focht** spoke regarding the buffer

438

439 • Spoke regarding the crash gate at South Avenue

440

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

442

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

444

445 **NAY:** None

446

447 **MOTION PASSED: 5-0**

448

449 *(Meeting adjourned at 8:53 P.M.)*

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451

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453

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455

456

457 **ATTEST:**

458

459

460

461

462

463



Pat Kelley, Mayor

Barbara Hollerand, City Clerk