

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
MEETING MINUTES  
March 15, 2018**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 15, 2018 at 7:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

**Also Present:** City Manager Gary La Venia; City Attorney Anita-Geraci-Carver; Community Development Director Tracy Kelley, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Cheshire called the meeting to order at 6:00 p.m. and the Pledge of Allegiance to the flag was led by Commissioner Bell.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll.

**By unanimous consent, the city commission agreed to take the following items out of order on this evening's agenda.**

**3. LAND DEVELOPMENT REGULATIONS**

**- Chapter 158, Stormwater Management**

Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., reviewed the current stormwater management revisions under Chapter 158; described how they are in compliance with St John's River Water Management District (SJRWMD); addressed the stormwater runoff development issue on Urick Street to Mirror Lake Drive (Mirror Lakes Subdivision), and reported that it meets SJRWMD's standards and the city's authority on the negative impacts.

After Commissioner Lewis referred to the revised language under the Land Development Regulations (LDRs), Stormwater Management, Subsection 158.080, maintenance, . . . *All storm water maintenance shall be in conformance with the latest St. John's River Water Management District Regulations*, Mr. Beliveau voiced his concurrence on the city's authority to enforce said provision and communicate with Booth, Ern, Straughan & Hiott Inc. (BESH), engineers retained by the city, to provide stringent language in that regard.

Commissioner Lewis addressed the need to respond to Commissioner Ranize' inquiry noting the professionals' advice on the conclusion of same; mentioned the possibility of the site contractor, who developed the stormwater system, to be defunct and out-of-business, and noted the subsequent determination made, according to a set of plans, on the correct implementation.

Mr. La Venia reported that staff has been dealing with Mr. Mr. William “Bill” Curlie and Ms. Sandy Joiner, SJRWMD, who were working on Mirror Lake Village project, and noted the engineer’s admittance on the correct building of same.

After discussion, Ms. Geraci-Carver cited the strikethrough languages under maintenance, subsection 158.080 a), . . . *The City Manager or designee shall approve a written maintenance plan . . . .* and referenced subsection 158.080 b) regarding the legal entity’s responsibility and obligation for maintenance.

After discussion and following Ms. Geraci-Carver’s statements on SJRWMD’s requirement, her reference that subsection 158.080 b) is also on the subject project’s lease, and her question as to whether Mr. La Venia would need to authorize the approval of the written maintenance plan which ought to be taken into consideration, Mr. Beliveau suggested retaining subsections 158.080 a) and b) and replacement of the respective language under same.

Following discussion and after Mayor Cheshire questioned the amalgamation of SJRWMD’s language into one, Mr. Beliveau concurred with Commissioner Lewis’ suggestion to include the provision on enforcement and indicated that he would rely upon Mr. Duane Booth, BESH, in that regard.

In response to Commissioner Ranize’ recognition of the need to rebuild the stormwater system as it was incorrect and after Mr. Beliveau explained that no permit was issued, Mr. La Venia indicated that SJRWMD rebuilt said system, had a monitor, and noted the requirement for more needed work.

After Commissioners Lewis and Ranize recalled the major work implemented over the last three and a half years and Commissioner Ranize referred to its completion where there was no water, Mr. Beliveau mentioned the requirement for re-modification.

Following Commissioner Lewis’ belief that the re-permit ought to have activated and instituted a new maintenance bond on the city’s infrastructure and after Mr. Beliveau felt that the requirements ought to start over, Commissioner Lewis questioned whether it would be favorable to the city or SJRWMD.

Following much discussion and after Mr. Beliveau described the retention pond’s filtration system at Mirror Lake Village and changes in ownership, Commissioner Lewis recognized the problem and addressed the need to design a policy to achieve the desired results.

After discussion, Mr. La Venia, in concurring with the statements by Commissioner Ranize and Mr. Beliveau, gave a report on SJRWMD’s plan to conduct an inspection at the next rain cycle.

Following ensued discussions, Mayor Cheshire recognized the city commission's position on the need to conduct proper inspection, maintenance, and enforcement of the retention ponds.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission took the position on the need to implement and enforce proper maintenance when problems occur at Mirror Lake Village stormwater retention pond.**

Following extensive discussions, Mr. La Venia reported on BESH's periodical visits to Mirror Lake Village to determine whether an inspection is warranted and if maintenance is required. After he explained that the city does not own the lake, Mr. Beliveau noted the city's ability to transfer the responsibility and mentioned the possible negative impacts.

After discussion and following Mayor Cheshire's inquiry on the process to notify the stormwater retention pond property owners, in writing, on the need to maintain the system, Mr. Beliveau anticipated the influx of maintenance permits to the city requiring an approval mechanism.

The city commission discussed the notification procedure to conduct proper inspections every five years certifying that the stormwater pond is in working order to which Mr. La Venia indicated is the owner's responsibility; otherwise, BESH would certify the retention areas at the property owner's expense and the city would reserve the right to take remedial actions at a certain time ensuring the pond's proper function.

In response, Ms. Geraci-Carver explained that when the city includes the current enforcement provisions, the additional certification language needs to be added.

Mr. La Venia suggested sending letters relating to stormwater problems to the homeowners' associations who are in charge of the retention ponds including the six homes at Mirror Lake Village.

Following extensive deliberations, Mr. La Venia addressed the option of conducting a certified inspection or review periodically at the owner's cost, if a complaint is received or if there is a noticeable problem with the retention pond.

After Commissioner Lewis acknowledged the problems with water travelling down the street to Mirror Lake Drive and Vice Mayor Gunter's identification of issues with various retention ponds, Commissioner Ranize directed staff to request from BESH recommendations on the inspection process and the frequency of conducting inspections in compliance with SJRWMD's standards.

Subsequent to further discussion and at Mayor Cheshire's suggestion, **the city commission, by unanimous consent agreed to wait until a response is received**



**from Booth, Ern, Straughan & Hiott Inc. on the process of conducting inspections meeting compliance with St. John's River Water Management District's standards before making a determination. The city commission additionally agreed to review the stormwater rates during budget review for Fiscal Year 2018-19.**

With respect to the Florida Building Code, Mr. La Venia noted the financial impacts on the cost per user charge; addressed the need to review changes during the FY 2018-19 budget session where a decision would be made to perform a study, and suggested that the impact fee study ought to be with BESH.

- **Chapter 155, Conditional Uses and Special Exceptions**

Mr. Beliveau referred to page two and subsection 155.010:e), Abandonment of a Conditional Use and recommended the deletion of the language. He defined special exception and prohibited uses and recognized that conditional uses are not included in the uses.

Ms. Geraci-Carver, in agreement with Mayor Cheshire's remarks, indicated that traditionally conditional uses do not transfer to a new location. She believed that language ought to be included that the owner, and not the property, cannot transfer to another property as there may be differences as to where they are located. She voiced her concurrence with Commissioner Ranize' statement that with two adjacent buildings, one can be sold and another transfer to the other and accepted the statements by Mr. Beliveau which can include two blocks away.

Following much discussion, Mr. Beliveau noted the revisions made to the remaining language within Chapter 163, Sign Regulations; the comprehensive plan, and references relating to Multi-Family High Density Residential (R-3) and Multi-Family High Density Residential (R-15) zoning to the new categories and the removal referencing "densities" under Chapter 154, Zoning District Regulations.

After further discussion, Commissioner Lewis and referred to the city commission's previous discussions at its January 18, 2018 Local Planning Agency (LPA) workshop and January 25, 2018 LPA meeting on the ability to conduct a feasibility or market study as it relates to subsection 155:030:b)1), Adult Congregate Living Facilities (ACLF), zoning district at ten dwelling units per acre (R-10) and Multi-Family High-Density Residential (R-15) zoning district.

In response, Mr. Beliveau explained that the feasibility or market study language relating to the ACLF was referenced in Chapter 154, which is not the subject of this evening's agenda. He addressed his plan in future to present two additional updates on the concept plan and the market study as it relates to the ACLF before the city commission.

In answer to Mayor Cheshire's inquiry, Ms. Geraci-Carver explained that marijuana dispensaries would be included in Chapter 155, zoning district in the code as an allowable use and not special exception or conditional use.

Mr. Beliveau pointed out the additional language changes under the following subsections:

- 155.030: 25), Tattoo Parlor, CBD;
- 155:030: 26), Retail or Wholesale Nurseries and Greenhouses, GB;
- 155:030: 27), Fishing Clubs and Marinas, GB;
- 155.030: 28), Boat Sales, General Commercial (C-2);
- 155.030: 29), Mobile Home Sales, C-2;
- 155.030: 30), Motor Vehicle and Boat Storage Facilities, C-2 and
- 155.030: 31), Motor Vehicle Sales and Motor Vehicle Dealer Sales, C-2.

With reference to the tattoo parlor, Mr. Beliveau recognized the 2,000-foot separation requirement that every local government he contracts with has.

Following much discussion, and **by unanimous consent, the city agreed with the language under subsection 155.030:25) A), Tattoo Parlor in the Central Business District Mixed Use zoning district with conditions.**

After much discussion, Mr. Beliveau explained that recreation vehicle (rv) sales are still exempt on the special exception use process leaving no revenue on them; explained that they can be added and indicated, in response to Commissioner Lewis' identification of the existing rv businesses, that they are not listed as such use.

Mr. Beliveau responded in the affirmative to Commissioner Ranize' statements identifying rvs as automobile dealers under the motor vehicle sales and motor vehicle dealer sales category as special exception use which would need to be before the city commission for consideration.

After discussion, Mr. Beliveau explained that amendments to Chapter 154 were carried out to support the planned unit development requirements and referred to the city commission's request at its August 22, 2017 workshop meeting to draft changes to the LDRs for Chapter 154 for review. He cited the revised provisions under subsection 154:030: d)10)G)i), Conceptual Plan; indicated that subsections g), h), i), m), n), t), u), and w) would include the marketing steps, and explained in response to Mayor Cheshire's inquiry that envisioning and insisting on the approval of six or five-story buildings can be implemented.



- **Chapter 163, Sign Regulations**

Mr. Beliveau distributed and pointed out the city's signs (referenced in the code) in comparison to what other local governmental entities have adopted; submitted some illustrated sign options, and noted the monument orientation versus a pole. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

After discussion, Mayor Cheshire addressed the remaining signs not reflected in Chapter 155 and indicated that he believed the current sign ordinance ought to reflect uniform improvements to existing signs.

**By unanimous consent, Mayor Cheshire reviewed the changes under Chapter 163 by page.**

Sign Permits, Subsection 163.020:b)1)C).

Following much discussion and at Mr. Beliveau's request, Ms. Geraci-Carver recognized the changes in the law on prohibited signs whereby governmental signs are not considered signs and identified the type of signs to be speed, traffic, location, and informational which are not regulated.

In response to Commissioner Bell's suggestion for same to be placed under subsection 163.030: 2), exempt signs; . . . *to promote health, safety and welfare* . . ., Ms. Geraci-Carver explained that she would make the change completely from the code, confer with Mr. Beliveau to review same, and report back to the city commission to make a decision.

Ms. Geraci-Carver pointed out her discussions with Mr. Beliveau on the United States Supreme Court case which ruled that municipalities cannot impose content-based restrictions on signage. She recommended removing the language calling them construction, real estate, and political campaign signs and regulating the temporary signs without characterizing them by type.

Subsection 163.030: 11)

Mr. Beliveau recognized that the language: *Artwork is allowed in all districts and is not intended to be regulated by this sign code* to be pre-dated as old districts are not regulated by the sign code.

In answering, Ms. Geraci-Carver addressed the intent to review the U.S. Supreme Court Case and communicate with legal counsel who is working on the issue of mural paintings on buildings.

Following much discussion, Mayor Cheshire suggested waiting to hear back from the city attorney on the outcome.

Subsection 163.030: 12)

In response to Mayor Cheshire's reference to signs carried by a person, Mr. Beliveau indicated that same is placed in the prohibited category and Commissioner Bell recognized the judges' previous statements to him that they are allowed to be sign carriers.

**By unanimous consent, the city commission had no issues with subsection 163.030: 12, signs carried by a person.**

Answering a question posed by Mayor Cheshire on "free expression signs", Ms. Geraci-Carver indicated that the signs can relay anything as long as it is not threatening. She referred to the language change under subsection 163.030: 20) and the new law identifying the signs limitation and no timeframe requirements and the need for it to be displayed on private property.

Subsection 163.040 3)B): Prohibited Uses

Mr. Beliveau referred to prohibited signs and noted the provision relating to lights or illuminations . . . .

Commissioner Bell recalled, in response to Mayor Cheshire's statements, regarding illuminated lights, Mr. Beliveau referred to subsection 163.040 17), animated signs to which Ms. Geraci-Carver explained that language to change content and reprogramming the light levels -- from dusk-to-dawn on sign lighting systems to conformity -- can be included.

After Mr. Beliveau noted that the criteria in the language has not changed, Mayor Cheshire concurred with Commissioner Lewis' recognition that it is not underscored as a change and Ms. Geraci-Carver indicated that such criteria is non-conforming.

Subsection 163.040: 18), Wind Signs

After Mayor Cheshire questioned whether wind signs can be temporary recognizing that it is not always displayed, and after Mr. La Venia inquired on the grand parenting provisions, Mr. Beliveau explained that once the signs are taken down, they would not be grandparented and the business would be notified in that regard.

With respect to temporary signs, Ms. Geraci-Carver explained that there is an exception where a special exemption can be obtained.

Subsection 163.040: 23 B), Vehicles

In response to Ms. Geraci-Carver's statements on signs size limitations, Vice Mayor Gunter recalled the regular city commission's meeting in 1999 on service vehicles with signs parked at residences and the outpouring of response received from the public in that regard. He recognized the Wingspread subdivision's requirements on not permitting same



Subsection 163.050: b)1), Nonconforming Signs

In response, Mr. Beliveau acknowledged that the non-conforming signs language remaining in place for seven years referenced in the draft was included and questioned waiting until the property sells and new ownership takes over to conform to which Commissioners Lewis and Ranize voiced their agreement.

Commissioner Ranize responded, in the affirmative to an inquiry posed by Mayor Cheshire, that the burden ought to be placed on the owner where the signs are required and ought to be changed to nonconforming use. He agreed with Commissioner Lewis' remarks on the request for an exception to the exclusions, new owners, abandonment, the enlargement of the building and by a certain square footage.

Subsection 163.050: c), Repairs, Maintenance, and Improvements

In answer to Mayor Cheshire's inquiry regarding damaged signs and after Commissioner Ranize recognized the 25 percent replacement cost, Commissioner Lewis noted the oversight by insurance agents whereby such liability insurance coverage is not automatically included and mentioned the wind deductible leaving the property owner limited.

Section 163.060: Construction and Maintenance Standards

After discussion, Commissioner Ranize identified an institutional building with signs exceeding what the square footage allows and described the dimensions.

In response, Mr. Beliveau referred to subsection 163.060 B)ii) regarding the setback requirement from the right-of-way (ROW) for sign sizes and indicated that the property owner would need to decide on the square footage distribution for the building's zoning category.

Following extensive deliberations, Mr. Beliveau explained that all monument signs would need to meet the landscape requirements in compliance with Chapter 164, Landscape Requirements and Tree Protection of the LDRs.

After discussion, Mr. Beliveau indicated that new businesses are required to have landscape buffer with irrigation around their properties; homes converted to offices on Berckman Street (transitional area) need to comply with the new landscaping rules when signs are erected with some form of irrigation to support landscaping, and the landscape requirement (under the city's consumptive use program) to maintain all landscape buffers ought to be irrigated otherwise, the code enforcement officer would replace same.

After Commissioner Ranize requested that Mr. Beliveau make the changes, Ms. Geraci-Carver concurred with his statements on the addition of one street to institutional uses (house of worship).



Subsection 163.050: d), Reconstruction After Catastrophe

Following further discussion and in response to Commissioner Lewis' statements on hurricane damage to signs, Commissioner Ranize suggested that if no repairs are carried out within a time period, the sign ought to be removed and brought up to code.

Ms. Geraci-Carver pointed out subsection 163.050: d), reconstruction after catastrophe and referenced the provision: *If any nonconforming sign is damaged to such an extent that the cost of repair and reconstruction will exceed 50 percent of the replacement cost at the time of damage . . .*, to which Mr. Beliveau recognized the time period to be two years.

**By unanimous consent, the city commission agreed to continue the remaining items at the next workshop and requested that LPG Urban and Regional Planners Inc. bring back the changes for review by the city commission.**

**4. OTHER BUSINESS**

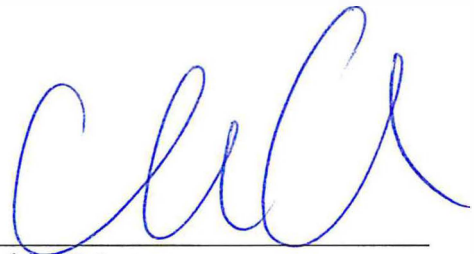
There was no other business at this time.

**5. ADJOURNMENT**

**The meeting adjourned at 9:37 p.m.**

The minutes were approved at the May 10, 2018 regular meeting.

Signed   
\_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed   
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Chris Cheshire, Mayor