

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
MEETING MINUTES  
April 5, 2018**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 5, 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.

**3. LAND DEVELOPMENT REGULATIONS**

**- Chapter 158, Stormwater Management**

Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., reviewed Chapter 158, Stormwater Management and referred to the city commission's discussions and his suggestions made at the March 15, 2018 workshop to retain the language under the Land Development Regulations (LDRs), Stormwater Management, Maintenance, Subsection 158.080: a) and Subsection 158.080: b) as well as conforming to St John's River Water Management District's (SJRWMD's) regulations. He pointed out the March 20, 2018 email from Mr. Duane K. Booth, Booth Ern Straughan & Hiott Inc., indicating that the maintenance section is not being deleted but references SJWMD's maintenance requirements; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. Beliveau explained the requirements for the developer to submit maintenance bonds for the subdivision and pointed out the provisions under subsection 158.080: h) *for the two-year maintenance period . . . the security shall be in the form of . . . performance bonds . . .* to ensure that the roads and water and wastewater connection lines meet the requirements; otherwise, the city would utilize the bond.

Mr. Beliveau indicated that the storm berms are owned by a commercial property owner or a homeowners' association whereby the maintenance responsibility does not cease after two years, it is indefinite. He explained that such purpose is for perpetuity, even if the property owner changes which transfers to the new owner, and that such responsibility does not usually belong to the city. Mr. Beliveau addressed his plan to follow-up on the matter and revert it into the chapter.

Following much discussion, Commissioner Lewis concurred with Commissioner Ranize' statements that local governments are connected to companies on the insurance. Ms. Geraci-Carver agreed with Commissioner Lewis' remarks on the implementation of a letter of credit, and not a bond and that local governments would need to account for the existing funds.

Commissioner Lewis, in response to Commissioner Bell's question, explained that the maintenance bond limit is usually 10 or 20 percent of the construction costs on improvements requested to be bonded and described how maintenance bonds operate to which Mr. Beliveau reiterated, if it is the commission's desire, it would be included in the chapter.

After Ms. Geraci-Carver mentioned the disadvantage of acquiring maintenance bonds in the city's favor and the likelihood of the developer correcting same; thus, forcing the city to go against the bond, she agreed with Commissioner Lewis' remarks on the characteristics and difficulty in obtaining a bond when an existing constructed project is taken over.

After Commissioner Lewis concurred with Commissioner Ranize' statements, on why he believed that a letter of credit is a better position for the city to be in than a maintenance bond, Mr. Beliveau explained that if improvements and final inspections were carried out and accepted, the funds were secured, and the bond period expired, the developer-owner could be required to repeat the process. He pointed out the city commission's statements that everything is in order and have been accepted.

Commissioner Lewis reported on the efforts made by a developer in the Town of Lady Lake who accepted the roadway and underground utilities which was filled with sand and the restoration made to perform again.

In response, Ms. Geraci-Carver questioned the pending connection to the water wastewater treatment plant at the time; the likelihood, as a result, on the connection's (stormwater) buildup which may have caused the problem, and the intent to communicate with the town's representatives.

Mayor Cheshire's suggested the need to include an additional provision that if the property owner has been delinquent over the years, the developer would be required to comply with the city's recertification process as the city would deny the request; the developer would not be able to take over the roadways and wastewater connections, and the public works staff would carry out an inspection to ensure the safety of same.

Ms. Geraci-Carver, in concurring with Mayor Cheshire's statements, recommended including language in the planned unit development (PUD) agreements indicating that the construction of homes do not begin within a certain period which she verified is reasonable.

Mr. Beliveau recognized the City of Eustis' requirements in its International Property Maintenance Code International Code Council and land development regulations.

Commissioner Lewis responded to Mayor Cheshire's question that the buildup of stormwater, prior to the construction of homes on Mirror Lake Estates, to be longer than two years and noted the change in ownership.

After Vice Mayor Gunter recalled the stormwater management process that began in 2006 (late 2005) and voiced his belief that the city commission would need to determine the period for Mirror Lake Estates' stormwater pond and the prevention of past repeated problems from happening again, Mr. Beliveau addressed the need for the developer to be vested and Mr. La Venia noted the requirement for the developer to qualify.

In response to Mayor Cheshire's reference to Mr. Beliveau's statements that the developer's maintenance bond period has already been lost, Ms. Geraci-Carver advised the need for same to be corrected before taking ownership.

Answering Vice Mayor Gunter's question recognizing the acceptance of the roadway on the Mirror Lake Estates project and the construction of homes, Mr. La Venia addressed his plan to communicate same with Public Works Director Dale Bogle and recognized the current process which staff would need to review.

In response to Commissioner Ranize' question on the Mirror Lake Estates project's original specifications in accordance to SJRWMD; the level that the city attained, and the information he received that the developer had to implement re-engineering work, Mr. La Venia noted the extensive work conducted approximately two years ago and Commissioner Bell recognized the current overflowing problems and questioned the procedure.

After Mr. Beliveau acknowledged the city's code enforcement officer ability to impose fines on the homeowners' association (HOA), Ms. Geraci-Carver recommended obtaining enforcement action from SJRWMD as it has jurisdiction.

Mr. Beliveau responded to an inquiry posed by Commissioner Ranize that if the HOA dissolves, the city would pursue the property owner.

After discussion, Ms. Geraci-Carver mentioned the city's enforcement powers (leverage in its code) as the subject project is still under construction and Mr. La Venia noted the requirement for the developer to appear before the city commission and request an amendment to the PUD which the city commission is not obligated to grant.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission directed the city attorney to contact the Town of Lady Lake's**

**representatives to determine how the previously cited problem was created and dealt with.**

Mayor Cheshire concurred with Mr. Beliveau's suggestion to ensure that the requirement in accepting a maintenance bond or agreement from the start of development is included in Chapter 158 of the LDRs.

**By unanimous consent and upon Mayor Cheshire's suggestion, the city commission fixed this evening's city commission workshop at 8:00 p.m. as the time to which to adjourn.**

**- Chapter 152, Administration**

Mr. Beliveau reviewed the changes under Chapter 152, Administration: Section 152.040: Amendments to comply with Florida Statutes which was previously removed by former Community Development Director Charlie Rector.

**By unanimous consent, the city commission agreed with LPG Urban and Regional Planners Inc's. Executive Director's recommendations to accept the revisions and revert the cross-through language under subsections 152.040: a), application and b), notification of public hearing.**

After discussion and in response to Commissioner Ranize' reference to subsection 152.090: a), Planning and Zoning (P&Z) Board, Membership, Terms of Office, Vacancies, Ms. Geraci-Carver explained that said section does not reflect that each member ought to be a representative of the district and noted that they can be selected from one district.

After Vice Mayor Gunter recalled the city commission's discussions at its September 26, 1996 meeting on its desire to have business professionals; namely, a realtor, contractor and engineer on the P&Z Board, Mayor Cheshire addressed the problems in having individuals to serve.

Following some discussion, Commissioner Ranize believed that the suggestion made by Mr. La Venia for two representatives from The Villages to serve on the P&Z Board ought to be decided by The Villages.

With respect to subsection 152.100: Code Enforcement Board, Mr. Beliveau indicated that said chapter no longer exists which needs to be rewritten.

After discussion and in response to Commissioner Ranize' reference to the city commission's enactment of Special Master Code Enforcement Ordinance 2014-006, Ms. Geraci-Carver confirmed that it has not been reflected as changed in the respective subsection where she believed it should not be included but added, as it currently is, in the code. She addressed her intent to meet with Mr. Beliveau in that regard.

**Chapter 154, Zoning Regulations**

Mr. Beliveau referred to Marijuana Imposing Second Moratorium Ordinance 2017-022; questioned the on-site sale provision or dispensing of Medical cannabis, Low-THC and cannabis derivative products in the city's unincorporated area in accordance with the law or the regulation of their locations in the commercial zoning designations, and indicated that he included same under said chapter.

After much discussion and Ms. Geraci-Carver's reference to Chapter 381, F.S., Medical Use of Marijuana, medical marijuana treatment center dispensing facilities which she indicated ought to be treated the same as pharmacies; Mr. Beliveau identified their current locations in Neighborhood Professional (C-1) and General Commercial (C-2) zoning districts.

Following further discussion, Mr. Beliveau relayed his previous conversations with municipal attorneys and planners who are implementing special exception uses within their respective C-1 and C-2 zoning districts to which Commissioner Lewis expressed preference whereby the same would be controlled.

Answering Vice Mayor Gunter's inquiry on dispensing facilities, Ms. Geraci-Carver explained that the city commission can determine the distance requirements.

In response to Commissioner Bell's inquiry, Mr. Beliveau recognized the city's options in regulating or prohibiting medical marijuana treatment centers or implementing special exception uses which can be reviewed on a case-by-case basis which he recommends; pointed out the criteria of same outlined under Chapter 155, Conditional Uses and Special Exceptions which can be addressed before the city commission for consideration, and gave the assurance of staff's guidance throughout said process.

**By unanimous consent, the city commission agreed to implement special exception uses as previously cited and recommended by Urban and Regional Planners Inc's. Executive Director.**

In response to Mayor Cheshire's remarks regarding the large signs displayed by Relief Clinic Florida LLC., Mr. La Venia indicated that he can request that Ms. Lori Davis, Code Enforcement Officer, visit the business and deal with same and Mr. Beliveau explained that said sign does not meet the city's code as it exceeds the signage requirements.

Ms. Kelley submitted the business tax receipt application to Mr. Beliveau who expressed concerns on the zoning approval authorized by Mr. Rector on November 18, 2017; the Marijuana Imposing Second Moratorium Ordinance 2017-022 which expired on December 14, 2017, and other issues which Mr. Beliveau stated that are questionable to which Ms. Geraci-Carver addressed her intent to meet with him in that regard.

After discussion and in response to Commissioner Bell's inquiry, Ms. Geraci-Carver pointed out the Medical Cannabis/Marijuana Law approved in 2016; noted the time given for the city to conduct its studies, and mentioned the risks to the city in extending same.

Following Mayor Cheshire's suggestion on the need to include security provisions for dispensaries and pharmacies, Ms. Geraci-Carver pointed out Public Health, Chapter 381, F.S., addressing the requirements for a security plan.

Mr. La Venia, in response, suggested utilizing a corporate pharmacy organization implementing the best practices as it relates to security and enforcing the dispensaries to meet the level of criteria to which Ms. Geraci-Carver concurred that language could be added to include same.

After discussion and **by unanimous consent, the city commission agreed with Urban and Regional Planners Inc's. Executive Director's suggestion on his plan to work with the city attorney on the compliance requirements as previously cited under Florida Statutes 381.**

- **Chapter 163, Sign Regulations**

Mr. Beliveau pointed out the city commission's directions at its March 15, 2018 workshop regarding Chapter 163, Sign Regulations and highlighted the major changes.

Following much discussion and in response to Commissioner Ranize' suggestion, Mr. Beliveau addressed the need to review the draft on the time frame, Ms. Geraci-Carver cited under Subsection 163.050: a) 7), Continuanance of Non-Conformities, *Any nonconforming signs damaged by fire, wind, . . . must be repaired within two years of the damage, and if not so repaired by the deadline, shall require conformance . . .*, to which he pointed out Subsection 163.050: c), Repairs Maintenance and Improvements to be made during any two-year period.

Commissioner Lewis expressed preference with Mr. Beliveau's statements that beyond the two-year period, individuals would need to transition to monument signs.

After discussion, Commissioner Lewis pointed the city commission's discussions at its March 15, 2018 workshop regarding the reconstruction after catastrophe.

Mr. Beliveau addressed attempts in erecting monument signs to fit in a parking lot to be impracticable and believed it to be advantageous to have pole signs beyond the deadline date (even if more than 50 percent of the destruction is met and providing that a variance on a case-by-case basis is reviewed and is appropriate), to which Mr. La Venia voiced his concurrence.

Commissioner Ranize gave an example of the City of Leesburg's utilization of Community Redevelopment Agency funds to help pay back a portion on sign repairs,

bring it up to code and meet certain criteria. He suggested that the city commission adopt a similar method to which Mr. Beliveau concurred.

Ms. Geraci-Carver referred to some municipal governments' adoption of resolutions suspending re-roofing fees and permits whereby four or six months were extended for the same reason which could be implemented, if the city experiences some type of storm to which Mr. La Venia concurred.

Commissioner Ranize recalled the problems business owners experienced during the aftermath of Hurricane Irma in 2017; identified their needs for service when city hall was closed, and recognized the licensed companies' abilities to restore service whereby permits could not be obtained. He mentioned his previous discussions in that regard with Mr. La Venia whereby the city ought to have existing reputable and eligible companies which could provide restoration services; with subsequent inspections to ensure compliance, and the waiver of fees to which Mr. La Venia agreed believing that such service exists. He felt that the city ought not to penalize individuals undergoing such situations to which Commissioner Ranize suggested extending the same criteria to signs and the waiver of permit fees.

After discussion, and **by unanimous consent, the city commission agreed with the suggestion by LPG Urban Regional Planners' Inc.'s Executive Director to change the provisions under Subsection 163.050: a) 7), Continuance of Non-Conformities, to be repaired within one year and Subsection 163.050: c), Repairs Maintenance and Improvements to be made during any one-year period and accepted the concept of utilizing Community Redevelopment Agency funds.**

Following Mr. -La Venia's agreement with Commissioner Lewis' views on what he believed the signs on Berckman Street ought to look like, Ms. Geraci-Carver referred to the language added under subsection 163.010: e), Sign Regulations, Purpose and Intent, *Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, . . . .*

Commissioner Lewis recognized Off-Site Signs Ordinance 2000-004 relating to US Highway 27/441 and CR 466A reflecting a different version of Berckman Street which is not shared.

In response to Commissioner Ranize' question on meeting the standards set forth under the building's architectural design, Mr. Beliveau mentioned the need to address same, not included under Chapter 163, but under Chapter 154, Non-Residential Design Standards originally adopted. He recalled the city commission's discussions at its previous meetings regarding signs; the vision of the architectural design criteria which staff is amending, and the implementation of the signs with the site plan application process.

After Mr. Beliveau concurred with Commissioner Ranize' request on the sign's size as it relates with Sign Regulation Ordinance 2004-005 and recommended addressing

and including every component fitting to the style and architectural design for properties in the same document and section entitled “signs”, Commissioner Ranize suggested adding the signage, description and location on the building identifying the sign’s dimension.

Following extensive discussions, Mr. Beliveau pointed out the change made by Ms. Geraci-Carver under subsection 163.030: 2), Exempt Signs.

After Mayor Cheshire recognized that the revised Chapter 163 was received by the city commission for review on April 5, 2018, Mr. Beliveau indicated that staff resolved the other items and requested that another workshop be conducted on Chapter 154, Zoning District Regulations; Chapter 157, Subdivisions and Plats, and Chapter 164, Landscape Requirements and Tree Protection.

Mayor Cheshire indicated, in response, that a decision will be made at the next city commission meeting on dates to review same.

**4. OTHER BUSINESS**

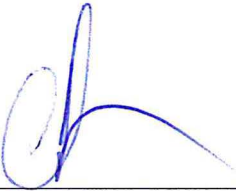
There was no other business at this time.

**5. ADJOURNMENT**

**The meeting adjourned at 7:41 p.m.**

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

Signed

  
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Esther B. Coulson, City Clerk

Signed

  
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Chris Cheshire, Mayor