

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
February 8, 2018**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 8, 2018 at 6:00 p.m.

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

Also Present: City Attorney Anita Geraci-Carver; City Treasurer; Jeannine Racine; Police Chief Michael A. Fewless; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Public Works Director Dale Bogle; Interim Community Development Administrative Assistant Tracy Kelley; and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Pastor Reverend Deborah L. “Debbie” Allen, Community United Methodist Church, gave the invocation, and Chief Fewless led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

At Mayor Cheshire’s request, Ms. Coulson called the roll and a quorum was present.

Mayor Cheshire announced the decorum for this evening’s meeting.

3. CONSENT AGENDA

Approval of Minutes

On motion of Lewis, seconded by Ranize and unanimously carried, the city commission approved the consent agenda, January 11, 2018 regular meeting minutes as submitted.

4. REGULAR AGENDA

(a) Resolution 2018-008 Library Impact Fee Revised ILA

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-008, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN AMENDED INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA REGARDING USE OF LIBRARY IMPACT FEES FOR THE FRUITLAND PARK PUBLIC LIBRARY; PROVIDING FOR AN EFFECTIVE DATE.

At Mayor Cheshire’s request, Ms. Geraci-Carver explained the purpose of the subject proposed resolution relating to the amendment. She referred to the county’s

2017 funding award of approximately \$350,000 towards furnishing the Fruitland Park Library and its agreement to the city's request in allowing same to be earmarked towards the construction budget which is memorialized in the ILA. She explained that the city officially allowed \$16,000 to be used solely for the purchase of 16 public access lights and computers and indicated that the remaining funds can be utilized partially towards the library facility's construction.

After discussion, Ms. Geraci-Carver referred to the city commission's request for changes and indicated that Fruitland Park Library Director JoAnn Glendinning had the opportunity to review and agreed with same.

A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2018-008 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (b) **Resolution 2018-009 FY 2017-18 General Funds Surplus Budget Amendment**
Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-009, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017/2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM GENERAL FUND SURPLUS TO THE GENERAL FUND ROAD AND STREETS BUDGET FOR EXPENDITURES IN THE PUBLIC WORKS DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Racine explained, at Mayor Cheshire's request, Mr. Bogle's plan in selling scrap metals and allocating the proceeds towards roads and streets.

A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2018-009 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (c) **Resolution 2018-010 FY 2017-18 Library Construction Budget Sales Surtax Budget Amendment**
By unanimous consent, the city commission postponed proposed Resolution 2018-010 cited below at the city attorney's request for more information:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017/2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER BY \$976,785 TO TRANSFER FUNDS TO THE LIBRARY CONSTRUCTION BUDGET FROM STORMWATER, PUBLIC SAFETY, CAPITAL IMPROVEMENT FUND (SALES SURTAX) AND ADDITIONAL GRANT MONEY FROM LAKE COUNTY TO THE GENERAL FUND; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2017-2018 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

5. OFFICERS' REPORTS

(a) City Manager

There was no city manager report at this time as he was absent from this evening's meeting. .

(b) City Attorney

i. Lawsuits

Ms. Geraci- Carver reported on the following cases:

- James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park
The James and Rita Homonai v. Foster, Crenshaw et. al. case has been voluntarily dismissed with prejudice upon receipt of the settlement funds and the case has been closed-out.
- Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs
The plaintiff's counsel's plan to dismiss and resolve the Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs case, with prejudice and pay the deductible, although the insurance company's position was not heard.

ii. Notice of Claims

Ms. Geraci-Carver announced that there are no developments to report on the following notice of claims:

- James Hartson
- Larry Odum

iii. Forfeiture of US Currency

Ms. Geraci-Carver noted the problems experienced regarding the issue of Mr. Aaron Monroe Lively's recent arrest at The Tank (doing business as ("dba") "12FU LLC"); reported that she is working with Chief Fewless to pursue the forfeiture of U.S. currency whereby the funds belonged to the business owners, and indicated that there is nothing pending at this time on the matter.

QUASI-JUDICIAL PUBLIC HEARING

iv. **Village Park PUD - Westminster Communities of Florida Discussion**

With respect to The Village Park Planned Unit Development (PUD) from Westminster Communities of Florida (also known as Westminster Pine Ridge), Ms. Geraci-Carver referred to the January 30, 2018 meeting she had with Interim Fire Chief Gilpin, Ms. Kelley, Mr. Beliveau, City Manager Gary La Venia and representatives from the First Baptist Church of Leesburg Inc. (FBC) and Westminster Communities.

Ms. Geraci-Carver relayed her anticipation of receiving, before this evening's meeting, a draft contract with revisions relating to the fire impact fees and fire truck from Ms. M. Rebecca Wilson, attorney representing FBC, and gave the following report on the discussions that took place:

- needed fire rescue services equipment at a cost range of approximately \$700,000 to \$1.3 million (at today's costs) for the proposed multi-story building;
- the concept of implementing a pioneer agreement as a result of the fire department equipment costs;
- the lack of resolution reached on potentially purchasing or extending funds for the equipment with subsequent petitioners likely requesting multi-story buildings and a portion of the costs reimbursed to Westminster Communities;
- the city's explanation on the city's adopted fire impact fees, without taking into consideration the equipment for multi-story buildings insufficient to cover the potential impact and demand to the city; Westminster representative's concerns on placing a limit on the potential cost with the anticipation of their response in that regard;
- the request for a detailed concept plan to increase the 50-foot natural landscape buffer between the Brookstone Subdivision at The Villages of Fruitland Park and the potential location of the five-story building;
- with respect to the buffer, the lack of conclusion reached on the possibility of a row of single-family lots containing attached, detached duplexes, multi-family dwelling units; the request for the property to be within 275 feet at five stories (acknowledging that nothing can be located greater than 35 feet in height), and the need to revise the request for a bigger area;

- the concerns on appearing before the city commission for approvals at a future date, and
- the request for stringent language to be included in the potential contract as it relates to the city commission's concerns on granting the applicant the ability to construct the five-story building, provided, before receiving a building permit, the required conditions relating to fire services and the location of buffers from the Brookstone Subdivision are met;

After Mayor Cheshire recognized that no one is present at this evening's meeting representing FBC or Westminster, Ms. Geraci-Carver explained that the subject issue is a quasi-judicial public hearing matter that they are entitled to and opined that the city commission not engage in any discussions.

Following discussions relating to the photographs of the Brookstone Subdivision, Mayor Cheshire ruled that the city commission cease further discussions on the matter.

QUASI-JUDICIAL PUBLIC HEARING

6. PUBLIC COMMENTS

Recognizing the time spent on FBC, Mr. Phillip "Phil" C. Egner, City of Fruitland Park resident, requested that the city commission consider the following:

- earlier reference made of the 275 feet to be less than the size of a football field;
- other assisted care living facilities (ACLFs) nearby in The Villages that he previously visited and the concerns expressed on lighting at night;
- the number of customers and residents in the area who are unaware of the matter relating to The Village Park PUD from Westminster;
- the current petition he has against the five-story building in the community, if Westminster and The Village Park are allowed to develop same;
- the present three-story facility and the difficulty in selling surrounding homes in the vicinity;
- the unacceptable number of trucks entering and leaving area at night;
- the inquiry about the fire assessment question which rose at the January 18, 2018 LPA workshop;

- the commission's involvement with the non-profit facility and the benefits to the community, the financial impact and uses to the city; and whether it is the thing to do;
- the capacity of the ACLFs which he believed are deemed unmet, and
- the proposal presented at the workshop by Mr. Art A. Ayris, FBC, for a potential United States Department of Housing and Urban Development low income housing in the community.

7. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Village Park PUD - Westminster Communities of Florida Discussion

Based on the advice previously received from Mr. La Venia to discuss Village Park PUD under Item 5.(b)vi. earlier on this evening's agenda, Commissioner Ranize mentioned his intent to discuss a list that he prepared on same and requested the need to address the issue with him upon his return. He voiced his dissatisfaction with the time spent on the matter without his opinion on the five-story building.

Later in the meeting and after Mayor Cheshire explained that no further discussions on the subject matter was based on the advice of Ms. Geraci-Carver, he concurred with Commissioner Ranize's concerns on the need for Mr. La Venia to communicate with her to receive an opinion before advising the city commissioners.

ii. Voting Districts - Population Counts

Commissioner Ranize requested an answer by the next regular meeting from Mr. La Venia on the number of residents currently residing in The Villages of Fruitland Park; how the population would affect the voting districts as well as redistricting before the next general election, and the availability of Mr. Greg Beliveau, LPG Urban Planning Inc., or Mr. Carey Baker, Lake County Property Appraiser, in this regard.

(b) Commissioner Lewis

i. Code Enforcement/Special Magistrate Process

In response to Commissioner Lewis' inquiry regarding Florida Medical Industries Inc. (the thermometer building), Ms. Davis outlined the procedures on reviewing cases before Special Magistrate/Code Enforcement hearing; pointed out the order made by the Special Magistrate, and her inability to proceed without receiving the order of enforcement which she is waiting for.

After discussion, Ms. Geraci-Carver announced that she was at fault; explained that the order of enforcement was prepared timely, and described the procedure on her final agreement and review, prepared by the Special Magistrate, before he executes same.

Following the city commission's concerns on the process and the ability for Ms. Geraci-Carver to prepare the enforcement, she addressed her plan to communicate with Special Magistrate Ashley Hunt on the method of expediting the process. She reported that having followed-up with him on the order, it has since been executed and Ms. Davis can obtain the originals by February 9, 2018.

ii. Northwest Lake Community - Cales Park Multipurpose Soccer Field Complex

Commissioner Lewis referred to his recent attendance at ACA Camp Geneva's soccer event in the evening; addressed the difficulty in locating the field, and relayed Parks and Recreation Director Michelle Yoder's previous statement to him that Northwest Lake Community Cales Park Multipurpose Soccer Field Complex will not be having any lights on its fields.

Commissioner Lewis recognized the city's capital needs and addressed preference to have lights.

(c) Commissioner Bell

i. Animal Control

In response to Commissioner Bell's inquiry on animal control noting his neighbor's recent litter of kittens, Ms. Geraci-Carver stated that she believed Mr. La Venia was looking into the issue and addressed her intent to check with him.

Mayor Cheshire conveyed his previous conversations he had with Mr. La Venia regarding the possibility of fining individuals -- noting their responsibility in abiding by the ordinance curtailing the number of pets -- where code enforcement issues fines of \$50 per day to which Ms. Geraci-Carver responded that she would check into the matter.

ii. Northwest Lake Community - Cales Park Multipurpose Soccer Field Complex

Commissioner Bell announced that the Lake County League of Cities Inc. Board of Directors will be considering at its February 9, 2018 meeting his reappointment to serve on the Lake County Parks, Recreation and Trails Advisory Committee.

Commissioner Bell addressed his plan to encourage the committee to make attempts to acquire lights for the Northwest Lake Community Cales Park Multipurpose Soccer Field Complex. He noted the committee's intentions to review the county's parks, recreation and trails master plan which he plans to provide to Ms. Geraci-Carver.

(d) Vice Mayor Gunter, Jr.

In response to Commissioner Ranize' inquiry, Vice Mayor Gunter addressed the need to review the city's voting districts' deadline date.

Ms. Geraci-Carver mentioned her intent to communicate with Mr. Beliveau on February 9, 2018 and provide more information to the city commission.

After Ms. Geraci-Carver responded to remarks by Vice Mayor Gunter and Commissioner Lewis, that the deadline date is specified in the ordinance and that she would obtain further information from Mr. Beliveau at the next meeting, they noted the qualifying date of June 22, 2018.

8. MAYOR'S COMMENTS

(a) Building and Zoning Department

Mayor Cheshire recalled Commissioner Ranize' remarks at the August 22, 2017 workshop on the assurance received from the former Community Development Director on the correctness of building occurrences taking place in the city.

Mayor Cheshire addressed the need for change on the building department's policy and procedures allowing the city commission more control and relayed his discussions with Mr. Beliveau at the February 3, 2018 Community United Methodist Church's Annual Winterfest who shared how other local governments perform.

In response, Commissioner Ranize addressed preference to be notified in advance on the permits of potential buildings.

(b) Police Department

Mayor Cheshire gave a report on his observations of Officer Brad Heidt, Police Department, and commended him for the way in which he interacted with the community at the February 3, 2018 Winterfest event.

(c) Dates to Remember

Mayor Cheshire announced the following events:

February 9, 2018 – LCLC *Economic Development Update*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

February 9, 2018 – Movie on the Lawn *The Emoji Movie* at 7:30 p.m.

February 10-16, 2018, Love Week and Saturday February 10, 2018 *5k Love Run*, City Hall at 8:00 a.m.

February 12, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.

February 13, 2018, Lake Emergency Management Services Inc., Board of Directors Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.

February 22, 2018, City Commission Regular at 6:00 p.m.

February 28, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.

March 8, 2018, New Fruitland Park Library Ground-Breaking Ceremony at noon.

March 8, 2018, City Commission Regular at 6:00 p.m.

March 9, 2018 – LCLC *TBD*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

March 9, 2018 – Movie on the Lawn *TBD* at 6:00 p.m. at 6:30 p.m.

March 15, 2018, City Commission Workshop at 6:00 p.m.

March 22, 2018, City Commission Regular at 6:00 p.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 6:39 p.m.

The minutes were approved at the April 12, 2018 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Chris Cheshire, Mayor