

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
April 12, 2018**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 12, 2018 at 6:00 p.m.

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

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Interim Fire Chief Don Gilpin, Firefighter Christopher Lewis, Fire Department; Community Development Director Tracy Kelley; Public Works Director Dale Bogle, Fruitland Park Library Director JoAnn Glendinning; Police Chief Mike Fewless, Human Resources Marie Azzolino and Diana Kolcun, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order at 6:00 p.m.; Pastor Jannie Rush, Deeper Life Church, gave the invocation and Chief Fewless led in the Pledge to the Flag.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

**3. SPECIAL PRESENTATION**

**(a) Staff Introduction**

Ms. Azzolino introduced Ms. Kolcun, Human Resources Director, who started her employment with the city on April 2, 2018; recognized her years of experience, and indicated that she will be replacing her.

The city commission welcomed Ms. Kolcun to the city to which Mr. La Venia in noting her background and experience, stated that he has confidence in her, and indicated that he looks forward in working with her for some time. At his request, Ms. Kolcun introduced her husband Joe, a retired law enforcement officer, who was in attendance at this evening's meeting.

**(b) April 15-21, 2018 *Volunteer Appreciation Week* Proclamation**

On behalf of the city commission, Mayor Cheshire recognized the proclamation designating April 15-21, 2018 as *Volunteer Appreciation Week*. He urged all citizens to be inspired to join the city in acknowledging and seeking imaginative ways to be engaged in the community and recognized the valuable contributions made by the city's volunteers where the April 21, 2018 event will be held in their honor at Gardenia Park thanking them for their dedication and tireless service.

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Mr. La Venia announced that the venue for the May 5, 2018 Employee Picnic will also be moved to Gardenia Park where the swimming pool will be accessible to all for use at that time.

The proclamation will be presented to the volunteers at the April 21, 2018 *Volunteer Appreciation Picnic*.

- (c) **April 2018 *Library Month* - Fruitland Park Elementary School Proclamation**  
On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing April 2018 as *School Library Month*. He called upon all residents of this great city to join in supporting the aims and goals and heightening the awareness of the importance of libraries in our schools, and working with educators to design learning strategies to meet the needs of individual students.

Mayor Cheshire recognized the presence of Fruitland Park Elementary School Principal Tammy Langley and Media Specialist Mrs. Jane James at this evening's meeting who accepted the proclamation with much appreciation. She recognized Ms. James' dedication to the students and their families and expressed her gratitude for her hard work.

- (d) **April 2018 *National Library Week* and April 2018 *National Library Workers' Day***  
On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing April 2018 as *School Library Month*, April 8-14 as *National Library Week with the theme "Libraries Lead"* and April 10, 2018 as *National Library Workers' Day*. He encouraged all residents to visit the library to explore what is new; take advantage of the wonderful resources available, and engage with the library director and workers thanking them for making information accessible to all who walk through the library's door.

Ms. Glendinning accepted the proclamation with thanks.

- (e) **Fruitland Park Library Presentation**  
Ms. Glendinning gave a report on the FY 2016-2017 statistics as it relates to activities at the Fruitland Park Library and gave a power-point presentation requested by the county – on the patron's reviews regarding its services – used to promote its current events; copies of which are filed with the supplemental papers to the minutes of this meeting.

Ms. Glendinning mentioned her anticipation of the new library in the near future.



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### **4. CONSENT AGENDA**

#### **Approval of Minutes**

**On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the February 8, 2018 regular meeting minutes as submitted.**

**By unanimous consent, Mayor Cheshire took the following items out of order on this evening's agenda**

### **6. OFFICERS' REPORTS**

#### **(a) City Manager**

##### **v. Fruitland Park Library - Change Order 1 (ITB 2017-002 Site Development – New Public Library Facility Construction)**

The city commission considered its action to approve the request from Booth, Ern Straughan & Hoitt, Inc.'s (BESH's), engineer retained by the city, recommending Change Order Number 1 (Invitation to Bid 2017-002 Site Development – New Public Library Facility Construction) awarded to Pacqo Inc. at the January 11, 2018 meeting. (Addendum (change order) and original contract attached.)

After Mr. La Venia gave a background on the subject item and recognized reasons on what precipitated the change, Mr. Duane Booth, BESH, pointed out the visual featuring the proposed library, city hall, the police and fire departments, and the proposed library location and addressed the:

- stormwater retention pond located at the tennis courts at Veterans' Park;
- original design that BESH was requested to review – Wayne A. and Tammy Goodridge's property north of the right-of-way (ROW) and behind the trees -- to attempt securing the stormwater easement to the stormwater retention pond – and the later decision, recognizing Goodrich's request for the property was too much;
- plan for the city to design Berckman Street into the park with the front gate and rear to the road;
- structures added to the project with the largest cost involving the renovation and repaving of the county's roads, sidewalks and the handling of existing utilities to meet county standards;
- county's presentation in the city-owned park and the city's roadway improvements to a portion of the roadway after the Fruitland Park Public Library Construction project which was already procured, and

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- request to include the fire sprinkler system into the building

Mr. Booth reviewed the major line items associated with fire on Change Order 1 for the subject construction project to include:

- excavating Rose Avenue;
- obtaining the gate valve,
- ensuring that the size and pressure of the drainage pipe for the stormwater is appropriate for the building, and
- installing the preventer and riser to the building to meet fire code and county standards (which would have been implemented by the site contractor and not the builder) totaling approximately \$37,000.

Mr. Booth noted that the original design to add the fire hydrant and fire sprinkler system to the building was without unearthing the roadway.

In working with Messrs. La Venia and Bogle, Mr. Booth identified the reason for the reduced costs of about \$65,000 which related to the additional ample parking spaces for the future public safety building as part of the site.

In response to Mr. Booth's statements, Mr. La Venia explained the city commission's decision at its January 11, 2018 regular meeting to not proceed with the proposed utility easement through Goodridge's property and relayed Mr. Goodridge's discussion with him that he would consider the offer of approximately \$40,000.

Mr. Booth, in answering, indicated that he was not involved with said conversations; recognized the subject change order for about \$75,000 -- approximately \$37,000 of which related to the fire sprinkler system added to the proposed structure -- with the balance of an estimated \$38,000 for the road excavation and reconstruction on Berckman Street.

Mr. Booth confirmed in the affirmative, in response to Vice Mayor Gunter's inquiry, that the unearthing and renovation of Rose Avenue for about \$55,000 incorrect as BESH is taking advantage of the estimated \$65,000 credit, the net increase.

Subsequent to extensive deliberations, Commissioners Lewis and Ranize recalled discussions held with Mr. Booth at the January 11, 2018 regular meeting on the allocation of an additional \$50,000 to erect the stormwater line as a placement of the Berckman Street ROW.

Mr. Booth reiterated reasons for the additional cost of about \$104,000 (previously agreed to in response to Commissioner Lewis' inquiry by



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Mr. La Venia) and concurred with Mayor Cheshire's restatement of his remarks identifying the major cost of the subject project; namely, erecting the pipe and re-asphalting the roadway -- where he thought was going to be excavated -- to meet the county's requirements.

In response to Mayor Cheshire's question on Mr. Goodridge's approximate \$40,000 charge to the city for the land, Mr. Booth agreed with Commissioner Lewis' response that said cost is part of the equation and is included in the original contract; identified proceeding with the route of the proposed utility easement to be the cost as the remaining portion, and questioned the validity of same in light of the commitment to the decision of \$104,000.

After discussion, Commissioner Ranize' referred to Mr. Booth's reference on the proposed future public safety building and indicated that the allocated funds for same may be inadequate.

Commissioner Ranize, in recognizing that the subject project's location on the city's ROW, referred to the Lake Saunders Groves Land LLP underground utility easement agreements dated February 22, 2018 permitting the city to be on the property; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion, Mayor Cheshire recalled Mr. Bogle's previous statements before the city commission on his reluctance, due to liability issues, in dealing with the pipe on someone else's property and his preference for same to be on the roadway.

Mr. Booth described the location of the storm height design on the edge of the existing roadway's asphalt. He addressed the ability for BESH to locate the storm height design at the edge of the existing asphalt noting that whenever there is a request for future roadway improvements, to include the installation of curb and gutter, a piping system would be situated at the correct location, and future road permits would not be required to be moved.

Following further discussion, and in response to Commissioner Lewis' question, Mr. La Venia relayed his discussions with Ms. Racine indicating that the change order would be paid for by utilizing stormwater funds. He relayed reasons for Pacqo's request to extend completing its work expected by end of July to end its contract in January 2019 which Mr. La Venia indicated would coincide with Signature Construction Inc.'s work and concurred with Commissioner Lewis' suggestion that Pacqo's final billing ought to be made in FY 2018-19.

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In recognizing the construction contracts of the new Fruitland Park Public Library facility with Signature Construction Inc. and the site development with Pacqo, Mr. Booth addressed the possibility of completing same which are not scheduled simultaneously; pointed out previous construction meeting discussions with staff, and gave reasons why he recommends delaying Pacqo from completing its site development work until a later time when Signature would subsequently complete same.

Ms. Racine identified the approximate amount of \$38,000 with about \$180,000 received against the library and agreed with Mayor Cheshire's statements identifying the estimated \$104,000 earmarked for stormwater where roughly \$75,000 would be required against the creditors \$65,000.

After Commissioner Lewis referred to the change order's added mobilization in the base contract and the general conditions item, for \$2,500 which he believes is being paid for twice, Mr. Booth addressed his intent to make inquiries in that regard.

Ms. Geraci-Carver addressed the ability to approve accepting the change order, usually implemented by adopting a resolution; recognized the urgency of the subject issue, and indicated that a resolution would be provided at the next meeting.

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission accept the change order subject to the city manager's determination to identify the added mobilization for \$2,500 from Change Order 1 (ITB 2017-002, Site Development for the New Public Library Facility Construction).**

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

### **5. REGULAR AGENDA**

#### **(a) Stormwater – Mirror Lake Village - Avex Homes Update Status Report**

Mr. La Venia recognized the presence of Mr. Eric B. Marks, Avex Mirror Lakes LLC for the Mirror Lake Village project who will be addressing the stormwater issue before the next Planning and Zoning Board (P&Z); noted the plan for the city commission to consider a Planned Unit Development (PUD) amendment on the subject project. He explained that the city is currently dealing with another issue of whether the retention ponds that were built and permitted -- by the St John's River Water Management District (SJRWMD) – for Mirror Lake Village Phases I and II (formerly known as Fruitland Estates) project were performing in



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the proper manner as January 18, 2018 letter to the State of Florida Division of Water Resource Management with a copy to SJRWMD regarding the subject permit IND-069-100697-4; a copy of which is filed with the supplemental papers to the minutes of this meeting.

In response to questions posed by Mayor Cheshire, Mr. La Venia recognized the presence of Mr. Keith E. Riddle, Riddle Newman & Engineering Inc. (engineers previously retained for the subject project) at this evening's meeting.

Mr. Marks indicated that Avex Mirror Lakes were not the original developer of the project in question; noted Avex' purpose solely to build houses, and mentioned its purchase of lots in Phase I of the project approximately two years ago. He identified the developer of the overall (Mirror Lake Village) project as *Fruitland Park LLC* -- the Demetree family who current owners of Phase II and are involved in the subject matter.

Mr. Marks mentioned his work with Ms. Geraci-Carver and Mr. La Venia; pointed out the March 26, 2018 letter regarding the Mirror Lake Village Stormwater Ponds which outlined the future steps they would undertake (including the possible 30 percent building coverage ratio) to rectify the issues to meet compliance in the city's code, and indicated that associated engineering issues, as an amendment to the PUD would be addressed in future before the city commission. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Mr. Marks explained the problem with the existing stormwater system (which previously came to Avex' attention); relayed Mr. Riddle's meeting with SJRWMD who required consistent rainfall on the subject system to determine the problem, and described the steps and time taken to coordinate with Mr. Riddle, SJRWMD, and BESH to establish a series of tests, determine theories to capture the silt, and find out from the owner of the remaining property the issues which can be addressed.

After Mr. La Venia referred to Mr. Marks' statement on the possible inclusion of the 30 percent building coverage ratio, he addressed the need for the city to include the addition of same as impervious surface ratio (ISR) calculations in Phase 1 and recognized Mr. Marks' preference to construct a larger footprint in some of the homes that would exceed 30 percent within the respective lot by relinquishing other building lots; thus, recognizing that one cannot exceed said percentage according to SJRWMD's (environmental resource permit) and the city's LDRs under Chapter 158, Stormwater Management.

Mr. La Venia concurred with Ms. Geraci-Carver's statements that the 30 percent building coverage ratio with SJRWMD to be an impervious surface ratio for the entire project whereby the city would be dealing with Phase 1 parcels.

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In response, Mr. Marks clarified:

- the city having the subdivision “PUD” and the conclusion made on the provision indicating that it is not an ISR with a 30 percent maximum building coverage and questioned its meaning;
- the difference from impervious surface -- which excludes driveways, flat work on sidewalks and more -- a technicality that needs to be resolved in the LDRs;
- the city’s concern of the nonfunctional retention pond where it does not want the current owners to be responsible for more stormwater into the retention pond, and
- the retention pond’s design to accommodate 6.1 acres of developed impervious surface on the lot at 30 percent that Avex Mirror Lakes does not complement (approximately 20 homes were developed -- noting the design for 666 lots -- which does not meet the total maximum impervious surface allowed for the entire project),

Mr. Marks mentioned Avex Mirror Lakes acceptance -- due to the buyers’ willingness as they have signed contracts -- to commence on the development of homes and Avex’ setting aside the maximum building coverage which requires city commission approval of the PUD amendment to allow more than said coverage.

In response to Commissioner Lewis’ inquiry, Ms. Geraci-Carver confirmed in the affirmative her concurrence with Mr. Marks’ citation.

With respect to Vice Mayor Gunter’s inquiry on the city commission’s approval, Mr. Marks explained that Mr. Riddle has already reviewed Mirror Lake Village Phase II project before modifying, the raising of the large stormwater retention pond’s outlet structure which would increase its capacity allowing for more impervious surface and recognized the problem with the pond’s function as designed. Mr. Marks acknowledged staff’s work, in good faith, to reach a solution and indicated that he is reciprocating.

Commissioner Ranize addressed his observations of the large stormwater retention pond during the rain spell where no water has been collecting and the overflow of water from the small pond from Mirror Lake into said lake. He referred to his suggestion at the April 5, 2018 workshop on not issuing any more permits until the problem is resolved. Commissioner Ranize voiced concerns on the water erosion and its diversion with the possibility of washing an adjacent home – situated on the northside on of the retention pond on Mirror Lake – down



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the hill. He recalled the city commission's addressing of the subject issue for nearly two years until this evening being built to SJRWMD's standards and stressed the need to deal with the problem of the subject retention ponds.

Mr. Marks indicated that Avex Mirror Lakes were not involved in all the original design and construction of the subject retention pond and stormwater system. He recognized the previous modifications made to improve its functions and indicated that it was never disclosed or stated that it was not built in accordance to the permit.

With respect to Mr. La Venia's January 18, 2018 letter, Mr. Marks recognized Mr. Riddle's visit to the area in question; their efforts in actively working with SJRWMD to determine the problem with ideas to deal with same, and his concurrence with Commissioner Ranize's statements on the issues of the pond's size and the overflow problem with the small pond which emits unclear water after every rainfall.

Mr. Riddle indicated that he was not the original engineer for Mirror Lake and stated that he somewhat inherited the project. He explained why, upon request, a permit modification with SJRWMD was made a couple of years ago to install a more economical underdrain system to the pond which was constantly wet, held water, and was not functioning. Mr. Riddle recognized that the pond is currently working too well as it never retains water and identified the overflow swale to be the problem; thus, it is unknown as to what is causing the water to be murky.

Mr. Riddle relayed his recent discussions with Ms. Sandra J. Joiner, SJRWMD, where she acknowledged and identified the requirements for the proper functioning of the spreader swale to avoid the corrosion evidenced travelling down the respective roadway. He reported on his numerous visits during the rainfall where he has not witnessed the small pond's overflow but noticed the swale retaining water and the highest point of the water.

Mr. Riddle mentioned the theories garnered for the underdrain system; his work with SJRWMD, who has not been able to visit the subject area after the heavy rainfall but indicated to him that research would be made on the matter, and his awareness of the subject matter approximately eight months' ago as a result of a telephone call from SJRWMD and the January 18, 2018 letter copied to SJRWMD whereby he communicated with the owners and the builders; thus, his attendance at this evening's meeting.

After discussion and in concurring with Commissioner Ranize's statements, Mr. Riddle outlined the method in which the retention pond should function when it rains and the underdrains allowing same to dry in 72 hours, according to SJRWMD's criteria, and recognized the pond becoming dry within moments. He addressed the plan to work with Mr. Booth and SJRWMD and indicated that a

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permit modification would be implemented if there is a need to change the swale, drains or the retention pond. Mr. Riddle explained that preliminary calculations for the pond were conducted in modifying the structure whereby extra capacity for the additional impervious area for the homes can be obtained; however, he does not want to proceed on same until the swale problem is resolved.

In response to several questions posed by Commissioner Bell regarding SJRWMD's involvement, Mr. Riddle mentioned his telephone discussions several times with Ms. Joiner, and absent from informing him, as to whether there is a problem and mentioned her siting of the murky water whereby its cause is unknown. Messrs. Riddle and Marks confirmed that they have received no written letter from SJRWMD identifying the problem.

Mr. La Venia acknowledged the telephone call he received from Mr. William "Bill" Carlie, SJRWMD, since his January 18, 2018 letter was written to DEP who informed him of the intent to conduct an investigation and confirmed that neither a telephone call nor a letter has been received from DEP.

Answering Commissioner Lewis' inquiry on whether Avex can continue to apply for permits to be issued for lots that are no more than 30 percent maximum building coverage; thus, meeting the respective criteria, Mr. Marks addressed the city's refusal until a letter of agreement is received in that regard.

Mr. Marks addressed Avex' rights, according to the letter of agreement, to obtain the 10 permits in order for staff to modify the PUD to meet compliance.

Following further discussion, Ms. Geraci-Carver explained that the March 26, 2018 letter was already executed by Mr. Marks.

After discussion, Mayor Cheshire recognized the need for the subject issue to be addressed and rectified in the LDRs.

In response, Mr. Booth explained that the overall 30 percent impervious provision ought to be included in Chapter 154, LDR Zoning Regulations; pointed out how roadway construction was reviewed and the former engineer, retained by the city, followed the city's code by separating same in the roadway and lot section as it related to the 30 percent maximum building coverage, noting the sidewalk from the driveway to the house, the building square footage of the porches, and the driveway. He gave reasons why 30 percent is unreasonable to build unless on a one-acre lot; suggested reviewing the LDRs regarding lot sizes, adjust the building area or ISR, and recommended working with LPG Urban and Regional Planners Inc. (consultants retained by the city) as to how it ought to be listed.

Mr. Booth recognized the city's sewer system as central lots become smaller; thus, the likelihood of the impervious ratio no longer applying to a particular



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project and addressed the need to review and modify the stormwater permit due to the change in the PUD recognizing the 6.1 acres of impervious area which would require review by BESH and SJRWMD. Referencing his previous discussions with Messrs. Riddle and Marks, he voiced his concurrence to their previous statements.

In response to Mayor Cheshire, Mr. La Venia concurred in the affirmative to address the suggestions made by Mr. Booth to review and include the ISR provision previously requested in Chapter 154, LDR Zoning Regulations and Ms. Geraci-Carver addressed her plan to communicate with Mr. Greg Beliveau, LPG Urban and Regional Planners Inc.

**By unanimous consent, the city commission agreed with the provisions in the March 26, 2018 executed letter of agreement regarding Mirror Lake Village Storm Water Ponds to allocate 6.1 acres of Impervious Surface to Phase 1 with criteria as outlined.**

**(b) Lift Station US 27 - Faulty Pump Proposal - Utility Technicians Inc.**

Mr. La Venia discussed the request to repair and install the faulty pump at the lift station on US 27 for \$7,755. He recognized Utility Technicians' repair work, prior to the pump breaking down; noted the replacement cost to be approximately \$15,000, and mentioned the similar situation occurring at the lift station located at Spring Lake.

After discussion and in response to Commissioner Lewis' inquiry, Mr. Bogle noted the approximate 10-year old lift station to the single pump; addressed the existing warranty on rebuilding the faulty pump with the cost of a new pump to be about \$1,250, and indicated that the installation and programming for the lift station alarms approved at the March 22, 2018 regular meeting by Saunders Company Inc. (who has the parts) has not yet been implemented.

**A motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission approve staff's request to repair and install the faulty pump as previously cited.**

Following Mr. Bogle's description on the utilization of the alarm system previously approved by the city commission, he recognized the problems experienced with different pumps used for the capital lift stations and outlined the possibility of working with the utility tech to identify such needs.

Commissioner Ranize gave reasons on the need to review the setting aside of funding in the FY 2018-19 budget to replace the pumps during emergencies.

After addressing the pumps in the lift stations to be built which ought to be uniform it, if owned by the city and the purchase of additional spare pumps to

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service more than one lift station, Mr. Booth described the function, capacity, and power with attempts to build the pumps the same for the capital lift stations.

In response to Mayor Cheshire's inquiry on staff's ability to build the pump, Mr. Bogle indicated that he would find out further on whether the price in question would include parts and labor.

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

**(c) Resolution 2018-016 - Surplus Equipment – Fire Department**

Ms. Geraci-Carver read into the record proposed Resolution 2018-016, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS; PROVIDING FOR AUTHORIZATION FOR DONATION OF SAID PERSONAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2018-016 as previously cited.

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

**(d) Parking Violations - Traffic Rules, Title VII, Chapter 71 - Discussion**

**By unanimous consent, the city commission postponed its discussions on the city's current provisions on parking violation to the next meeting at the city attorney's request.**

**(e) Building Permit Fees Revision - Discussion**

**By unanimous consent, the city commission postponed its discussion on the city's building permit fee schedule to the next meeting and directed the city attorney to draft a resolution on same for consideration.**

**By unanimous consent, Mayor Cheshire opened the public hearings at this evening's meeting.**



**PUBLIC HEARING**

**(f) First Reading – Ordinance 2018-008 Commission Districts**

After Ms. Geraci-Carver read into the record proposed Ordinance 2018-008, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, ADOPTING CITY COMMISSION DISTRICTS AND A MAP DEPICTING SAID DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on April 26, 2018.)

After much discussion the City of Fruitland Park 016-020 Voting Districts Map, **a motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission approve proposed Ordinance 2018-008 as previously cited.**

Commissioner Ranize voiced reasons why he believes it is incorrect to place two districts in The Villages and gave his opinion that they ought to have been divided between the population census cycles. He recognized the disappearance of the district lines; believed that the maps ought to have been drawn without identifying where the current city commissioners reside, and felt the map ought to be legally drawn noting the majority age-group who are retirees.

In response, Ms. Geraci-Carver noted the method of division of minority districts on the map that they need to be represented on the commission and recognized areas within city that are predominantly minority which need not to be created to divide districts unless there is evidence of representation with the one category whereby the law requires one to review which has no bearing.

Following further discussion, Ms. Geraci-Carver addressed the requirement for the city to reexamine the map in question in 2020 (the date of the U.S. Census) and indicated that unless there is a large population, a change would be needed between cycles which would be sooner whereby LPG would make adjustments in redrawing the line on the map.

There were no comments from the public at this time.

**Mayor Cheshire called for a roll call vote on the motion with the following city commission members voting as follows:**

<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>No</b>
<b>Commissioner Bell</b>	<b>Yes</b>

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<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**Mayor Cheshire declared the motion carried on a four-to-one (4-1) vote.**

**QUASI-JUDICIAL PUBLIC HEARING**

- (g) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-004 to Correct Ordinance 2016-024 – Boundary Amendment North of CR 466A and West of Timbertop Lane – Petitioner: James Phillips**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-004, Ms. Geraci-Carver read the following title, and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE CORRECTING A SCRIVENER’S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-024 WHICH AMENDED THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 1.0 ± ACRE OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on March 22, 2018.)

Mayor Cheshire recalled from Ms. Geraci-Carver’s statements at the March 22, 2018 Local Planning Agency Meeting, her plan to review another method to correct scrivener’s instead of the subject process.

**A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2018-004, as previously cited, to become effective immediately as provided by law.**

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

**END OF QUASI-JUDICIAL PUBLIC HEARING**



**6. OFFICERS' REPORTS**

**(a) City Manager**

**i. A) Roads and Streets Discussion**

After Mr. La Venia pointed out the list of roads and streets that are scheduled for paving for 2018, Commissioner Ranize requested that the city commission earmark \$120,000 for Mirror Lake Drive paving improvements and addressed the transfer of Community Redevelopment Agency (CRA) funds to implement same.

Mr. La Venia requested that the city commission send him an email with suggestions on any roadway improvements before holding a CRA meeting to address same.

**B) Shiloh Street and Cutoff Road Proposed Improvements - Transfer ILA**

Mr. La Venia referred to the county's infrastructure interlocal agreement with the city for Cutoff Road and Shiloh Street.

With respect to Cutoff Road, Mr. La Venia addressed his plan to write a letter to the county manager on whether a study could be conducted for street lights to be installed at the intersection before the transfer takes place.

After discussion, Commissioner Lewis referred to the ILA addressing tree trimming along the roadway as necessary; pointed out the existing tree trunk situated off from the edge of Pine Ridge Dairy Road, and requested that the matter be addressed at the next meeting.

In response, Mr. La Venia indicated that said issue, in the interim, would be addressed with the county.

**ii. 2017 Hurricane Irma - Federal Emergency Management Agency - Update Status Report**

Mr. La Venia gave a status update report on the submitted request of \$378,000 relating to Hurricane Irma. He explained that all the paperwork (to receive disbursed recovery funds in that regard) is complete and has been submitted to the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA).

Mr. La Venia indicated that he anticipates receiving notification, in the next two weeks, that once approved, FEMA would send the

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funds to the State of Florida Division of Emergency Management (DEM) for disbursement to local governments. He addressed his awareness of DEM's ability to change the application and reduce the amount of the award, at its discretion, which he anticipates will not happen.

### iii. **Cremaains Discussion**

Mr. La Venia explained that he and Ms. Azzolino were recently approached on two separate occasions on living urns which he described; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Vena relayed the request from individuals to plant the urn with a tree outside city hall and another asking for it to be placed at Shiloh Cemetery. He gave his personal preference for same to be on an individuals' personal property.

After extensive discussions and **by unanimous, the city commission declined the requests as previously cited.**

### iv. **2018 Meeting Schedule - Proposed Workshops**

Mr. La Venia addressed the need to schedule dates for city commission workshops to address the LDRs.

After discussion and **by unanimous consent, the city commission agreed with Mayor Cheshire's suggestion to initially consider the city commission budget workshops and agreed to the dates of Tuesday, July 10 and Wednesday, July 11, 2018 at 6:00 p.m.**

After discussion and **by unanimous consent, the city commission agreed to communicate with the city manager on scheduling a date to hold a city commission workshop addressing the remaining land development regulations from 6:00 p.m. to 8:00 p.m.**

### v. **Fruitland Park Library - Change Order 1**

The Fruitland Park Library Change Order 1 was addressed earlier in this meeting's agenda.

### vi. **Community Development Update Status Report**

Ms. Kelley gave an update status report on the following community development projects:

- First Baptist Church ("Village Park") -- rezoning approved on March 8, 2018 -- the site plan approval and building plans;



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- Large-scale comprehensive plan amendment, rezoning and annexation - Gardenia East - (MRSF1 LLC) to be considered by the P&Z Board;
- Small Scale Comprehensive Plan Amendment and Rezoning (Phillips) to be considered by the P&Z Board;
- Final plat approval – The Glen phases 11 and 13 are in progress;
- 4 Corners Property Solutions Inc. (Kim Wagner) -- previously developed duplexes off South of Wood duck Lane – with the request for additional development, and
- Rezoning by WTG Properties LLC was continued.

After discussion, Commissioner Ranize referred to a situation where a city employee was challenged by a builder in the city regarding the review and issuance of a building permit which was considered. He pointed out his conversations with Mr. La Venia that the individual was unjust, inaccurate and unnecessary and encouraged Mr. La Venia to reach out to said individual directly in support of the employee to which Vice Mayor Gunter concurred.

Following further discussion, the city commission commended Ms. Kelley for a job well done.

Following further discussion, Vice Mayor Gunter questioned the Technical Review Committee's existence (to which Commissioner Bell concurred); recollected its composition mainly of staff and city consultants who previously held meetings over the years, and recalled its recommendations before the P&Z Board.

In response, Mayor Cheshire pointed out the application review process under LDR Chapter 154, Zoning District Regulations.

Commissioner Ranize recalled former Community Development Director Peggy Sue Clark's provision to him on a checklist of items, prior to the building his home and the subsequent issuance of the permit. He expressed preference for the department to continue said process for projects.

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Mr. La Venia expressed his satisfaction with the community development department's functions and recognized the staff members involved.

**(b) City Attorney**

**i. Notice of Claims**

**a. James Hartson**

Ms. Geraci-Carver announced that there have been no developments at this time on the James Hartson notice of claims.

**b. Larry Odum**

Ms. Geraci-Carver announced that there have been no developments at this time on the Larry Odum notice of claims.

**ii. Lake County Local Option Gas Tax Amended and Restated ILA**

Ms. Geraci-Carver reported on the Lake County Board of County Commissioners' approval at its March 27, 2018 regular meeting levying a 5-cent local option fuel tax; the authorization of a special election for Lake County voters (to decide on the November 6, 2018 ballot on its Ordinance 2018—8 taking effect), and the approval and execution of the amended and restated ILA amongst the municipalities where, upon adoption, it would become effective and the formula would remain the same as far as distributions made to the counties, municipalities and the school board.

In recognizing the transfer of more roadways to municipalities, Ms. Geraci-Carver addressed the likelihood of the comments to the city manager and the possible request for reapportionment of the percentage the city receives.

After much discussion, Ms. Geraci-Carver indicated that she will bring the matter before the city commission with more information on supporting the county's action and the revenue sharing, being the exact percentage noting the city's ratio change based on its population, for consideration at a future meeting.

Following considerable discussion and **by unanimous consent, the city commission directed the city attorney to bring the Lake County Local Option Gas Tax Amended and Restated Interlocal Agreement until after the outcome of the November 6, 2018 ballot.**

**iii. First Reading - Ordinance 2018-012 Lake County Countywide MSTU for Ambulance and EMS – Expiration Date**

Ms. Geraci-Carver addressed the city commission's option to consider the Lake County Countywide Municipal Services Tax Unit for ambulance and emergency medical services on this evening's agenda; addressed the



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typical process noting the expiration to be in July 2018, and relayed the county's request for an indefinite period instead of renewing every three years.

Mr. La Venia gave his opinion on the ordinance allowing an additional three-year extension and not recommend an indefinite period to which the city commission concurred.

After discussion, and **by unanimous consent, the city commission agreed with the city attorney's recommendation to bring back Ordinance 2018-012 for city commission consideration with the three-year renewal period on the next agenda.**

**iv. 2018 Legislative Bills Passed**

Ms. Geraci- Carver explained that she will prepare a report on the 2018 Legislative Bills passed for the April 26, 2018 regular meeting.

**v. Resolution – Regular Election - Qualifying**

Ms. Geraci- Carver explained that she will prepare a draft resolution calling for a regular election with qualifying periods for the April 26, 2018 regular meeting.

**7. PUBLIC COMMENTS**

Mr. Bob Wille, City of Fruitland Park resident, referred to the issue on roads and transportation previously addressed by the city commission.

Mr. Wille pointed out the city manager's status report referenced in the January 11, 2018 regular meeting minutes on public works department's streets and sidewalks; referred to his February 8, 2018 email to Ms. Coulson to be informed of the city commission's public meetings and or workshops relating to the city's operation, maintenance and repair of same, and mentioned the need for the city to implement a review of its current sidewalks for which it is responsible. He referred to Mayor Cheshire request at that time for Mr. Bogle to report back to the city commission rating and identifying the worst city roadways, outlining the dimension of the dirt roads, and providing an estimate. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Mr. Wille recognized the condition of the roadways and the backlog of managing the historical portion of the city; the estimated cost of catching up, and the designated funding on line items which he stated needs to be highlighted, identified and prioritized in annual budgets with a plan of a regular maintenance program for the transportation system and avoid future city commissioners from dealing with same.

Mr., Wille pointed out the city manager's report, addressed earlier on this evening's agenda, on the task to earmark \$120,000; recalled his appearance before the city

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commission approximately two years ago -- noting the city's increase in its tax base and revenue since FY 2015-16 – and voiced concerns on funds for said issue to be utilized from CRA.

In response to Mayor Cheshire's inquiry, Mr. La Venia identified the current list utilized to rate the city's roadways inhouse; reported on the improvements made to the city's streets in the last three years, and mentioned funds set aside recognizing the roadways to be developed and improved in the city as well as The Villages which commenced with the FY 2017-18 budget.

Mayor Cheshire recognized complaints received that not all the roadways belong to the city.

Mr. Walter Birriel, City of Fruitland Park resident, referred to his April 5, 2018 email to Chief Fewless, with a copy to Mr. La Venia, regarding actions that occurred during a traffic stop on April 4, 2018 dealt with by Law Enforcement Officer Jeremiah Ricketts, in the presence of his children; mentioned the citation he received as a result, and noted the return of his vehicle registration by Officer Ricketts later to his home.

Mr. Birriel referred to his April 5, 2018 attempt to see Chief Fewless at the police department where his complaint was dealt with by Captain Luce and pointed out Chief Fewless' response to his concerns on the way in which his complaint was handled.

Mr. Birriel gave his account of the subsequent incident that occurred on Mirror Lake and Mr. Birriel's daughter, who was present at this evening's meeting, had permission to explain her version of the April 4, 2018 event.

Chief Fewless, in answering Mayor Cheshire's request, confirmed that he researched into the issue; expressed sorrow towards Mr. Birriel's daughter on how she felt, and requested that she and Mr. Birriel visit his office to review the video of the April 4, 2018 incident. Chief Fewless gave a report on Vice Mayor Gunter's review of the video earlier before this evening's meeting; expressed how proud he is of the actions the officers undertook on the evening of April 4, 2018, and indicated that the incident that occurred on Mirror Lake would be looked into where he would provide a response to the city commission.

### **8. COMMISSIONERS' COMMENTS**

#### **(a) Commissioner Ranize**

##### **i. Zoning Designation**

Commissioner Ranize pointed out an email received from an individual desirable to build a property in the city and his conversations with him on his concerns regarding the relationship with the community development department. Commissioner Ranize, in recognizing the city's current situation as a result of the former community development director's previous actions, addressed the need for the city to rectify and implement whatever it can as it relates to the individual's home; of which he is



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operating a business located on Berckman Street as well as the permission he was granted by the former director on the designated zone of residential professional (RP).

Commissioner Ranize recognized that an attorney has been retained on the matter; referred to Ms. Geraci-Carver's review of same noting the improper activities, and pointed out the owner's efforts to comply with the city's code after the code enforcement officer's visit to him.

Commissioner Ranize relayed Mr. La Venia's advice, where he has no objections, for the subject property owner to utilize the city's procedures to zone the property as commercial. After he pointed out his conversations with Mr. La Venia on the implementation of same with similar property owners operating commercial businesses on Griffin Avenue and Dixie Avenue, he addressed the need for a boundary survey

The city commissioners voiced their concurrence on consistent treatment towards individuals working with the city departments.

**ii. 2018 Fruitland Park Day**

Commissioner Ranize expressed gratitude to those involved on Fruitland Park Day and relayed the positive comments received on same.

**(b) Commissioner Lewis**

**i. 2018 Fruitland Park Day**

Commissioner Lewis commended staff on their performance at Fruitland Park Day.

**ii. First Reading - Ordinance 2018-012 Lake County Countywide MSTU for Ambulance and EMS – Expiration Date**

Commissioner Lewis cited reasons why he concurred with the city commission's actions, earlier on this meeting's agenda, approving the MSTU for ambulance and EMS emergency medical services short term.

**(c) Commissioner Bell**

**i. 2018 Fruitland Park Day**

Commissioner Bell expressed satisfaction on the Fruitland Park Day events and commended staff for a job well done.

**ii. Traffic Speed Controls**

Commissioner Bell pointed out a request he received regarding traffic speed controls; relayed past information he had that it was not something that was required to be implemented, and questioned whether Mr. La Venia could pursue same.

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### **iii. Citizens First Bank Ribbon Cutting**

Commissioner Bell referred to the March 15, 2018 Citizens First Bank *Business Before Hours* Ribbon Cutting event which he welcomed in the city. He pointed out the approach by a representative from The Florida Governmental Utility Authority (FGUA) on the concept of the aged-water wastewater system located at Valencia Terrace Subdivision and the likelihood of converting it into a lift station or purchasing same for disposal.

In response, Mr. La Venia stated that he will research same and contact the FGUA to determine whether it is viable.

### **iv. Property**

Commissioner Bell addressed the improvements made to area on South Villa Avenue where a property is expected to be demolished.

### **(d) Vice Mayor Gunter, Jr.**

#### **i. 2018 Fruitland Park Day**

Vice Mayor Gunter conveyed his complements to Parks and Recreation Director Michelle Yoder for her accomplishments on the job well done at Fruitland Park Day.

#### **ii. Zoning Designation**

After Vice Mayor Gunter referred to Commissioner Ranize' comments made earlier in the meeting, Ms. Geraci-Carver recommended rezoning over a variance.

## **9. MAYOR'S COMMENTS - Dates to Remember**

Mayor Cheshire recognized the following events:

- April 13, 2018, LCLC *SJRWMD Lake Apopka Restoration Presentation*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. (which was recognized later in the meeting);
- April 13, 2018, Movie on the Lawn *Jimani* at 8:00 p.m.;
- April 21, 2018, *Volunteer's Appreciation Picnic*, Gardenia Park Pavilion, 201 W Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- April 24, 2018, Lake EMS Board of Directors Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.;
- April 25, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;



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- April 26, 2018, City Commission Regular at 6:00 p.m.;
- April 28, 2018 *Coffee with the Mayor*, Fruitland Park Library, 205 W Berckman Street, Fruitland Park, Florida, 34731 to be determined whereby Mr. La Venia indicated that the date is expected to be changed;
- April 2018, Northwest Lake Community – Cales Multipurpose Soccer Field Ribbon-Cutting to be determined whereby Mr. La Venia explained that he will report back to the city commission to confirm the date of May 11, 2018;
- May 5, 2018, Employee Picnic, Gardenia Park Pavilion and Pool, 201 W Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- May 9, 2018, *2018 Lake County Community Service Awards*, Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757, to be determined;
- May 10, 2018, City Commission Regular at 6:00 p.m.;
- May 11, 2018, LCLC *Lake County Information Technology Innovations Update*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- May 14, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778;
- May 22, 2018, Lake EMS Finance Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:00 p.m.;
- May 22, 2018, Lake EMS Employee Issues Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:00 p.m.;
- May 22, 2018, Lake EMS Operations Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 4:00 p.m.;
- May 24, 2018, City Commission Regular at 6:00 p.m.;
- May 23, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;
- May 28, 2018, Memorial Day – City Offices Closed;

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- June 22, 2018, 2018 Election Qualifying Period Ends at noon whereby Mayor Cheshire explained that more discussions on the issue will be held at the next meeting.

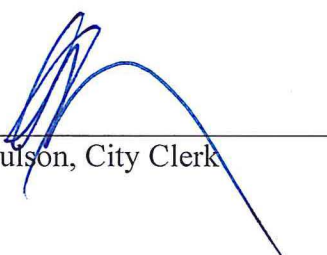
**10. ADJOURNMENT**

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 8:49 p.m.

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

Signed \_\_\_\_\_

Esther B. Coulson, City Clerk



Signed \_\_\_\_\_

Chris Cheshire, Mayor

