

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

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

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

Member Absent: Commissioner Ray Lewis

Also Present: City Manager Gary La Venia, Mark Brionez Esq. on behalf of City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; District 1 Commissioner-Elect Patrick DeGrave; District 2 Candidates August Kellerman and Fred Collins; Police Chief Mike Fewless; Interim Fire Chief Don Gilpin and Deputy Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diane Kolcun, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Pastor “Debbie” Deborah L. 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.

By unanimous consent, the city commission excused the absence of Commissioner Lewis from this evening’s meeting.

3. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Bell seconded by Commissioner Ranize and unanimously carried, the city commission approved the April 26 and May 10, 2018 regular city commission minutes as submitted.

4. REGULAR AGENDA

(a) Resolution 2018-034 – Preliminary Fire Assessment

Mr. Brionez read into the record proposed Resolution 2018-034 the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK,
FLORIDA, RELATING TO THE PROVISION OF FIRE
SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK;
ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR
FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR

BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

After discussion, a **motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2018-034 as previously cited.**

In response to an inquiry posed by Mr. James Warren, City of Fruitland Park resident, Mr. La Venia explained the apportionment of the fire assessment fees for the City of Fruitland Park and The Villages of Fruitland Park and pointed out the interlocal agreement with The Village Center Community Development District on the operation of emergency service (firefighting, rescue and emergency medical equipment) if called upon to provide assistance.

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

Commissioner Ranize	Yes
Vice Mayor Gunter	Yes
Commissioner Bell	No
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a three-to-one (3-1) vote.

Vice Mayor Gunter recalled his dissenting vote on the FY 2017-18 Final Fire Assessment Rates at the September 14, 2017 regular meeting and cited reasons why he supported the city commission's action on the subject item as the city is too deep into the budget.

Mayor Cheshire voiced his concurrence with Vice Mayor Gunter's suggestion for the city commission to consider addressing the issue in the future as the fire department cannot operate on an assessment of \$256,000.

- (b) **Resolution 2018-042 - Leesburg Aquatics Club – Swim Team Revised Contract**
Mr. Brionez read into the record proposed Resolution 2018-042 the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN LEESBURG AQUATICS CLUB, INC.

AND THE CITY OF FRUITLAND PARK FOR USE OF GARDENIA PARK SWIMMING POOL; REPEALING RESOLUTION 2018-037; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia recalled the city commission's actions at its June 28, 2018 regular meeting for an annual total amount with equal monthly installments of \$250 which is incorrect. He addressed Leesburg Aquatic Club's intent to pay \$250 per month -- for the months the city does not purchase the heater the team will not use the swimming pool -- and noted the changes in the agreement that they will pay the city for the months when they use the pool.

In response to Vice Mayor Gunter's inquiry on furnishing the city with a swimming pool heater cover, Ms. Yoder explained that the City of Leesburg will be moving its pool heater to The H.O. Dabney Pool as it is without one. She reported that fundraisers are taking place to help the City of Fruitland Park purchase a heater to go with the \$1,000 heater cover and explained that the pool heater costs between \$12,000 and \$15,000.

After Mayor Cheshire and Commissioner Bell recollected Ms. Yoder's statements on the cost of the heater to be about \$20,000, Ms. Yoder explained that she received a quote from a local company for \$15,000 for three smaller units (which equals up to the same noting that if one is inoperable, the pool can still be kept semi-warm) and indicated that the last quote was for approximately \$17,600.

A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2018-042 as previously cited.

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

PUBLIC HEARING

By unanimous consent, Mayor Cheshire took the following supplemental agenda items out of order on this evening's agenda and opened the public hearings at this evening's meeting.

- (c) **Second Reading and Public Hearing – Ordinance 2018-005 Golf Carts**
It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-005, Mr. Brionez read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

On motion of Commissioner Ranize, seconded by Vice Mayor Gunter and unanimously carried, the city commission postponed its action on the following proposed Ordinance 2018-005 to the next meeting due to Commissioner Ray Lewis' absence.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018 and continued from May 10 and June 14, 2018 respectively.)

(d) Second Reading and Public Hearing - Resolution 2018-040 The Glen - Developer's Agreement Modification

It now being the time advertised to hold a public hearing to consider the adoption of proposed Resolution 2018-040, Mr. Brionez read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MODIFICATION OF DEVELOPER'S AGREEMENT FOR THE GLEN; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

After Mr. La Venia recalled staff's recommendation of the subject item before the city commission at its June 28, 2018 regular meeting regarding the modification of the developer's agreement to include language relating to the playground equipment (park and recreation area to public use), Mr. Greg Beliveau, LPG Urban Planners Inc., described staff's receipt and verification of the requested items in question where the petitioner complied with same.

After discussion, Mr. Beliveau requested that the city commission approve regular agenda items 4.(d) and (e) simultaneously.

By unanimous consent, the city commission agreed with Mayor Cheshire's recommendation to consider regular agenda items 4.(d), proposed Resolution 2018-040 and item 4.(e), proposed Resolution 2018-041 separately and agreed with LPG Urban Planners Executive Director's statements that the adoption of proposed Resolution 2018-041 would be contingent upon the subject item 4.(d).

A motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission adopt Resolution 2018-040 as previously cited.

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

Mayor Cheshire called for a roll call vote on the motion to adopt Resolution 2018-040 as previously cited and declared it carried unanimously.

(e) Resolution 2018-041 The Glen - Phase 10 Final Plat Approval - Petitioner: M. Moukhtara

Mr. Brionez read into the record the title of proposed Resolution 2018-041 the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR PHASE 10 OF THE GLEN GENERALLY LOCATED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia relayed staff's anticipation of receiving plats 11, 12 and 13 in the future.

A motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2018-041 as previously cited.

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

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

(f) First Reading and Public Hearing - Resolution 2018-043 First Amendment to Master Development Agreement (Ordinance 2006-013 Boundary Amendment Between Lake Ella Road to Spring Lake Road) - Petitioner: Lake Saunders Groves Land, LLP

Mr. Brionez read into the record the title of proposed Resolution 2018-043 the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT FOR LAKE SAUNDERS GROVES LAND, LLP; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 26, 2018.)

Mr. Beliveau recalled previous discussions amongst Lake Saunders Grove representatives and Ms. Geraci-Carver as to whether the Planned Unit Development (PUD) could be amended through the method being considered on this evening's agenda or by means of a normal PUD amendment. He relayed prior

conversations held between Ms. Geraci-Carver and Mr. Crawford on the proposed action to be implemented on the master development agreement by extending the resolution formulated by the two attorneys.

Mr. Beliveau outlined under Section 33, Term of Agreement dated August 24, 2006 the termination date of 10 years; noted the agreement prepared by Ms. Geraci-Carver which did not have the expiration date and recommended the current amendment with the new sunset date of five years to which he stated that Mr. Crawford agrees to same. He reported that staff followed the procedures outlined on the development application and indicated that out of 44 notifications sent by US mail to the affected property owners, two were received in opposition without any reasons given and verified that the subject item was appropriately advertised and rules and regulations were complied with.

Vice Mayor Gunter referred to the August 24, 2006 agreement; recognized the lapse of almost 13 years where said agreement expired three years' ago and questioned whether the city commission could proceed and extend the agreement for three years, without any type of modification, and then prolong same for another five years.

In response, Mr. Jimmy Crawford, attorney representing the petitioner, conveyed Ms. Geraci-Carver's opinion that the subject agreement could be extended from a date after expiration which he recommended be included to be effective five years after this day's date and if acceptable to the city commission, the effective date could be taken back retroactively and extended from the year 2016 which he indicated is an acceptable form and agreeable by the petitioner.

Following further discussion, Mr. Crawford addressed his intent to reclarify the subject issue with Ms. Geraci-Carver and request that at the next reading the agreement be extended from the date it expired.

After Vice Mayor Gunter responded that he had no problem with extending the subject agreement five years from this day's date noting the three years lapse in between, Mr. Brionez suggested that the city commission approve the agreement "nunc pro tunc" (back to when or before it expired) and Mr. Crawford and Ms. Geraci-Carver could address any other subsequent issues relating to same.

After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Ranize that the city commission accept the city attorney's recommendations, as previously cited, and approve proposed Ordinance 2018-043.

Mr. Richard Rood, City of Fruitland Park resident, identified himself as one of the residents who opposed the subject item. He expressed concerns on the communication staff sent to the residents as they are currently away from the area and are unaware of the proposed action. Mr. Rood voiced problems concerning

trash all over the subject area; addressed the need for law enforcement to do something about homeless individuals observed in the wooded area and mentioned issues relating to the July 4 firework in the area.

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

QUASI-JUDICIAL PUBLIC HEARING

- (g) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-006 to Correct Scrivener’s Error on Ordinance 2016-023 SSCPA – 1.0+ Acres - North CR 466A and W Timbertop Lane - Urban Low to Commercial – Petitioner: James Phillips, Owner**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-006, Mr. Brionez read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

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

A motion was made by Commissioner Ranize seconded by Commissioner Bell that the city commission enact Ordinance 2018-006 as previously cited to become effective as provided by law.

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

- (h) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-007 to Correct Ordinance 2016-025 – Rezoning - Petitioner: James Phillips, Owner**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-007, Mr. Brionez read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

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

A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2018-007 as previously cited to become effective as provided by law.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

5. OFFICERS' REPORTS

(a) City Manager

i. Road Project Quotes

Mr. La Venia reported that staff is waiting for the third quote from DAB Constructors Inc. for the city's road projects.

ii. Northwest Lake Community, Cales Park Multipurpose Soccer Field Quotes

Mr. La Venia referred to the quotes received from Musco Lighting and Qualite which were recently forwarded on to Ms. Geraci-Carver for review; expressed staff's desire to select Qualite Sports Lighting LLC (a piggyback contract with the school districts and other local governments) and anticipated that more information will be available by the next meeting.

Mr. La Venia explained that he accepted Logan Sitework Contractors Inc.'s quote dated May 30, 2018 on the asphalt milling of Northwest Lake

Community, Cales Park Multipurpose Soccer Field's parking lot and pointed out the city commission's actions approving same at its June 28, 2018 regular meeting with Logan's written clarification on the price differences. He referred to Logan's letter dated May 30, 2018 reflecting approximately 6,375 square yards of millings to match Paquette Company's for the same price and indicated that the original quote showed a cheaper rate for the same amount of material. (A copy of the letter in question is filed with the supplemental papers to the minutes of this meeting.)

iii. FY 2018-19 Proposed Millage Rate

Later in the meeting, Mr. La Venia addressed the need for the city commission to consider at its next meeting the proposed FY 2018-19 millage rate. He referred to Ms. Racine's memorandum dated July 11, 2018 regarding the Proposed Fire Assessment Services together with the rate scenarios, copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia recommended setting the TRIM at 4.5 and explained that staff is working on setting the rate at 3.9863.

After Mr. La Venia described the process, he identified the millage rate at 4.7372 before it was rolled back and the loss of approximately one million dollars accumulative over the three years that the city had lost.

(b) City Attorney

Mr. Brionez stated that he has nothing to report at this time.

7. PUBLIC COMMENTS

In recognizing the city's ownership of Poinsettia Avenue and the heavily travelled roadway, Mr. Warren addressed the need for a sidewalk for children walking from Lantana Avenue to the designated school bus stop. He referred to the occasions when such requests were made before the city commission and the response received that the city did not own the roadway and suggested paving same with a gravel strip which did not occur.

Mr. Fred Green, The Villages of Fruitland Park resident, indicated that they had a solar tube erected on to roof of his and his wife's property and gave reasons why he is requesting reimbursement of \$79 charged by the provider and required by the city.

After Mr. La Venia, in response, pointed out the permit fee required for installing solar tubes and panels, Ms. Kelly described the plan/engineer review and application process and explained that there is no inspection conducted by the city.

Following Mayor Cheshire's reference to his recent telephone conversation with Mr. Green and his dissent on the city's requirements for a fee, Vice Mayor Gunter voiced his concurrence in that regard.

In response to several questions posed by Commissioner Ranize on the maker of the solar tubes and whether it meets the Florida Building Code standards; if a permit is required and noted the tree regulation, Ms. Kelly explained that they are reviewed by Mr. Jeffry “Jeff” Gerling, Building Official retained by the city and indicated that the fees are adopted by resolution.

After discussion, Mayor Cheshire suggested that staff present the issue in question before the city commission at a future meeting and agreed with Ms. Kelly’s suggestion that she would check other local governments’ requirements.

8. COMMISSIONERS’ COMMENTS

(a) Commissioner Ranize

Commissioner Ranize stated that he has nothing to report at this time.

(b) Commissioner Lewis

Commissioner Lewis was absent from this evening’s meeting.

(c) Commissioner Bell

Commissioner Bell had nothing to report at this time.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter thanked the city commission for excusing his absence at the June 28, 2018 regular meeting.

9. MAYOR’S COMMENTS

(a) Golf Carts

Mayor Cheshire mentioned his observations on the increase of golf cart operators in the city. After he gave examples on why he believes the city does not appear to be like a golf cart community, Mr. Bogle, in response, stated that the county required the city to remove the previously erected golf cart community signs.

Mayor Cheshire suggested the re-posting of signs warning drivers that they are entering a golf cart community where golf carts share the roadway.

(b) Dates to Remember

Mayor Cheshire announced the following events:

- July 13, 2018, LCLC 2018 Legislative Session Update – Lake Legislative Delegation, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- July 13, 2018, Movie on the Lawn *A Wrinkle in Time*, City Hall Lawn at 7:30 p.m.
- July 25, 2018, City Commission Special at 6:00 p.m.

- July 26, 2018, City Commission Regular at 6:00 p.m. – CANCELLED
- August 2, 2018, City Commission Workshop to discuss LDRs at 6:00 p.m.
- August 6, 2018, City Commission Budget Workshop at 6:00 p.m.
- August 7, 2018, City Commission Budget Workshop at 6:00 p.m.
- August 9, 2018, City Commission Regular at 6:00 p.m.
- August 10, 2018, LCLC *Four-Hour Ethics Training Session*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- August 10, 2018, Movie on the Lawn, TBD City Hall Lawn at 7:30 p.m.
- August 13, 2018, Lake County Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.
- August 16-18, 2018, Florida League of Cities *92 Annual Conference*, The Diplomat Beach Resort, 3555 S Ocean Drive, Hollywood, Florida 33019 at 7:30 a.m.
- August 22, 2018, Lake-Sumter Metropolitan Planning Organization Governing Board, 225 W Guava Street, Lady Lake, Florida 32159 at 2:00 p.m.
- August 23, 2018, City Commission Regular at 6:00 p.m. – CANCELLED
- August 28, 2018, Primary Election at 7:00 a.m.
- August 30, 2018, City Commission Special at 6:00 p.m.

10. ADJOURNMENT

On motion made and seconded, the meeting adjourned at 9:05 p.m.

The minutes were approved at the August 30, 2018 special meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor