

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
February 28, 2019**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 28, 2019 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Interim Police Chief Erik Luce, Interim Fire Chief Donald Gilpin and Deputy Fire Chief Tim Yoder, Fire Department; Community Development Department Director Tracy Kelley Fruitland Park Library Director JoAnn Glendinning; Parks and Recreation Director Michelle Yoder; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:00 PM Mayor Cheshire called the meeting to order, Ms. Lucy Zartman, American Legion Auxiliary Unit 219 Chaplain, gave the invocation, and Interim Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:02:16 PM After Ms. Coulson, at Mayor Cheshire's request, called the roll where a quorum was declared present, he outlined the decorum for this evening's meeting.

3. PROCLAMATION – “David Boose Day”

After Commissioner Bell and Mayor Cheshire recognized the city commission's previous interactions with Mr. Boose and his funeral services attended by Vice Mayor Gunter and Mayor Cheshire, on behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming Thursday, February 28, 2019 as “David Boose Day” in the City of Fruitland Park and expressed sincere condolences to the family and loved ones as well as to those who knew him.

On behalf of Mr. Boose's family and Mount Ararat Metropolitan Missionary Baptist Church, Pastor Dr. D. Franklin Reaves accepted the proclamation with much appreciation and introduced Deacon Dave and Deaconess Hogrebreath who were present at this evening's meeting. Pastor Reaves additionally expressed heartfelt gratitude kindness shown by the city commission, residents, and staff especially the fire department who lead the funeral procession.

ACTION: 6:03:18 PM No action was necessary.

4. **CONSENT AGENDA**
Approval of Minutes - February 14, 2019

ACTION: 6:09:32 PM **On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the consent agenda approving the February 14, 2019 minutes as submitted.**

5. **REGULAR AGENDA**

(a) **Resolution 2019-008 – Fire Inspection and Abandoned Property Registration – Designated Use of Funds**

Ms. Geraci-Carver read into the record Resolution 2019-008, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DESIGNATING USE OF FUNDS COLLECTED FOR VACANT PROPERTY REGISTRATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the February 14, 2019 regular meeting.)

ACTION: 6:10:10 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2019-008.

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

(b) **Resolution 2019-010 – Florida Safety Systems LLC – Fire Inspector Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT BETWEEN FLORIDA SAFETY SYSTEMS, LLC AND THE CITY OF FRUITLAND PARK RELATING TO A SCOPE OF SERVICES TO BE PERFORMED BY A FLORIDA CERTIFIED FIRE INSPECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

In response to Mayor Cheshire's inquiry, Mr. La Venia referred to the February 25, 2019 proposal received from a local contractor, Florida Certified Fire Inspector; mentioned staff's review of their background and experience and acknowledged the presence of Mr. Daniel "Dan" K. Hickey Sr., Fire Prevention and Inspections LLC, at this evening's meeting. (A copy of the proposal is filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia recommended awarding the fire inspector proposal to Fire Prevention and Inspections LLC as the most preferred and local preference bidder.

ACTION: 6:21:05 PM On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission postponed its action to adopt Resolution 2019-010, as previously cited, to the March 14, 2019 regular meeting for city attorney review.

(c) Resolution 2019-011 – First Amendment – Burke’s Bar-B-Que Developer Agreement

Ms. Geraci-Carver read into the record Resolution 2019-011, 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 DEVELOPER AGREEMENT BURKE’S BAR-B-QUE; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia gave a background and recalled the city commission’s actions at its October 11, 2018 regular meeting to review the developer’s agreement in two years and accept the city attorney’s recommendation to submit an amendment to same before providing it to Mr. T. D. Burke, Burke’s Bar B-Q Co.

ACTION: 6:22:33 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission authorize the city attorney to pursue legal remedies to satisfy the April 18, 2012 Developer’s Agreement with Burke’s Bar-B-Q Co.

After recognizing the consideration of Resolution 2019-011, by unanimous consent the city commission agreed to divide the question.

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

ACTION: 6:43:43 PM and 6:44:14 PM A motion was made by Commissioner Bell and seconded Commissioner Mobilian that the city commission deny Resolution 2019-011.

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

(d) Resolution 2019-012 Canine Transfer Agreement

Ms. Geraci-Carver read into the record Resolution 2019-012, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE

CANINE TRANSFER AGREEMENT BETWEEN SENIOR OFFICER HOWARD AND THE CITY OF FRUITLAND PARK, FLORIDA TO TRANSFER OWNERSHIP OF CANINE BELLA; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:45:22 PM **A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-011 and strike out the reference on the agenda to adopt Resolution 2018-011.**

Mayor Cheshire called for a roll call vote on the motion and it was declared carried unanimously. (The canine transfer agreement would become effective immediately after all the parties have executed same.)

(e) Mirror Lake Village Project

Mr. La Venia acknowledged the presence of Mr. Eric B. Marks, Avex Mirror Lakes LLC for the Mirror Lake Village project, at this evening's meeting, highlighted the city commission's action at its April 12 regular meeting agreeing 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 (90 developed lots) with St John's River Water Management District's (SJRWMD's) outlined criteria and provisions under the city's Land Development Regulations (LDRs).

Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc. (planners retained by the city), addressed the developer's desire to execute permits; pointed out the city commission's ongoing concerns regarding the Mirror Lake Village Stormwater Ponds and the March 26, 2018 letter which outlined the future steps to be undertaken to rectify the issues to meet compliance and noted associated engineering issues, as an amendment to the planned unit development (PUD), which would be addressed in future before the city commission.

Mr. Brett Tobias, Booth Ern Straughhan & Hoitt Inc., engineers retained by the city, recalled the previous meeting held amongst Ms. Geraci-Carver and staff and referred to the March 26, 2018 letter agreement outlining the procedures where those involved were ready to proceed. He recommended supporting the PUD, subject to the stormwater issues and the SJRWMD amended permit due to the increase in the lot coverage and requested that the issues, expressed by the city commission at its April 12, 2018 regular meeting, be taken care of.

Mr. Marks recognized the commitments made in the February 25, 2019 letter from Ms. Mary Demetree, Fruitland Park LLC; questioned the implications of same to the PUD amendment, and that he has no problem with the setback requests being less. He requested permission to apply for another eight lots/units whilst continuing the process to amend the PUD. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:49:04 PM A motion was made Commissioner DeGrave and seconded by Commissioner Bell that the city commission direct the city attorney to:

- revise the language in the March 26, 2018 letter of agreement among Avex Homes LLC and Avex Mirror Lakes LLC and Fruitland Park LLC regarding The Mirror Lake Village Storm Water Ponds Planned Unit Development (PUD) that the City of Fruitland Park will issue up to 10 additional building permits to 18 for Mirror Lakes Phase 1 Residential Development proposed project and the applicant would be required to remove the double silt fences at the bottom of Mirror Lake Drive and reinstall same upon city notification if there is a problem subject to receiving an amendment to Ordinance 2014-024 for Mirror Lake Village Project PUD; St. John's River Water Management District's permit and related pond (system) modifications, which the applicant confirmed as acceptable,
- attach the February 25, 2019 letter from Mary Demetree, Fruitland Park LLC's regarding Mirror Lake Village Phase 2 Project as a supplement, and
- bring same back for city commission consideration (recognizing that said agreement is to be executed at a later date).

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

Vice Mayor Gunter	No
Commissioner Mobilian	No
Commissioner DeGrave	Yes
Commissioner Bell	Yes
Mayor Cheshire	Yes

The motion was declared carried on a three to two (3-2) vote.

(f) 2019 City Commission Meeting Schedule

Mr. La Venia addressed the plan for the city commission to discuss viable options on the market versus strategy and invite Lake County Economic Development Council staff.

ACTION: 7:50:44 PM By unanimous consent, the city commission agreed to hold a its workshop to address economic development on March 14, 2019 to convene immediately following the 6:00 p.m. regular meeting.

6. OFFICERS' REPORTS

(a) City Manager

i. Fruitland Park Library Discussion

Commissioner Bell referred to the proposition by Ms. Glendinning as she desired to build a garden at the new Fruitland Park Library and her recognition of various library programs and activities by his late father Mr. Virgil Bell; relayed his extended family's request to donate \$10,000 towards the construction of a children's garden on the site known as "Virgil Bell Children's Garden" and discussed options, previously addressed by the city commission, on community-related bench and brick donations.

ACTION: 7:54:07 PM. By unanimous consent, the city commission agreed with the Bell family's proposition to donate \$10,000 to build a children's garden at the new Fruitland Park Library in honor of Virgil Bell and directed the city attorney to draft an agreement for the city commission to memorialize same.

(b) City Attorney

i. Notice of Claim – James Hartson

Ms. Geraci-Carver reported that there were no developments relating to James Hartson's notice of claim.

ACTION: 8:02:20 PM. No action was necessary.

ii. Notice of Claim – Michael Fewless

Ms. Geraci-Carver reported that there were no developments relating to Michael Fewless' notice of claim.

ACTION: 8:02:20 PM. No action was necessary.

7. PUBLIC COMMENTS

Ms. Merv Mertle Wilmack, Town of Lady Lake resident, explained her frequent visit to the city over the years. She expressed gratitude to the city commission with the proclamation honoring the late Dave Boose; pointed out the city commission's earlier deliberations regarding the children's garden and the concept of a bench and requested that the Fruitland Park Library dedicate a monument in memory of Mr. Boose and those who left an imprint within the community.

ACTION: 8:02:35 PM. No action was necessary

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated that he has no comments at this time.

ACTION: 8:06:34 PM. No action was taken.

(b) **Commissioner DeGrave**

Commissioner DeGrave stated that he has no comments at this time.

ACTION: 8:06:42 PM. No action was taken.

(c) **Commissioner Bell**

i. **Tallahassee**

Commissioner Bell gave a report on the process in advocating funds for the CR 466A roadway improvement project at the February 19 and 20, 2019 Lake Legislative Days in Tallahassee.

Mr. La Venia agreed with Commissioner Bell's suggestion to prepare a letter of support together with a resolution requesting that the surrounding municipalities in Lake County to support said project and additionally emailing the members of the Florida League of Cities' Legislative Policy Committee on Transportation and Intergovernmental Relations, Transportation/Highway to support House Bill 2067 CR 466A Phase 3, an appropriations project request sponsored by State Representative District 33 Brett Hage.

ACTION: 8:06:45 PM and 8:10:13 PM. For informational purposes.

ii. **Wind Mill**

Commissioner Bell reported on the uploading of photographs he took of the city's original re-erected wind mill (which powered the city's first water system) that is currently at the site of the new Fruitland Park Library to Fruitland Park Word of Mouth's Facebook page and acknowledged the positive feedback received from the users.

ACTION: 8:08:55 PM. For informational purposes.

(d) **Vice Mayor Gunter, Jr. – Wind Mill**

Vice Mayor Gunter expressed satisfaction with the recent assembly and operation of the original wind mill and expressed gratitude to the Town of Lady Lake for providing the bucket truck for the city staff. He noted that the Clarke Hardware store is engraved on the wind mill's tail pin where it was shipped to Fruitland Park in 1913.

ACTION: 8:11:41 PM. No action was taken.

8. **MAYOR'S COMMENTS - Dates to Remember**

(a) **Presidents' Day**

Mayor Cheshire recognized that Monday, February 28, 2019 was President's Day which is not currently observed by the city and suggested addressing same during the FY 2019-20 budget cycle.

ACTION: 8:13:29 PM. No action was taken.

(b) Dates to Remember

Mayor Cheshire announced the following dates:

- March 8, 2019, Lake County League of Cities (LCLC), *2019 Projects Update*, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- March 8, 2019, Movie on the Lawn Double Feature: *Big Meets Bigger Rampage* and *Skyscraper* outside City Hall at 7:00 p.m.
- March 14, 2019, City Commission Meeting Regular at 6:00 p.m. immediately followed by the city commission workshop;
- March 25, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.
- March 28, 2019, City Commission Meeting Regular at 6:00 p.m. and
- March 30, 2019, Fruitland Park Day and BBQ Cook Off at 10:00 a.m. (city commission to arrive earlier)

ACTION: 8:14:09 PM. For informational purposes.


10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 8:15 p.m.

The minutes were approved at the March 14, 2019 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor