

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
April 11, 2019**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 11, 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; Police Chief Erik Luce, Sergeants Henry Rains, David Cox, Senior Police Officer Paul Sandbakken, Police Officers Tim Ross, Jeremiah Ricketts, Robert Vachon, Frank Carroll, Bradford “Brad” Heidt, Derrick Canna, Jose Ortiz-Gonzalez, Keith Flanary, and Detective Brian Hilberer, Police Department; Interim Fire Chief Donald Gilpin and Deputy Fire Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Human Resources Director Diana Kolcun, 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, Pastor Jim Keegan, New Life Church, gave the invocation, and Interim Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:02:00 PM At Mayor Cheshire’s request, Ms. Coulson called the roll where a quorum was declared present.

By unanimous consent and upon Mayor Cheshire’s suggestion, the city commission took the following item out of order on this evening’s agenda.

4. SPECIAL PRESENTATIONS

(a) *Child Abuse Prevention Month – April 2019*

On behalf of the city commission, Mayor Cheshire read into the record a proclamation designating the month of April 2019 as *Child Abuse Prevention Month* and urged all citizens to engage in activities that strengthen families and communities and provide the optimal environment for healthy child development.

ACTION: 6:02:20 PM Mr. Russell Mohrbach, State of Florida Department of Children and Family Services, recognized the law enforcement personnel and the role they play in this regard; accepted the proclamation and thanked the city commission for the recognition.

(b) *Distracted Driving Awareness Month – April 2019*

On behalf of the city commission, Mayor Cheshire read into the record a proclamation designating the month of April 2019 as *Distracted Driving Awareness Month*. He encouraged everyone to be good role models for other drivers and take advantage of available educational safety training courses and programs to prevent tragedies due to distracted driving which will ultimately save time, money and most importantly lives.

ACTION: 6:06:15 PM Mr. Mike Marinan, Preferred Governmental Claim Solutions Claim Services who administer the insurance carrier with the City of Fruitland Park along with a number of Florida public entities, accepted the proclamation with gratitude noting that it urged the legislature to make distracted driving a primary motor offense.

(c) *Police Chief*

Mayor Cheshire administered the Oath of Office to Interim Chief Luce.

ACTION: 6:09:06 PM Chief Luce thanked the commission and city manager for their support, introduced his family and relayed his commitment, on behalf of the police department, to serve the city.

By unanimous consent and at Mayor Cheshire's request, the city commission recessed its meeting at 6:13 p.m. and reconvened at 6:15 p.m.

3. RECESS TO LPA

ACTION: 6:15:15 PM **By unanimous consent, the city commission recessed its meeting at 6:15 p.m. to the Local Planning Agency (LPA) and reconvened at 6:23 p.m.**

5. CONSENT AGENDA

(a) Approval of Minutes

July 23, 2015 and March 28, 2019 regular meetings.

(b) HB 2067 – CR466A Phase 3

File for the record the City of Minneola's Resolution 2019-10; City of Mascotte's Proclamation and Sumter County Board of County Commissioners' April 9, 2019 letter supporting House Bill 2067 to authorize the appropriation of funds for construction of CR 466A, Phase 3 filed in the 2019 Legislative Session.

ACTION: 6:22:42 PM, 6:23:02 PM **At Commissioner Bell's request, and by unanimous consent, the city commission withdrew Item 5.(b) from the Consent Agenda for discussion.**

On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved consent agenda, Item

5.(a). (The city commission recognized that Commissioners John Mobilian and Patrick DeGrave were not present for July 23, 2015 regular meeting.)

6. **REGULAR AGENDA**

HB 2067-CR 466A Phase 3

The city commission considered its action to file for the record City of Minneola's Resolution 2019-10; City of Mascotte's Proclamation and Sumter County Board of County Commissioners' April 9, 2019 letter supporting House Bill 2067 to authorize the appropriation of funds for the construction of CR 466A, Phase 3 filed in the 2019 Legislative Session.

ACTION: 6:23:45 PM and 6:24:32 PM Upon the request of Commissioner Bell, **the city commission, by unanimous consent, directed the city manager to send a "thank you" letter to the respective agencies who supported the city commission on HB 2067 as previously cited.**

On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved filing for the record the aforementioned agencies' support on HB 2067 as previously cited.

(a) **Resolution 2019-020 - FDLE Justice Funding Assistance Grant Application (Countywide)**

Ms. Geraci-Carver read into the record proposed Resolution 2019-020, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING THE SUBGRANT UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT COUNTYWIDE PROGRAM IN THE AMOUNT OF \$5,492.00 AWARDED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; APPROVING THE SUBAWARD AGREEMENT; DIRECTING THE CITY MANAGER TO EXECUTE AND TIMELY RETURN THE CERTIFICATE OF ACCEPTANCE TO FDLE AND MEET ALL ADMINISTRATIVE AND FINANCIAL REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:24:44 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-020, as previously cited.

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

(b) **Financial Report – February 2019**

Ms. Racine reviewed the February 2019 financial report.

ACTION: 6:26:14 PM On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission accepted the February 2019 financial report reflecting revenues and expenses for all funds through February 28, 2019.

(c) Resolution 2019-019 - The Glen Final Plat Phases 11-13 - Petitioner: A. A. Moukhtara Company

Ms. Geraci-Carver read into the record proposed Resolution 2019-019 and not Resolution 2019-011, 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 THE GLEN PHASES 11, 12 AND 13 GENERALLY LOCATED NORTH OF LEWIS ROAD, EAST OF CR 468 AND SOUTH OF 466A; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc. (retained by the city) requested that his testimony, submitted during the LPA held earlier this evening, be transferred to this evening's meeting.

ACTION: 6:28:43 PM A motion was made Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-019 as previously cited.

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

QUASI-JUDICIAL PUBLIC HEARING

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

(d) First Reading – Ordinance 2019-001 – First Amendment Master Development Agreement – Mirror Lake Village PUD

Ms. Geraci-Carver read into the record proposed Ordinance 2019-001, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE MIRROR LAKE VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO AND REVISE THE FRONT SETBACKS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS;

AND SETTING AN EFFECTIVE DATE. (The second reading will be on April 25, 2019).

Mr. Beliveau requested that his testimony, relayed at the LPA earlier this evening, be transferred to this evening's public hearing.

ACTION: 6:29:52 PM A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission approve proposed Ordinance 2019-001 as previously cited.

There being no one 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.

END OF QUASI-JUDICIAL PUBLIC HEARING

7. OFFICERS' REPORTS

(a) City Manager

i. Janitorial Services

Mr. La Venia pointed out the April 4, 2019 letter from Ultimate Contract Cleaning Inc.; referred to the city commission's previous action (at its November 9, 2017 regular meeting) awarding contractual janitorial cleaning service bids to Ultimate Contract Cleaning Inc. for \$39,600 per annum and recognized the commission's decision to end provision of such services inhouse.

Anticipating that the new Fruitland Park Library is to become operational by June 2019, Mr. La Venia noted Ultimate's plan (if the contract is to be renewed) to increase its cost by an additional \$27,000. He recommended that by September 2019, the subject service be reverted inhouse with the 40-hour full time employee with benefits at approximately \$40,000 under the supervision of the public works department to clean city-owned buildings, recreational facilities and the new library (with additional assistance from public works when required) and that an additional employee be retained when the new public safety building is constructed. He acknowledged that Ultimate's contract was previously the city's vendor for cleaning supplies.

ACTION: 6:31:07 PM By unanimous consent the city commission accepted the city manager's recommendation to proceed implementing inhouse janitorial services including an individual to start for the new Fruitland Park Library, subject to review by the city attorney.

ii. Economic Development

Mr. La Venia referred to the property report reflecting vacant and/or abandoned properties for sale on Dixie Avenue, Miller Street, and US Highway 27/441 and indicated that a list being prepared for Berckman Street is forthcoming and will subsequently be provided to Ms. Tracy Garcia, Lake County Elevate Lake Economic Development, who met with him and Ms. Kelley earlier this day and expressing willingness to partner with the city on development and commercial properties.

Mr. La Venia described the membership, land use and real estate development services and courses offered by Urban Land Institute which ought to be explored.

ACTION: 6:39:32 PM After much discussion and by unanimous consent, the city commission authorized the city manager to proceed to pursue membership with the Urban Land Institute.

iii. Burn Permit

Mr. La Venia addressed the need for the city commission to consider rescinding all references of burn permits in the city's code of ordinances and the land development regulations (LDRs) and discussed Florida's Outdoor Burning and Forest Fire laws administered by The Florida Department of Agriculture and Consumer Services, Florida Forest Service.

ACTION: 6:44:19 PM No action was necessary.

(b) City Attorney –

i. Notice of Claim – James Hartson

Ms. Geraci-Carver reported that there are no updates on Mr. James Hartson's Notice of Claim.

ACTION: 6:50:23 PM No action was necessary.

ii. Notice of Claim – Michael Fewless

Ms. Geraci-Carver referred to Mr. Michael Fewless' formal appeal filed against the State of Florida Department of Management Services, Division of Retirement, Florida Retirement System where he again requested for coverage under the city's insurance company. She reported on the city's reevaluation and the recent letter indicating that coverage would be denied, and judgements would not be paid if any were issued.

ACTION: 6:50:32 PM No action was necessary.

8. PUBLIC COMMENTS

There were no comments from the public at this time.

ACTION: 6:51:02 PM. No action was necessary.

OLD BUSINESS

WWTP Capacity Reservation and Bulk Treatment Agreement – Town of Lady Lake

Earlier in the meeting, Vice Mayor Gunter referred to the city commission's previous approval of the Water and Wastewater Treatment Plant Capacity Reservation and Bulk Treatment Agreement with the Town of Lady Lake and its subsequent discussion relating to staff's review of usage fees charged between the town and the city. He relayed the concurrence received from Mr. Bryan A. Mantz, GovRates Inc., utility rate study consultant retained by the city, on the provisions outlined in said agreement and conveyed his recommendation to seek hiring an attorney specializing in such services.

ACTION: 6:48:41 The city manager addressed the plan to review options with the city attorney and report back to the city commission at the next meeting with a recommendation.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

i. Fruitland Park Day

Commissioner Mobilian expressed appreciation to Mr. Bogle and Parks and Recreation Director Michelle Yoder on their performance relating to the March 30, 2019 Fruitland Park Day event.

ACTION: 6:51:21 PM No action was necessary.

ii. Public Works Department – Building

Commissioner Mobilian questioned the concept of obtaining an appraisal on the cost and sale of the public works department building and equipment located at the water treatment plant area.

ACTION: 6:51:53 PM No action was necessary.

iii. Marijuana

Commissioner Mobilian reported on his attendance at the April 9, 2019 Lake Board of County Commission Regular Meeting; pointed out the number of residents' concerns regarding their support to reduce the noise levels and other problems emanating from MedMen (medical marijuana facility) located on SR 44A in the City of Eustis and requested that the county commission apply further restrictions to minimize same.

Commissioner Mobilian suggested that the city, when reviewing its LDRs, ensure that the subject use is not permitted.

ACTION: 6:52:42 PM No action was necessary.

(b) Commissioner DeGrave

i. IEMO Advance Training

Commissioner DeGrave announced that he will be leaving after this evening's meeting to travel to attend the Institute for Elected Municipal Officials Advanced course to be held in Tampa.

ACTION: 6:53:36 No action was necessary.

ii. Excused Absence

Commissioner DeGrave explained that he will not be able to attend the May 9, 2019 regular meeting as he would be in Portugal and requested to be excused.

ACTION: 6:53:48 No action was necessary.

(c) Commissioner Bell

Commissioner Bell announced that he has nothing to report at this time.

ACTION: 6:54:02 PM No action was taken.

(d) Vice Mayor Gunter, Jr.

i. Fruitland Park Day

In concurring with Commissioner Mobilian's comments, Vice Mayor Gunter indicated that the March 30, 2019 Fruitland Park Day was a success and commended Parks and Recreation Director Michelle Yoder and Mr. Bogle on a job well done.

ACTION: 6:54:05 PM

ii. Public Works Department – Building

Vice Mayor Gunter referred to Commissioner Mobilian's inquiry regarding the public works building and recalled the city commission's discussions at its previous meetings on the need to utilize said area as a parking space for future city-related events if the property was sold.

ACTION: 6:54:26 No action was necessary.

iii. LDRs

Vice Mayor Gunter mentioned his recent conversations with Ms. Kelley regarding the scheduling of the city commission and planning and zoning

board joint workshop to address the LDRs and the anticipation of completing same.

ACTION: 6:54:50 PM **By unanimous consent, the city commission agreed to hold a joint workshop with the Planning and Zoning Board to review the entire land development regulations on a Saturday.** (A date and time will be determined after the LDRs are complete.)

10. MAYOR'S COMMENTS

(a) Fruitland Park Day

Mayor Cheshire recognized the successful setup of the March 30, 2019 Fruitland Park Day event.

ACTION: 6:57:45 No action was necessary.

(b) Dates to Remember

Mayor Cheshire announced the following events:

- April 12, 2019, LCLC, *St Johns River Water Management District Cost-Share Program, 2019 Projects Update*, Lake Receptions , 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- April 12, 2019, Movie on the Lawn *Ralf Breaks the Internet*, outside City Hall at 7:00 p.m.
- April 18, 2019, Lake County Household Hazardous Waste Mobile Unit, outside City Hall at 9:00 a.m. available for the City of Fruitland Park and The Villages of Fruitland Park residents.
- April 22, 2019, Tourist Development Council Second Capital Funding Meeting, Lake County Agriculture Center, 1951 Woodlea Road, Training Room A, Tavares , Florida 32778 at 9:00 a.m.
- April 24, 2019, Lake-Sumter Metropolitan Planning Organization (LSMPO), Governing Board Meeting, MPO Office, Suite 217, 225 W. Guava Street, Lady Lake, Florida 32159 at 2:00 p.m.
- April 25, 2019, City Commission Meeting Regular at 6:00 p.m.
- April 29, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.

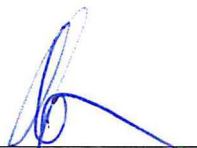
- April 29, 2019, Tourist Development Council 2nd Capital Funding Meeting if needed, Lake County Board of County Commissioners Administration Building, 315 West Main Street, Tavares, Florida 32778 at 3:00 p.m.

ACTION: 6:58:02 PM. For informational purposes.

10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 6:59 p.m.

The minutes were approved at the April 25, 2019 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor