

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
April 25, 2019**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 25, 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, Police Officers Frank Carroll and John Simone Police Department; Interim Fire Chief Donald Gilpin and Deputy Fire Chief Tim Yoder, Fire Department; Library Director JoAnn Glendinning; Human Resources Director Diana Kolcun, Deputy City Clerk Dana Coleman 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 Dr. D. "Darryll" Franklin Reaves, Mount Ararat Metropolitan Missionary Baptist Church, gave the invocation and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:05:43 PM At Mayor Cheshire's request, Ms. Coulson called the roll where a quorum was declared present.

3. SPECIAL PRESENTATIONS

(a) Community Garden Donation

On behalf of the city commission, Mayor Cheshire welcomed The Bell Family including Commissioner Bell and District 5 Lake County Board of County Commissioner Josh Blake to this evening's meeting.

Ms. Daphene Bell-Harvey, on behalf of The Bell Family, thanked Ms. Glendinning for the concept the city commission for its approval and presented a donation of \$10,000 to build a children's garden for the community at the new Fruitland Park Library in honor of her late father Virgil Bell.

ACTION: 6:05:56 PM The city commission thanked The Bell Family for the donation.

(b) Fruitland Park Benches Presentation

Ms. Glendinning introduced Eagle Scout Barak Reynolds, Troop #143 (City of Leesburg resident and high school freshman), who started as a cub scout at five years old where his troop leader at that time was the late Ms. Marilyn Shaw now Mr. Rob Parrish, City of Fruitland Park resident. Ms. Glendinning relayed Mr. Reynolds' promise made to Ms. Shaw that he would obtain his Eagle Scout Badge whereby upon achieving same, he would be the youngest at the age of 14.

She expressed his desire to build the benches for the community garden at the new library and around the city center.

ACTION: 6:10:03 PM By unanimous consent, the city commission accepted Eagle Scout Barak Reynolds' request to build five benches (three to four six-foot benches planned for the City of Fruitland Park and two four-foot benches to be erected in the community children's garden at the new Fruitland Park Library).

(c) Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing the week of May 5 through May 11, 2019, as Municipal Clerks' Week. He extended appreciation to City Clerk Esther B. Coulson and to all municipal clerks for the vital services they perform and for their exemplary dedication to the communities they represent.

ACTION: 6:12:27 PM Ms. Coulson thanked the city commission and accepted the proclamation with appreciation.

4. CONSENT AGENDA

(a) Approval of Minutes

April 11, 2019 regular meeting

(b) Resolution 2019-021 – Community Garden – Bell Family - Agreement

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING A DONATION IN MEMORY OF VIRGIL BELL TO BE UTILIZED FOR THE PLANTING OF A CHILDREN'S GARDEN TO BE LOCATED ON THE LIBRARY SITE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:14:50 PM On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried the city commission approved the consent agenda as previously cited.

5. REGULAR AGENDA

(a) CAFR Presentation 2018 Financial Audit Presentation

Ms. Tammy Campbell, McDirmit Davis & Co., Certified Public Accountants, gave a power-point presentation on the 2018 annual audit and relayed her findings for the FY 2018 Comprehensive Annual Financial Report.

The city commission addressed the need to:

- decide -- when addressing the utility rate study and for the repayment of the water and wastewater rates fund debt of approximately \$885,000 due to the

general fund -- absolving or increasing taxes to build fund equity in the general fund to its desired state;

- implement a methodical plan incorporated into the study;
- if the utilities are subsidized by the whole city (not the entire city on water and wastewater) that is in an inequitable position, abate same with a rate increase;
- conduct a review on the origin of the loan, and
- rectify the financial statements to show that the utility fund would pay the general fund balance.

ACTION: 6:15:05 PM On motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the FY 2018 Comprehensive Annual Financial Report.

(b) Exterior Drive-up Drop Box Quote – Fruitland Park Library Discussion

The city commission considered its action to accept the quotes for the new Fruitland Park Library outdoor return dual drop box from Kingsley, Brodart and The Library Store.

ACTION: 6:34:00 PM and 6:40:51 PM. On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission accepted staff's recommendation of approval to accept the exterior drive-up drop box equipment from Kingsley, the lowest responsible bidder, for \$6,980.

The library director announced that the official ribbon-cutting and grand opening ceremony for the new Fruitland Park Library will be held on Friday, July 19, 2019 at 11:00 a.m.

PUBLIC HEARING

(c) First Reading – Ordinance 2019-002 Fire Safety Inspection Fees

Ms. Geraci-Carver read into the record proposed Ordinance 2019-002, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.110, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE ADOPTION OF FIRE INSPECTION FEES BY RESOLUTION; REPEALING FEES FOR BURN PERMITS; PROVIDING FOR INCLUSION IN THE

CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 9, 2019.)

ACTION: 6:41:50 PM **On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved proposed Ordinance 2019-002 as previously cited.**

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

QUASI-JUDICIAL PUBLIC HEARING

(d) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2019-001 – First Amendment Master Development Agreement – Mirror Lake Village PUD

It being the time advertised to hold a public hearing to consider Ordinance 2019-001, after Ms. Geraci-Carver read into the record the title of proposed Ordinance 2019-001, Mayor Cheshire called for interested parties to be heard:

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 first reading was held on April 11, 2019).

Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc. (retained by the city and sworn in by Ms. Geraci-Carver), described the subject item unchanged from the first reading.

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

ACTION: 6:44:17 PM **A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2019-001, as previously cited, to become effective immediately 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

6. OFFICERS' REPORTS

(a) City Manager

i. Economic Development – CRA Matching Grant Façade Application

Mr. La Venia reported on the Community Redevelopment Agency (CRA) Small Business Façade Improvement Matching Grant Program Applications received from Johnston Tree Service and Rose Plantation; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia addressed the plan for Mses. Kelley and Lori Davis, Code Enforcement Officer, to review same and contact the applicants to appear before the CRA at a future meeting where staff would provide recommendations at that time.

Discussion was held on the CRA's actions at its February 7, 2019 meeting where the designated \$25,000 annual grant funds were set aside regarding the subject program and the need to hold a future CRA meeting to address earmarking \$20,000 towards abandoned property abatement.

ACTION: 6:47:02 PM and 6:50:44 PM No action was taken.

ii. Conservation Trail and Kauska Way Intersections - Stop Sign Request

After Mr. La Venia relayed Commissioner Mobilian's request for a stop sign to be located at the intersection of Conservation Trail and Kauska Way in The Villages of Fruitland Park (VOFP), Ms. Geraci-Carver described the public notice process based on recommended studies and the city commission's consideration in enacting an ordinance before implementation.

ACTION: 6:48:48 PM No action was taken.

(b) City Attorney

a. Notice of Claim – James Hartson

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

ACTION: 6:53:16 PM No action was necessary.

b. Notice of Claim – Michael Fewless

With respect to Mr. Michael Fewless' notice of claim, Ms. Geraci-Carver reported on Mr. La Venia's brief testimony at a hearing that he was required to attend on April 23, 2019 in Tallahassee. She explained that she will provide the city commission with an update once a ruling has been received.

ACTION: 6:53:21 PM No action was necessary.

c. Burke's Bar-B-Q Company

Ms. Geraci-Carver explained that as a result of inquiries she received on Burke's Bar-B-Q Company, she recalled the requirements (under the developer's agreement) for him to connect to the city's water and wastewater noting the expiration of same to be June 19, 2019; thus, he has not met with staff since whereby she would be coming back to the city commission for further direction.. Ms. Geraci-Carver addressed the recourse to bring a lawsuit to enforce the subject agreement.

ACTION: 6:53:39 PM No action was taken.

7. PUBLIC COMMENTS

Mr. Carl Yauk, VOFP resident, thanked Chief Luce for his quick follow-up and information provided in response to his concerns relayed at the January 10, 2019 regular meeting regarding various local government communications with emergency response units. He suggested that individuals in the city ought to register to receive emergency notification system alerts from Lake and Sumter Counties.

In recognizing the increased activities on the city's regular agenda and with the advent of additional homes and more children, Mr. Yauk questioned the status of the remodeling or construction of Lake County School District's elementary school in Fruitland Park; whether the school is operating at capacity and if the city ought to accelerate said issue in anticipation of growth within the city.

Vice Mayor Gunter, in response, reported that the school board is waiting to hear back from Tallahassee as it relates to what to do with the elementary school.

ACTION: 6:55:07 PM No action was taken.

8. OLD BUSINESS

ACTION: 6:55:07 PM No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 6:59:00 PM No action was taken.

(b) Commissioner DeGrave - IEMO Advance Training

Commissioner DeGrave reported that he attended the Institute for Elected Municipal Officials Advanced course in Tampa on April 12 and 13, 2019 where he attained useful information.

ACTION: 6:59:06 PM No action was taken.

(c) **Commissioner Bell**

i. **TDC**

Commissioner Bell referred to the April 22, 2019 Lake County Tourist Development Council's actions at its regular meeting on its capital funding grants and the application requests from the Cities of Leesburg and Clermont for their respective projects.

Commissioner Bell recalled the presentation addressed at the February 18, 2016 city commission workshop by Mr. Anderson Da Silva, The Villages Soccer Club Inc., on the pursuit for future programs in the city. Commissioner Bell relayed his subsequent discussion with Parks and Recreation Director Michelle Yoder regarding the utilization of the city's soccer fields in that regard.

ACTION: 6:59:26 PM No action was taken.

ii. **Community Garden**

On behalf of The Bell Family, Commissioner Bell expressed appreciation for the opportunity given for the Fruitland Park Library's Community Garden.

ACTION: 7:02:16 PM No action was taken.

iii. **Excused Absence**

Commissioner Bell explained that he will not be able to attend the May 23, 2019 regular meeting and requested to be excused.

ACTION: 7:18:31 PM No action was taken.

(d) **Vice Mayor Gunter, Jr. – Community Garden**

On behalf of the city commission, Vice Mayor Gunter extended appreciation from The Bell Family for the donation towards the new Fruitland Park Community Garden.

ACTION: 7:02:32 PM No action was taken.

10. **MAYOR'S COMMENTS**

(a) **FRS**

Mayor Cheshire referred to Ms. Racine's April 16, 2019 email regarding the Florida Retirement System's (FRS's) Contribution (Match) and How it is Distributed and expressed his desire to address methods of the city withdrawing from the FRS, identify the cost savings and repercussions as a result.

ACTION: 7:02:54:00 PM **By unanimous consent, the city commission directed the city attorney to research the city's withdrawal from the State of Florida Department of Management Services, Florida Retirement Services;**

find out the cost savings and ramifications to city employees and explore other similar matching funds. (The city commission addressed reviewing the origin of the city's introduction into the FRS.)

(b) Utility Rate Study

Mayor Cheshire noted that after the city commission receives the utility rate study anticipated at a future meeting, he suggested holding a workshop to explore available grant funds for water and wastewater connection; finding methods of restoring the account; review potential increases to the rates and find out the status of negotiations on the user fees outlined in the Water and Wastewater Treatment Plant Capacity Reservation and Bulk Treatment Agreement with the Town of Lady Lake.

Commissioner DeGrave, in concurrence, pointed out his remarks at the March 28, 2019 regular meeting on the need to explore water wastewater connection as it relates to outside city limits.

ACTION: 7:05:16 PM By unanimous consent, the city commission agreed with Mayor Cheshire's request.

(c) Website - ADA Accessibility Compliance

Mayor Cheshire referred to the time expended by Ms. Coulson for the city's website to meet accessibility requirements under the Americans with Disabilities Act .

ACTION: 7:11:26 PM By unanimous consent and upon the city attorney's recommendation, the city commission directed the city clerk to remove from the city's website all documents that do not meet The Americans with Disabilities Act compliance of online content with notification to users that the documents would be made available for access once the review is complete.

(d) NEHS

Mayor Cheshire announced the May 14, 2019 invitation to the Annual Induction Fruitland Park Elementary School Students to be held at the Fruitland Park Elementary School.

ACTION: 7:17:55 PM No action was taken.

(e) Dates to Remember

Mayor Cheshire announced the following events:

- 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.;
- May 8, 2019, 2019 Lake County Community Services Award, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.;
- May 9, 2019, City Commission Meeting Regular at 6:00 p.m.;
- May 10, 2019, LCLC, Diane Kornegay Superintendent of Schools, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- May 10, 2019, Movie on the Lawn *Big Hero*, outside City Hall at 8:00 p.m.;
- May 13, 2019, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- May 22, 2019, Lake Sumter-Metropolitan Planning Organization, Governing Board Meeting, MPO Office, Suite 217, 225 W. Guava Street Lady Lake, Florida 32159 at 2:00 p.m. and
- May 23, 2019, City Commission Meeting Regular at 6:00 p.m.

ACTION: 7:19:06 PM

11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:20 p.m.

The minutes were approved at the May 9, 2019 regular meeting.

Signed 
Esther B. Coulson, City Clerk

Signed 
Chris Cheshire, Mayor