

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
June 27, 2019**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 27, 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, Interim Fire Chief Donald Gilpin and Deputy Fire Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; 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, Reverend Omega A. B. Collier, A.B., African Methodist Episcopal Church, gave the invocation, and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:03:07 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

3. SPECIAL RECOGNITIONS

(a) Board and Community Service Recognition - C Bame

On behalf of the city commission, Mayor Cheshire read into the record a proclamation designating Thursday, June 27, 2019 as "*Connie Bame Day*"; expressed heartfelt gratitude for the many years she has devoted to the entire community and presented her with a plaque in recognition of her dedicated service as a member and chairperson of the City of Fruitland Park Planning and Zoning Board from 2004 to 2019.

ACTION: 6:03:19 PM After Ms. Bame accepted the plaque and proclamation with honor, the city commission wished her well in her future endeavor.

(b) Elected Officials 2019 Institute for Elected Municipal Officials Advanced Certificate of Complete Award Florida League of Cities and Florida Institute of Government - Commissioner Patrick DeGrave

ACTION: 6:06:52 PM Commissioner DeGrave accepted the certificate with appreciation.

4. LOCAL PLANNING AGENCY (LPA)

ACTION: 6:07:32 PM **By unanimous consent, the city commission recessed its meeting at 6:08 p.m. to the Local Planning Agency meeting.**

5. COMMUNITY REDEVLEOPMENT AGENCY (CRA)

ACTION: 6:10:15 PM By unanimous consent, the city commission recessed its meeting at 6:10 p.m. to the Community Redevelopment Agency Planning meeting and reconvened at 6:21 p.m.

6. CONSENT AGENDA

June 13, 2019 regular meeting minutes.

ACTION: 6:10:47 PM On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.

7. REGULAR AGENDA

(a) Resolution 2019-024 - P&Z Board Appointment – A Goldberg

Ms. Geraci-Carver read into the record Resolution 2019-024, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:12:56 PM A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2014-024 as previously cited.

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

(b) Resolution 2019-025 - Water and Wastewater Proposal/Agreement – BESH - Postponed

Ms. Geraci-Carver read into the record Resolution 2019-025, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING SERVICES PROPOSAL/AGREEMENT FOR WATER AND WASTEWATER MASTER PLAN BETWEEN BESH AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

In referring to the subject agreement, Mr. La Venia described the scope of work; relayed the request made at the June 25, 2019 meeting he and Mr. Bogle had with St John's River Water Management District on the need -- during the consumptive

use permit process which ought to be ten years -- for the city to update its comprehensive plan identifying locations for projected anticipated future growth and its potable and water and wastewater with the likelihood of same being a part of the system together with the related costs in the master plan.

Commissioner De Grave voiced concerns under subsection I.C., Surveying Documents *that all original documents . . . at all times shall remain the property of* Booth, Ern, Straughan & Hoitt Inc. (*BESH*) and subsection III.B., Limitation of Liability on special incidental, indirect or consequential damages arising later.

ACTION: 6:22:05 PM After much discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission postponed its action to adopt Resolution 2019-025 to the next meeting for staff to address the previously cited concerns with Booth, Ern, Straughan & Hoitt Inc. and report back to the city commission.**

(c) Resolution 2019-026 - 2019/20 School Resource Officer Program School Board of Lake County Agreement

Ms. Geraci-Carver read into the record Resolution 2019-026, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR THE SCHOOL RESOURCE OFFICER PROGRAM 2019/2020; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:34:04 PM Following much discussion and **on motion of Vice Mayor Gunter, seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-026 as previously cited.**

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

(d) Vehicle and Equipment Quotes – Fire Department

The city commission considered its action to approve one of the following vehicles and equipment quotes for the fire department:

- 2019 Ford Explorer 4-Door, Prestige Ford for \$36,561,
- 2019 Ford Explorer XLT, Bartow Ford for \$34,846,
- 2019 Chevy Tahoe Utility Vehicle, Stingray Chevrolet for \$45,529 with lights from HG2 Emergency Lighting for \$12,079,

- 2020 Chevy Tahoe Utility Vehicle, Stingray Chevrolet for \$34,088 with lights from Dana Safety Supply Inc. for \$9,641.91,
- 2020 Chevy Tahoe, Alan Jay Fleet Sales with lights for \$58,882.50, and
- Equipment installation, Dana Safety Supply Inc for \$9,641.91.

Interim Chief Gilpin addressed staff's numerous attempts to repair one of the exiting vehicles in the fire department fleet; requested replacement of same and recommended the selection of Stingray Chevrolet with lights from Dana Safety Supply totaling \$43,729.91 utilizing funds from the dedicated refund.

ACTION: 6:38:30 PM After much discussion, and on motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission accepted the interim fire chief's recommendation to approve the 2020 Chevy Tahoe Utility Vehicle from Stingray Chevrolet for \$34,088 with lights from Dana Safety Supply Inc. for \$9,641.91 as the lowest, responsive and responsible bidder.

(e) Utility Rate Increases Study Discussion

Mayor Cheshire referred to the city commission's June 24, 2019 workshop meeting on the utility rate increases study; relayed the determination made to consider the rate increases which are to be incorporated into the proposed utility rate ordinance for the July 11 and July 26, 2019 regular meetings respectively, and recognized the average water bill increases.

ACTION: 6:45:51 PM No action was taken.

PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened this evening's public hearings.

QUASI-JUDICIAL PUBLIC HEARING

(f) Quasi-Judicial Public Hearing - First Reading - Ordinance 2019-004 – Rezoning – Petitioner: DGI Properties LLC

After Ms. Geraci-Carver read into the record proposed Ordinance 2019-004, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.23 + ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO RESIDENTIAL PROFESSIONAL (RP) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENERS ERRORS; REPEALING ALL ORDINANCES IN

CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 11, 2019.)

ACTION: 6:47:22 PM By unanimous consent, the city commission accepted the Community Development Department Director's request, who was previously sworn, that testimony from the Local Planning Agency meeting held earlier this evening be transferred to this evening's agenda.

A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that he city commission approve Ordinance 2019-004 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

(g) Second Reading and Public Hearing – Ordinance 2019-005 – Regulating Traffic Movement – Conservation Trail and Kauska Way Intersection Four-Way Stop

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2019-004, Ms. Geraci-Carver 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, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY DESIGNATING THE INTERSECTION OF CONSERVATION TRAIL AND KAUSKA WAY AS A FOUR-WAY STOP; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on June 13, 2019.)

ACTION: 6:49:04 PM A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission enact Ordinance 2019-005 as previously cited to become effective as provided by law.

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 PUBLIC HEARING

8. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia recognized the approval earlier this evening of the first CRA Business Improvement Matching Grant Façade Program Applications.

Mr. La Venia reported on the number of potential investors desiring to develop commercial establishments on the CR 466A corridor.

ACTION: 6:50:09 PM For informational purposes.

ii. Proposed RV Park Workshop Discussion

Mr. La Venia reported on the recent proposal from Atwell LLC, an engineering, construction and consulting group on behalf of the developer, to apply for 26 acres of a luxury recreational vehicle (RV) park resort and the desire to purchase a portion of Mr. T. D. Burke's property (behind The School Board of Lake County's site bordering the Lake-Sumter County Line -- bounded on west by Oliver Lane, on the east by Micro Racetrack Road and on the south by CR 466A). He relayed the request to hold a workshop late July or early August 2019 before the city commission and recognized the number of questions relating to the proposal.

ACTION: 6:50:09 PM After discussion and upon Commissioner Bell's suggestion the city commission, **by unanimous consent, directed the city manager to obtain a list of criteria on the luxury recreational vehicle park resort and invite the consultant and Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc., retained by the city, to the next regular meeting prior to holding a city commission workshop requested by the developer.**

(b) City Attorney

i. Notice of Claim – James Hartson

Ms. Geraci-Carver did not address the notice of claim on James Hartson.

ACTION: 6:58:02 PM. No action was necessary.

ii. Notice of Claim – Michael Fewless

Ms. Geraci-Carver did not address the notice of claim on Michael Fewless.

ACTION: 6:58:02 PM. No action was necessary.

iii. Burke's Bar B Q Co - Mr. T. D. Burke

Later in the meeting, Ms. Geraci-Carver reported that nothing has been received from Burke's Bar B Q Company on the application to connect to the city's utility (water wastewater treatment plant (WWTP)) system and recognized the deadline of July 19, 2019 for him to comply. She requested the city commission's direction to file a lawsuit to enforce the terms of the development agreement and outlined the legal proceedings involved from the service of summons.

ACTION: 6:58:21 PM. After much discussion and upon Commissioner DeGrave's suggestion, the city commission, by unanimous consent, directed the city attorney to commence with the service of summons to Mr. T. D. Burke, Burke's Bar B Q Company.s

iv. FRS

Earlier in the meeting, Ms. Geraci-Carver referred to the June 14, 2019 email forwarded by Mr. La Venia from the State of Florida Department of Management Services (DMS) regarding the question on the city opting out of the Florida Retirement System (FRS). She relayed DMS' response that there are no provisions to opt out of the FRS which was only performed once through state legislature relief. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:58:02 PM. No action was necessary.

v. Absence

Ms. Geraci-Carver announced that she will not be present for the July 11 regular meeting as she will be attending the 38th Annual Florida Municipal Attorneys Association Seminar to be held from July 11 to 13, 2019 and responded to a question posed that Mr. Sandy Minkoff (former Lake County Attorney), will be attending the regular meeting on her behalf.

ACTION: 7:06:59 PM. No action was necessary.

9. PUBLIC COMMENTS

Mr. Carl Yauk, The Villages of Fruitland Park resident, referred to Resolution 2019-025 Water and Wastewater Proposal/Agreement postponed earlier on this evening's agenda under Item 7.(b) and posed the following questions:

- the city commission's consideration to retain Jacobs Engineering Group, an engineering company retained by The Villages, which he regarded as reputable;
- the dollar amount still owed on the existing WWTP;
- the plan to foreclose and subsequently demolish property (addressed earlier this evening by the CRA) with the opportunity to implement a mini-park concept;
- an existing city master plan identifying developments and locations as a primary objective, and

- a contact person, known to him, who is a president of a high-end RV park.

Mses. Geraci-Carver, Racine, and Mr. La Venia had the following responses to the previously cited questions posed by Mr. Yauk:

- the amount owed on the WWTP is approximately \$900,000;
- BESH has been reputable and has been retained by the city for some time; Rainey Construction Company has implemented work for the city on the new WWTP at The Villages, and the city would be required to seek proposals for engineering companies;
- the city adopted its 2035 comprehensive plan in 2016;
- a mini park concept would not be conducive for the location where there is a plan to foreclose and subsequently demolish property; four city parks have been utilized and improved over the past five years and developers are required, under their planned unit development, to develop parks to serve their respective neighborhood developments, and
- the president of the high-end RV park is invited to attend the next regular city commission meeting.

Mr. Carlisle Burke, City of Fruitland Park resident, voiced ongoing concerns relating to the county's placement of a curve on the Sunset Way dirt road intersection on to Dixie Avenue which he indicated has become a safety issue; referred to the previous hit-and-run traffic accident which involved his daughter and requested whether the city commission could contact the county to make improvements of same.

Mr. Burke pointed out the hill and the continued paving of Pennsylvania Avenue which has been washed out. After he requested that the city make a transition for both ends to prevent the washing out and pave 15 to 20 foot off the road, Mr. La Venia explained that staff could review same as part of the city's paving program.

With respect to the current properties including two units currently being complete, owned by Mr. Terry Ross, City of Fruitland Park resident, Mr. Burke reported that he has allegedly filled the property in and built it up higher than the land surrounding it causing water run offs. Mr. Burke indicated that he is building three other units in the middle where it is presumed that he will repeat the process, and pointed out the agreement with the city commission to surrender 10 feet to widen Sunset Way which has since been torn and sodded to the edge of the roadway. Mr. Burke requested the city's assistance to check the current situation.

In response, Mr. La Venia explained that the building inspector and Ms. Kelley will review the matter and Mayor Cheshire requested that Mr. Bogle check the situation of the respective roads as outlined by Mr. Burke.

ACTION: 7:07:29 PM. No action was necessary.

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian referred to the June 26, 2019 Lake-Sumter Metropolitan Planning Organization Meeting he attended and recognized that funding towards the CR 466A roadway project on the priority list has been reprioritized with the anticipation for same to be complete in approximately two years.

In response, Mayor Cheshire announced that he has been scheduled to meet with District 33 State Representative Brett Hage after July 4, 2019 to obtain funds and Mr. La Venia has made arrangements to meet with District 12 Senator Dennis Baxley to determine how funds would be appropriated to complete the CR 466A corridor.

Commissioner Mobilian explained that he has since spoken with Dr. Gary Lester, The Villages Community Development District, and has a call into Senator Baxley.

ACTION: 7:17:57 PM. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 7:20:00 PM. No action was taken.

(c) Commissioner Bell

Commissioner Bell discussed discouraging the city from developing mobile homes in the city.

ACTION: 7:20:02 PM. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he has no comments at this time.

ACTION: 7:23:06 PM. No action was taken.

11. MAYOR'S COMMENTS - Dates to Remember

Dates to Remember

Mayor Cheshire announced the following dates:

- July 4, 2019, Independence Day Holiday – City Offices Closed;
- July 8, 2019, Lake County Tourist Development Council, Lake County Agriculture Center, 1951 Woodlea Road, Training Room A, Tavares, Florida 32778 at 9:00 a.m.;
- July 11, 2019, City Commission Meeting Regular at 6:00 p.m.;
- July 12, 2019, Lake County League of Cities (LCLC), "Update on 2019 Legislative Session", Lake Legislative Delegation, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

- July 12, 2019, Movie on the Lawn *Bumblebee*, outside City Hall at 7:00 p.m.,
- July 19, 2019, New Fruitland Park Library Grand Opening, 11:00 a.m.;
- July 25, 2019, City Commission Meeting Regular at 6:00 p.m.;
- August 5-7, 2019, City Commission Meeting Workshops at 6:00 p.m., and
- August 8, 2019, City Commission Meeting Regular at 6:00 p.m.;

ACTION: 7:23:08 PM. No action was taken.

12. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:24 p.m.

The minutes were approved at the July 11, 2019 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Chris Cheshire, Mayor