

**FRUITLAND PARK CITY COMMISSION
SPECIAL MEETING MINUTES
September 5, 2019**

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 5, 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, Fire Chief Donald Gilpin, Deputy Fire Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle, Human Resource Director Diana Kolcun; Deputy City Clerk Stevie Taub and City Clerk Esther Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:00 PM. Mayor Cheshire called the meeting to order Police Chief Luce gave the invocation, and Fire Chief Gilpin led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:01:13 PM and 6:01:26 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present. Mayor Cheshire announced the decorum for this evening's meeting.

3. PROCLAMATION - *Constitution Week* – September 17 to 23, 2019

On behalf of the city commission, Mayor Cheshire read into the record, a proclamation proclaiming September 17 to September 23, 2019 as *Constitution Week* and asked the citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

ACTION: 6:03:48 PM Mses. Claudia Jacques and Cindy Kolevar, John Bartram Chapter of The Villages Daughters of the American Revolution Chairperson, accepted the proclamation with sincere gratitude.

4. COMMUNITY REDEVELOPMENT AGENCY

ACTION: 6:04:33 PM **By unanimous consent, the city commission recessed its meeting at 6:05 p.m. to the Community Redevelopment Agency and reconvened at 6:15 p.m.**

5. CONSENT AGENDA

(a) Resolution 2019-038 – P&Z Board Member Appointment

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.

- (b) **Resolution 2019-039 – City Treasurer Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (c) **Resolution 2019-040 – City Attorney Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (d) **Resolution 2019-041 – City Clerk Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:15:01 PM **On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

6. REGULAR AGENDA

- (a) **Resolution 2019-037 – LCLC Member-Alternate Appointments**
Ms. Geraci-Carver read into the record proposed Resolution 2019-037, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:16:28 PM **A motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-037 as previously cited with the appointments of Commissioner Chris Bell as the member and Vice Mayor Gunter as the alternate.**

After Commissioner Bell and Vice Mayor Gunter accepted the position, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

- (b) **Resolution 2019-044 - Central Square Technologies - Agreement**
Ms. Geraci-Carver read into the record proposed Resolution 2019-044, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PROPOSAL FROM CENTRAL SQUARE TECHNOLOGIES IN THE AMOUNT OF \$12,160.00; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, Ms. Geraci-Carver recognized the existing Central Square Technologies' software maintenance and support agreement (CRW Systems Inc.) and requested that the addendum reflecting Chapter 119, Florida Statutes be included due to the change in the laws since the original agreement was entered into.

ACTION: 6:20:00 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-044 as previously cited with the addendum.

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

(c) Resolution 2019-046 – City Roadways - Paquette Company

Ms. Geraci-Carver read into the record proposed Resolution 2019-046, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PROPOSAL FROM PAQUETTE COMPANY IN THE AMOUNT OF \$115,536.00; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:21:05 PM and 7:27:53 PM After discussion a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-046 as previously cited.

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

Later in the meeting, Mayor Cheshire referred to the city commission's previous discussions (May 24, 2018 regular meeting) regarding the Cutoff Road proposed improvements transfer interlocal agreement with the county which included resurfacing and voiced concerns on the current condition of the sidewalks, trees and lighting to which Mr. La Venia recollected the county's willingness to bear the costs of same if the city assumes responsibility.

At Mayor Cheshire's request, **the city commission, by unanimous consent, directed the public works department director to contact Lake County's Road**

Operations Division Manager to coordinate the future resurfacing project and address resolving the problem with street lighting on Cutoff Road.

(d) June 2019 Financial Report

Ms. Racine reviewed the June 2019 Financial Report.

ACTION: 6:24:07 PM On motion of Vice Mayor Gunter, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the June 2019 Financial Report as submitted.

PUBLIC HEARING

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

(e) Resolution 2019-045 – Adopted Fire Assessment Rate

After Ms. Geraci-Carver read into the record proposed Resolution 2019-045, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:25:46 PM A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-045 as previously cited.

Mr. Robert R. Ruiz, City of Fruitland Park resident, referred to the 2019 notice of proposed property taxes and the proposed or adopted non-ad valorem assessments reflecting the city, as the levying authority, for the assessments on the Fire Rescue Residential Units. He expressed concerns on the unit (residence) on the rear of his property which not being used. (A copy of the public notice is filed with the supplemental papers to the minutes of this meeting.)

After much discussion, Ms. Geraci-Carver advised Mr. Ruiz to refer his concerns to the Lake County Property Appraiser's Office.

By unanimous consent, Mayor Cheshire closed the public hearing.

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

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

The motion was declared carried on a four to one (4-1) vote.

(f) Resolution 2019-042 - FY 2019-20 Tentative Millage

Mayor Cheshire announced that the City of Fruitland Park is preparing to set the tentative mileage rate of 3.9134 -- a 3.08 percent increase over the roll back rate of 3.7965, the same rate as the last year – which is due to an increase in the taxable value generated by The Villages and other developments and recognized same to be \$83,136 increase in ad valorem over the roll back rate, due to the 10 percent increase in taxable value (an increase of \$38,518,346 assessed value) due to The Villages and other development activity.

After Ms. Geraci-Carver read into the record proposed Resolution 2019-042, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:33:08 PM Following discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city adopt Resolution 2019-042 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.

(g) Resolution 2019-043 - FY 2019-20 Adopted Budget

After Ms. Geraci-Carver read into the record proposed Resolution 2019-043, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA,

**ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR
2019-2020; PROVIDING FOR AN EFFECTIVE DATE.**

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

ACTION: 6:34:05 PM A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city adopt Resolution 2019-043 as previously cited.

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

- (h) Second Reading and Public Hearing – Ordinance 2019-012 Sewer Impact Fee**
After Ms. Geraci-Carver read into the record proposed Resolution 2019-012, 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, AMENDING WASTEWATER IMPACT FEE PROVISIONS IN CHAPTER 37 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 22, 2019.)

ACTION: 6:35:08 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2019-012 as previously cited to become effective 90 days after final adoption as provided by law.

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.

QUASI-JUDICIAL PUBLIC HEARING

- (i) Quasi-Judicial Public Hearing – Second Reading - Ordinance 2019-003 – Rezoning – Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 177 ± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK

STREET AND EAST OF CR 468 FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD), WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 5, 2019.)

ACTION: 6:35:45 PM On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried the city commission postponed its action to enact proposed Ordinance 2019-003, as previously cited, to the September 19, 2019 special meeting.

END OF QUASI-JUDICIAL PUBLIC HEARING

7. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia gave an update on the following:

- Florida Medical Industries Inc. - the owner, Mr. Michael "Mike" Whiting, Florida Medical Industries Inc., (the glass thermometer manufacturing company) has obtained the demolition permit and is in the process of seeking a contractor to complete the project.
- CRA Façade – the Community Redevelopment Agency (CRA) grant money project (The Rose Plantation) is almost complete; CRA funds will be dispersed after the grant criteria has been met, and after October 1, 2019, the CRA will re-open the Business Improvement Matching Grant Façade Program application process where more businesses would be encouraged to participate.
- LDRs – the intent to address existing businesses and the utilization of CRA grants at the September 26, 2019 joint workshop with the Planning and Zoning Board on Land Development Regulations (LDR).
- CDBG
 - the city commission's direction at its August 22, 2019 regular meeting to contact Lake County to initiate participation in its

Community Development Block Grant (CDBG) funding program, as an entitlement county, to which the city commission requested that a grant writer be invited to appear before the city commission to address the best options for the city;

- the city commission's actions at its August 12, 1999 regular meeting postponing indefinitely the adoption of the CDBG Program Cooperative Agreement -- the US Department of Housing and Urban Development -- with Lake County as the entitlement county;
- his conversations with Lake County Manager Jeff Cole for the city to participate with the county to receive annual grant federal funds in phases for the city's various smaller projects and opt out, if necessary; thus, the plan to communicate with county staff overseeing the CDBG program, and
- if it is the city commission's desire, the options for the city to independently apply for CDBG grants or work with the county where capital funds would be utilized from the FY 2020-21 midyear budget for various projects.

ACTION: 6:37:41 PM By unanimous consent, the city commission directed the city manager to invite the grant writer, once retained, to appear before the city commission at a future meeting to address the options for the city.

ii. Hurricane Dorian Status Update

Mr. La Venia had no comments on Hurricane Dorian; however, later in the meeting, he expressed gratitude to Police Chief Luce, Public Works Director Bogle, Interim Fire Chief Gilpin, Deputy Fire Chief Yoder and Human Resource Director Kolcun for their work in preparing for Hurricane Dorian.

ACTION: 7:03:07 PM No action was taken.

(b) City Attorney

i. Notice of Claim – James Hartson

Ms. Geraci-Carver stated no developments to the notice of claim by Mr. James Hartson.

ACTION: 6:57:41 PM No action was taken.

ii. City of Fruitland Park v. T. D. Burke

Ms. Geraci-Carver reported that the T. D. Burke lawsuit has been filed and in recognizing the delay to serve the summons (complaint) and the

anticipation of the processor server to commence same, Mr. Burke would have 20 days to respond.

ACTION: 6:57:57 PM No action was taken.

iii. Code Enforcement – Request to Foreclose

Ms. Geraci-Carver referred to the requested consent from the Special Magistrate to proceed with foreclosure actions on Case Numbers CE2017-0032 and CE2018-0043 as prepared by Code Enforcement Officer Lori Davis; noted the requirement of filing a lawsuit and described the process involved with the initial plan to file title reports if approved by the city commission.

ACTION: 6:59:39 PM **On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the city attorney’s request and authorized the foreclosure of code liens in Case Numbers CE-2019-0043 and CE2017-0032.**

8. PUBLIC COMMENTS

There were no comments from the public at this time.

ACTION: 7:00:14 PM No action was taken.

9. COMMISSIONERS’ COMMENTS

(a) Commissioner Mobilian

i. MPO

Commissioner Mobilian reported that the Lake~Sumter Metropolitan Planning Organization (MPO) meeting (scheduled for August 28, 2019) was cancelled; therefore, no updates are available for the CR 466A roadway improvements.

ACTION: 7:00:36 PM No action was taken.

ii. Beyond the Walls

Commissioner Mobilian acknowledged the involvement of his wife, Mary Ann; with Beyond the Walls Food Pantry (adjacent to Heritage Community Church) noting the costs involved to manage and serve families in the community; noted the limited monthly donations received and recognized her efforts in reaching out to The Villages of Fruitland Park (VOFP) Pine Hills volunteers where a single donation was received for \$10,000 for the pantry.

ACTION: 7:00:51 PM No action was taken.

iii. Excused Absence

Commissioner Mobilian requested that he be excused for the next meeting.as he will not be in attendance.

ACTION: 7:02:34 PM No action was taken.

(b) Commissioner DeGrave

i. Hurricane Dorian

Commissioner DeGrave commended Mr. La Venia and essential city staff for their performance in preparing for Hurricane Dorian.

ACTION: 7:03:07 PM No action was taken.

ii. FY 2019-20 Budget

Commissioner DeGrave voiced his concerns raised at the August 6, 2019 workshop on the FY 2019-20 budget regarding the governmental accounting standards and procedures; relayed the meeting he had on September 4, 2019 with Mses. Racine, Tamara “Tammy” Campbell, McDirmit Davis, Certified Public Accountants retained by the city, and himself. He relayed his suggestion to establish and utilize separate checking accounts prior to transferring funds from the general fund to the utility fund or repayment by the utility fund to the general fund authorized by the city commission.

ACTION: 7:04:45 PM Following extensive deliberations and upon Commissioner DeGrave’s suggestion, **the city commission directed the city attorney to draft a resolution to establish utilizing separate checking accounts prior to transferring funds from the general fund to the utility fund or repayment by the utility fund to the general fund authorized by the city commission for consideration at a future meeting.**

iii. Shiloh Cemetery

Commissioner DeGrave pointed out a recent visit to Ms. Kolcun by a VOFP resident to purchase and use the plots for him and his wife at Shiloh Cemetery as a final resting place due to the friendly nature of the city.

ACTION: 7:34:21 PM No action was taken.

(b) Commissioner Bell - Hurricane Dorian

Commissioner Bell praised Mr. La Venia and staff on the updates he provided relating to Hurricane Dorian. In response to Commissioner Bell’s suggestion to keep the Bahamas in the city’s thoughts and for the city to keep abreast of the local initiatives being prepared to provide assistance, Mr. La Venia requested that staff be informed to disseminate same to the citizens.

Commissioner Bell acknowledged Waste Management Inc.'s quick response after the Hurricane.

ACTION: 7:04:45 PM No action was necessary.

(d) Vice Mayor Gunter, Jr. – Hurricane Dorian

Vice Mayor Gunter expressed appreciation to staff on the preparation efforts for Hurricane Dorian.

ACTION: 7:26:40 PM No action was necessary.

10. MAYOR'S COMMENTS

(a) Hurricane Dorian

Mayor Cheshire shared the same sentiments of the city commission by extended his appreciation on staff's efforts during the preparation of Hurricane Dorian and recognized the combined activities of other governmental agencies.

ACTION: 7:27:18 PM No action was necessary.

(b) Dates to Remember

Mayor Cheshire announced the following events:

- September 9, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- September 13, 2019, Lake County League of Cities (LCLC), Lake County Sheriff Peyton Grinnell, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 13, 2019, Movie on the Lawn – *The Secret Life of Pets 2* at 8:00 p.m. Outside City Hall
- September 19, 2019 Village Institute of Plastic Surgery Grand Opening Ribbon-Cutting, 607 CR 466A, Fruitland Park, Florida 34731 at 3:00 p.m.;
- September 19, 2019, City Commission Meeting Special at 6:30 p.m. (immediately following the Planning and Zoning Board at 6:00 p.m.);
- September 26, 2019, City Commission Workshop at 6:00 p.m.
- October 10, 2019, City Commission Meeting Regular at 6:00 p.m.;
- October 11, 2019, LCLC, Four-Hour Ethics Training, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 11, 2019, Move on the Lawn, outside City Hall TBD;
- October 23, 2019, Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, 225 W Guava Street, Lady Lake, Florida 32159 at 2:00 p.m.;
- October 24, 2019, City Commission Meeting Regular at 6:00 p.m.;
- October 26, 2019 *Trick or Trot 5k* Fruitland Park Elementary School, 304 Fountain Street, Fruitland Park, Florida 34731 at 8:00 a.m.;

ACTION: 7:35:28 PM

11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:37 p.m.

The minutes were approved at the October 10, 2019 regular meeting

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor