

**FRUITLAND PARK CITY COMMISSION
SPECIAL MEETING MINUTES
September 19, 2019**

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 19, 2019 at 6:30 p.m.

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

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; Community Development Department Assistant Kelly Turner; 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: 6:36:47 PM. Mayor Cheshire called the meeting to order, Pastor Chuck Padgett, Trinity Assembly of God, gave the invocation, and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:38:01 PM and 6:38:04 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

After Mayor Cheshire referred to Commissioner Mobilian's request at the September 5, 2019 special meeting, **a motion was made by Vice Mayor Gunter, seconded by Commissioner DeGrave and unanimously carried, the city commission excused the absence of Commissioner Mobilian at this evening's meeting.**

3. REGULAR AGENDA

(a) Resolution 2019-052 – Summit Broadband Proposal

Ms. Geraci-Carver read into the record proposed Resolution 2019-052, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SUMMIT BROADBAND SERVICE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SERVICE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:59:09 PM After discussion, **a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission postpone Resolution 2019-052 as previously cited to the next meeting for more information.**

After much discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(b) Resolution 2019-031 Fruitland Park Community Center – Flooring

Ms. Geraci-Carver read into the record proposed Resolution 2019-031, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROPOSAL FROM CHRIS LYNCH FLOORING TO PROVIDE AND INSTALL FLOORING AT THE COMMUNITY CENTER; AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia recognized from the quotations Restoration Specialists, \$45,360; The Floor Shoppe, \$38,500, and Mastropiece LLC, \$89,695 that Chris Lynch Flooring at \$34,360.40 is the lowest responsible bidder which he is recommending and confirmed that said project is earmarked in the capital improvement budget.

ACTION: 6:59:20 PM A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-031 as previously cited.

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

(c) Resolution 2019-049 Checking Accounts Establishment

Ms. Geraci-Carver read into the record proposed Resolution 2019-049, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A BANK ACCOUNT FOR THE UTILITY ENTERPRISE FUND SEPARATE AND APART FROM THE BANK ACCOUNT FOR OTHER CITY FUNDS; DIRECTING THE CITY TREASURER TO OPEN AND UTILIZE A SEPARATE BANK ACCOUNT FOR THE UTILITY FUND; REQUIRING CITY COMMISSION APPROVAL PRIOR TO A TRANSFER FROM THE GENERAL FUND TO THE UTILITY FUND OR FROM THE UTILITY FUND TO THE GENERAL FUND; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Gunter conveyed the request from Ms. Vickie Jackson, United Southern Bank, that she be informed when the city's designated officers authorized to sign checks on behalf of the city signers are collectively present especially at official city meetings.

ACTION: 7:02:31 PM A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-049 as previously cited.

Following extensive discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(d) Resolution 2019-051 Intergovernmental Cooperative Agreement Contract and By Laws for PRM

Ms. Geraci-Carver read into the record proposed Resolution 2019-051, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING THE CITY MANAGER TO SERVE AS THE CITY'S REPRESENTATIVE ON THE BOARD OF DIRECTORS FOR PRM; APPOINTING THE HUMAN RESOURCES DIRECTOR TO SERVE AS THE ALTERNATE; ADOPTING PUBLIC RISK MANAGEMENT OF FLORIDA'S BYLAWS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:03:55 PM After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-051 as previously cited.

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

PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened the public hearings for this evening's meeting; outlined the decorum on the proceedings and took the item out of order.

(e) Resolution 2019-050 Redevelopment Agency Continued Existence

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record proposed Resolution 2019-050, the substance of which is as follows and Mayor Cheshire called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE CONTINUED EXISTENCE OF THE COMMUNITY

REDEVELOPMENT AGENCY AND TRUST FUND;
PROVIDING FOR AN EFFECTIVE DATE.

Ms. Geraci-Carver reviewed the HB9, Community Redevelopment Agency, effective October 1, 2019 which was passed by the legislature; where the city is allowed to continue the existence of its CRA; otherwise, it will terminate 2039. She relayed the comments from Mr. David J. Cruz, Florida League of Cities' Deputy General Counsel, that the city could adopt a resolution extending it for an additional 30-years period as its establishing documents (Resolution 95-012, CRA Plan) did not provide a term and another 30 years can be added, September 30, 2055.

ACTION: 7:09:30 PM A motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-050 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.

(f) Resolution 2019-047 - FY 2019-20 Adopted Millage

It now being the time advertised to hold a public hearing, Mayor Cheshire read into the record the city's preparedness to set the tentative millage rate of 3.9134 mills (a 3.08% increase over the roll back rate) the same rates as the last year, a \$83,136 increase in ad valorem roll back rate due to 10 percent increase in taxable value and an increase of \$38,518,346 assessed value due to The Villages and other development activity.

After Ms. Geraci-Carver read into the record the following title of proposed Resolution 2019-047, Mayor Cheshire called for the public to be heard.

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

ACTION: 7:10:10 PM A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that city commission adopt Resolution 2019-047 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 2019-048 - FY 2019-20 Adopted Budget

It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record the title of the following proposed Resolution 2019-048, 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 FINAL BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:12:58 PM A motion was made by Commissioner DeGrave, seconded by Vice Mayor Gunter, the city commission adopt Resolution 2019-048 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.

END OF PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

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

It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record the title of the following proposed Ordinance 2019-003, Mayor Cheshire called for interested parties to be heard:

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 August 22, 2019.)

Ms. Geraci-Carver confirmed that revisions were made in the master development agreement as approved at the August 22, 2019 regular meeting.

Vice Mayor Gunter disclosed his ex-parte communications with Dr. Rufus Holloway when he recently visited the subject site where he conveyed his request to Dr. Holloway that he ensures that his desires in the development of the property be made in writing.

Dr. Rufus Holloway thanked the city commission for their support and voiced concurrence with Vice Mayor Gunter's comments.

By unanimous consent, Mayor Cheshire closed the public hearing.

ACTION: 7:14:12 PM A motion was made by Vice Mayor Gunter, seconded by Commissioner Bell, the city commission enact Ordinance 2019-003 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

END OF PUBLIC HEARING

4. OFFICER'S REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia gave an update on the following:

- Florida Medical Industries Inc. – staff has been in communications with Mr. Michael “Mike” Whiting, owner of the Thermometer Plant; has selected a contractor to begin the demolition of the structure on September 23, 2019.
- Sun Recreational Vehicle Resort Development – notification was received from Lake County on September 12, 2019 regarding a pre-submittal application for staff review and comments for a proposed Sun Recreational Vehicle Resort Development, a similar request proposed before the city commission at its June 27, 2019 regular meeting.

Mr. La Venia relayed his discussions with Messrs. Duane K. Booth, Booth, Ern, Straughan & Hoitt (engineers, surveyors and land planners retained by the city) and Greg Beliveau, LPG Urban and Regional Planners Inc., regarding the city's legal obligations to which Ms. Geraci-Carver pointed out the requirement under 180.02(3), FS on the provision of water and wastewater connection as it is in the city's utility service zone or area.

The city commission agreed with Ms. Geraci-Carver's suggestion on the importance of working with the county to revisit the 2013 Interlocal Service Boundary Agreement which was incomplete.

ACTION: 17:18:38 PM and 7:31:52 PM After much discussion and by unanimous consent, the city commission authorized staff to write a letter to Lake County opposing the Sun Recreational Vehicle Resort Development project as it is not in the highest and best use and will not be an asset of the county or the city and which can be better served with more commercial value and directed the city attorney to draft an ordinance on Utility Service Provision Outside Municipal Boundaries for consideration at the September 26, 2019 special meeting.

Additionally, the city commission requested that the city attorney contact Lake County Attorney's Office on the status of the city's Interlocal Service Boundary Agreement.

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

Mr. La Venia requested that Ms. Geraci-Carver provide an update on City of Fruitland Park v. T. D. Burke.

ACTION: 7:31:52 PM No action was taken.

(b) City Attorney

i. Notice of Claim – James Hartson

Ms. Geraci-Carver did not address the Notice of Claim on James Hartson at this time.

ACTION: 7:31:52 PM No action was taken.

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

Ms. Geraci-Carver reported that she is working with the process server to serve T..D. Burke with the lawsuit and addressed her plan to communicate with the attorney may accept service. (A copy of the lawsuit is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:33:27 PM No action was taken.

iii. Code Enforcement – Foreclosure

Ms. Geraci-Carver reported that title reports for the two foreclosures -- Case Numbers: CE2019-0043: Joseph Casteel, Jr. and CE2017-0032: Jennifer Marcial (not homestead properties) -- have been ordered and will subsequently be filed.

ACTION: 7:33:52 PM No action was taken.

5. PUBLIC COMMENTS

Mr. David Serdar, City of Fruitland Park resident, voiced his support acknowledging September 20, 2019 as *World Climate Strike Day*; recognized the impending United Nations UN Climate Change Summit and the actions initiated by the Swedish teenage girl. He referred to the concept he learned from Matthew “Mat” McClain, from District 12 Senator Dennis Baxley’s office on *Get Rid of Plastic Bags at Point-of-Sale, Beverage Container Deposit Law (20 to 25 cents), Cigarette Butts Becoming Litter and Carrying Litter Bags*.

ACTION: 7:34:18 PM No action was taken.

6. COMMISSIONERS’ COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent at this time.

ACTION: 7:37:52 PM No action was taken.

(b) Commissioner DeGrave – Future Resolutions Budgetary Line Items

With reference agenda item 3.(b), Resolution 2019-031 adopted earlier on this evening’s agenda, Commissioner DeGrave requested that staff identify in future proposed resolutions for consideration before the city commission, reflect the expense as a line item in the approved budget.

ACTION: 7:37:52 PM. No action was taken; however, the city attorney agreed to the request.

(c) **Commissioner Bell – Village Institute of Plastic Surgery Grand Opening**

Commissioner Bell acknowledged the staff and his attendance at The Village Institute of Plastic Surgery's Grand Opening Ribbon Cutting event held earlier this day.

ACTION: 7:40:22 PM No action was taken.

(d) **Vice Mayor Gunter**

Vice Mayor Gunter had no comments at this time.

ACTION: 7:41:46 PM No action was taken.

7. **MAYOR'S COMMENTS – Dates to Remember**

Mayor Cheshire reviewed the following events:

- September 20, 2019 Metropolitan Planning Organization (MPO) Workshop (LRTP, LOPP, and CMP to the TMS Database);
- September 26, 2019 City Commission and Planning and Zoning Board Joint Workshop at 6:00 p.m.;
- September 26, 2019 City Commission Special Meeting (immediately following the joint workshop);
- October 2, 2019 Sponsor's Night, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.;
- October 7, 2019 Lake County Tourist Development Council (TDC) (regular meeting and first capital funding meeting) TBD at 3:00 p.m.;
- October 9, 2019 Lake County Legislative Delegation public hearing, Lake-Sumter State College (LSSC) Leesburg Campus, 9501 US Hwy 441, Leesburg, Florida 34788 at 6:00 p.m.;
- October 10, 2019, City Commission Meeting Regular at 6:00 p.m.;
- October 11, 2019 Four-Hour Ethics Training, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 9:00 a.m.;
- October 16, 2019 *Impact Lake Gas Tax Session*, Clermont (Community) City Center, 620 W Montrose Street, Clermont, Florida 34711 at 12:00 p.m. to which Mr. La Venia referred to the September 6, 2019 letter on the five cents gas tax local option, a copy of which is filed with the supplemental papers to the minutes of this meeting;
- October 21, 2019 TDC (second capital funding meeting if needed) TBD at 3:00 p.m.;
- October 23, 2019 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., and
- October 26, 2019, Trick or Trot 5k, Fruitland Park Elementary School, 304 W Fountain Street, Fruitland Park, FL 34731 at 8:00 a.m.;

ACTION: 7:41:50 PM No action was taken.

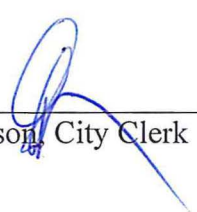
8. **ADJOURNMENT**

There being no further business to come before the city commission, the meeting adjourned at 7:45 p.m.

The minutes were approved at the October 24, 2019 regular meeting.

Signed _____

Esther B. Coulson, City Clerk



Signed _____

Chris Cheshire, Mayor

