

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES**

October 10, 2019

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

6:00 pm

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 10, 2019 at 6:00 pm

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, Sergeant Tim Ross, Officers Frank Carroll, José Ortiz Gonzalez, and John Simone, Police Department; Deputy Fire Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Dianne Kolcun; Deputy City Clerk Stevie Taub and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:33 PM After Mayor Cheshire called the meeting to order, Reverend Deborah L. “Debbie” Allen, Community United Methodist Church, gave the invocation and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:01:48 PM At Mayor Cheshire’s request, Ms. Coulson called the roll and a quorum was declared present.

After Mayor Cheshire announced the decorum for this evening’s meeting, he noted the changes to this evening’s agenda.

ACTION: 6:02:04 PM **The city commission, by unanimous consent, accepted the following changes on this evening’s agenda:**

- **Consent Agenda Item 5.(b), correct resolution to read “2019-055” instead of “2019-052”;**
- **Regular Agenda Item 6.(a), correct resolution to read “2019-056” instead of “2019-046”;**
- **Regular Agenda Item 7.(a), City Manager, a supplemental item to address the roller trailer quote, and**
- **Regular Agenda Item 8., Public Comments, take a portion of the item out of order as representatives from Summit Broadband Company is requesting to be heard before the city commission, at the end of Agenda Item 3.(c).**

3. SPECIAL PRESENTATIONS

(a) Proclamation - Sharon Ann (McGrain) Kelly Day October 10, 2019 - Memoriam -Former Elected Official

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing October 10, 2019 as *Sharon Ann (McGrain) Kelly Day*; extended deepest condolences to the entire family and in recognizing her dedication and devoted hard work to the city and the community, conveyed that she will be sorely missed.

ACTION: 6:03:35 PM Mr. “Joey” Joseph M. Kelly, former Commissioner Sharon Kelly’s son, accepted the proclamation with gratitude and honor. In recognizing former Commissioner. Kelley’s achievements, Vice Mayor Gunter and Commissioner Bell expressed appreciation in working alongside over the years with former Commissioner Kelley.

(b) Florida League of Cities, 25 Years of Elected Service Presentation

At Mayor Cheshire’s request, Mr. Mark Raymond Sittig, Florida League of Cities’ (FLC’s) Membership Services, recognized the following elected officials who celebrated 25 years of elected service:

- Vice Mayor John L. Gunter Jr.
- Commissioner Chris Bell

ACTION: 6:08:28 PM and 6:14:31 PM Vice Mayor Gunter and Commissioner Bell expressed heartfelt gratitude and accepted the August 16, 2019 FLCs’ Board of Directors Inc.’s resolution honoring them for their years of elected service; presenting them with the *John Land Years of Service Awards* and recognizing their commitments to municipal leadership and governance.

It now being 6:15 pm and by unanimous consent, the city commission waived its rules and determined not to recess this evening’s meeting to the Local Planning Agency meeting until the conclusion of the remaining items under special presentations.

(c) Proclamation – October 9, 2019 Fire Prevention Day; October 6 to 12, 2019, Fire Prevention Week and October 2019 Fire Safety Month

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming October 9, 2019 as *Fire Prevention Day*; the week of October 6 to 12, 2019 as *Fire Safety/Fire Prevention Week*, and October 2019 as *Fire Safety Month* throughout the city. The city commission urged everyone to support this year’s campaign which works to celebrate people of all ages from young students who learn about the campaign at school, to parents who attend a community fire prevention event on being aware of their surroundings and looking for available ways out in the event of a fire or other emergency.

ACTION: 6:19:14 PM Deputy Fire Chief Yoder accepted the proclamation with thanks and described the department's ongoing fire safety educational events geared towards the children in the community.

4. **LOCAL PLANNING AGENCY**

As soon as practical at 6:15 pm, recess to the Local Planning Agency meeting.

ACTION: 6:14:31 PM and 6:29:22 PM. and 6:38:24 PM. **By unanimous consent, the city commission recessed its meeting at 6:29 pm to the LPA and reconvened at 6:38 pm**

5. **CONSENT AGENDA**

(a) **Approval of the following minutes:**

August 5, 2019, workshop minutes,
August 6, 2019, workshop minutes,
August 10, 2019, workshop minutes,
August 22, 2019, regular minutes, and
September 5, 2019, special minutes

(b) **Resolution 2019-055 Health Plan and Benefits Cafeteria Plan**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, THE CITY OF FRUITLAND PARK CAFETERIA PLAN AS AUTHORIZED UNDER SECTION 125 OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING FOR AN EFFECTIVE DATE. ADOPTING AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:38:40 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda items as previously cited.**

6. **REGULAR AGENDA**

(a) **Resolution 2019-056 – IC International Car Wash Engineered Site Plan**

Ms. Geraci-Carver read into the record proposed Resolution 2019-056, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING SIT44E PLAN APPROVAL FOR CONSTRUCTION OF A CARWASH FACILITY LOCATED ON U.S. HIGHWAY 441/27 IN FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and since the city commission's adoption of Resolution 2018-051 at its September 27, 2018 special meeting, Ms. Kelly highlighted the changes on the subject item.

In response to Ms. Coulson's inquiry on the need for the notice of the site plan to be included as a requirement under Chapter 160 of the Land Development Code, Ms. Geraci-Carver confirmed that same would be provided for recording (in the public records) after the imminent approval.

ACTION: 6:39:17 PM After discussion **a motion of Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-056 as previously cited.**

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

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

PUBLIC HEARING

(b) Second Reading and Public Hearing – Ordinance 2019-013 Utility Service Provision Outside Municipal Boundaries

It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record the following proposed Ordinance 2019-013, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 50.30 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO RESTRUCTURE AND ADJUST THE WATER UTILITY RATES BASED ON THE RECOMMENDATIONS FROM THE UTILITY RATE STUDY DATED JUNE 13, 2019 AND PREPARED BY BRYAN MANTZ; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 26, 2019.)

Ms. Geraci-Carver clarified, in response to Mayor Cheshire's inquiry on the city commission's consensus at the September 26 joint workshop and approval at the September 26, 2019 special meeting of the subject proposed ordinance, that Chapter 50 (Waterworks System) should remain in said section which provides for conflict and that it would be repealed from Chapter 159, Utilities in the Land Development Regulations.

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

ACTION: 6:44:37 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission enact previously cited Ordinance 2019-013 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 PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

(c) First Reading and Quasi-Judicial Public Hearing – Ordinance 2019-008 – Annexation – Petitioner: City of Fruitland Park

After Ms. Geraci-Carver read into the record the following proposed Ordinance 2019-008, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 6.69 ± ACRES OF LAND GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 24, 2019.)

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

ACTION: 6:46:05 PM A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission approve previously cited Ordinance 2019-008.

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

(d) First Reading and Quasi-Judicial Public Hearing – Ordinance 2019-009 – Comprehensive Plan – Petitioner: City of Fruitland Park

After Ms. Geraci-Carver read into the record the following proposed Ordinance 2019-009, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2007-033 WHICH ASSIGNED A FUTURE LAND USE DESIGNATION OF INSTITUTIONAL; PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM URBAN TO INSTITUTIONAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.69 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 24, 2019.)

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

ACTION: 6:47:34 PM **A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2019-009 as previously cited.**

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

(e) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2019-007 – Rezoning – Petitioner: City of Fruitland Park

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the following proposed Ordinance 2019-007, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING

APPROXIMATELY 6.69 ± ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM R-2 TO PUBLIC FACILITIES DISTRICT 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 SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 10, 2019.)

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

ACTION: 6:49:09 PM A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve the previously cited Ordinance 2019-007.

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. Economic Development Status Update - Florida Medical Industries Inc.

Mr. La Venia gave a report on the property Florida Medical Industries Inc. (the glass thermometer manufacturing company located on 3131 US Highway 27/441) which is gone and the Site Rehabilitation Completion Order from the State of Florida Department of Environmental Protection verifying that the site has been remediated; a copy of which has been filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:50:14 PM and 6:57:55 PM 6:56:49 PM After discussion and upon Commissioner Bell's suggestion, **the city commission, by unanimous consent, directed the city clerk to place on the city's social media platform the remediation documentation of the site on 3131 US Highway 27/441 for users to access same.**

Later in the meeting and in response to an inquiry on Florida Medical Industries' provision and the city's consideration to waive the fines, Mr. La Venia and Ms. Geraci-Carver addressed the plan to obtain more information on same.

ii. Roller Trailer Quotes

Mr. La Venia referred to the FY 2010-20 budget earmarked for a roller; reported that staff has found a roller and trailer (zero-turn mower) equipment and addressed the plan to secure quotes on same.

After discussion, Ms. Geraci-Carver referred to subsection 33.21, of Public Bid Purchase Ordinance 2011-002 on the requirement to utilize the competitive solicitation process for commodities exceeding \$4,000 which ought to be placed on the next agenda for consideration.

ACTION: 6:52:56 PM By unanimous consent, the city commission accepted the city attorney's suggestion and directed staff to provide three roller and trailer quotes for the city commission's consideration at the next meeting.

(b) City Attorney

i. Notice of Claim – James Hartson

In response to an inquiry posed by Commissioner DeGrave, Ms. Geraci-Carver explained that the James Hartson Notice of Claim item on the agenda will no longer appear after the four-year statutory of limitation expires.

ACTION: 6:58:45 PM No action was necessary.

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

Ms. Geraci-Carver referred to the lawsuit that was served to Mr. T. D. Burke on October 9, 2019 and pointed out the response received from Mr. Burke's attorney on the motion to dismiss verified complaint on same; copies of which are filed with the supplemental papers to the minutes of this meeting. She addressed her intent to provide more information at the next meeting.

ACTION: 6:56 31 PM No action was necessary.

iii. Code Enforcement – Request to Foreclose

Ms. Geraci-Carver reported on the foreclosure reports received relating to the following cases:

CE2019-0043 - Joseph Casteel Jr. (Property Owner, 19 Grizzard Street, Fruitland Park, Florida 34731) - approximately \$30,000 in judgements for tax certificates all of which have priority over the city's code lien.

CE2017-0032 - Jennifer E. Marcial. (Property Owner, 40 Acorn Circle, Fruitland Park, Florida 34731) with the recommendation to proceed, if after April 2020, the Internal Revenue Service (IRS) tax lien is not rerecorded.

Commissioner Bell inquired on the timeframe to consider action or waiving the liens on the property located on 1867 Acorn, (not included in the city attorney's report),

In response, Mr. La Venia and Ms. Geraci-Carver addressed their plan to provide more information as to whether the city's building official had made any determination on the building's condition and for same to appear before the special magistrate.

ACTION: 6:56:51 PM After extensive discussions and upon Commissioner Bell's suggestion, the city commission, by unanimous consent, agreed for the city attorney, prior to the foreclosure process, to work with staff to develop a procedure to remove any property in violation of the city's right-of-way; pursue the Special Magistrate process in placing code liens and disposition of the fire-damaged property located on 32 Grizzard Street and the previously cited properties under Case Numbers CE2019-0043 and CE2017-0032 (condemned as dangerous structures by the building official) and clear said properties to be placed under ownership.

8. PUBLIC COMMENTS

Earlier in the meeting and upon Mayor Cheshire's request, Ms. Kim Bowersox, Messrs. Gerald Bright and Bill Lien, Summit Broadband Company, described in response to several inquiries posed by the city commissioners, the commercial services and equipment proposed by Summit and the cost-effective measures to implement same.

Later in the meeting, Mr. Dave Serdar, City of Fruitland Park resident, addressed concerns on the result of plastic bottle containers retrieved at the November 25, 2019 *Keep Lake Beautiful Countywide Cleanup* event hosted at Northwest Lake Community Park /Cales Memorial (Multipurpose Soccer Field (Recreation Complex)); reported on his previous appearances before local elected bodies in central Florida and his meeting with some members of the legislative delegation leaders advocating plastic waste, and requested that the city enact an ordinance, similar to the City of Eustis, eliminating the use of plastic bags and imposing a fine if violated.

ACTION: 6:23:21 PM and 7:13:06 PM No action was taken.

9. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Mobilian**

Commissioner Mobilian referred to Lake~Sumter Metropolitan Planning Organization (MPO) Governing Board's previous adoption of its 2019 List of Priority Projects where the CR 466A Phase 3B roadway widening construction project (Poinsettia Avenue to Timbertop Lane) has been ranked number 4. He questioned expanding the roadway construction personnel and establishing a completion date.

ACTION: 7:18:20 PM No action was taken.

(b) **Commissioner DeGrave**

Commissioner DeGrave requested that the city commission place on the next agenda, discussions on the city's fire department and fire rescue services and referred to Mr. La Venia's July 23, 2019 memorandum regarding the pros and cons; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 7:28:52 PM **By unanimous consent, the city commission accepted Commissioner DeGrave's aforementioned request.**

(c) **Commissioner Bell**

Commissioner Bell pointed out Lake County Tourist Development Council's (TDC's) October 7, 2019 meeting; noted its available funds earmarked for capital projects and addressed the need for the city to be educated on its program requirements.

ACTION: 7:19:30 PM No action was necessary.

(d) **Vice Mayor Gunter, Jr.**

Vice Mayor Gunter reported on the emergency services he used after he was bitten by vicious dogs on the morning of October 5, 2019; relayed the police department's comments of a similar incidence which occurred around the location where he was attacked, and addressed the need for the city's police department to be kept informed of such activities. He expressed concerns on the county's emergency services not dispatching medical services or law enforcement; animal control not being utilized for enforcement and recognized other county agencies notifying senior officials when stray animals are picked up which is not the case for Lake County. Vice Mayor Gunter mentioned his intent to address the issue in question at a later date.

After much discussion, Chief Luce addressed his plan to examine the dispatch process and Ms. Geraci-Carver mentioned her intent to review Animal Control Ordinance 2005-030 and the amended and restated animal control services agreement with the county.

ACTION: 7:20:34 PM No action was taken.

10. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire reviewed the following forthcoming events:

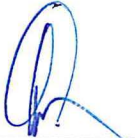
- October 11, 2019 Four-Hour Ethics Training, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 9:00 am;
- October 11, 2019, Movie on the Lawn; *Beetlejuice The Name in Laughter from the Hereafter* Outside City Hall lawn at dusk (8:00 pm);
- October 16, 2019 *Impact Lake Gas Tax Session*, Clermont (Community) City Center, 620 W Montrose Street, Clermont, Florida 34711 at 12:00 pm;
- October 21, 2019, TDC (second capital funding meeting if needed) TBD at 3:00 pm;
- October 23, 2019, Lake-Sumter MPO Governing Board meeting, 225 W. Guava Street, Lady Lake, Florida 32159 at 2:00 pm;
- October 24, 2019, City Commission Regular at 6:00 pm
- October 26, 2019, Trick or Trot 5k, Fruitland Park Elementary School, 304 W Fountain Street, Fruitland Park, Florida 34731 at 8:00 am, and
- October 31, 2019, Halloween Event at 6:00 pm, Shiloh and College Avenue

ACTION: 7:26:59 PM No action was necessary.

11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:28 pm

The minutes were approved at the December 12, 2019 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor