

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES**

January 23, 2020

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

6:00 p.m.

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, January 23, 2020 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, Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Library Director Jo Ann Glendinning; Parks and Recreation Director Michelle Yoder; Deputy Fire Chief Tim Yoder, Fire Department; Human Resources Director Diana Kolcun; Deputy City Clerk Stevie Taub and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:23 PM Mayor Cheshire called the meeting to order, Pastor Chuck Padgett, Trinity Assembly of God, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:01:44 PM Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

3. SPECIAL PRESENTATIONS

(a) *Children's Week Proclamation - January 26 to 31, 2020*

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing the week of January 26 to 30, 2020 as *Children's Week*. He encouraged all citizens of Fruitland Park to remember that, "Our Children are Our Future" and extend appreciation to advocates who recognize that every child in Florida should be healthy, ready to learn, and be able to achieve their full potential.

ACTION: 6:02:00 PM Ms. Tammy Langley, Fruitland Park Elementary School Principal, accepted the proclamation with much gratitude.

(b) *Fruitland Park Elementary School Recognition*

- S. Jutkofsky, *Teacher Assistant*

Ms. S. Jutkofsky was not present at this evening's meeting.

- K L. Westfall, *2019-20 Teacher of the Year*
After Mayor Cheshire outlined Fruitland Park Elementary School's accomplishments during 2019, he acknowledged Ms. Westfall's background and her achievements and on behalf of the city commission, he presented her with a certificate of appreciation in recognition of her valuable contributions and for a job well done.

ACTION: 6:04:57 PM Ms. Westfall accepted the certificate with honor.

4. COMMUNITY REDEVELOPMENT AGENCY

ACTION: 6:04:57 PM **By unanimous consent the city commission recessed its meeting at 6:06 p.m. to the Community Redevelopment Agency meeting and reconvened at 6:10 p.m.**

5. CONSENT AGENDA

Approval of Minutes

The city commission considered is action to approve the following consent agenda items:

- (a) January 16 workshop meeting and January 9, 2020 regular meeting minutes.
- (b) Community Redevelopment Agency (CRA) FY 2018-19 Annual Report

ACTION: 6:10:36 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

6. REGULAR AGENDA

(a) Solicitation Policy – City-Owned Properties Discussion

Mr. La Venia discussed staff's recommendations on a solicitation policy for city-owned properties; noted similarities to the county's and reviewed the draft including provisions for the issuance of permits; copies of which are filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:11:01 PM After extensive discussions and **by unanimous consent, the city commission directed the city attorney to draft a solicitation policy for city-owned properties for consideration at a future meeting.**

(b) Smoking Policy – City-Owned Properties Discussion

After Mr. La Venia pointed out staff's recommendations on a smoking/vaping policy prohibited on and within all city properties, Ms. Geraci-Carver indicated that such policy for city employees ought to apply to city-owned vehicles; recognized that such policy would involve the issuance of citations with penalties imposed with fines before the special magistrate and addressed the matter of trespassing.

ACTION; 6:25:45 PM After much discussion and **by unanimous consent, the city commission directed the city attorney to draft a smoking and vaping policy relating to city-owned properties for consideration at a future meeting.**

(c) **Alcohol Beverage Policy Discussion**

After Mr. La Venia discussed staff's recommendation on an alcoholic beverage policy as it relates to indoor and outdoor events on city-owned properties, Ms. Yoder referred to the City of Wildwood Community Centers' Rental Information and Alcohol Beverage Policy with (Waiver) Permit and the City of Leesburg's Alcohol Beverage Policy; copies of which are filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:29:03 PM : After discussion and **by unanimous consent, the city commission directed the city attorney to draft an alcohol beverage policy for consideration at a future meeting to include a lease agreement outlining requirements for licensure and provisions for certificates of insurance, a nominal fee for a one-day event sponsors' permits, refundable deposits for damages to city-owned properties, and penalties.**

(c) **Resolution 2020-003 - Library (Gardenia) Café Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE LEASE AGREEMENT BETWEEN JOHN M. GIBSON, FOUNTAIN LAKE PROPERTIES, LLC AND THE CITY OF FRUITLAND PARK FOR OPERATING A CAFÉ WITHIN THE FRUITLAND PARK LIBRARY; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:47:41 PM Upon Mayor Cheshire's suggestion and **on motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission postponed its action to adopt previously cited Resolution 2020-003 to the next meeting.**

(d) **Resolution 2020-006 - \$10,000 Transfer - Waste Management Inc's. Donation - FY 2019-20 Budget Amendment**

Ms. Geraci-Carver read into the record proposed Resolution 2020-006, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019-2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE TRANSFER IN FROM DONATIONS REVENUE BUDGET AND THE IMPROVEMENTS COMMUNITY CENTER EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:48:17 PM After discussion, **a motion was made by Vice Mayor Gutner and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-006 as previously cited.**

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

(e) **Resolution 2020-007 – Municipal Improvements Transfer to Community Center Expense Budget - FY 2019-20 Budget Amendment**

Ms. Geraci-Carver read into the record proposed Resolution 2020-007, the substance of which is as follows:

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019-2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM IMPROVEMENTS MUNICIPAL COMPLEX BUDGET TO IMPROVEMENTS COMMUNITY CENTER EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:49:39 PM After discussion, a motion was made Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2020-007 as previously cited.

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

(f) **Resolution 2020-008 – Sale Surplus – Water – FY 2019-20 Budget Amendment**

Ms. Geraci-Carver read into the record proposed Resolution 2020-008, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019/2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE WATER SALE SURPLUS REVENUE BUDGET AND THE WATER SUPPLIES EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:50:38 PM After some discussion, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gutner that the city commission adopt Resolution 2020-008 as previously cited.

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

PUBLIC HEARING

(g) **First Reading and Public Hearing – Ordinance 2020-001 – Rezoning – 1217 Miller Boulevard - Developer’s Agreement First Amendment: Petitioner G. A., S. T. and V. L. Summers**

After Ms. Geraci-Carver read into the record the following proposed Ordinance 2020-001, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN THE DEVELOPER'S AGREEMENT BETWEEN CITY OF FRUITLAND PARK, AND GREGORY A. SUMMERS, SANDY T. SUMMERS AND VERNON L. SUMMERS, JR., RELATING TO THE LIMITATION OF C-1 USES IN THE C-1 ZONING DISTRICT AND ADDITIONAL BUFFERING; AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT; PROVIDING DIRECTIONS; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 13, 2020.)

ACTION: 6:52:08 PM After further discussion, a motion was made Vice Mayor Gunter and seconded by Commissioner Bell that the city commission approve Ordinance 2020-001 as previously cited.

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

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

END OF PUBLIC HEARING

7. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia gave a report on the following:

- CRA Matching Grant Façade Improvement Program – anticipated receiving a CRA matching grant façade improvement program application within the next 30 days;
- Benchmark Development I LLC – relayed recent communications with a representative from Benchmark Development I LLC regarding the progress made with due diligence on the 27-acre school board property purchased on CR 466A, and
- Florida Medical Industries Inc. – conveyed contacts made with the representative of Florida Medical Industries Inc. (the glass thermometer manufacturing company located on 3131 US highway 441/US 27) where it is expected that the site would be cleared by the end of the month.

ACTION: 6:57:13 PM No action was necessary.

ii. City Hall Improvements

Mr. La Venia identified \$50,000 earmarked in the FY 2019-20 approved budget to refurbish the city commission chambers -- replacing the rug with a vinyl floor, similar to the community center's and painting the room off-white or beige – and installing a new air conditioning unit for the police department. He addressed the plan to submit quotes on same at a future meeting.

ACTION: 6:57 52 PM No action was necessary.

(b) City Attorney

i. Notice of Claim – James Hartson

The James Hartson notice of claim was not addressed at this time.

ACTION: 7:00:34 PM No action was necessary.

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

Ms. Geraci-Carver referred to Mr. T. D. Burke's answer and defense to the first amended complaint filed on January 16, 2020; addressed her intent to proceed with the discovery process.

ACTION: 7:00:34 PM No action was necessary.

iii. City of Fruitland Park v. State of Florida Department of Management Services

Ms. Geraci-Carver referred to her January 2, 2020 report regarding the notification received from the State of Florida Department of Management Services (DMS) Florida Retirement Systems (FRS) where in response, Mr. Glenn E. Thomas, Attorney with Lewis, Longman & Walker, P.A. on behalf of the city, filed for formal administrative hearing.

Ms. Geraci-Carver pointed out Mr. Thomas' January 22, 2020 contact with her referencing Mr. Michael Fewless' lawsuit filed against the city for damages, costs, and attorneys' fees and noted Mr. Thomas' acceptance of the service of process from Mr. Fewless' attorney which has been forwarded on to the city's former insurance company, Preferred Governmental Claim Solutions (PGCS), who is evaluating the coverage. (A copy of said document is filed with the supplemental papers to the minutes of this meeting.)

After PGCS determine the insurance coverage and due to Mr. Thomas' familiarity with the FRS matter, Ms. Geraci-Carver addressed the plan to provide an amendment to his fee agreement and recommend to the city commission his handling of the subject issue on the city's behalf.

ACTION: 7:00:42 PM No action was necessary.

8. PUBLIC COMMENTS

Mr. Carl Yauk, The Villages of Fruitland Park resident, voiced concerns on the need to improve communications for homeowners within the city; recognized the periodical newsletter provided by Commissioner Mobilian and the City of Leesburg electric billings with publications to its residents and suggested that the City of Fruitland Park adopt a similar method. He mentioned the benefits of providing the community with monthly expenses and activity reports from the police and fire departments.

ACTION: 7:02:35 PM No action was necessary.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian - Homelessness

After Commissioner Mobilian referred to the homeless individuals situated adjacent to the Moyer Recreation Center in The Villages of Fruitland Park, Mayor Cheshire assured that Chief Luce will deal with the situation.

ACTION: 7:05:22 PM No action was necessary.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he has nothing to report at this time.

ACTION: 7:06:07 PM

(c) Commissioner Bell – City Newsletter

After Commissioner Bell recalled the city's distribution of its periodical newsletters and Mayor Cheshire referred to notifications provided to residents in their utility bills, Mr. La Venia agreed that the city could emulate same with the City of Leesburg.

ACTION: 7:06:10 PM

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he has nothing to report at this time.

ACTION: 7:06:54 PM

10. MAYOR'S COMMENTS

(a) LS-MPO

Mayor Cheshire referred to the January 21, 2020 meeting he had with Messrs. La Venia, Bogle and Michael F. "Mike" Woods, Lake~Sumter Metropolitan Planning Organization (LSMPO); relayed Mr. Woods advocating to the county commission which resulted in the city's current placement as number 1 ranking on the county's FY 2019-20 priority projects list to fund the completion of CR 466A Phase 3 Roadway Improvements, and highlighted the city's future plans to augment said corridor.

Later in the meeting, Mr. La Venia recognized the city's current CR 466A project ranking of #3 on the LSMPO's 2019 List of Priority Projects; acknowledged the

review process and guidelines in prioritizing such projects based on construction, rights-of-way, acquisition, design and study, and emphasized advocating support from the businesses community to petition the governing board to elevate the present ranking.

Mayor Cheshire recalled the city commission's actions at its December 12, 2019 regular meeting for Mr. La Venia to work with the City of Leesburg City Manager Al Minner and write a letter to District 4 Lake County Board of County Commissioner Chairperson Leslie Campione on the need to initiate a joint venture project development and environmental study for the north-south by-pass (CR 468) for the Cities of Leesburg and Fruitland Park. Mayor Cheshire relayed Mr. Woods' remarks on the need for same to be included in the Long-Range Transportation Plan which is updated every five years.

With respect to submitting letters of support, Mr. La Venia agreed to also include the City of Leesburg in discussions relating to the CR 466A project.

ACTION: 7:06:59 PM For informational purposes .

(b) Lake County Trails Masterplan

After Mayor Cheshire pointed out Mr. Woods' plan to provide more information on the county's trails masterplan with collaborative efforts with the City of Leesburg and the pursuit of grant funds for multi-modal projects in that regard, Commissioner Bell agreed in the affirmative his willingness to continue to be involved.

ACTION: 7:08:38 PM No action was necessary.

(c) Dates to Remember

- January 25, 2020, *Coffee with the Mayor*, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;
- February 1, 2020, *Winterfest 2020*, Community United Methodist Church, 1309 College Ave, Fruitland Park, Florida 34731 at 10:00 a.m.;
- February 3, 2020, *Tax Season is Here*, Gerstemeier & Company, PA, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- February 7, 2020, Fruitland Park Elementary School Dance, Fruitland Park Community Center, 205 W. Berckman Street, Fruitland Park, Florida 34731 at 6:00 p.m.;
- February 8 to 16 2020, *Love Week* Activities to include *Bless Days*, *First Responders and Public Service Personnel*, and the following:
 - o February 8 - *5K Love (Fun) Run 2020* at city hall at 8:00 a.m.,
 - o February 8 - *Partnership with Code Enforcement*,
 - o February 10-14 – *Bank and Bite*,
 - o February 12 – *Preschool Day at the Library* at 10:30 a.m.,
 - o February 12 – *Senior Adult Luncheon* at the Community Center at 11:30 a.m.,

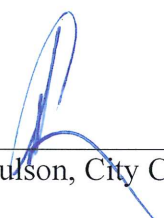
- February 14 – *Parents’ Night Out* at The Village Park Campus Church, 1000 Village Park Drive, Fruitland Park, Florida 34731 at 5:00 p.m. and
- February 14 - Movie on the Lawn, *Lady and the Tramp* at City Hall at 6:30 p.m.;
- February 10, 2020, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Rd., Tavares, Florida 32778 at 3:30 p.m.;
- February 13, 2020 City Commission and Planning and Zoning Board Joint Workshop at 6:00 p.m.;
- February 13, 2020 City Commission Special at 7:30 p.m.;
- February 14, 2020, LCLC TBD, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- February 19, 2020, *Author Meet and Greet with Mariel Gordon*, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 2:00 p.m.;
- February 21, 2020, *Social Security and You*, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 1:00 p.m., and
- February 27, 2020, City Commission Regular at 6:00 p.m.;

ACTION: 7:13:17 PM. No action was necessary.

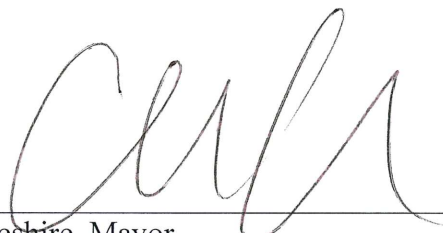
11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:14 p.m.

The minutes were approved at the February 13, 2020 special meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor