

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
December 13, 2018**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 13, 2018 at 6:00 p.m.

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

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Interim Police Chief Erik Luce, Executive Assistant Karen McKillips, Police Department; Interim Fire Chief Donald Gilpin, Deputy Fire Chief Tim Yoder, Firefighter Brandon Clutter, Fire Department; Fruitland Park Library Director JoAnn Glendinning; Public Works Director Dale Bogle; Human Resources Director Diane Kolcun and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

After Mayor Cheshire called the meeting to order at 6:00 p.m., Pastor Sid Brock, Heritage Community Church, gave the invocation and Interim Police Chief Erik Luce led in the Pledge of Allegiance to the Flag.

**2. ROLL CALL**

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

Mayor Cheshire announced the decorum for the conduct of this evening's meeting.

**3. PRESENTATIONS – SPECIAL RECOGNITIONS**

**(a) Raymond P. Lewis II**

On behalf of the city commission, Mayor Cheshire presented a plaque to Mr. Raymond P. Lewis II in recognition as city commissioner from 2014 to 2018.

Mr. Lewis accepted the plaque with much appreciation.

**(b) Rick Ranize**

Mr. Rick Ranize was not present to receive the plaque which would be provided to him at a future date.

**4. CRA AGENDA**

**By unanimous consent, the city commission recessed its meeting at 6:05 p.m., to convene to the Community Redevelopment Agency and reconvened at 6:24 p.m.**

**By unanimous consent and upon Mayor Cheshire's suggestion, the city commission took the following items out of order on this evening's agenda.**

**(k) Resolution 2018-065 Variance – One-Way Drive Aisle – Carwash – Petitioner: IC International Car Wash**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-065, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS IN APPENDIX 4 TO ALLOW A 14' ONE-WAY DRIVE AISLE ADJACENT TO THE VACUUM STALLS IN PLACE OF A 24' DRIVE AISLE AND TO ALLOW A 18' ONE-WAY DRIVE AISLE ADJACENT TO THE CARWASH FOR A CARWASH FACILITY ON PROPERTY LOCATED AT CR 25A AND US HWY 27 IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY FRUITLAND PARK HOLDINGS, LLC, PROVIDING FOR AN EXPIRATION DATE, PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Greg Beliveau, LPG Urban and Regional Land Planners Inc. (retained by the city), described the proposed use and relayed the recommendations of approval by the Planning and Zoning (P&Z) Board.

**A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2018-065 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.**

**(l) Second Reading and Public Hearing - Ordinance 2018-019 Definitions and Interpretations – Commercial Parking**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2018-019, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE DEFINITION OF COMMERCIAL PARKING IN CHAPTER 151 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR DIRECTIONS FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS, SEVERABILITY; AND AN EFFECTIVE DATE. (The first reading was held on October 11, 2018.)

Mr. Beliveau reported on the proper notification procedures and cited the language change made since the first reading under subsection 151.020 definitions.

**A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission enact proposed Ordinance 2018-019 as previously cited to become effective as provided by law.**

Mr. Zack McCormick, attorney representing Ms. Sharon Pettus who reside in the subject location, gave reasons why he objects to the proposed subject change.

After Ms. Geraci-Carver outlined the proper publishing and noticing requirements on the subject issue which met the statutory criteria, Mr. McCormick, in rebutting, believed the change in the interpretation to the pre-existing rule did not allow commercial parking where his client, who intends to assert her right to due process, has been denied to same.

**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:**

<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Commissioner Mobilian</b>	<b>No</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

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

### **QUASI-JUDICIAL PUBLIC HEARING**

**(m) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2018-021 – Rezoning Petitioner: Larry Smith Trustee**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2018-021, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.75 ± ACRES OF THE PROPERTY FROM RESIDENTIAL PROFESSIONAL (RP) TO NEIGHBORHOOD COMMERCIAL (C-1) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 AN EFFECTIVE DATE. (The first reading was held on October 11, 2018.)

Mr. Beliveau described the proposed use, relayed recommendations of approval from staff and the P&Z Board and reported on the results of the notification process received from the adjacent property owners.

After Ms. Geraci-Carver explained the quasi-judicial procedures, Mayor Cheshire, Vice Mayor Gutner and Commissioner Bell disclosed recent emails and petitions received from Ms. Pettus as ex-parte communications which were disseminated by Ms. Coulson to the entire city commission.

After discussion, Mr. Beliveau referred to the issues raised at the October 11, 2018 LPA meeting regarding staff's recommendations and addressed the intent to review the new site plan before it is considered by the city commission.

**A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2018-021 as previously cited to become effective immediately as provided by law.**

Mr. McCormick, attorney representing Ms. Pettus, cited several reasons why he objected to the subject issue; relayed his disagreement with Mr. Beliveau's statements that there were no objections from surrounding property owners and pointed out the objections received from the first notice.

Mr. Carl Yauk, Villages of Fruitland Park resident, noted the adverse effects in the community when commercial to residential zoning designations and vice versa are changed and believed the city's redevelopment plan's goals and objectives for community development was to increase visual attractiveness for visitors.

In referencing Mr. McCormick's comments Mr. Larry Smith, Spa Kingdom Inc., identified the locations where chemicals are kept and not on his property and explained that he has been following all the state's regulatory requirements. He referred to the garbage stacked against his fence which he plans to deal with and addressed his intent to fulfill his promise in making further landscaping improvements to the perimeter of his property. Mr. Smith relayed the neighbor's harassments experienced by his employees and requested the city commission's support of the subject item.

**By unanimous consent, Mayor Cheshire closed the public hearings.**

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission took the following items out of order on this evening's agenda.**

**6. REGULAR AGENDA**

**(a) iii. City Commission 2019 Workshops Discussion  
- LDR**

In response to Mayor Cheshire's inquiry, Mr. Beliveau gave a report, since meeting with the community development department staff, on the zoning chapter from the Land Development Regulations which remains to be reviewed and recommended holding joint workshops in February 2019 -- with the P&Z Board and Ms. Geraci-Carver present -- on a brief overview and review the chapters with the most impact.

After discussion, Mr. La Venia suggested that Ms. Coulson provide dates to hold a joint workshop with the P&Z Board.

**5. CONSENT AGENDA**

**On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved the following consent agenda items 5.(a)i. and 5.(b) and postponed item 5.(a) ii. to the next meeting:**

**(a) Approval of Minutes**

- i. September 13, 2018 Regular Meeting**
- ii. September 21, 2018 Special Meeting**

**(b) November 6, 2018 General Election Certified Election Official Results –  
Fruitland Park City Commissioner District 2:**

<b>Fred Collins</b>	<b>393 votes at 40.67%</b>
<b>John Mobilian</b>	<b>645 votes at 47.96%</b>

**6. REGULAR AGENDA**

**(a) Boards and Committees**

**i. Resolution 2018-072 - Planning and Zoning Board Chair and Vice Chair**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-072, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt the previously cited Resolution 2018-072 (with the selection of Ms. Connie Bame as Chair and Philip D. Purlee as Vice Chair).

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

After Mayor Cheshire encouraged the public to complete and submit their applications to serve on the P&Z Board due to a potential vacancy, Ms. Kelly requested the need for alternates.

Following some discussion, Mr. La Venia recommended that Ms. Geraci-Carver review the procedures as it relates to the creation of alternate members for the P&Z Board as it does not currently exist.

**ii. Resolution 2018-073 - Board of Trustees Firefighters Pension Trust Fund Reappointment**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-073, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REAPPOINTING A MEMBER TO THE CITY OF BOARD OF TRUSTEES FIREFIGHTERS PENSION TRUST FUND AND PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2018-073 (with the reappointment of Mr. T. Luttfiring, firefighter category).**

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

**iii. City Commission 2019 Workshops Discussion**

**- CRA**

After much discussion, the city commission, by unanimous consent, agreed to hold a CRA workshop on Thursday, February 7, 2019 at 6:00 p.m.

**- EDC**

Mr. La Venia referred to the city commission's discussion at its November 8, 2018 regular meeting on the need to review, at a workshop setting, retail strategy firms; pointed out previous conversations and proposals noting the ability to review establishing a city economic development council (EDC) and relayed the concept of inviting and

retaining such companies part-time noting potential growth opportunities within the city

In response, Mayor Cheshire suggested that Mr. La Venia provide the city commission with the companies' proposals.

The city commission discussed the need to conduct due diligence and pursue successful prospective firms; review and make comparisons of other local governments' concepts and identify the type of commercial development market, demographics, and potential site locations which would meet the criteria to which Mr. La Venia relayed his communications with the Lake County's EDC staff on the city's deficiencies and recommended meeting with them to review same.

Following further deliberations, and **by unanimous consent, the city commission agreed to hold a workshop regarding economic development on February 19, 2019 at 6:00 p.m.; directed staff to provide proposals relating to same and invite Ms. Erika L. Greene, Elevate Lake Economic Development, to attend.**

**(b) Records Management – Social Media Test Management Quotes – FY 2018-19 Budget Discussion**

Ms. Coulson reviewed the quotes and proposals for managing social media public records and text messages on devices provided and used by the city from PageFreezer®, Smarsh® and ArchiveSocial®.

In order to comply with the Florida Public Records law, Ms. Coulson referred to the \$5,000 earmarked in the FY 2018-19 budget to manage public records on the city's Facebook platform (including the fire department, police department and the Fruitland Park Library) and capture text messages on city-issued mobile devices. She gave a report, with the assistance received from Deputy City Clerk Dana Coleman, on comparative costs and services provided by the respective companies; recognized the comprehensive nature in managing public records and recommended the selection of PageFreezer as the lowest responsive and responsible bidder at an annual cost of \$1,450.

After discussion and **on motion of by Commissioner Bell and seconded by Commissioner DeGrave, the city approved the city clerk's recommendation and selected PageFreezer's proposal as previously cited.**

Ms. Coulson addressed the plan to formulate an agreement with a resolution for future consideration by the city commission and the need to establish the city's social media policy.

(c) **Fruitland Park Library Furniture Discussion**

Ms. Glendinning referred to the city commission's request at its November 8, 2018 regular meeting for more detailed information on the Fruitland Park Library furniture and pointed out her compilation of the service desk requests cost comparisons and Home-Art Corporation cabinet bid and noted the requirement of a change order for \$53,399. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

After discussion, Mr. La Venia recommended, in response to Mayor Cheshire's questions, the need for a change order for \$55,000.

Following further discussion, Mr. La Venia requested that Ms. Glendinning make arrangements for Mr. "Greg" Gregory L. Kimes, Home-Art Corporation, to calculate the items for comparison; recommended that the city commission authorize a change order to Signature Construction Inc.'s contract at this evening's meeting and suggested ratifying same at the next regular meeting.

After considerable discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission approve staff's recommendations accepting the service desk request for \$55,000 provided by the Fruitland Park Library Director to be ratified by a change order to Signature Construction Inc. (ITB 2017-001 New Public Library Facility Construction).** (A resolution ratifying the change order will be drafted for the city commission's consideration at a future meeting.)

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

(d) **Resolution 2018-074 – Library Construction FY 2018-19 Budget Amendment**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-074, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE FISCAL YEAR 2018-2019 BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE THE GENERAL FUND BUDGET BY \$683,986 AND INCREASE THE LIBRARY CONSTRUCTION FUND BUDGET BY \$659,786 AND EQUIPMENT BY \$24,200; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2018-2019 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2018-074 as previously cited.**

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

**(e) September 2018 Financial Report**

After discussion and on motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the September 2018 financial report as submitted.

**(f) Resolution 2018-076 CRA Sod and Irrigation Budget Amendment**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-076, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO TRANSFER FUNDS FROM REDEVELOPMENT CONTINGENCY TO REDEVELOPMENT IMPROVEMENTS: MUNICIPAL COMPLEX, RELOCATION OF UTILITIES ON CR 466A, AND COMMUNITY CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

After much discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2018-076 as previously cited amending the 2018-2019 fiscal year budget for the community redevelopment agency funds of \$157,301 (\$50,000 for the community center to be readjusted to \$25,000 for the community center and \$25,000 for the possibility of grants).

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

**(g) Resolution 2018-075 End of Year Budget Overages**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-075, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE FISCAL YEAR 2018-2019 BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE THE REVENUE IN THE GENERAL FUND BUDGET BY \$37,500 AND INCREASE GENERAL FUND LINE ITEM AMOUNTS BUDGETED TO COVER OVERAGES FOR THE END OF YEAR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2018-075 as previously cited.

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

**(h) Resolution 2018-067 Fire Assessment Program Annual Maintenance – FY 2019-20 – GSG Proposal**

Ms. Geraci-Carver read into the record the following proposed Resolution 2018-067, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA ACCEPTING THE FIRE GOVERNMENT SERVICES GROUP INC.'S FIRE ASSESSMENT PROGRAM ANNUAL MAINTENANCE SERVICES SCOPE OF SERVICES FROM GSG, INC., FOR FY 2019-20; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Postponed from November 11, 2018 regular meeting.)

After discussion, **a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission direct the city manager to meet with the Lake County Manager to discuss the possibility of the city transitioning the provision of its fire services to the county.**

Following further deliberations, Interim Fire Chief Gilpin gave a background and overview of the fire services advisory committee meetings and its recommendations in 2017 to the city commission and requested that the city commission hold a workshop to address the fire department's future.

After discussion, the city commission addressed the ability to review the economic development aspect as it relates to businesses; the fire rescue service calls, response times and the fire department's needs, future costs, source of capital expenses and the core time with the county's ambulance and emergency medical services.

Following further discussion, **Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:**

<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>Yes</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>No</b>

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

After discussion, Mayor Cheshire concurred with Interim Fire Chief Gilpin's recommendation for the city commission to hold a workshop after receiving further information from the county.

**A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2018-067 as previously cited.**

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

### **PUBLIC HEARING**

- (i) **First Reading and Public Hearing Ordinance 2018-017 Solid Waste Increase**  
Ms. Geraci-Carver read into the record the following proposed Ordinance 2018-017, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 98.12 TO INCREASE THE SOLID WASTE RATES EFFECTIVE AS OF JANUARY 1, 2019; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 10, 2019.)

After discussion, **a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission approve proposed Ordinance 2018-017 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.**

- (j) **Second Reading and Public Hearing Ordinance 2018-022 Electric Franchise Agreement - Extension**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-022, Ms. Geraci-Carver read into the record the title, the substance of which is as follows following proposed Ordinance 2018-022, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; APPROVING AN AMENDMENT TO FRUITLAND PARK'S ELECTRIC

FRANCHISE AGREEMENT WITH THE CITY OF LEESBURG, FLORIDA; EXTENDING THE TERM OF THE FRANCHISE; PROVIDING FOR CERTAIN TERMS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 8, 2018.)

**A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission enact Ordinance 2018-022 as previously cited to become effective immediately as provided by law.**

Mr. Yauk referred to his remarks at the November 8, 2018 regular meeting recommending that the city in addition review other alternatives and explore proposals with available electrical providers within the five-year term.

Following extensive deliberations and by unanimous consent, the city commission directed the city attorney to review the provisions under Section 3 of the October 10, 1983 Electric Franchise Agreement with the City of Leesburg . . . *the electrical distribution system shall be equal to those generally used throughout the City of Leesburg, and that under the provision of this franchise it will give to the City of Fruitland Park and its inhabitants the same favorable consideration extended to the inhabitants of the City of Leesburg under like conditions* and report back to the city commission. Additionally, the city commission agreed that a committee be established to consider a feasibility study to review cost effective methods to implement an electrical distribution system for the City of Fruitland Park with the possibility of addressing the amendment of same with the City of Leesburg,

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

#### SUPPLEMENTAL AGENDA

**(n) Police Investigations Vehicle**

The city commission considered its action on the following quotes from Prestige Ford, AutoNation, and Bartow Ford for the police department vehicles.

Interim Police Chief Luce referred to the plan he presented to the city commission at its November 8, 2018 regular meeting regarding the detective vehicle purchase; referred to the price quotations and requested purchasing an investigators vehicle (2019 Ford Taurus) from Prestige Ford totaling \$20,850.

**After discussion and on motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved staff's recommendation, as previously cited, to purchase the 2019 Ford Taurus for \$24,100.**

7. **OFFICERS' REPORTS**

(a) **City Manager - Northwest Lake Park Grant Funding Discussion**

Mr. La Venia referred to his August 14, 2018 memorandum to Mr. Bobby Bonilla, Lake County Office of Parks and Trails Director, regarding grant funding of eligible items for the Northwest Lake Community Park/Cales Park Multipurpose Soccer Field (Recreation) Complex and pointed out his December 5, 2018 memorandum on the anticipation of receiving available grant funds towards the park; copies of which are filed with the supplemental papers to the minutes of this meeting.

In response, Commissioner Bell reported on:

- the development of the 2005 Lake County Parks and Recreation Master Plan with recommendations to create various recreation planning areas throughout the county (including northwest lake located within the City of Fruitland Park);
- the requirements of the county's recreational competitive grant program;
- the \$150,000 (penny sales infrastructure tax) that was given to the city with the commitment to continue same and
- the next Parks and Trails Advisory Committee meeting to be held on February 11, 2019.

(b) **City Attorney**

i. **Notice of Claim – James Hartson**

Ms. Geraci-Carver explained that she has nothing to report on the Notice of Claim for James Hartson.

ii. **Notice of Claim – Larry Odum**

Ms. Geraci-Carver referred to the Notice of Claim for Larry Odum where the act he alleged occurred in 2006. She recognized that the statute of limitations has expired where the city would need to move to dismiss same and explained that although the matter would be removed from the list, she will continue to keep the city commission apprised of any movements.

**Additional Items**

iii. **Notice of Claim – Michael Fewless**

Ms. Geraci-Carver reported on the notice of claim received from Mr. Michael Fewless directed to the city and the State of Florida where she addressed her intent to keep the city informed on the developments.

iv. **ADA Website Compliance**

Ms. Geraci-Carver reported that Lake County was served with a website inaccessibility to the visually impaired lawsuit (Price v. Lake County on November 13, 2018) under the American with Disabilities Act (ADA) as the assistive screen reader software to access the website was not compatible. She addressed the need for the city to review its website to ensure that uploaded documents are accessible to people with disabilities.

In response, Ms. Coulson pointed out how she has made this evening's and the November 8, 2018 agenda packages on the website compliant with ADA's accessibility requirements and referred to the email she received earlier this day from Aha Consulting Inc., website design company retained by the city, regarding the city's Website Accessibility Upgrades ADA/Section 508/WCAG which is currently being worked on. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

After Commissioner Bell pointed out the issue of the county not converting old documents on to its website, Ms. Geraci-Carver addressed the need for the city commission to review the need to transform or eliminate same and pointed out the conclusion from a similar lawsuit which was dismissed based on the ground of standing where the plaintiff never visited the location or the website.

**v. Creation of Committees**

Ms. Geraci-Carter referred to Mayor Cheshire's suggestion, at the November 8, 2018 regular meeting, on the city's requirements to create miscellaneous boards or form committees; pointed out the provisions under the city's charter (subsection 3.07, mayor) and addressed the procedures to adopt resolutions for committee appointment and membership.

**8. PUBLIC COMMENTS**

In response to Mr. Yauk's inquiry regarding the local or state government master plan for connecting trails in Florida and Mr. La Venia's reference to the Lake-Sumter Metropolitan Planning Organization's (LSMPO)'s 2008 Trails Master Plan, Commissioner Bell explained how the parks and trails finder can be accessed on the county's website and how, as a member of the Parks, Recreation and Trails Advisory Board, he has been advocated for same.

Mr. Yauk referred to the city commission's earlier discussions on this evening's agenda and suggested addressing the issue of the economic development program other than retail, to which Mr. La Venia acknowledged medical as a vital component to the area.

Mr. Ray Lewis, City of Fruitland resident, recognized the advent of commercial zoning adjacent to residential. In recognizing the existing problems with businesses on Dixie Avenue, he suggested incorporating fencing regulations (such as buffers or barriers for businesses) in the site plan agreement; that residential-professional zoning designation ought to be preserved on Berckman Street and that Neighborhood Commercial and General Commercial zoning designations be limited from Iona Avenue and not continue east on Berckman Street.

With respect to the electric franchise agreement with the City of Leesburg; Mr. Lewis pointed out its satisfactory operations during the aftermath of Hurricane Irma; reported on

the public's experience with the lack of performance from Duke Energy and believed the city ought to consider the other distribution network involved.

As a former city commissioner, Mr. Lewis referred to his views regarding the fire department and his support to retain its fire rescue services in-house; however, he questioned the costs of providing such services with the city's available revenues.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian gave a report on the December 5, 2018 LSMPO meeting he attended regarding the CR 466A roadway improvements recognizing July 2019 as the anticipated completion date and the indecision to finish the final phase. He reported, in response to Commissioner Bell's inquiry, the ranking of said project, Phase B (Poinsettia Avenue to Timbertop Road) to be priority number three on LSMPO's 2018 List of Priority Projects.

**(b) Commissioner DeGrave**

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

**(c) Commissioner Bell**

Commissioner Bell announced that he has nothing to report at this time.

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

**i. Hometown Christmas**

Vice Mayor Gunter thanked Parks and Recreation Director Michele Yoder for the successful Hometown Christmas event held on December 7, 2018.

**ii. Lake County School Concurrency**

Vice Mayor Gunter gave a report from the Lake County School Concurrency meeting he attended earlier this day regarding the plan to remodel or construct Fruitland Park Elementary School earmarked in the FY 2020-2022 budget for approximately \$21.5 million; the school operating at 97 percent capacity and the consultant retained to review the school impact fees which is expected to increase as ongoing projects are overbudget.

After Vice Mayor Gunter relayed the request for Mr. John Carr, Lake County School District Operations Department, to appear before the city commission to provide an update on the schools at the first of the year, Mayor Cheshire agreed that he ought to be placed on the next agenda.

**10. MAYOR'S COMMENTS**

**Dates to Remember**

Mayor Cheshire recognized the following events:

- December 14, 2018, LCLC *Year-End Wrap-up*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- December 14, 2018 Movie on the Lawn Double Feature: *A Christmas Story* and *Chevy Chase Christmas Vacation* at 6:00 p.m.;
- December 15, 2018, *Sixth Annual Wreaths Across America Ceremony*, Shiloh Cemetery, Fruitland Park at 12:00 p.m. where Mayor Cheshire encouraged everyone to attend;
- December 24, 2018, Christmas Eve - city hall closed;
- December 25, 2018, Christmas Day - city hall closed;
- December 27, 2018, city commission regular meeting cancelled;
- January 1, 2019, New Year's Day – city hall closed;
- January 10, 2019, city commission regular meeting at 6:00 p.m.
- January 21, 2019, Dr. MLK Holiday – city hall closed.
- January 24, 2019, city commission regular meeting at 6:00 p.m.

Mayor Cheshire wished everyone a Happy holiday season.

**11. ADJOURNMENT**

**The meeting adjourned at 8:42 p.m.**

The minutes were approved at the February 14, 2019 regular meeting.

Signed \_\_\_\_\_

Esther B. Coulson, City Clerk

Signed \_\_\_\_\_

Chris Cheshire, Mayor