

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES**

January 9, 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 9, 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 Valerie C. Fuchs; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Library Director Jo Ann Glendinning; 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: 6:01:40 PM Mayor Cheshire requested that Ms. Coulson called the roll where a quorum was declared present.

Upon Mayor Cheshire' suggestion and **by unanimous consent, the city commission accepted the changes to the following items on this evening's agenda:**

Consent Agenda Item 4.(c)	Addendum: Resolution 2020-001
Regular Agenda Item 6.(a) iv	Solicitation Policy Discussion
Regular Agenda Item 6.(a) v.	Smoking Policy Discussion, and
Supplemental Agenda Item 6.(f)	Resolution 2019-066

Mayor Cheshire acknowledged the presence of Ms. Fuchs, representing City Attorney Anita Geraci-Carver, who is absent.

3. PROCLAMATION – February 8 to 16, 2020 *Love Week*

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming February 8 to 16, 2020 as *Love Week* and offered support in joining the community to perform acts of kindness by making a difference in creating an atmosphere of partnership and generosity within the city.

ACTION: 6:02:35 PM.: Pastors Padgett and Sidney Brock, Heritage Community Church, accepted the proclamation with gratitude.

4. CONSENT AGENDA

(a) Approval of Minutes

- **November 14, 2019**
- **December 12, 2019**

(b) Resolution 2020-002 – Unity of Title – 600 and 602 Urick Street

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 600 AND 602 URICK STREET, FRUITLAND PARK, FLORIDA, OWNED BY FREDERICK AND ANALIZA FAIRFAX AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3841409 AND ALTERNATE KEY NUMBER 3841410; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2020-001 – Library Advisory Board Reappointments

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A BOARD MEMBER AND AN ALTRNATE BOARD MEMBER TO THE LAKE COUNTY LIBRARY ADVISORY BOARD TO SERVE A FOUR-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE. (Addendum: Resolution 2020-001)

ACTION: 6:05:43 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the previously cited consent agenda (with addendum to Item 4.(c)).**

5. REGULAR AGENDA

(a) Resolution 2020-004 - NW Lake Community Park – Third Amendment ILA

Ms. Fuchs read into the record proposed Resolution 2020-004, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:05:55 PM After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-004 as previously cited.

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

(b) Golf Carts Discussion

Mr. La Venia identified the finalization of CR 466A Phase IIIA roadway improvements and the city's existing uncontrolled golf cart crossing on College Avenue. He requested petitioning Lake County in writing to consider lowering the posted speed limit from 35 mph to 30 mph on the section of Rose Avenue between Berckman Street and CR 466A to allow for low speed vehicles and addressed the plan for the city, if approved, to amend the existing golf cart map to include said roadway.

Chief Luce addressed the ability to allow controlled golf cart crossing at the intersection of CR 466A and Dixie Avenue and recognized the installation of such signs according to Florida Statutes.

ACTION: 6:08:18 PM. After discussion and by unanimous consent, the city commission approved the city manager's request authorizing him to write a letter to Lake County requesting consideration to lower the speed limit to allow for golf cart crossings as previously cited.

(c) CRA Redevelopment Taxes – FY 2019-20

The city commission considered its action to approve from the general fund to the redevelopment fund for the redevelopment taxes for FY 2019-20 totaling \$183,533.

ACTION: 6:11:27 PM After discussion and on motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved from the general fund to the redevelopment fund the CRA Redevelopment taxes for FY 2019-20 totalling \$183,533.

(d) Resolution 2020-005 – Library – Children's Garden – FY 2019-20 Budget Amendment

Ms. Fuchs read into the record proposed Resolution 2020-005, 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 LIBRARY CHILDREN'S GARDEN EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:12:25 PM A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-005 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 on this evening's agenda.

PUBLIC HEARING

(e) Second Reading and Public Hearing – Ordinance 2019-015 – Purchasing and Bidding Policy

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2019-015, Ms. Fuchs read into the record the following title and 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 CHAPTER 33 OF THE CODE OF ORDINANCES INCREASING THE PURCHASING THRESHOLD AMOUNTS SET FORTH IN THE CITY'S PURCHASING AND BIDDING POLICY; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 12, 2019.)

Ms. Racine referred to the purchasing policy provisions, requested at the December 12, 2019 regular meeting, where language was included for the commission to be informed of purchases exceeding \$5,000.

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

ACTION: 6:13:36 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission enact Ordinance 2019-015 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 PUBLIC HEARING

SUPPLEMENTAL AGENDA

(f) Resolution 2019-066 – Bailey Minor Subdivision – Petitioner: Michael S. Bailey

Due to a conflict of interest, Vice Mayor Gunter disclosed reasons why he would not be participating in discussions and that he intends to abstain from voting on the subject item; referred to the notice received by certified mail on November 6, 2019 from the community development department regarding the subject minor subdivision application requesting the subdivision of an existing parcel into four separate parcels and addressed his plan to complete Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Ms. Fuchs read into the record proposed Resolution 2019-066, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SUBDIVISION APPROVAL OF PROPERTY LOCATED AT 500 WEST MIRROR LAKE DRIVE, IN THE CITY OF FRUITLAND PARK, OWNED BY MICHAEL S. BAILEY; PROVIDING FOR A NOTICE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the December 12, 2019 regular meeting.)

ACTON: 6:15:01 PM After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-066 as previously cited.

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

Commissioner Bell	Yes
Commissioner Mobilian	Yes
Commissioner DeGrave	Yes
Vice Mayor Gunter	Abstained
Mayor Cheshire	Yes

The motion was declared carried on a 4-1 vote with one abstention.

6. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia gave an update on the following:

- Benchmark Development I LLC - the progress made on the 27-acre school board property purchased on CR 466A with the anticipated construction to take place around the end of 2020 early 2021.

- Sun Recreational Vehicle (RV) Resort - his letter dated September 24, 2019 to Lake County Board of County Commissioners regarding Sun RV Resort's Development Application for a proposed RV project on CR 466A and Micro Racetrack Road where the proposal was not considered by the county commission.
- Florida Medical Industries Inc. - his conversations on January 8, 2020 with Mr. Michael "Mike" Whiting, Florida Medical Industries Inc., (the glass thermometer manufacturing company located on 3131 US Highway 441/US 27) regarding a current case and the building's ownership filed in the Lake County 5th Judicial Circuit and noted the imminent resolution of said matter where he plans to communicate with Ms. Kelley in that regard.

ACTION: 6:17:03 PM, 6:34:43 PM, and 6:35:01 PM No action was necessary.

ii. Upgraded Power Switch Installation Discussion

Discussion on upgraded power switch installation (Resolution 2019-052 Summit Broadband Service Order was adopted on November 14, 2019.)

Mr. La Venia described the upgraded power switch installation at the community center, public works building and city hall and the transitional process from Comcast Corporation to Summit anticipated to be complete within 45 days.

ACTION: 6:18:05 PM No action was necessary.

iii. Alcohol Beverage Policy Discussion

Mr. La Venia referred to the adopted alcoholic beverage policies on public property from various governmental entities and anticipated his plan to transfer CRA funds from improvements in the municipal complex' budget to finalize the community center's renovations. He pointed out inquiries received from the public to utilize the city's properties for events and requested the need for an existing policy for the city commission to review before authorizing Ms. Geraci-Carver to draft an ordinance in that regard as well as a fee schedule to accommodate the city's needs.

ACTION: 6:10:09 PM After much discussion and **by unanimous consent, the city commission directed staff to provide a recommendation on the alcohol beverage policy for consideration at a future meeting.**

iv. Solicitation Policy Discussion

Mr. La Venia reported on staff devising a solicitation policy for city properties and addressed his plan to present a draft to the city commission for consideration on a future agenda.

ACTION: 6:31:48 PM For informational purposes.

v. **Smoking Policy Discussion**

Mr. La Venia addressed his intent to present to the city commission at a future meeting a smoking policy prohibited on and within all city properties which will include vaping.

ACTION: 6:32:20 PM **By unanimous consent, the city commission accepted the city manager's request.**

(b) **City Attorney**

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

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

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

Ms. Fuchs indicated that she has no updated reports to present.

ACTION: 6:36:50 PM No action was taken.

7. **PUBLIC COMMENTS**

Mr. Mark Knapke, Park Manager Lake Griffin State Park, addressed his preference to solicit anyone from the city who is interested to serve on the Friends of the Lake Griffin State Park and agreed in the affirmative to Mayor Cheshire's request that he will provide more details to Ms. Coulson.

Mr. Knapke referred to his August 8, 2019 firefighter volunteer part time employment application form submitted to Interim Fire Chief Donald Gilpin in September 2019 and relayed his comments that he was waiting for the city commission's decision on the city's fire rescue services to be transferred to the county or for the services to remain with the city. Mr. Knapke recognized the city commission's forthcoming January 16, 2019 workshop and addressed his desire to be involved.

After Mr. Knapke's referred to the Florida Medical Industries Inc.'s property (bounded on the north by Lake Griffin State Park) where the remnants are blowing into the park, Mr. La Venia indicated that would inform the property owners of same.

ACTION: 6:37:15 PM. No action was taken.

8. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Mobilian**

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

ACTION: 6:40:30 PM. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 6:40:37 PM. No action was taken.

(c) Commissioner Bell

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

ACTION: 6:40:39 PM. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter commended Ms. Yoder on the events that took place at the December 20 Christmas Party; pointed out the December 14 7th Annual Wreaths Across America event with the speech given by Mayor Cheshire recognizing 127 veterans at Shiloh Cemetery and acknowledged the December 21, 2019 Virgil Bell Children's Garden Opening Ceremony at Fruitland Park where he requested that a *thank you* letter be sent to Eagle Scouts Barak Reynolds V, Fruitland Park Eagle Scouts 143, for a job well done on the garden's benches.

ACTION: 6:40:41 PM. No action was necessary.

9. MAYOR'S COMMENTS

(a) Police Department

Mayor Cheshire referred to a commendation letter dated December 24, 2019 from a citizen that was distributed to the city commission and expressed appreciation to Sergeant Keith Flanary and Officer Jeremiah Ricketts for a job well done.

ACTION: 6:42:44 PM No action was taken.

(b) City Commission Workshops:

Mayor Cheshire announced that the January 16, 2020 workshop would be held at 6:30 p.m. and not 6:00 p.m. due to the Planning and Zoning Board's scheduled meeting at 6:00 p.m. He requested that any questions relating to the workshop be forwarded in advance to Mr. La Venia and indicated that as the city commission will be holding discussions, no public comments will be entertained at that time.

ACTION: 6:43:03 PM No action was taken.

(c) Dates to Remember

Mayor Cheshire recognized the following events:

January 10, 2020, LCLC 2020 Legislative Update, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

January 10, 2020, Movie on the Lawn, *ET*, outside city hall (weather permitting at 205 West Berckman Street, Fruitland Park, Florida 34731 at dusk;

January 16, 2020, *Understanding Medicare* Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;

January 16, 2020, City Commission Workshop at 6:30 p.m.;

- January 20, 2020, Dr. Martin Luther King Jr. Day Holiday – City Hall Closed;
- January 23, 2020, *AARP Smart Driver Technology*, Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- January 23, 2020, City Commission Regular at 6:00 p.m.;
- January 25, 2020, *Coffee with the Mayor* Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m. to which Commissioner Mobilian indicated that he will communicate with Mr. La Venia with regards to his periodical newsletter;
- January 27, 2020, *Florida Licensing on Wheels* (FLOW) Event, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m. where, at Vice Mayor Gunter’s request, Ms. Glendinning described the event;
- February 8-16, 2020 *Love Week* Activities, various locations around city hall and within the city limits which was addressed earlier in the meeting under regular agenda item 3.

After Vice Mayor Gunter referred to the January 6, 2020 *Learn about Acupuncture and its Use to Relief Pain* presentation that was given by Dr. (Mayor) Cheshire, he recognized the patrons’ ample attendance at various activities and events at the library.

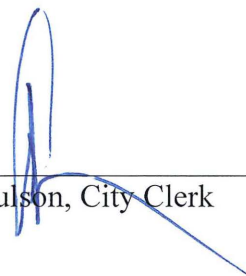
ACTION: 6:43:55 PM No action was taken.

10. ADJOURNMENT

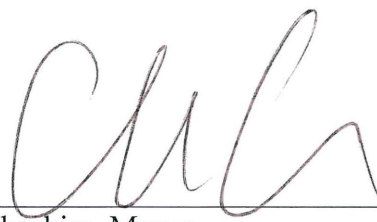
There being no further business to come before the city commission, the meeting adjourned at 6:47 p.m.

The minutes were approved at the January 23, 2020 regular meeting.

Signed _____
Esther B. Coulson, City Clerk



Signed _____
Chris Cheshire, Mayor



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Gunter John LANDIER		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COMMISSIONERS FRUITLAND PARK	
MAILING ADDRESS 487 WEST MIRAGE LAKE DR.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY FRUITLAND PARK	COUNTY LAKE	NAME OF POLITICAL SUBDIVISION: CITY OF FRUITLAND PARK	
DATE ON WHICH VOTE OCCURRED 1-9-2028		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John L. Guenter, hereby disclose that on JAN 9, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1-9-2020
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.