

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
March 9, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 9, 2017 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer; Jeannine Racine-Michaud; Deputy Police Chief Dennis Cutter, Police Department; Interim Fire Chief Don Gilpin; Lieutenant Tim Yoder; Chris Lewis, Madison Leary, and Michael Goins, Firefighters; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Reverend Marge Brown, Unity Spiritual Church, gave the invocation and Deputy Police Chief Cutter led in the Pledge of Allegiance to the flag, Mayor Cheshire called the meeting to order at 6:00 p.m.

2. ROLL CALL

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

3. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Bell, seconded by Commissioner Ranize and unanimously carried, the city commission approved the February 23, 2017 regular meeting minutes as submitted.

4. REGULAR AGENDA

PUBLIC HEARING

(a) Second Reading and Public Hearing – Ordinance 2016-031 Comprehensive Plan Amendment

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2016-031, the substance of which is as follows, Ms. Geraci-Carver read the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN (ATTACHED AS EXHIBIT A); ADDING OR ADOPTING REVISIONS TO THE

FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC FACILITIES, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, AND CONCURRENCY MANAGEMENT, ELEMENTS OF THE COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN ARISING FROM CHANGES FROM THE 2010 CENSUS; ELIMINATING RECREATION AND OPEN SPACE LEVEL OF SERVICE; ELIMINATING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE FORMER COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 8, 2016.)

Upon the request of Mr. Mike Sweeney, City of Fruitland Park resident, Mr. Greg Beliveau, LPG Urban and Regional Planners retained by the city, gave an explanation of the comprehensive plan requirements and annexation regulations according to Florida Statutes for up to 2016.

Mr. Beliveau recognized that no comments were received from the State of Florida Department of Economic Opportunity; pointed out the change from St. John's River Water Management District that the city since implemented the adoption of the level of service standards for facilities and infrastructure, potable water from 122 gallons per day per commercial (gpdpc) acre to the following where the LOS includes commercial at 850 gpdpc acre:

<u>Year</u>	<u>Gallons per Resident per Day</u>
<u>2012</u>	<u>150</u>
<u>2015</u>	<u>172</u>
<u>2025</u>	<u>172</u>
<u>2035</u>	<u>172</u>

Mr. Beliveau relayed staff's recommendation to adopt same which includes the annexation of large and small scale plan amendments.

After discussion and **by unanimous consent, Mayor Cheshire closed the public hearing.**

Following further discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-012 as previously cited to become effective as provided by law which shall be the date the state land planning agency issues a final order determining the**

comprehensive plan, attached to and amended prior to this ordinance becoming effective, to be in compliance with Chapter 163, Florida Statutes, or the date the Division of Administrative Hearings issues a final order determining the adopted 2035 Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, whichever occurs first.

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

QUASI-JUDICIAL PUBLIC HEARING

(b) Second Reading and Public Hearing - Ordinance 2017-001 - On-Line Bill Payment Service

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-001, the substance of which is as follows, Ms. Geraci-Carver read the 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 SECTION 99.110 TO IMPOSE A FEE FOR ONLINE BILL PAYMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

QUASI-JUDICIAL PUBLIC HEARING

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

Commissioner Ranize referred subsection 99.110(B)(1), burn permit of the proposed ordinance and noted the issuance of same from the State of Florida Department of Agriculture and Consumer Services, Forest Service Office serving the area.

After Mr. La Venia mentioned the need to strike said language, Ms. Geraci-Carver suggested that an amended ordinance would need to be considered at a future meeting to reflect same.

A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-001 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.

QUASI-JUDICIAL PUBLIC HEARING

(c) **Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017--013 - Boundary Amendment – North of CR 466A and West of Timbertop Lane — Petitioner: Kurt and Suzanne Damron**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-013, the substance of which is as follows, Ms. Geraci-Carver read the 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 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 6.0 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; 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 AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

After Ms. Geraci-Carver swore in Mr. Rector to give testimony, he described the petitioner's request and referred to the city commission's previous annexation of an adjacent parcel.

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

A motion was made by Commissioner Ranize and seconded by Commissioner Ranize that the city commission enact Ordinance 2017-013 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.

(d) **Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017-014 -Comprehensive Plan – 6.0± Acres - North of CR 466A and West of Timbertop Lane - Petitioner: Kurt and Suzanne Damron**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-014, the substance of which is as follows, Ms. Geraci-Carver read the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

Mr. Rector noted the proposed change.

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

A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2017-014 as previously cited to become effective thirty-one (31) days after its adoption by the city commission. If this ordinance is challenged within thirty (30) days after its adoption, it may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that this ordinance is in compliance.

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

(e) Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017-015 - Rezoning – 6.0± Acres – AG-C2 – Petitioner: Kurt and Suzanne Damron

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-015, the substance of which is as follows, Ms. Geraci-Carver read the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 6.0 ± ACRES OF THE PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) 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 February 23, 2017.)

Mr. Rector noted the proposed change.

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

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission enact Ordinance 2017-015 as previously cited to become effective as provided by law.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

5. NEW BUSINESS

There was no new business to come before the city commission at this time.

6. PUBLIC COMMENTS

Ms. Pat Guy, City of Fruitland Park resident, gave her opinion on the county's position with and assurance given to manage the city's fire department and mentioned examples of existing problems on the implementation of its services with the city.

In response, Mayor Cheshire addressed his desire for transparency whereby such issues would be considered before the city commission and decisions made with public knowledge. He recalled the majority of city commissioners' desire, at its March 2, 2017 workshop, to proceed towards the management of the fire department and the need to review funding issues relative to same.

7. OFFICERS' REPORTS

(a) City Manager (revised)

Fire Assessment – March 2, 2017 Workshop

In response to Mr. La Venia's request, Ms. Geraci-Carver addressed the need to consider at a future meeting, the fire department membership organization under Fire Department Ordinance 97-007 (city's code Sec. 31.57) and a resolution for a fire assessment to be placed on the Truth-in-Millage Notice whereby she plans to meet with Ms. Sandi Walker, Government Services Group Inc. in that regard.

. **FRDAP Grants Status Update**

At Mr. La Venia's request, Ms. Yoder gave an outline of requirements after notification of the Florida Recreation Development Assistance Program's (FRDAP's) grant award whereby she is working with Mr. Fred Fox (grant writer retained by the city) on the preparation of commencement information for Gardenia Park project phases I and II; pointed out her meeting with Ms. Geraci-Carver earlier this evening to prepare a 30-year title search on the subject property, and her previous consultation with Mr. Rector to conduct a boundary survey on said property.

Once the respective information are gathered, Ms. Yoder addressed the plan to submit the completed commencement package to Ms. Tamika Bass, Florida Department of Environmental Protection, Office of Operations, Land and Recreation Grants Section, for approval before it is sent back to the city commission.

Ms. Yoder anticipated that by June 2017 a response would be received on the grant program application for funding by Lake Griffin State Park, as the city is rated 38 out of 100.

Later in the meeting and after Vice Mayor Gunter voiced concerns on the title search on the CSX rail road right-of-way and quit-claim to the city, the vicinity of Gardenia Park, Ms. Geraci-Carver explained that she will research the issue.

- **City Events**

Ms. Yoder referred to the March 18, 2017 *Beautification Day* (aka Cleanup Day) and addressed the plan to meet at the Gardenia Park Pavilion to complete the unfinished landscape from last year. She referred to her meeting with Mr. Chris Beck, Waste Management of Wildwood Inc., regarding the shirts order (costs to be borne by them) and requested the need to complete the forms for the officials' sizes by March 10, 2017 in advance of the event.

With respect to the April 1, 2017 *Fruitland Park Day*, Ms. Yoder announced that as the program includes the Jeep exhibition, she described the officials will be participating in the parade by riding in open-top Jeeps promoted by the 365 Jeep Club.

. **Roads and Streets - Road Program**

Mr. La Venia referred to the February 23, 2017 regular city commission meeting regarding the road program.

Mr. La Venia addressed the need to include Berry Hill Circle on the 2017 Street Repave List; reviewed the piggyback quotation

proposals; namely, C.W. Roberts Contracting, Inc., Paquette Company, and Bay to Bay Construction, and noted the attempts to obtain quotations for paving where one was received. He identified Community Redevelopment Agency (CRA) funds to implement same.

Mr. La Venia referred to C.W. Roberts' proposal outlining the parking stall (accessible parking space) at Veterans Park for \$4,300 and noted Paquette's intent to donate same as part of its service free of charge.

Later in the meeting and in response to an inquiry posed by Commissioner Ranize' regarding reoccurring tree base, stump and root problems and potential harm caused to various trees in various areas, Mr. Bogle concurred with Mr. La Venia's request to contact the certified arborist retained by the city and indicated that he will communicate with Mr. Mike Bailey, Bay to Bay Construction.

After extensive discussions, Mr. La Venia concurred with Ms. Geraci-Carver's suggestion to address the subject proposals before the CRA for consideration at its next meeting.

Upon Mr. La Venia's request, the city commission voiced no objections to his question on the selection of Paquette Company as the low bidder to perform paving work on certain city streets.

- **Status Update** (Community Development Department Director)
• **Code Enforcement**

Mr. Rector relayed the recommendation by Ms. Lori Davis, Code Enforcement Officer, to condemn a property adjacent to the Hilltop Bar (501 North Dixie Avenue) and pointed out his previous conversations with Ms. Geraci-Carver.

Mr. Rector referred to the collection of monies from the city's vacant and abandoned property fund which should have been utilized to prevent blighted areas. He recommended the utilization of such funds to demolish the subject property, clean up the site, and apply a code enforcement lien and from the total cost accept a modest deposit from the property owner for voluntary demolition, instead of appearing before a special magistrate.

After Mr. Rector referred to Ms. Geraci-Carver's research on the demolition of condemned property, he relayed his preference for her to draft an ordinance.

Mr. Rector reported on the subject property owner's willingness to deposit \$1,000 of her own funds and her agreement to make monthly payments; addressed the city's ability to place a lien against the property and if it is cleared, such funds would be reimbursed to the city. He recognized other property owners who are considering something similar.

If the city commission decides not to implement the request, Mr. Rector addressed the alternative to go through the code enforcement process by allowing the special magistrate to place a fine on the property -- which would be accumulated and through the court proceedings -- and obtain permission to demolish the property as long as it is without any cost to the taxpayer.

After extensive deliberations, Mr. La Venia reiterated the voluntary mechanism on the satisfaction of a lien in advance whereby the city could wait up to 20 years to be refunded into the same account.

In response, Ms. Geraci-Carver indicated that such mechanism could take place through an established payment plan process with a written agreement (as long as it is within the CRA redevelopment plan) where such funds could be utilized.

Following further discussion, Ms. Geraci-Carver agreed with Mr. La Venia's request to draft an ordinance for the city commission's consideration at a future meeting.

(b) City Attorney

Litigation Updates

- George Fernandez

Ms. Geraci-Carver referred to the George Fernandez lawsuit which was scheduled for mediation on March 6, 2017; indicated that a settlement of \$45,000 was reached, contingent upon city commission approval, and addressed the requirements for him executing a full release.

After extensive discussions, and **by unanimous consent, the city commission agreed to a shade meeting to discuss the George Fernandez case.**

Following further deliberations, Ms. Geraci-Carver announced holding a closed-session meeting to be held on Thursday, March, 23, 2017 at 6:00 p.m. in the city commission chambers, to discuss the George Fernandez lawsuit settlement offer where direction is needed from the city commission is needed on the litigation. She noted those anticipated to be present would be Mayor Cheshire, Vice Mayor Gunter, Commissioners Ranize, Lewis, and Bell and also Mr. La Venia, herself, and Litigation Council Stephanie McCulloch, McLin Burnsed Law Firm retained by the city.

In response to Ms. Coulson, Ms. Geraci-Carver indicated that she will arrange for a court reporter to be present at said closed-session.

- Anthony Mancino
Ms. Geraci-Carver reported that she took the offer back to Mr. Anthony Mancino's attorney; referred to the attorney's fees of \$16,405.85 for the civil forfeiture case, and anticipated receiving testimonial excerpts that was given during the hearing which she plan to submit.

Purchasing/Competitive Bidding

Ms. Geraci-Carver explained that the competitive bidding/purchasing is outlined in the agenda summary report.

Commissioner Lewis conveyed a previous conversation he initiated with the insurance agent – who handles the insurance liability policies for the city -- regarding the number of claims/lawsuits and pointed out the question posed at the February 23, 2017 regular meeting on pricing.

Commissioner Lewis referred to the offer made by Mr. Scott Hyman, Severson & Werson, to meet with him and Mr. La Venia; mentioned the need to be updated on the city's policies, expending the city's funds to settle cases, and the availability of the claims and underwriting managers to provide additional information.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Cleanup Day

Commissioner Rnaize announced the likelihood of being out of town during the weekend of March 18 and 19, 2017 and will miss Cleanup Day.

ii. City Properties

In response to a question posed by Commissioner Ranize, Ms. Geraci-Carver assured that by ordinance, the city commission can legislate a policy to conduct surveys and title searches on city-owned properties before a purchase is made and have that said ordinance can be reviewed when there are changes in the Florida Statutes.

iii. International Property Maintenance Code Ordinance 2011-001

Commissioner Ranize referred to his conversations with Sergeant Kim Stewart, City of Leesburg, regarding the International Property Maintenance Code; pointed out discussions at the January 26, 2017 city commission regular meeting regarding the revision of same which is currently reviewed by Ms. Lori Davis, Code Enforcement Officer, and noted the likelihood of changes to be addressed before the city commission at a future meeting.

(b) Commissioner Lewis

i. Zoning Designation

In response to a question posed by Commissioner Lewis, Mr. Rector identified areas in the city where its zoning designation allows for development of duplexes with single family residences.

ii. Vehicle Purchase

Answering a question raised by Commissioner Lewis, Mr. La Venia responded that used vehicles under lease warranty programs appropriate for administration/code enforcement could be explored.

iii. Public Safety

After Commissioner Lewis addressed the utilization of public safety reserve funds and impact fees, Mses. Geraci-Carver and Racine-Michaud described the purchase of police vehicles satisfied for future growth-related costs whereby the addition of two law enforcement officers can be added which ought to be addressed in the budget.

(c) Commissioner Bell

Commissioner Bell had no comments to address before the city commission at this time.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter noted that Ms. Yoder answered his questions relating to the March 18, 2017 *Beautification Day*.

9. **MAYOR'S COMMENTS**

(a) **2017 Lake County Community Service Awards**

Mayor Cheshire referred to the 2017 Lake County Community Service Awards Nominations Forms to be submitted before March 17, 2017.

By unanimous consent, the city commission agreed with Mayor Cheshire's suggestion to nominate Mr. John Schaller, City of Fruitland Park resident, for the volunteer award as he volunteered for the city for 22 years.

(b) **Dates to Remember**

Mayor Cheshire noted the following events:

- March 10, 2017 – LCLC *Superintendent of Lake County Schools* Meeting at Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon;
- March 18, 2017 – *Fruitland Park Beautification Day* City Hall at 10:00 a.m.;
- March 23, 2017 – Household Hazardous Waste Mobile Unit Outreach Event at 9:00 a.m.;
- March 23, 2017 - Regular Commission Meeting following a possible shade meeting at 6:00 p.m. with further announcements;
- April 1, 2017 – *Fruitland Park Day*, City Hall at 10:00 a.m.;
- April 13, 2017 – Regular Commission Meeting at 6:00 p.m.;
- April 14, 2017 - LCLC *New Vision for Independence, Inc.* Meeting at Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon;
- April 26, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, FL 34748 at 2:00 p.m.;
- April 27, 2017 – Regular Commission Meeting at 6:00 p.m.;
- April 22, 2017 Volunteer Appreciation Picnic TBA;
- May 11, 2017 - Regular Commission Meeting at 6:00 p.m.; and
- **By unanimous consent, and upon Mayor's request, the city commission cancelled the May 25, 2017 regular city commission**

meeting at 6:00 p.m. which may be rescheduled to another date and time to consider the city's FY 2017-18 budget; proposed ordinances, and special fire assessments.

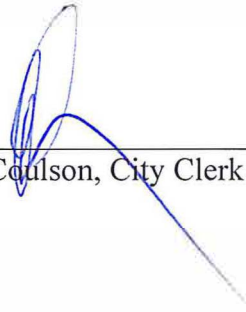
11. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:25 p.m.

The minutes were approved at the March 23, 2017 regular meeting.

Signed _____

Esther B. Coulson, City Clerk



Signed _____

Chris Cheshire, Mayor

