

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
February 23, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 23, 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; Police Chief Michael A. Fewless; Deputy Police Chief Dennis Cutter, Police Department; Interim Fire Chief Don Gilpin; Lieutenant Tim Yoder; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle; Deputy City Treasurer Sue Parker, Ruthie Barker, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Pastor Omega Collier, Mount Pleasant African Methodist Episcopal Church of Fruitland Park, gave the invocation and Police Chief Fewless led in the Pledge of Allegiance to the flag, Mayor Cheshire called the meeting to order at 6:02 p.m.

2. ROLL CALL

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

3. LOCAL PLANNING AGENCY Recess 6:00 p.m. or Thereafter

By unanimous consent, the city commission recessed its meeting at 6:03 p.m. to convene the Local Planning Agency meeting and reconvened at 6:10 p.m.

4. CONSENT AGENDA

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve Consent Agenda Items 4.(a) to (e).

At Ms. Coulson's request, and **by unanimous consent, the city commission withdrew Item 4.(e) on the Consent Agenda from consideration.**

An amended motion was made by Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved Consent Agenda Items 4(a) to (d):

- (a) Approved the January 26, 2017 regular meeting minutes as submitted.**

- (b) **Adopted Resolution 2017-006 Website Design Aha Consulting as follows:**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LETTER OF ENGAGEMENT BETWEEN AHA CONSULTING, INC. AND THE CITY OF FRUITLAND PARK, FLORIDA TO PROVIDE WEBSITE REDESIGN AND HOSTING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.
- (c) **Adopted Resolution 2017-010 Audit Committee Sunset as follows:**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO SUNSET THE AUDIT COMMITTEE PREVIOUSLY ESTABLISHED BY THE COMMISSION BECAUSE THE AUDIT COMMITTEE HAS ACCOMPLISHED THE PURPOSE FOR WHICH IT WAS CREATED; PROVIDING FOR AN EFFECTIVE DATE.

and

- (d) **Adopted Resolution 2017-012 Online Payment System, Credit Card Vendor Agreement – Elavon Inc. as follows:**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT ELAVON INC. AND THE CITY OF FRUITLAND PARK, FLORIDA TO PROVIDE AUDITING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

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

- (e) **Resolution 2017-013 – P&Z Board Appointment Amendment – Thomas C. Bradley**
The city commission considered its action to adopt Resolution 2017-013, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and following Ms. Coulson's request to revise Resolution 2017-013, Ms. Geraci-Carver agreed to postpone same to a future meeting.

On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission postponed its adoption of the

previously cited Resolution 2017-013 at the city clerk's request to the next meeting for more information.

5. REGULAR AGENDA

(a) Gamble/Humble Investments Agreement – Addendum - Extension

Ms. Geraci-Carver reported on the ability to close this day (on the property 1639 Miller Street) and pointed out the documents (namely, affidavits, agreement, mortgage documents) that were executed prior to this evening's meeting.

Ms. Carver explained that she is waiting to hear from Mr. Adam Gamble's attorney on the quit claim deed -- corrective actions to the prior transaction with whom Mr. Gamble purchased the property -- who is out of town; anticipated him signing same during the week commencing February 27, 2011, and stated that she will hold the documents in question in escrow and reverse the funds in action.

Ms. Geraci-Carver confirmed, in response to Mayor Cheshire's question, that no action is required from the city commission.

(b) First Reading - Ordinance 2017-001 - On-Line Bill Payment Service

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-001, the substance of which is follows:

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 second reading will be held on March 9, 2017.)

After further discussion, **a motion was made by Commissioner Lewis, and seconded by Commissioner Bell that the city commission approve proposed Ordinance 2017-001 as previously cited.**

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

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

PUBLIC HEARING

(c) Second Reading and Public Hearing – Ordinance 2017-011 – Local Truck Traffic Movement Regulations

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-011, the substance of which is as follows, Ms. Geraci-Carver read into the record 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, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY DESIGNATING CERTAIN STREETS TO ONLY ALLOW LOCAL TRUCK TRAFFIC AND NOT THROUGH TRUCK TRAFFIC, SPECIFICALLY HICKORY AVENUE, MAPLE AVENUE AND ELM AVENUE; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

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

After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-011 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.

- (d) **Second Reading and Public Hearing – Ordinance 2017-012 –Traffic Yield Sign**
It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-012, 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, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY INSTALLING A YIELD SIGN ON BIDWELL STREET TO REQUIRE TRAFFIC ON BIDWELL STREET TO YIELD TO TRAFFIC ON WILLARD AVENUE; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

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

Following further discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-012 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.

QUASI-JUDICIAL PUBLIC HEARING

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

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-013, the substance of which is as follows 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 second reading will be held on March 9, 2017.)

Ms. Geraci-Carver swore-in Mr. Rector to give testimony at this evening's proceedings who highlighted the proposed use of the subject property.

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 Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-013 as previously cited.

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

(f) **First Reading – 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**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-014, the substance of which is as follows 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 second reading will be held on March 9, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-014 as previously cited.

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

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

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-015, the substance of which is as follows 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 second reading will be held on March 9, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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 Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-015 as previously cited.

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

(h) Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-005 – Boundary Amendment - - Gamble Family Revocable Trust

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-005, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.31 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-005 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.

(i) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-006 - Comprehensive Plan - Gamble Family Revocable Trust**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-006, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.31± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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 Bell that the city commission enact Ordinance 2017-006, as previously cited, to become effective thirty-one (31) days after adoption. If the 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.

(j) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-007 – Rezoning - Gamble Family Revocable Trust**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-007, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.31 ± ACRES OF THE PROPERTY FROM LAKE COUNTY MIXED RESIDENTIAL DISTRICT (R-7) 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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 Bell that the city commission enact Ordinance 2017-007 as previously cited to become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

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

(k) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-009 – Humble Investments Inc. – Boundary Amendment**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-009, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.37 ± ACRES OF LAND GENERALLY LOCATED NORTH OF

CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

After discussion, a **motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-009 as previously cited to become effective as provided by law.**

There being no one 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.

(I) Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-010 – Comprehensive Plan Amendment - - Humble Investments Inc.

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-010, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.37± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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 Vice Mayor Gunter that the city commission enact Ordinance 2017-010, as previously cited, to become effective thirty-one (31) days after adoption. If the 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.

(m) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-008 – Rezoning - Humble Investments Inc.**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-008, the substance of which is as follows, Ms. Geraci-Carver read into the record 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 0.37 ± ACRES OF THE PROPERTY FROM LAKE COUNTY MIXED RESIDENTIAL DISTRICT (R-7) 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 January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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 Lewis that the city commission enact Ordinance 2017-008 as previously cited to become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

6. NEW BUSINESS

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

7. PUBLIC COMMENTS

No one from the public appeared before the city commission at this time.

8. OFFICERS' REPORTS

(a) City Manager

i. Gym Membership

Mr. La Venia referred to the city commission's direction at its January 26, 2017 regular meeting to conduct a poll due to the possibility of providing a gym membership for the employees with Infinity Fitness and Spa Inc. As a result of communications received from various departments, he reported that approximately 40 employees are interested in partaking in such an opportunity and quoted from the proposed agreement the "... number of employees of 36 but can be up to 50 . . ."; "... yearly rate of \$2,000 . . .", and "... renewed for additional one-year terms . . .".

After discussion and in response to a question posed by Commissioner Lewis who is a gym member, Ms. Geraci-Carver explained that she will review the State of Florida Commission on Ethics' advisory opinions and the gift prohibitions and disclosure laws.

By unanimous consent and upon Vice Mayor Gunter's request, the city commission postponed its action to a future meeting on the proposed agreement with Infinity Fitness and Spa Inc. for further information from the city attorney.

ii. Road Program

After Mr. La Venia referred to documents relating to the road program and reviewed with Mr. Bogle the 2017 Street Repave List and the 2017 Sidewalk Repairs; copies of which are filed with the supplemental papers to the minutes of this meeting.

After discussion, Mr. Bogle mentioned the bids he obtained for said repairs and his communication with three paving companies and upon receiving the city commission's acceptance, his intention to proceed on same; however, in response to Commissioner Ranize' question, it is unknown as to when work on the road program will end.

The city commission had no objections to staff's request.

iii. Administrative Vehicle

Mr. La Venia pointed out the ability to fund, in the mid-year 2016-17 budget, an administrative/code enforcement vehicle and pointed out Bartow

Ford's pricing of \$22,558.30; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion, Commissioner Ranize expressed concerns on the public's perception of the subject matter; the justification of same, and such requirements on city ordinances to which Vice Mayor Gunter voiced his concurrence.

Subsequent to further discussion, Commissioner Ranize recognized the local dealership available in the city and after questioning the cost, acknowledged the city commission's ultimate decision-making on the best vehicle and price.

After Mayor Cheshire addressed the need for an existing policy and procedure for citywide purchases, Ms. Geraci-Carver addressed her intent to communicate with Ms. Coulson in this regard.

Mr. Bogle referred to Sumter Air and Heat Inc.'s invoice for \$5,300 due to an emergency for a purchase required for the air conditioning unit for the server room; copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

Following much discussion and **at Mayor Cheshire's request, the city commission, by unanimous consent, postponed its action to consider bids for an administrative/code enforcement vehicle and direct the public works department director to obtain more bids.**

iv. Community Development Department

- Office Enclosure

Mr. La Venia referred to the previously budgeted item by the city commission at its July 11, 2016 budget workshop at a cost of \$12,000 to build an office for the community development director and requested permission to proceed with same to which Mr. Rector gave reasons on the need for same.

By unanimous consent, the city commission agreed with staff's request as previously cited.

- Fruitland Park Library Construction Plans

Mr. La Venia reviewed various plans from Senatore Inc. for the Fruitland Park Library construction; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. Rector described the remaining work required to be complete before the final stage; pointed out the respective plans presented to him from Mr. James Senatore, Senatore Inc. (design build-consultant retained by

the city) earlier this day where there were no changes to the building's structure, and conveyed his earlier remarks made previously before the city commission that he will not proceed further until he receives the city commission's consent.

Mr. Rector pointed out the proposed library construction's furniture plan and recognized that Ms. JoAnn Glendinning, Fruitland Park Library Director, is currently working on same noting the grant application she plans to submit on interior upgrades and furniture is helpful to Mr. Senatore.

The city commission had no objection to Mr. Rector's request to continue with the basic layout and final stages of the architectural plan, agreeable by Ms. Glendinning, for the subject proposed library construction.

In response to Vice Mayor Gunter's inquiry, Mr. Rector anticipated the bid opening to commence by the end of May 2017 and for work to start 30 days thereafter.

- **Soccer Field Drawings – Northwest Lake Community Park**

Mr. Rector reported on the completion of the grade soccer field plan submitted earlier this day by Mr. Duane K. Booth, Booth, Ern, Straughan & Hiott Inc., (engineers retained by the city), for Northwest Lake Community Park which was forwarded to Rainey Construction Company to grade said field in accordance to the future plans outlined by Mr. Roberto "Bobby" Bonilla, Lake County Public Works Department, Parks and Trails Division Manager. (A copy of the respective plan was distributed for the record and filed with the supplemental papers to the minutes of this meeting.)

- **Village Park Property**

Later in the meeting, Mr. Rector relayed his conversations with Mr. La Venia on February 22, 2017 regarding the execution of the Village Park contract (formerly known as Westminster Church).

v. **Public Works Department Director – Water Meter Readers**

Earlier in the meeting, Mr. Bogle referred to the bid proposal for reading equipment for the water meters from HD Supply Waterworks for \$8,965; gave an overview of the replacements and the costs involved which is currently in the FY 2016-17 budget, and described the future plans in implementing same; a copy of the proposal is filed with the supplemental papers to the minutes of this meeting.

By unanimous consent, the city commission accepted the public works department director request to proceed with the purchase of the reading equipment for the water meters from HD Supply Waterworks for \$8,965.

vi. Parks and Recreation Department Director

• **Fruitland Park 5k Love Run 2017**

Ms. Yoder gave an overview of the 2017 Fruitland Park 5k Love Run and identified the total sponsorships and donations received with the total proceeds of \$1,433.55 to Beyond the Walls Food Pantry (a ministry of Heritage Community Church) and the match of same towards Fruitland Park Recreation Department's movie night program. (A copy of which is filed with the supplemental papers to the minutes of this meeting.)

• **Sports Coordinator**

Ms. Yoder relayed her conversations with Mr. La Venia on the need to retain a part time sports coordinator to manage the city's recreational program; noted that the coordinator's salary would be generated from the program's revenue and sponsorships, and pointed out her previous meeting with Ms. Michaud where according to the final bullet point from the sports coordinator proposal funding would be implemented by means of budget amendments. (A copy of the proposal is filed with the supplemental papers to the minutes of this meeting)

Following Ms. Yoder's description of the sport coordinator's job requirements, Ms. Geraci-Carver, in response to an inquiry, addressed her intent to contact the labor and employment law attorney, retained by the city, on the concept.

On motion of Commissioner Bell, seconded by Vice Mayor Gutner and unanimously carried, the city commission approved the parks and recreation department director's request for a part time sports coordinator position.

• **Veterans Park**

After Mr. La Venia recognized that the Veterans Park baseball field is not earmarked in the FY 2016-17 budget, Ms. Yoder recalled the city commission's previous concerns regarding the condition of Veterans Park; referred to her recent meeting with Ms. Michaud that Veterans Park baseball field is located in the Community Redevelopment Area (CRA) and that there is a balance in the CRA budget of \$137,000.

Due to daylight savings time in March 2017, Ms. Yoder addressed the ability for seasonal baseball programs to resume at Veterans Park; however, said program would need to be relocated in August 2017. She referred to the quote received from Musco Lighting for lighting system to be mounted at Veterans Park at a cost of \$37,200; a copy of which is filed with the supplemental papers to the minutes of this meeting.

- **Cales Park**

Ms. Yoder described the condition of the softball fence at Cales Park; reviewed Fence-It's proposal on the options on installation for \$44,588 and recognized the revenue source generated from the softball program which could cover the costs of same. (A copy of which is filed with the supplemental papers to the minutes of this meeting.

After much discussion, Ms. Michaud-Racine concurred in the affirmative to Ms. Yoder's identification of \$75,000 which is excluded from the FY 2016-17 budget but included in the recreation's CRA plan, except for the soccer field, to which Mr. La Venia suggested could be utilized.

(b) City Attorney

i. Angelica Dobruck v. City of Fruitland Park, et. al.

Ms. Geraci-Carver reported that the Angelica Dobruck case has been dismissed which was concluded in the city's favor.

ii. George Fernandez v. City of Fruitland Park

For the George Fernandez case, Ms. Geraci-Craver recognized the March 6, 2017 mediation date scheduled and indicated that Mr. La Venia recently met with Ms. Stephanie J. McCulloch, McLin Burnsed, retained by the city, who was working on the discovery items.

iii. James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park

With respect to the James and Rita Homoni v. Crenshaw and City of Fruitland Park case, Ms. Geraci-Carver explained that Ms. McCulloch is in the process of filing a response in that regard.

iv. James Hartson – Notice of Claim

Ms. Geraci-Carver referred to the notice on this case and explained that Ms. McCulloch is reviewing the taser incident with another agency.

v. **Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs**
Ms. Geraci-Carver explained that Ms. McCulloch was assigned to the cases of former Police Chiefs Mark Isom and Terry Isaacs; however, Mr. “Mike” Michael J. Roper, Bell & Roper P.A., is representing Mr. George Hunnewell.

vi. **Anthony Mancino – Notice of Claim**
Ms. Geraci-Carver requested direction from the city commission on the Anthony Mancino notice of claim and recognized that as litigation has not yet been filed, a closed-session meeting cannot be held.

Ms. Geraci-Carver referred to the initial demand from Mr. Mancino’s attorney which has since doubled; relayed that Ms. McCulloch was continuing to review the issue, and depicted the breakdown in his attorney’s costs of \$2,819,000.

Ms. Geraci-Carver reported on the research she conducted on the lis pendens case law which was not withdrawn from the city; relayed her disagreement on his attorney’s advice and the lis pendens remaining on the property until the court ordered the lis pendens to be removed or dismissed, based on Florida Statutes (relating to the seizure of the homestead property which was not withdrawn by the city but since released) and noted the subsequent dismissal of said lis pendens.

Ms. Geraci-Carver recommended that the city pays a portion of the attorney’s fees whereby she represented Mr. Mancino on the criminal case as well as the civil forfeiture action where probable cause was found, pursued, and later dismissed by the state attorney’s office for \$21,405.85 and suggested the offer of \$11,000 or \$12,000 for attorney’s fees.

Commissioner Ranize shared his comments he had with Ms. Geraci-Carver on the potential conflict of interest he has on the subject issue and the need to be recused.

Ms. Geraci-Carver explained the process if a lawsuit is filed and the city commission’s opportunity - in a closed session meeting – to hear all the details and have the ability to settle at that time as the offer continues to increase.

Commissioner Ranize recalled his question, approximately a month ago, and the response received on the insurance company’s handling of the case where the city had no position and could not discuss anything further.

In response, Ms. Geraci-Carver explained the misunderstanding on the issue between her and Ms. McCulloch and notified Mr. Mancino’s attorney.

After extensive deliberations, a **motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that and unanimously carried, the city commission approve the city attorney's recommendation to offer \$11,500 in the Anthony Mancino case in response to the letter from the attorneys who are representing Mr. Anthony Mancino.**

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

Commissioner Bell	Yes
Commissioner Lewis	Yes
Commissioner Ranize	Abstained
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

The motion was declared carried. (From 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers disclosing the nature of Commissioner Ranize' conflict of interest was filed with the minutes of this meeting.)

In response to Mayor Cheshire's request, Ms. Geraci-Carver stated that she will keep the city commission apprised of the matter.

vii. Impact Fees

Ms. Geraci-Carver confirmed in the affirmative to Commissioner Ranize' inquiry raised at the January 26, 2017 regular city commission meeting that police and fire impact fees studies can be used to support the city's figures.

viii. Nepotism Ordinance

Ms. Geraci-Carver referred to the nepotism issue which is addressed under the Florida Statutes indicates that one cannot advocate, hire or promote their relatives. She pointed out her previous discussions with Ms. Dottie Green, the labor and employment law attorney retained by the city, who provided her with information for discussion purposes.

In response, Mayor Cheshire described the need for a nepotism policy and addressed the previous perception to which Ms. Geraci-Carver indicated that the statute applies to public elected and appointed officials (namely; the city attorney, city manager, city treasurer, and city clerk) and employees. She confirmed, in answering a question posed by Mayor Cheshire, that vendors are not identified in the statute; however, it can be included in the city's nepotism policy and mentioned her intent to communicate with Ms. Green in that regard and present same before the city commission.

After much discussion, the city commission indicated that they are in favor with the implementation of a nepotism policy.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Notices of Claims/Intent

Commissioner Ranize referred to the notices of claims received against the city and requested that Ms. Geraci-Carver provide the city commission with background of the cases and identify their amounts.

Ms. Geraci-Carver referred to the Notice of Claim Breach of Jurisdiction dated January 29, 2017 received from Larry D. Odum who is institutionalized in the Marion Correctional Institution. She explained that Mr. Odum is filing Civil Action for John Mataey on August 20, 2006 for a speeding ticket and driving under the influence due to newly discovered evidence. (A copy of the notice is filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver explained that although the Notice of Claim was submitted to the insurance company, she has not had the opportunity to review same. She confirmed in the affirmative that she will comply with Commissioner Ranize' request.

ii. City Projects Tracker

Commissioner Ranize addressed his agreement to Commissioner Lewis' request at the January 12, 2017 regular meeting for staff to provide a spreadsheet (preferably in Microsoft Excel format) or a visual display in the chambers tracking of updated status reports of ongoing city projects with timelines available to the city commission.

Mr. La Venia indicated that he will provide same.

iii. Sidewalk Improvements

Commissioner Ranize referred to concerns addressed to him and raised by residents/business owners at the conclusion of the February 22, 2017 Fire Services Advisory Committee (FSAC) meeting regarding the need to extend the existing 25-yard sidewalk on Dixie Avenue, from west Miller Street beyond the Family Dollar store, to Cales Park ballpark and include same on the five-year plan. He recognized said sidewalk to be on the county's right-of-way; noted issues with the county providing any assistance, and expressed problems with the existing drainage culvert and the safety of children walking from the park to the store.

Commissioner Ranize noted a similar problem on Miller Street to Berkman Street and proposed a similar request recognizing a business owner making such improvements around his property at his own expense.

(b) Commissioner Lewis - 2017 Lake Legislative Days

Commissioner Lewis referred to the exercise he undertook at the 2017 Lake Legislative Days “Dialing for Dollars” with the anticipation that such efforts would pay off.

Commissioner Lewis mentioned the \$7 million request and the partial funding to complete the CR 466A roadway improvement project. He relayed his conversations with Lake County Engineering Division Director Mr. Fred Schneider who gave the indication on the ability to possibly acquire and divide for the project’s next phase, \$3 million for the intersection of Rose Avenue.

(c) Commissioner Bell - 2017 Lake Legislative Days

Commissioner Bell, who also attended the 2017 Lake Legislative Days along with Mr. La Venia, addressed his optimism and relayed his conversations with District 32 State Representative Larry Metz who gave his assurance on his support for the city.

Mr. La Venia concurred with Commissioner Bell’s statements on the need to follow up on the issue and write letters to the respective individuals.

(d) Vice Mayor Gunter, Jr.

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

10. MAYOR’S COMMENTS

(a) Curfew Regulations

Mayor Cheshire relayed his conversations with business owners and Deputy Chief Dennis Cutter, Police Department, following the February 22, 2017 FSAC on enlisting the city’s help; recalled addressing at a previous city commission meeting the enforcement of curfews at city parks, and indicated that without an ordinance and although signs are erected at the city’s parks, the city’s law enforcement personnel are unable to prohibit trespassers.

Deputy Cutter described the gathering after hours at city parks and discussed with the city commission the notion of locked gates to prevent trespassers from entering into the parks after hours.

Mayor Cheshire voiced his agreement with Commissioner Ranize’ request that Ms. Geraci-Carver draft an ordinance addressing the closure of all city parks and the Fruitland Park Library.

(b) FSAC

In response to Commissioner Ranize’ reference to the previous FSAC meetings, Mayor Cheshire referred to the committee’s concluding tasks and addressed the need, based on timeframes and imminent deadlines, for the city commission to hold a workshop on its direction relating to the provision of fire services.

After much discussion and by **unanimous consent, the city commission agreed to hold a workshop on the provision of fire services on Thursday, March 2, 2017 at 7:00 p.m. and directed staff (city manager, city treasurer, and the interim fire chief) to provide advance information not addressed before the Fire Services Advisory Committee for discussion.**

With respect to the sunset of the FSAC, Ms. Geraci-Carver explained that she will review the adopted FSAC Resolution 2016-042 and report back at the next meeting.

In response to a question posed by Commissioner Ranize on the recognition of the committee members, Mayor Cheshire explained that Ms. Coulson will work on same.

(c) Dates to Remember

Mayor Cheshire recognized the following events:

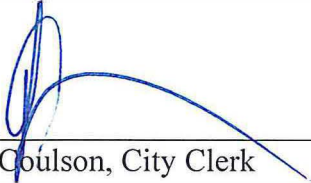
- February 27, 2017, Movie on the Lawn, City Hall - Food Truck at 5:00 p.m. and Movie at 6:00 p.m.;
- March 9, 2017 – Regular Commission Meeting at 6:00 p.m.;
- March 10, 2017 – LCLC *Superintendent of Lake County Schools* Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon;
- 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 at 6:00 p.m.

- 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, 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., and
- April 27, 2017 – Regular Commission Meeting at 6:00 p.m.


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 8:02 p.m.

The minutes were approved at the March 9, 2017 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor