

# FRUITLAND PARK CITY COMMISSION REGULAR MEETING MINUTES

April 28, 2016

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 28, 2016 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine Michaud, Police Chief Mike Fewless, Deputy Chief Dennis Cutter, Assistant Fire Chief Don Gilpin, Deputy Chief Tim Yoder, and Firefighter Christopher Lewis, Fire Department; Community Development Director Charlie Rector, Public Works Director Dale Bogle, Parks and Recreation Director Michelle Yoder, and City Clerk Esther B. Coulson.

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

Mayor Bell called the meeting to order at 7:04 p.m.

After Senior Pastor Greg Brown, Leesburg Church of the Nazarene Inc., thanked the city commissioners for their service and hard work, he gave the invocation.

Following Mayor Bell's recognition of Boy Scout Troup 143 of Fruitland Park who were present at this evening's meeting for their *Citizenship Merit Badge* and upon his request, they led in the Pledge of Allegiance to the flag.

## 2. ROLL CALL

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

**Upon Mayor Bell's recommendation and by unanimous consent, the city commission excused Commissioner Ranize from this evening's meeting.**

## 3. PROCLAMATIONS

### (a) May 8-14, 2016 as "*Women's Lung Health Week*"

Mayor Bell recognized a proclamation designating the second full week, May 8-14, 2016 as "*WOMEN'S LUNG HEALTH WEEK*" throughout the State of Florida, Lake County, and encouraged all residents of the City of Fruitland Park to learn more about the detection and treatment of lung cancer.

The proclamation will be submitted to the American Lung Association serving the Central Florida and Tampa areas at a later date.

### (b) May 1-7, 2016 as "*NAOSH Week*" and Wednesday May 4, 2016 as "*Occupational Safety and Health Professional Day*"

Mayor Bell recognized a proclamation designating May 1-7, 2016 to be *North American Occupational Safety and Health Week* and Wednesday May 4, 2016, to be *Occupational Safety and Health Professional Day* and encouraged all

industries, organizations, community leaders, employers and employees to support activities designed to increase awareness of the importance of safe workplaces for all.

The proclamation will be submitted to The American Society of Safety Engineers, Central Florida Chapter at a later date.

**(c) May 14, 2016 as NALC "Stamp Out Hunger" National Food Drive Day**

Mayor Bell read into the record a proclamation designating Saturday, May 14, 2016 as *National Association of Letter Carriers' (NALC) "Stamp Out Hunger" National Food Drive Day* for the City of Fruitland Park and County of Lake and encourage the citizens of our community to support the food drive by placing a bag or can of non-perishable food next to their mailbox prior to their letter carrier's arrival on food drive day.

Mr. Shane Ulbin, NALC, stated that he represents letter carriers in Tallahassee and Washington D.C. and accepted, on behalf of the food drive carriers, the proclamation with much appreciation. He highlighted 2015 statistical records for the City of Fruitland Park (also known as area District 3) and expressed gratitude to the city commission for their continued support over the years.

**4. COMMUNITY REDVELOPMENT AGENCY**

**By unanimous consent, the city commission recessed its meeting at 7:12 p.m. to the CRA meeting and reconvened at 7:17 a.m.**

**5. PUBLIC COMMENTS**

Mr. Peter J. Hurrt, City of Fruitland Park resident, congratulated the city attorney relating to her work regarding the Casino Community Center and referred to the judge's decision in that regard.

In response, Ms. Geraci-Carver explained that the judge's decision was made to ensure that the Fruitland Park Library building could be used for social events. She indicated that she reviewed the plans with Mr. Rector; confirmed that it exceeds what the judge is looking for on the intended use of the property, and verified that the city, with the architect's reconsideration, will implement same.

**6. CONSENT AGENDA**

**On motion of Commissioner Cheshire, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the following consent agenda items:**

**(a) Approval of Minutes**

**April 14, 2016 regular and March 24, 2016 regular meeting as submitted.**

- (b) **City's Swimming Pool Exercise - Infinity Fitness Agreement between Infinity Fitness and Spa Inc. ("Infinity Fitness") and the City of Fruitland Park Parks and Recreation Department to use the city's swimming pool for exercise.**

**7. REGULAR AGENDA**

- (a) **Arts and Cultural Council Alliance - Rotating Member Appointment**  
**On motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the selection of Ms. Joyce Bell and recommended her as a rotating member to serve on the Lake County Arts and Cultural Alliance representing the City of Fruitland Park for a one-year term beginning August 1, 2016 and expiring July 31, 2017.**

- (b) **Fire Pension Board Appointment**  
**Upon the Mayor's suggestion and by unanimous consent, the city commission postponed its action to approve the resident: commission appointment, to serve on the Fruitland Park Firefighter Trust Fund Board to complete the two-year term which will expire on December 31, 2016. Said appointment will replace Mr. Edgar J. "Jerry" Elton, Secretary, who has missed more than three consecutive meetings.**

- (c) **Resolution 2016-005 – Budget Amendment BT2016-07 - Security Cameras and Recording System**

Ms. Geraci-Carver read into the record proposed Resolution 2016-005, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET TO PURCHASE SECURITY CAMERAS AND RECORDING SYSTEM FOR THE TOWN HALL FROM CAPITAL IMPROVEMENT PROGRAM (CIP) CONTINGENCY TO CIP EQUIPMENT; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2015-2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission adopted Resolution 2016-005 as previously cited.**

- (d) **Resolution 2016-016 - Budget Amendment BT2016-012 OGS - Police Department and City Hall Expenditures**

Ms. Geraci-Carver read into the record proposed Resolution 2016-016, the substance of which is as follows:



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE FISCAL YEAR 2015-2016 BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM GENERAL FUND CONTINGENCY TO THE GENERAL FUND FIRE DEPARTMENT CONTRACTUAL BUDGET AND THE GENERAL FUND OGS FACILITIES, REPAIRS/MAINTENANCE BUDGET FOR EXPENDITURES IN THE POLICE DEPARTMENT AND AT CITY HALL; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission adopted the aforementioned Resolution 2016-016 as corrected to read in the agenda item title "fire" and not "police".**

- (e) **Resolution 2016-015 – - Budget Amendment BT2016-014 - 466A Phase I Infrastructure Project - Redevelopment System Improvements Water**  
Ms. Geraci-Carver read into the record proposed Resolution 2016-015, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO TRANSFER FUNDS FROM REDEVELOPMENT FUND BALANCE TO REDEVELOPMENT SYSTEM IMPROVEMENTS WATER FOR RELOCATION OF UTILITIES ON CR 466A; AND PROVIDING FOR AN EFFECTIVE DATE.

**On motion of Commissioner Lewis, seconded by Commissioner Cheshire and unanimously carried, the city commission adopted Resolution 2016-016 as previously cited.**

- (f) **March 2016 EOM Financial Report**  
Ms. Racine Michaud reviewed the March 2016 End-of-Month Financial Report.

**8. NEW BUSINESS**

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

**9. OFFICERS' REPORTS**

**(a) City Manager**

**i. Shiloh Cemetery Niche**

Mr. La Venia referred to the email dated April 20 from Ms. Marie Azzolino, Human Resources, accompanying the Shiloh Cemetery photos and the recommendation on the placement of the first niche; copies of

which are filed with the supplemental papers to the minutes of this meeting.

After discussion, and **on motion of Commissioner Cheshire, seconded by Commissioner Lewis, the city commission approved the city manager's recommendation on the placement of the niche at Shiloh Cemetery as depicted.**

**ii. Moyer Village Recreation Center - The Villages of Lake-Sumter Inc.'s Contract**

Upon the city manager's recommendation, **the city commission, by unanimous consent, agreed to consider the adoption of a resolution relating to the Moyer Village Recreation Center under The Villages of Lake Sumter Inc's contract at the May 28, 2016 regular meeting.**

**iii. Soccer Field**

After much discussion, Mayor Bell reviewed the April 26, 2016 email from Mr. Dwayne Henry, Lake County Parks and Trails Recreation Coordinator regarding the East Lake Community Park Site Plan and the soccer field dimensions; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Following extensive deliberations and **on motion of Commissioner Lewis, seconded by Commissioner Cheshire and unanimously carried, the city commission agreed to conduct a survey for a soccer field from north of Shiloh Street to Cales Field Recreation Complex.**

**(b) City Attorney - Casino Building**

Ms. Geraci-Carver reported on the April 26, 2016 ruling by the court who granted the city's motion for Summary Judgement against a number of defendants and the Fruitland Park Historical Society to demolish the casino building and its ruling on the second motion as the parties involved objected and raised various issues that the city not demolish said building until the city's development of a plan.

Ms. Geraci-Carver indicated that she did not realize that the city was working on the layout of the proposed library and indicated that once it is agreed by the city commission, she is certain that it would meet the intent of community use and the park whereby the city would be allowed to demolish the building and proceed.

Ms. Geraci-Carver referred to a letter dated April 22, 2016 from Ms. Amy L. Johnson, the State of Florida Department of State Division of Library and Information Services (DLIS), which indicated that they received a copy of the letter from the Division of Historical Resources (DHR) to her letter dated February 8, 2016 regarding the proposed new library construction; copies of which are filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver outlined the legal requirements on the city's Public Library Construction Grant Program application process and addressed the need for an assurance letter from DHR that the demolishing of sites (namely, the Fruitland Park Community Center, also known as the Casino building) listed in the National Register of Historical Places would have an adverse effect; thus, making the city ineligible to receive the \$500,000 grant funding. She conveyed DLIS' recommendation to propose a new site for the location of the proposed library should it wish to proceed in receiving grant funding and alternatively believed that the city could locate the new library on the property and allow the casino building to remain.

After extensive discussions, Ms. Geraci-Carver cited the third paragraph of the April 22, 2016 letter: "The letter from DHR recommends a new site proposal that does not result in . . . "the casino". . . . The demolition of this building would constitute an *adverse effect*. . . . In order to receive an assurance letter, within 90 days of the grant award, the city must submit for evaluation by DHR a new site proposal that does not include demolition of the Casino."

Following further deliberations and **upon Mayor Bell's suggestion, the city commission directed the city manager to draft a letter to the Florida representatives:**

- **strongly protesting the State of Florida Department of State Division of Library and Information Services' recommendations;**
- **describing the procedures that the city undertook;**
- **identifying why the Fruitland Park Community Center, also known as the casino, does not qualify under the definition of historical buildings outlined by the Bureau of Historic Preservation/Division of Historical Resources;**
- **addressing the alternatives of relocating the proposed library, and**
- **inviting a representative from the division to visit the subject location.**

**10. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize - Excused Absence**

Mayor Bell recognized that Commissioner Ranize' absence was previously excused by the city commission.

**(b) Commissioner Lewis**

**i. Lake~Sumter County MPO**

Commissioner Lewis reported on the April 27, 2016 Lake~Sumter Metropolitan Planning Organization (MPO) Governing Board meeting's



position on the inaccurate reporting to various grant programs and anticipation of receiving a response from the state in this regard.

**ii. Fruitland Park Day**

Commissioner Lewis commended Ms. Yoder and Mr. Bogle on their job performance regarding the April 16, 2016 Fruitland Park Day event.

**iii. Poinsetta Road Improvements**

After Commissioner Lewis relayed concerns on the paving of a portion of Poinsetta Road with the costs and maintenance to be borne by Lake County, Mr. Rector confirmed previous remarks assured to him by Mr. Jim Stivender Jr., Lake County Public Works Department Director, agreeing that the city would take over after the county resurfaces said roadway and bring it up to standards.

**iv. ISBA**

Commissioner Lewis voiced concerns on the city's position with respect to the draft Interlocal Service Boundary Agreement (ISBA); addressed his difference of opinion on the city's requirement on road maintenance which is not reflected in said agreement, and recollected staff's comments that it was not recommended by the consultant as it was not supported by certain municipalities; thus it was not pursued by the city.

Ms. Geraci-Carver later confirmed that said document was drafted by Lake County and revised by Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., a copy of which is filed with the supplemental papers to the minutes of this meeting.

In referring to the agreement, Commissioner Lewis addressed the exclusion of the road maintenance and the city's inability to annex contiguous property unless the city's fire department operates at the Advance Life Support (ALS) level which he believes is moot; however, it would be able to be implemented in the future.

After recollecting the city commission's previous discussions for not entering into the ISBA and concerns on the fire department's inability to be dispatched in order to provide emergency services within the county, unless the ISBA was executed, Ms. Geraci-Carver conveyed county staff's comments on the dispatch procedures as city is not ALS certified until the mutual aid agreement is executed and Mr. La Venia reiterated the validity of the former mutual aid agreement.

Following extensive discussions, Assistant Fire Chief Gilpin referred to a meeting held earlier this day with Lake County Public Safety Director/Fire Chief and Deputy and relayed their comments that the city's fire

department would not be dispatched to any of the county's calls unless it is a paid fire department.

Extensive discussions ensued and upon Ms. Geraci-Carver's suggestion, Mayor Bell agreed to meet with District 2 Lake County Commissioner Sean Parks, Fire Chief Michael Laming, Assistant Fire Chief Gilpin, and the county's public safety director/fire chief to negotiate the ISBA.

(c) **Commissioner Cheshire**

i. **Fruitland Park Day**

Commissioner Cheshire indicated that the April 16, 2016 Fruitland Park Day event was the best day since he has been at the city.

ii. **Fire Department**

Commissioner Cheshire addressed the need for the city commission to take a position as it relates to the fire department.

(d) **Vice Mayor Gunter, Jr. - Fruitland Park Day**

Vice Mayor Gunter complimented Ms. Yoder on a job well done at the April 16, 2016 Fruitland Park Day and highlighted its events

11. **MAYOR'S COMMENTS**

(a) **Fruitland Park Day**

Mayor Bell indicated that the city needs to be congratulated on the Fruitland Park Day as a community-wide event as a whole.

After discussion, Mayor Bell noted the consideration of future ideas for Fruitland Park Day.

(b) **Excused Absence**

Upon Mayor Bell's request and **by unanimous consent, the city commission granted Mayor Chris Bell his excused absence for the May 12, 2016 regular meeting.**

(c) **Dates to Remember**

Mayor Bell noted the following dates:

- May 5, 2016 "Listening Session" 10th District Congressman Daniel "Dan" Webster, City Hall Commission Chambers at 3:00 p.m.;
- May 5, 2016 Five-Year Capital Workshop at 6:00 p.m.;
- May 7, 2016 Employee Picnic 11:00 a.m. to 2:0 p.m. at Veterans Park;
- May 7, 2016 Employee Picnic, Veterans Memorial Complex, Fruitland Park, Florida 34731 at 11:00 a.m.;
- May 11, 2016, Lake County League of Cities' Community Service Awards, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.



- May 25, 2016 Lake-Sumter Metropolitan Planning Organization Governing Board Meeting, South 14 Street, Leesburg, FL 34748 at 2:00 p.m.;
- May 26, 2016 Regular City meeting at 7:00 p.m., and
- June 9, 2016, Regular City Commission Meeting at 7:00 p.m.

**12. 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 8:40 p.m.**

The minutes were approved at the May 26, 2016 regular meeting.



Signed \_\_\_\_\_  
Esther B. Coulson, City Clerk



Signed \_\_\_\_\_  
Christopher Bell, Mayor