

**FRUITLAND PARK CITY COMMISSION SPECIAL MEETING MINUTES**  
**February 11, 2016**

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 11, 2016 at 6:00 p.m.

**Members Present:** Mayor Christopher Bell, Vice Mayor John L. Gunter Jr., Commissioners Chris Cheshire, 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; Assistant Fire Chief Don Gilpin, Deputy Chief Tim Yoder, Fire Department; Fruitland Park Library Director Jo-Ann Glendinning, 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**

After Mayor Bell called the meeting to order at 6:04 p.m. and noted that Pastor Barry Hayes, Freedom Community Church, could not be present at this evening's meeting, he gave the invocation, and Police Chief Michael Fewless led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

Mayor Bell requested that Ms. Coulson call the roll and a quorum was declared present.

**3. PUBLIC COMMENTS**

Mr. James Warren, City of Fruitland Park resident, requested that the city commission approve placing the fire assessment fee on the next ballot prior to increasing taxes.

**4. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the January 14, 2016 regular minutes as submitted.**

**By unanimous consent, Mayor Bell took the following item out of order on this evening's agenda.**

**5. REGULAR AGENDA**

**(f) First Reading - Solid Waste Collection Franchise Agreement Ordinance 2016-008 - Waste Management Inc. of Florida**

After Ms. Geraci-Carver read in to the record the title of proposed Ordinance 2016-008, the substance of which is as follows, Mayor Bell called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 25, 2016.)

After Mr. Peter Hurtt, City of Fruitland Park resident, commended Waste Management for the overall services provided at The Glenn subdivision, Mr. Doug McCoy, Waste Management Inc., responded that his remarks would be shared with the company's personnel.

**A motion was made by Commissioner Cheshire and seconded by Commissioner Lewis that the city commission approve the previously cited Ordinance 2016-008.**

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

- (a) **RFQ 2016-01 Continuing Professional Architectural Services – Presentation**  
After Mayor Bell outlined the proceedings and manner in which the presentations would be conducted, Mr. Don Heck, Brame Heck Associates Inc., acknowledged the presence of Mr. Mick Richmond, Brame Heck Associates Inc., at this evening's meeting and gave a power-point presentation on the architectural services design process; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. James P. Senatore, Senatore Inc., described his historical background and experience as a design-build architectural and general contractor for local governments; his concept of the surrounding area, and the plans and costs to build projects locally on a continuing basis.

After discussion and **by unanimous consent, the city commission ranked Brame Heck Associates Inc. and Senatore Inc. and unanimously selected Senatore Inc. as the most qualified firm to provide continuing professional architectural services.**

After extensive discussions and in response to an inquiry posed by Ms. Geraci-Carver, Mr. Rector explained that the project ought to be based on cost and not

size; believed \$100,000 would be more reasonable, and nine percent of the budgeted amount not to exceed on smaller projects unless, granted by the city commission.

Extensive discussions ensued and **by unanimous consent, the city commission agreed to nine percent budgeted amount design-build on a not to exceed basis.**

After considerable discussion and **on motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved entering into a contract with Senatore Inc.**

**(b) City Commission Meeting 2016 Schedule**

After discussion and **on motion of Commissioner Ranize, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the city commission meeting 2016 schedule with the following dates and times:**

- **March 29, 2016, City Commission Workshop at 6:30 p.m.**
- **March 31, 2016, City Commission Workshop at 6:00 p.m., and**
- **April 21, 2016, City Commission Workshop at 6:30 p.m.**

**(c) Fire Department – Automatic Aid Agreement**

After Ms. Geraci-Carver explained the purpose of the automatic aid agreement, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve an automatic aid agreement for fire protection and other emergency services between the City of Fruitland Park and the City of Leesburg.**

Commissioner Ranize relayed his conversations earlier this day with Ms. Geraci-Carver addressing his preference for her to draft, with the city commission's approval, the same document to Lake County.

Commissioner Ranize referred to a medical call for dispatch service that occurred on Spring Lake Road near Miller Street on February 9, 2016; reported on the City of Fruitland Park's volunteer fire department Fire Station 56 unit's self-assignment to the incident in question, as it was in close proximity to the scene of the emergency, and noted the unavailability of Fire Stations 53 and the Town of Lady Lake's unit.

Commissioner Ranize expressed concerns on the method in which the response was conducted by Lake County's Emergency Medical Services (EMS) Communications Center who assigned the service which was escalated to medical to a fire station in the City of Leesburg and the way it intercepted the City of Fruitland Park's volunteer fire department with the request "to not respond" who, proceeded to The Villages Public Safety Fire Station 44.

Commissioner Ranize relayed his conversations with Chief Lamming in this regard recognizing that the City of Fruitland Park's fire department does not possess Automated Vehicle Locators (AVLs); conveyed the request to Mr. La Venia who since contacted the county where it denied provision of same, and referred to the subsequent discussion by Chief Lamming to Lake EMS who said that providing AVLs would not be a problem. Commissioner Ranize gave his understanding on how the subject agreement would help the City of Leesburg identify the location of the city's fire department vehicles.

Commissioner Ranize referred to Chief Lamming's call to him that the cardiac victim had since passed away and noted that his son who lived in the City of Fruitland Park was the deputy sheriff. Commissioner Ranize questioned the City of Fruitland Park fire station's cancellation to the medical response; relayed his telephone calls to Lake County District 5 Commissioner Welton G. Cadwell to express his concern and displeasure and to Lake County Sheriff Office to offer his condolences and assistance. Commissioner Ranize referred to a returned telephone call he received from Lake County Fire Department Chief John Joliff who indicated that the county manager had no problem in providing the AVLs to the city and relayed his question as to why the city does not possess same.

Commissioner Ranize pointed out his conversations with Ms. Geraci-Carver earlier this day on the city's liability if the city's fire department responded to and assisted with EMS without an agreement where the patient died. He referred to his predictions at the January 28, 2016 regular meeting warning of such outcomes. He expressed his preference for the same language in the subject agreement to be submitted to the county; addressed the need to prevent such future incidences from happening, and referred to the mutual aid pact between one fire department and another for fire services between the Lake County Board of County Commissioners dated January 20, 1987; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**Mayor Bell restated the motion to approve the automatic aid agreement for fire protection and other emergency services between the City of Fruitland Park and the City of Leesburg and declared it carried unanimously carried.**

After discussion, Assistant Fire Chief Gilpin noted the status of terms of the city's prior agreements; their validity of same -- prior to the inception of the Interlocal Service Boundary Agreement (ISBA) -- and the inability to currently renew unless the ISBA was executed. He explained dispatch's process of cancelling the city's fire department unit to provide medical services in the area -- recognizing that although outside the city's jurisdiction, the city's unit was closer to the incident scene; thus, another unit would respond to the area -- to which reports of three cardiac arrests were made since February 2016.

Following some discussion, Mr. Hurrst referred to Commissioner Ranize' inquiry on the city's liability of inaction, Ms. Geraci-Carver explained that since receiving

updated information, further review would be required to determine whether prior agreements were cancelled. If the city has a mutual aid agreement, responded to a medical emergency, and was negligent, there is a waiver of sovereign immunity in tort actions limit of \$200,000 to \$300,000, if not, the city would cause greater liability by acting without authority if it responds to a medical emergency outside its jurisdiction. She stressed the importance of possessing an existing mutual agreement to keep the same protections when providing service in its own jurisdiction.

After lengthy deliberations, and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission, directed the city attorney to prepare a mutual aid agreement between the City of Fruitland Park and Lake County to provide medical services and approve execution of same.**

**(d) Resolution 2016-006 – FY 2015-16 Budget Amendments**

At Mayor Bell's request, Ms. Geraci-Carver read in to the record the title of proposed Resolution 2016-006, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET PURSUANT TO SEC. 6.05 AND SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FROM THE CAPITAL IMPROVEMENT FUND VARIOUS EXPENDITURES TO THE GENERAL FUND; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2015-2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Michaud gave the background of the budget amendments.

There being no comments from the public, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2016-006 as previously cited.**

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

**(e) December 2015 EOM Financial Report**

Ms. Michaud reviewed the December 2015 End-of-Month financial report.

Ms. Michaud referred to the city commission's direction for more information on the online utility payment system addressed at the January 28, 2016 regular meeting; pointed out a preliminary online payment survey results she conducted to date on the responses received from utility customers willing to use same and pay a surcharge for online payments and indicated that final statistics would be

forthcoming and provided to the city commission. (A copy of the document is filed with the supplemental papers to the minutes of this meeting.)

After discussion, and **on motion of, seconded by and unanimously carried, the city commission approved the December 2015 End-of-Month financial report as submitted.**

**6. NEW BUSINESS**

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

**7. OFFICERS' REPORTS**

**(a) City Manager**

**i. Blood Borne and Air Borne Pathogens Exposure Policy**

Mr. La Venia referred to the blood borne pathogen policy requested at the last meeting by Commissioner Ranize; mentioned the discussions he had with Fire Chief Michael Laming on the respective standard operating procedures for potential incidents, and suggested that the city commission review same . (A copy of the policy is filed with the supplemental papers to the minutes of this meeting.)

**ii. City Commission Workshop**

Mr. La Venia reminded the city commission of its workshop scheduled for February 18, 2016.

**iii. Shiloh Cemetery Rededication**

Mr. La Venia referred to the city commission's previous discussions on the Shiloh Cemetery Rededication and reported that staff is ready to proceed. He pointed out the telephone call received from 10th District Congressman Daniel "Dan" Webster regarding the three by eight cotton flag that he would like to raise at the Shiloh Cemetery Rededication Ceremony and described the procedures to be undertaken.

Mr. La Vena suggested the tentative date of Saturday, March 5, 2016 at 10:00 a.m. and identified those who would like to be involved. In order to respond back to Congressman Webster's office, Mr. La Venia requested that the city commission inform him as to whether the date would be feasible.

Upon Commissioner Ranize' request and **by unanimous consent, the city commission recessed the meeting at 8:20 p.m. and reconvened at 8:38 p.m. and expressed gratitude for his presence.)**

(Commissioner Ranize was absent from the meeting room at this time.)

**iv. Fire Department Budget**

At Mr. La Venia's request, Ms. Michaud referred to the fire department's budget as of October 1, 2015 where an amount of \$40,000 was earmarked to pay The Villages' Public Safety Fire Station 44 and noted that it was based on 256 Certificates of Occupancy instead of 309 COs causing a shortfall by \$8,988. She requested an increase in the budget line item and addressed her intent to submit a budget amendment to the city commission.

After discussion and **on motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the city treasurer's recommendation as previously cited and transfer \$9,000 from the fire department's general fund contingency.**

**v. Fruitland Park Library**

Ms. Glendinning reviewed the October, November and December 2015 statistical report on the number of patrons utilizing the Fruitland Park Library's program; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**(b) City Attorney**

In response to a question posed by Commissioner Lewis, Ms. Geraci-Carver explained that the Casino lawsuit is moving forward. She anticipated that an attorney -- appointed by the court to locate the respective individuals named in order to receive their response -- will be filing an answer in this regard; noted that the individuals who have objected and contested would need to be addressed,. She indicated that the city commission would need to delay any action and that she expects a date on the lawsuit to be held in March 2016.

**8. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize**

Commissioner Ranize was absent from the meeting room at this time.

**(b) Commissioner Lewis**

**i. CR 468 Speed Limit**

After Commissioner Lewis noted the successful reduction of the speed limit on CR 468 to 45 miles per hour, he questioned the city's right to post traffic signs warning motorists of the new traffic patterns due the unawareness of individuals he has spoken to.

Following Mayor Bell's reference to a recent email response received from Mr. Gary Blanchard, City of Fruitland Park resident expressing gratitude, Chief Fewless confirmed in the affirmative to Mr. La Venia's inquiry that Lake County Sheriff's Office would be able to provide flags and flashing

signs "*reduce speed*" to be erected in the area and conveyed his direction to the police department's law enforcement officers to issue warnings or speeding tickets to drivers exceeding the speed limit.

Mr. La Venia agreed in the affirmative to Commissioner Lewis' question that the message would be posted on the city's Facebook™ page.

**ii. CR 466A and CR 468 Intersections Traffic Signalization**

Commissioner Lewis referred to the status of the CR 466A and CR 468 Intersection traffic signalization installation project and relayed the response he received from Mr. Fred Schneider, Lake County Public Works Department Engineering Division Director, that the notice to proceed is expected in April, construction in May, and anticipated completion June 2016.

**(c) Commissioner Cheshire**

**i. Fire Department - Volunteers**

Commissioner Cheshire referred to his recent meeting with Chief Laming and Deputy Chief Gilpin and conveyed their concerns on the need for volunteers to conduct administrative functions for the fire department.

In response, Ms. Geraci-Carver recognized the agencies that can be utilized and addressed her intent to forward further information to Mr. La Venia.

Mr. La Vania confirmed in response to Vice Mayor Gunter's inquiry that all volunteers are required to undergo background checks; agreed with the concept that a policy on the fee ought to be waived if the volunteer hours extend beyond 10 hours, and Chief Fewless, in answering a question posed, that the costs for the fingerprinting equipment has not yet been researched.

**ii. Fire Department - Donations Fund**

Commissioner Cheshire referred to the city commission's actions at its last meeting on the establishment of a committed fund for police donations and recognized needed items for the fire department. He relayed his conversations with Mr. La Venia and Deputy Chief Yoder regarding the implementation of fund raising events in the community with proceeds earmarked towards the fire department to offset its budget and suggested that staff review same.

Commissioner Cheshire relayed the city's volunteer firefighters concerns, also reaffirmed by them at this evening's meeting, on the lack of appreciation in their positions and suggested that steps be undertaken to increase their monthly stipend in the FY 2016/17 budget cycle.

**iii. No Trespassing Ordinance Discussion**

Commissioner Cheshire referred to the city commission's discussions held at its January 14, 2016 regular meeting regarding the proposition to change the no trespassing ordinance and the status of security issues particularly at Gardenia Park.

After Chief Fewless reported on the current method of additional law enforcement patrolling the area, Commissioner Cheshire noted that the city could utilize programs within Lake County to assist the homeless.

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

**Negotiation**

Vice Mayor Gunter indicated that the method of negotiation with vendors appearing before the city commission could be improved.

**9. MAYOR'S COMMENTS**

**Dates to Remember**

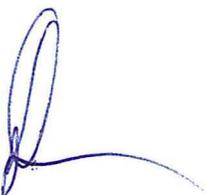
Mayor Bell recognized the following events:

- February 20, 2016, Coffee with the Mayor at Fruitland Park Library at 10:00 a.m.,
- February 13, 2016 Love Week/5k Love Run at 6:00 a.m.,
- February 18, 2016, Parks and Recreation Workshop at 6:30 p.m. immediately following the Planning and Zoning Board at 6:00 p.m.,
- February 25, 2016 Regular City Commission Meeting at 7:00 p.m.,
- April 2, 2016 Fruitland Park Cleanup Day at 10:00 a.m., and
- April 16, 2016, Fruitland Park Day.

**10. 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 9:10 p.m.**

The minutes were approved at the March 10, 2016 regular meeting.

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

Signed   
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Christopher Bell, Mayor