

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
November 12, 2015**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, November 12, 2015 at 7:00 p.m.

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

Members Absent: Mayor Christopher Bell

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; Fire Chief Michael Laming; Lieutenant Don Gilpin, Firefighters Kevin Ducharme and Clarence Williams, Fire Department; Community Development Director Charlie Rector, Fruitland Park Library Director Jo-Ann Glendinning, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Cheshire called the meeting to order at 7:00 p.m.

As Pastor Walter "Walt" Martin, Trinity Assembly of God was not available at this evening's meeting, Chief Fewless gave the invocation and led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Vice Mayor Cheshire recognized the absence of Mayor Bell at this evening's meeting due to the loss of his father Mr. Virgil Leroy Bell on November 10, 2015.

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

Later in the meeting and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission excused the absence of Mayor Chris Bell from this evening's meeting.**

3. ANNUAL ELECTION OF VICE MAYOR

Vice Mayor Cheshire recognized that it is in order to elect a city commission member as Vice Mayor.

Commissioner Ranize placed the name of Ray Lewis as Vice Chair for the following year.

After discussion, Commissioner Ranize withdrew his nomination of Ray Lewis on the floor from consideration.

Commissioner Ranize placed the name of John L. Gunter Jr. as Vice Chair for the coming year. This nomination was seconded by Commissioner Lewis.

There being no further names placed for consideration, and **by unanimous consent, outgoing Vice Chair Cheshire declared the nominations closed which resulted in the unanimous election of John L. Gunter Jr. as Vice Chair for the upcoming year.**

Outgoing Vice Chair Cheshire presided over the remainder of this evening's proceedings.

3. PUBLIC COMMENTS

There were no comments from the public at this time.

5. CONSENT AGENDA

Approval of Minutes

At Vice Chair Cheshire's request, Ms. Coulson noted the corrections made to the September 10 and the September 22, 2015 regular meeting minutes since the time of publishing.

- August 4 budget workshop
- September 10 regular,
- September 22 regular, and
- October 22, 2015 regular.

After discussion and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved the previously cited minutes as submitted.**

6. REGULAR AGENDA

(a) Senior Socials - New Life Presbyterian Church – Building User Agreement

The city commission considered its action to approve a building user agreement between the City of Fruitland Park, Florida ("user") and New Life Presbyterian Church, Florida ("owner") to use the fellowship hall for the purpose of senior socials to become effective October 1, 2015 until September 30, 2017, and authorize the mayor to execute same.

After discussion and at the city manager's request, **the city commission, by unanimous consent, postpone its action on the proposed agreement as previously cited to the December 10, 2015 regular meeting.**

By unanimous consent and upon the city treasurer's request, the city commission considered items 6.(c), (d) and (b) out of order on this evening's agenda.

(c) Final Budget Amendment BT15-16 0

After discussion and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved the city treasurer's recommendation of approval of final budget amendment**

BT15-16 increasing the general fund by \$78,500 to cover departments that were over-budget at the end of FY 2014-15.

(d) Budget Amendment BT16-01 – Fire Rescue Equipment

After discussion and on motion of incoming Vice Mayor Gunter, seconded by Commissioner Lewis and unanimously carried, the city commission approved the city treasurer's recommendation of approval on Budget Amendment BT16-01 transferring \$30,000 previously budgeted for fire rescue equipment purchased during FY 2014-15 to the capital improvements project for use on other projects.

(b) End of the Year Report - September 2015 Monthly Financial Report

After much discussion, on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved the September 2015 end-of-year financial report.

(e) First Reading – Ordinance 2015-019 Library Advisory Board

At Vice Mayor Cheshire's request, Ms. Geraci-Carver read into the record proposed Ordinance 2015-019, the title of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 36.050 TO INCREASE THE TERM OF OFFICE OF LIBRARY BOARD MEMBERS AND PROVIDING FOR APPOINTMENT TO THE LAKE COUNTY LIBRARY ADVISORY BOARD; AMENDING SEC. 36.070(B) TO REVISE THE DUTIES OF THE LIBRARY BOARD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on December 10, 2015.)

After discussion, a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve proposed Ordinance 2015-019 as previously cited.

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

(f) First Reading – Ordinance 2015-022 Repayment Plan Grease Traps

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR GREASE TRAP MAINTENANCE OR REPLACEMENT LIENS IMPOSED BY THE CITY TO BE PAID IN INSTALLMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR CODIFICATION, CONFLICTS AND SEVERABILITY; PROVIDING FOR AN

EFFECTIVE DATE. (The second reading will be held on December 10, 2015.)

Upon the city manager's request, and **on motion made by Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed proposed Ordinance 2015-022 as previously cited to the next meeting.**

(g) First Reading – Ordinance 2015-020 – Annexation – 164 + Acres – South of Urick Street and East of CR 468 – Petitioner: Leesburg Fruit Company Inc.

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 164 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND EAST OF CR 468; 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 December 10, 2015.)

Upon the city manager's request and **on motion was made by Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed proposed Ordinance 2015-020 as previously cited to the December 10, 2015 meeting.**

(h) First Reading – Ordinance 2015-021 - Rezoning – 13± Acres R-3 to CPUD – Master Development Agreement

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13 ± ACRES OF THE PROPERTY FROM MULTIPLE FAMILY HIGH DENSITY (R-3) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 164 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE TO COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 December 10, 2015.)

Upon the city manager's request and **on motion was made by Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed proposed Ordinance 2015-021 as previously cited to the December 10, 2015 meeting.**

- (i) **Villages of Fruitland Park Plat – Unit 36 Final Plat Approval – Petitioner:**
The city commission considered its action to approve the final Villages of Fruitland Park Unit 36 RAI submittal, Plat Mylar.

After discussion and **on motion of Vice Mayor Gunter, seconded by Commissioner Lewis and unanimously carried, the city commission approved staff's recommendations of approval on the final plat as previously cited.**

PUBLIC HEARING

By unanimous consent, Vice Mayor Cheshire opened the public hearings.

- (j) **Public Hearing - Resolution 2015-014 – Non Ad Valorem Special Assessment**
It now being the time advertised to consider the adoption of proposed Resolution 2015-014 and after Ms. Geraci-Carver read into the record the following title, Vice Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF CITY OF FRUITLAND PARK, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to the fire assessment presentation which was given at the May 14, 2015 regular meeting; noted that funds are available to allow for a study, and explained the implementation procedures.

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

Following much discussion, **a motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2015-014 as previously cited.**

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

- (k) **Second Reading and Public Hearing – Ordinance 2015-013 - Cemetery Fees**
It now being the time advertised to consider the enactment of proposed Ordinance 2015-013 and after Ms. Geraci-Carver read into the record the following title, Vice Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.50 BY INCREASING CEMETERY FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (First reading was held on October 22, 2015.)

Ms. Geraci-Carver noted the fee change and the effective date.

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

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission enact Ordinance 2015-013 to become effective January 1, 2016.

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

7. NEW BUSINESS

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

8. OFFICERS' REPORTS

(a) City Manager

i. Invocation Ordinance

At Mr. La Venia's request regarding the enactment of an invocation ordinance, Ms. Geraci-Carver referred to the 2013 United States Supreme Court of Appeals for the Second Circuit Court ruling which dictated the importance for legislative bodies to ensure that prayers are for anyone that wants to give it. She explained that the city commission is allowed to set reasonable rules; recognized its current methods conducted to be proper, and recommended that the city retain a list of clergies rotated among other individuals for placement. If the city commission like the concept, Ms. Geraci-Carver recommended that it be defined within city boundaries or ZIP code; alternatively suggested that a restriction be imposed, and proposed memorizing the procedure in writing.

After extensive deliberations, Commissioner Ranize suggested that staff work on what is incorporated and what is in the ZIP code for city commission consideration.

ii. Fruitland Park Library Report

Ms. Glendinning distributed the library year in review report for fiscal year 2014-15 which outlined statistical information on various activities and programs; a copy of which is filed with the supplemental papers to the minutes of this meeting.

With respect to the proposed Fruitland Park Library construction, Ms. Glendinning stated that she heard from the Florida Department of State Division of Library and Information Services regarding the city's position to receive \$500,000 grant funding recognizing that other libraries are pursuing said funding, and indicated that she will know by March 2016.

iii. Community Development Report

Mr. Rector gave an overview of the building department performances from January 1 to October 31, 2015; made comparisons of certificate of occupancy activities in 2014, and provided figures on projected property taxes; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. Rector referred to the final draft of the Interlocal Boundary Service Agreement received earlier this day among the Villages Center Community Development District, the City of Leesburg, the City of Lady Lake and Lake County and noted that amendments have been made. He addressed the city commission's awareness that no noncontiguous annexations will take place based on the determination to implement the advance life support and addressed the plan, in the near future, to disseminate the voting district maps.

Mr. Rector pointed out previous communications with a national homebuilder on plans to acquire the Mirror Lake Village property, known as the old Fruitland Estates; recognized the recent annexation of another property with the delivery of a conceptual plan reflecting restaurants and residential units on four acres of property on CR 466, and relayed current negotiations with restaurant representatives on their intent in the near future to have a new site plan delivered; thus, the inquiry made on the availability of sewer connections which staff is presently working on.

Mr. Rector referenced the meeting he had with Mr. La Venia and potential buyers earlier this day regarding the church property on the remainder of Pine Ridge Dairy Road and plans for an Assisted Community Living Facility; noted the recent meeting he had with Mr. Jonathan Penner,

developer, on his attempts to build and take over the 110 units in the area, and outlined the status of proposed businesses who plan to open in the area.

iv. Police Department

Later in the meeting, Chief Fewless referred to his memorandum dated November 3, 2015 regarding the 2015-2016 Fleet Purchase outlining the model comparisons and cost factors made with the various police fleet vehicles. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Chief Fewless relayed his request for the city commission's consideration and approval to purchase two Ford Interceptor Sports Utility Vehicles.

After discussion and later in the meeting and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved the Police Chief's request to purchase two Ford Interceptor Sports Utility Vehicles.**

(b) City Attorney

With respect to the lawsuit that was filed with the Fruitland Park Historical Society recently regarding the Casino Community Center property, Ms. Geraci-Carver gave a status update report on the Service of Process and notification by mail with the anticipation that the matter is expected to be in place by January 2016 to proceed.

(c) City Clerk

Ms. Coulson gave a report on the requirement and the plan to codify the city's ordinances; noted the age of the existing ordinances, and indicated that she will be working closely with Ms. Geraci-Carver with the intent to keep the elected officials informed of the process.

Later in the meeting, Ms. Coulson clarified that the codification process would take approximately six months to one year.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Infrastructure Sales Tax

Commissioner Ranize expressed his satisfaction with Lake County's Extension of the Infrastructure Sales Tax passed by the voters at the November 3, 2015 Special Election; however, he expressed disappointment with District 33 State Representative H. Marlene O'Toole's statements to The Villages Daily Sun on her vote against said referendum.

Upon Commissioner Ranize' suggestion and **by unanimous consent, the city commission directed the city manager to write a letter to the Lake County Board of County Commissioners requesting funds earmarked**

towards the CR 466A Roadway Improvements prior to the commencement of construction.

ii. Police Vehicles

Commissioner Ranize expressed his appreciation to Chief Fewless regarding the 2015-2016 Fleet Purchase documentation provided to the city commission outlining the expenditures involved, and recognized the city commission's previous discussions on same.

iii. Breathing Air Storage System

Commissioner Ranize referred to the Breathing Air Storage System previously purchased for the fire department; relayed his conversations with Ms. Michaud in this regard, and referred to the November 20, 2014 regular meeting minutes on the city commission's approval on the purchase, a copy of which is filed with the supplemental papers to the minutes of this meeting.

Commissioner Ranize recognized in the budget the savings that could be made without affecting the general operating budget.

After extensive discussions, Mr. La Venia concurred with the request to review the funding options for the subject purchase.

iv. Fire Department

Commissioner Ranize distributed an article dated November 10, 2015 featured in The Daily Commercial entitled "Firefighters Say Department Has Been Neglected Too Long"; indicated that he foresees the potential increase of Lake County's impact fees for fire, and stated that a small portion of the article is correct; a copy of which is filed with the supplemental papers to the minutes of this meeting.

(b) Commissioner Lewis

i. Project Funding

Commissioner Lewis referred previous meetings of the Lake-Sumter Metropolitan Planning Organization's (MPO's) Governing Board and conversations he had with Messrs. La Venia who communicated with MPO Executive Director T. J. Fish whereby none of the funding for the CR 466A roadway improvement project has been planned in the State of Florida Department of Transportation's work program.

Commissioner Lewis voiced his concurrence with the city commission's position to approach the county; indicated that it appears there is nothing existing to fund same at the state's budget process, and assured the city commission that he is recognizing the state programs' procedures in establishing such funding and that he will be involved.

- ii. **CR 466A and CR 468 Intersections**
Commissioner Lewis reported on the initiative and the vision regarding complete Safe Access to Schools and Countywide Sidewalk Program which involves safer sidewalks for bikes and pedestrians and *Safe Routes to School* program for schools. He relayed the plans, in speaking with the engineers, for sidewalks to be in place when the traffic signalization is installed for CR 466A and CR 468 intersection anticipated by April 2016.

(c) **Vice Mayor Cheshire**

i. **Leadership Lake**

Vice Mayor Cheshire gave a report on Leadership Lake's events; pointed out his visit to the Lake County Sheriff's Department noting that the city is favorable with them, and recognized the presence of Deputy Police Chief Cutter at this evening's meeting who he stated represented the city well.

ii. **Dates to Remember**

Later in the meeting, Vice Mayor Cheshire recognized the following events:

- November 13, 2015, Lake County League of Cities Board of Directors' Meeting, "Roundtable Discussion" to be held at Lake Receptions and not Eustis Elks Lodge at 12:00 p.m.;
- November 17 and 18, 2015, 2016 Lake Legislative Days, in Tallahassee, Florida at 1:00 p.m.;
- November 19 and 20, 2015, Florida League of Cities' 55th Annual Legislative Conference (Policy Committees) in Orlando at 8:00 a.m.;
- November 20, 2015, Thanksgiving Luncheon at 12:00 p.m.
- The cancellation of the November 26, 2015 Regular Commission Meeting, and
- November 26 and 27, 2015, Thanksgiving Holiday – City Offices Closed
- December 4, 2015 Employee Christmas Dinner, and
- December 10, 2015 regular commission meeting at 7:00 p.m.

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

- i. After discussion and by **unanimous consent, the city commission granted, upon Vice Mayor Gunter's request, permission to pursue funds on behalf of the City of Fruitland Park relating to the CR 466A Roadway Improvements where:**

- **He would communicate with Lake County Public Works Department Director Mr. Jim Stivender Jr.;**
- **Commissioner Lewis, who serves on Lake-Sumter Metropolitan Planning Organization's Governing Board to speak with Lake County District 1 Commissioner Timothy I. Sullivan at the**

November 13, 2015 Lake County League of Cities Luncheon meeting, and

- **City Manager Gary La Venia to converse with District 11 State Senator Representative D. Alan Hays; District 33 State Representative H. Marlene O'Toole; District 31 Representative Jennifer Sullivan, and District 32 State Representative Larry Metz at the November 17 and 18, 2015, 2016 Lake Legislative Days in Tallahassee referring to the brochure to fund the middle piece**

ii. Trick or Trot Event

On behalf of the city commission, Vice Mayor Gunter thanked the fire and police departments for their services performed during the October 31, 2015 Trick or Trot events which were successful.

10. MAYOR'S COMMENTS

Mayor Bell was absent from this evening's meeting.

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 8:21 p.m.

The minutes were approved at the December 10, 2015 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Christopher Bell, Mayor