

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
September 22, 2015**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 22, 2015 at 7:00 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Chris Cheshire, Commissioners John L. Gunter Jr., 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, Lieutenant Dennis Cutter; Administrative Officer Jennifer Hutchins, Police Department; Fire Department Lieutenant Don Gilpin, Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Bell called the meeting to order at 7:01 p.m., Pastor Barry Hayes, Freedom Community Church, gave the invocation, and Police Chief Michael A. Fewless 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.

3. PUBLIC COMMENTS

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

4. REGULAR AGENDA

(a) Fire Pension Board Appointments

The city commission considered its action to ratify the Board of Trustees Firefighters Pension Trust Fund's recommendation of approval to appoint a member to complete the remaining two-year term which will expire December 31, 2015 replacing Interim Fire Chief's Michael Laming representing the firefighters: fire department category who has resigned.

Board member Lieutenant Gilpin, announced the board's actions earlier at this evening's meeting on the election of the chair pro-tem and the appointment of Mr. Kevin Ducharme, representing the firefighters, who will be replacing Chief Laming.

On motion of Vice Mayor Cheshire, seconded by Commissioner Ranize and unanimously carried, the city commission ratified the Board of Trustees Firefighters Pension Trust Fund's actions in appointing Mr. Kevin Ducharme as previously cited.

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(b) Budget Amendment – FY 2015-016

After discussion, and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the city treasurer’s recommendation to approve the Fiscal Year 2014-15 interfund budget amendment number BT2015-11 increases in the capital improvement fund, utility reserves, recreation special events, and various general fund, redevelopment and capital project expenses.**

(c) August 2015 EOM Financial Report

Following Ms. Michaud’s concurrence with Mayor Bell’s suggestion to establish a charity (goodwill) account **the city commission, by unanimous consent, accepted the city treasurer’s recommendation to approve the August 2015 year-to-date end-of-month budget financial report.**

(d) Senior Socials Discussion

Discussion and consideration to use a fellowship hall for the purpose of senior socials.

Mr. La Venia reported that Parks and Recreation Department Director Michelle Yoder has been reaching out to New Life Presbyterian Church to hold senior social events from the Casino Community building.

Ms. Geraci-Carver explained that she reviewed the building use agreement with the church and addressed her desire to make changes due to the indemnification language; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver noted state law prohibits local governments sponsoring bingo activities at the building with the exception of non-profit and veterans’ organizations and indicated that the city could continue hosting senior social events without the bingo component. She concurred with Mayor Bell’s remarks that it would be in order for the church to sponsor bingo following the senior social; thus, the agreement would be modified to remove the bingo language and to change the indemnification clause. Ms. Geraci-Carver addressed the plan to present the agreement at a future meeting for consideration, if the church is in agreement with the revisions.

(e) First Reading – Ordinance 2015-015 Election Qualifying Period (city attorney)

Ms. Geraci-Carver read into the record proposed Ordinance 2015-015, the title of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK,
LAKE COUNTY, FLORIDA, AMENDING THE QUALIFYING

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PERIOD OF CANDIDATES FOR CITY OFFICE IN SECTION 34.01, CHAPTER 34 OF THE CODE OF ORDINANCES; PROVIDING FOR A PRIMARY ELECTION TO OCCUR CONCURRENT WITH THE STATEWIDE PRIMARY ELECTION AS SPECIFIED IN S. 100.061, *FLORIDA STATUTES*; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (The second reading will be held on October 8, 2015.)

A motion was made by Commissioner Ranize and seconded by Vice Mayor Cheshire that the city commission approved Ordinance 2015-015 as previously cited.

There being no one from the public to appear before the city commission at this time and by **unanimous consent, Mayor Bell closed the public comments.**

After Mayor Bell called for a roll call vote, the motion was declared unanimously carried.

SECOND AND FINAL BUDGET PUBLIC HEARING

By unanimous consent, Mayor Bell opened the public hearings.

(f) Resolution 2015-012 – Final Operating Millage Rate – FY 2015-16

It being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record the following substance of Resolution 2015-012, Mayor Bell called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A FINAL OPERATING MILLAGE RATE OF 4.7371 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY FOR FISCAL YEAR 2015-2016; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the county property appraiser to the City of Fruitland Park as \$172,017,272; and

Whereas, after public hearings pursuant to section 200.065, Florida Statutes, the City of Fruitland Park is prepared to adopt a final operating millage rate of 4.7371 mills; and

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Whereas, the Fiscal Year 2016 operating millage rate of 4.7371 mills is a 2.57% increase to the current year rolled-back rate of 4.6185.

Mayor Bell reiterated that the city is prepared to accept the tentative millage rate of 4.7371; referred Ms. Geraci-Carver's statements that 2.57% was increased over the roll back rate of 4.6185, and that the millage rate of 4.731 is exactly the same rate that the city has maintained for the two years.

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

A motion was made by Commissioner Ranize and seconded by Vice Mayor Cheshire that the city commission adopt Resolution 2015-012 as previously cited.

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

- (g) **Resolution 2015-013 — Adopting Final Budget – FY 2015-2016** (city treasurer)
It being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record the following substance of Resolution 2015-013, Mayor Bell called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2015-2016; PROVIDING FOR AN EFFECTIVE DATE.

Whereas the City of Fruitland Park of Lake County, Florida, set forth the appropriations and revenue estimate for the Budget for Fiscal Year 2015-2016 in the amount of \$10,122,04.

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

A motion was made by Commissioner Ranize and seconded by Vice Mayor Cheshire that the city commission adopt Resolution 2015-013 as previously cited.

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

END OF PUBLIC HEARING

SUPPLEMENTAL AGENDA

- (h) **VOFP – Final Plat Submittal** (city manager/community development director)
The city commission considered its action to approve the final plat submittal for the Villages of Fruitland Park, Unit 34.

Mr. Rector briefly highlighted the subject item and indicated that it is ready for execution.

On motion of Vice Mayor Cheshire, seconded by Commissioner Gunter and unanimously carried, the city commission accepted the final plat submittal as previously cited.

5. NEW BUSINESS

There was no new business to submit at this time.

6. OFFICERS' REPORTS

(a) **City Manager**

i. **City Manager's Absence**

The city commission accepted Mr. La Venia's request to be excused for the October 8, 2015 regular meeting as he will be away on vacation.

ii. **Dirt Roads, Stormwater Issues and FDOT**

Mr. La Venia identified seven dirt roads; namely, Seminole Avenue, Old Dixie Avenue, Thomas Street, Sunset Way, Royal Oak Drive, Lime Street, and Catawba Street, and west of Rose Avenue.

Mr. La Venia addressed the plan to consider roadways during the forthcoming fiscal year including some dirt road projects; recalled previous discussions regarding stormwater issues which would need to be addressed in depth, and noted the need for swales to be cleaned and refurbished recognizing that Lake County roadways are not regularly maintained.

Mr. La Venia noted the sign on US 27/441 and the corner Berckman Street where the bricks are broken; pointed out the last meeting and conversations held with Ms. Geraci-Carver and Chief Fewless on the relationship with USA Services, FDOT's contractor, and the state's liability on the unsightly high grass growth on the roadway blocking the storm water drains and minimizing water flow.

Mr. La Venia referred to the copy of the border control form showing a provision from Florida Statutes on the violation and pointed out his question to Ms. Geraci-Carver on the possible violation. He inquired

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whether the State of Florida has sovereign immunity and if USA Services shares same. He noted the city's recourse in dealing with the state on work that needs to be implemented.

Ms. Geraci-Carver explained that sovereign immunity applies to tort actions; addressed her plan to continue to review case laws on the cause of action requesting the court to notify FDOT on injunction release for failing to maintain the subject roadway construction and the potential accidents on the design of same. She mentioned her plan to obtain the contract between FDOT and USA Services to enforce the terms, if it has language precluding third party beneficiaries.

After discussion and in response to Commissioner Ranize's reference to his previous conversations with District Five Lake County Commissioner Welton G. Cadwell as to whether some municipalities are concerned about the subject issue, Ms. Geraci-Carver recommended that the Lake League of Cities and city managers could collectively send one letter to FDOT.

Following further discussions, Mayor Bell suggested that all the cities and the county ought to be involved.

iii. Parks Workshop

Mr. La Venia recalled previous discussions he had regarding the concept of holding a workshop relating to parks. He recognized the time for the north side to be developed; addressed the idea to devise a final plan for consideration, and noted the consensus reached previously to bring the parks up to where they should be which includes having a soccer field.

After Commissioner Lewis addressed the need for a master plan for the proposed city center, Commissioner Ranize requested reviewing the incomplete plans and the city commission's consideration to solicit request for proposals seeking an architect for up to five years -- similar to the process utilized for the city engineer -- to assist with the footprint on the building design, concession stand at one of the parks and the police and fire departments building structure, parking, and the proposed library building; thus, the reason to remove the casino.

After discussion and in response to inquiries posed by Commissioner Lewis and Mayor Bell, Mr. Rector described the recent conversations he had with Commissioner Ranize and Ms. Geraci-Carver on the procurement process for design standards and architectural services and the need for a contract with two one-year renewable terms which was suggested by Mr. Duane K. Booth PE, Booth Ern Straughan & Hiott Inc. (engineers retained by the city). Mr. Rector believed that it would assist the city commission with the vision it is seeking.

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After Mr. Rector gave his assurance that with the conceptual information he has available, that the proposed buildings will be adequate for the intended site, Ms. Geraci-Carver described the procurement and decision-making process for each project's building design services.

In agreement with Mayor Bell's suggestion for qualified architects to give presentations before the city commission at a future meeting, Ms. Geraci-Carver opined that based upon the city commission's ranking decision, discussions on funding services ought to be refrained.

Commissioner Ranize addressed the need for a plan or footprint and recommended that the city commission relocate the public works department to the wastewater treatment plant (WWTP) as previously addressed.

On motion of Commissioner Lewis, seconded by Commissioner Gunter and unanimously carried, the city commission approved staff's recommendation to proceed with a request for proposals soliciting architectural design firms for up to five years for a conceptual building design for the proposed city center site.

Mr. Rector indicated that he will work on seeking proposals for an architect to design the public works department building at a later date.

iv. Staff

Mr. La Venia expressed his gratification with having Ms. Michaud at the city; Chief Fewless progressing in the right direction, and the performance of Messrs. Bogle, Rector and staff. Mr. La Venia explained that Ms. Azzolino will be in charge during his absence from the city.

(b) City Attorney

i. Casino Community Building

Ms. Geraci-Carver explained that she is waiting for the heirs' contact information before filing the lawsuit; relayed the number of times she received a telephone call from Mr. Donald "Don" Dwight, one of the heirs and his identification on who she needs to contact, and the plan for him to meet her in order that she can commence with the filing process. She conveyed the agreement of the heirs who are amenable and understand the process.

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ii. Police and Fire Fees Lawsuit

Ms. Geraci-Carver identified the items that the judge would need to be approved by referring to the order granting unopposed motion to close the common fund – whereby she is waiting to hear back from Ms. Amanda Perez, Executive Assistant, as to whether she is in agreement -- and if acceptable, Ms. Geraci-Carver will be submitting an executed affidavit to be filed with the order.

7. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

Funding

Commissioner Ranize requested that the city commission consider for inclusion in the budget include the paving of dirt roads in the five to ten-year plan; the drainage issues in three to four years, and identify a building maintenance operating fund for city hall.

(b) Commissioner Lewis

i. FY 2015-16 Budget

Commissioner Lewis mentioned the review of available funds in the unrestricted general fund at the end of September.

Commissioner Lewis relayed his concerns, during the budget process and comparisons made with other municipalities, on the city commission's position in providing funding mechanisms to accomplish the mission in compensating the police department employees.

ii. City Improvements

Commissioner Lewis referred to Commissioner Ranize' comments at the last meeting regarding the city commission's vision on improvements to city-owned properties and his opinion on the relocation of the public works department and the retention of the WWTP.

Later in the meeting and with respect to the suggestions regarding the 12 acre unused WWTP property, Mr. Rector gave reasons why it would not be wise to sell and referred to the current ten-year WWTP capacity reservation and bulk treatment agreement with the Town of Lady Lake. He described the procedures involved if the city decides to renew same; recognized the city's major pump lift station to the town, and noted the potential use in repurposing for an entirely different operation.

iii. Casino Community Building

Based on the judge's ruling regarding the casino, Commissioner Lewis cited reasons why he does not see the need to save it.

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(c) **Vice Mayor Cheshire**

i. **City Improvements**

After Vice Mayor Cheshire referred to the former city commission's previous master plan and vision for the city center; Lake County's implementation of Northwest Lake Community Park, and the status of the city's comprehensive plan, he mentioned his wish for light industrial jobs for the US 441 area.

With respect to the construction of the new Fruitland Park Library and subsequent to extensive discussions on the concept of reviewing the design and reinforcement of a weatherproof/shelter building, Mr. Rector indicated that he will review same.

ii. **Staff Report**

Mayor Bell concurred with Vice Mayor Cheshire's suggestion to receive departmental heads' monthly staff reports at the second city commission meetings.

(d) **Commissioner Gunter, Jr.**

i. **FY 2015-16 Budget**

In referring to Commissioner Ranize' previous comments regarding setting aside funding for building maintenance, Commissioner Gunter recalled that the city commission's previous decision in setting aside funding, every ten years, for the Gardenia Park Swimming Pool and questioned whether it was implemented. He inquired about the status of repainting the city's water tower to which Mr. Bogle identified the costs involved.

With respect to the city's responsibility to pave the majority of the main roadways, Mr. La Venia recognized the need to establish sinking funds on an annual basis once The Villages are underway.

ii. **CR 466A Roadway Improvements**

Commissioner Gunter relayed recent discussions he had with Mr. Jim Stivender Jr., Lake County Public Works Department Director, regarding the status of the CR 466A roadway improvements and the delay in receiving traffic signalization due to access problems in the Berckman Street area.

8. MAYOR'S COMMENTS

Dates to Remember

Mayor Bell recognized the following dates:

- September 23, 2015 Lake-Sumter MPO Governing Board to which Commissioner Lewis indicated that he plans to attend;

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- the cancellation of the September 24, 2015 regular city commission meeting;
- September 30, 2015, Sponsor's Night, and the
- October 8 regular meeting; October 15, 2015 workshop to address the fire department, and the October 22, 2015 regular city commission meeting.

9. 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 8:27 p.m.

The minutes were approved at the regular November 12, 2015 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Christopher Bell, Mayor