

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
March 26, 2015**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 26, 2015 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, City Treasurer Tannette Gayle, Interim Police Chief Todd English, Lieutenants Dennis Cutter and Beckie Siroli; Fire Chief George Fernandez, Donald Gilpin, Fire Department; Community Development Director Charlie Rector, Public Works Director Dale Bogle; Parks and Recreation Director Michelle Yoder; Deputy City Clerk and Human Resource Administrator Marie Azzolino; Finance Clerks Sue Parker, Marion Leaphart, Amanda Perez, and Teri Bogle, 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.; Pastor George A. Mulford, Grace Bible Baptist Church, gave the invocation, and Interim Police Chief Lake County Sheriff's Office Captain Todd English 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. PROCLAMATIONS

(a) Special Recognition

"April 3, 2015 Marion Leaphart Day" 27 Years of Service

On behalf of the city commission, Mayor Bell read into the record a proclamation recognizing "*April 3, 2015 as Marian Leaphart Day*" in the City of Fruitland Park and extended to her the very best on her retirement and many happy returns on her 75th birthday.

Ms. Leaphart expressed her heartfelt gratitude in recognition of this honor. She introduced members of her family who were present at this evening's meeting.

(b) *Motorcycle Awareness Month – April 2015*

On behalf of the city commission, Mayor Bell proclaimed May 2015 as "*Motorcycle Safety Awareness Month*" and reminded motorists and motorcyclists alike during *Motorcycle Safety Awareness Month* to "share the road" in order to help prevent motorcycle crashes, deaths and injuries on Lake County roads.

Ms. Tracy Whitehurst, Chairperson of American Bikers Aiming Toward Education of Florida Inc., Lake County Chapter and Community Safety Coordinator, accepted the proclamation with appreciation.

Fruitland Park City Commission Regular Minutes

Page 2 of 11

March 26, 2015

4. PUBLIC COMMENTS

Mr. Jim Richardson, City of Fruitland Park resident, referred to the March 19, 2015 special meeting and pointed out inaccurate statements made in a previous newspaper article on the shortfall of the fire department budget which was never mentioned by the commission and a now or never offer made by the plaintiff's attorney which he denied was ever made previously or currently.

In response to concerns raised by Ms. Sharon Kelly, City of Fruitland Park resident, regarding foreclosed properties around the vicinity of her home and after Mr. Gerken identified the existing Vacant and Abandoned Properties Registration and Maintenance Ordinance 2009-010, Mr. La Venia made notation of her concerns whereby Mr. Rector addressed the code enforcement process.

5. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved the March 12, 2015 regular meeting minutes as submitted.

6. REGULAR AGENDA

(a) 5K Fun Run/Walk – Armed Forces Day

Commander Jim Maynard, American Legion Post 219, made a request to have a 5K Fun Run/Walk on Armed Forces Day May 16, 2015 in the City of Fruitland Park and described the route's plan, noted the volunteers to be involved, and asked permission from the city to close certain streets similar to what occurred in 2014.

On motion of Commissioner Lewis, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the request from Commander Jim Maynard, American Legion Post 219, as previously cited.

(b) Penny Sales Tax Renewal

The city commission considered its action to appoint Mayor Chris Bell, replacing Commissioner John Gunter, as the city's representative to serve on the Lake County League of Cities' Sales Tax Oversight Committee and report back to the city commission on the sales infrastructure tax.

Mayor Bell recognized Commissioner Gunter's desire to continue to serve on the committee and recalled his previous appointment by the city commission. Mayor Bell stated that if no one else places their name to be an alternate, he would be willing to serve.

Fruitland Park City Commission Regular Minutes

Page 3 of 11

March 26, 2015

After discussion and **on motion of Commissioner Lewis, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved Mayor Chris Bell to serve as the alternate to the Lake County League of Cities' Sales Tax Oversight Committee.**

(c) Shiloh Cemetery - Bid Award

Mr. La Venia reviewed the bids received from Chapco Fence, LLC, St. Cloud, All-Rite Fence Services, Inc., and Fence-It In Inc. and indicated that they were also reviewed by the city attorney's office.

Mr. La Venia relayed staff's recommendation of approval to award Request for Proposals 2015-001 to Fence-It In Inc., as the low, responsive and responsible bidder for \$63,287 to furnish and install an aluminum black fence link for Shiloh Cemetery.

After further discussion, and **on motion of Commissioner Gunter, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved staff's recommendations to award RFP 2015-001 Fence-it In Inc. as previously cited.**

(d) Library Impact Fee Application

The city commission considered its action to approve the revised Board of County Commissioners BCC Policy LCC-63, "Library Impact Fee Application and Distribution Process".

After extensive conversations, Commissioner Gunter referred to previous discussions regarding the library expansion and noted the potential influx of The Villages residents and potential users at the library. He suggested that the city commission consider utilizing impact fees and grants to build a new library with the old being used as a recreational center which could be increased in size; noted the Casino Community Center's current use, and believed that said building ought to be donated to the Historical Society.

Following extensive deliberations, Commissioner Ranize suggested holding a workshop in this regard; requested that staff investigate and provide the city commission with more information, and ask the historical society on its intent, if they are interested in the Casino Community Center's building.

A motion was made by Vice Mayor Cheshire and seconded by Commissioner Lewis that the city commission approve the Lake County Board of County Commissioners BCC Policy LCC-63, "Library Impact Fee Application and Distribution Process".

Fruitland Park City Commission Regular Minutes

Page 4 of 11

March 26, 2015

By unanimous consent, the city commission agreed to hold a future workshop on the subject issue and direct the city manager to research options in this regard.

After discussion, **Mayor Bell called for a vote on the motion and declared it carried unanimously.**

(e) Water and Wastewater Treatment Plant Agreement

The city commission considered its action to approve the Water and Wastewater Treatment Plant Agreement between the Town of Lady Lake and the City of Fruitland Park for the city to pay for wastewater treatment and for the town to receive and treat the city's wastewater.

After discussion and **by unanimous consent, the city commission postponed, at the request of the city manager, its action to approve the Water and Wastewater Treatment Plant Agreement as previously cited to the April 9, 2015 meeting for further clarification.**

(f) Year-to-Date FY 2014/15 Budget Report

Ms. Gayle reviewed the year-to-date FY 2014/15 budget report for the period ending February 28, 2015 and the summary of expenses. She indicated that the Comprehensive Annual Financial Report is anticipated to be available by the next meeting for review.

(g) Firearm Ranges Discussion

The city commission discussed on firearm ranges adopted by the various municipalities:

- Cities of Parkland and Sunrise urging the State of Florida to address Florida Statutes that allow unrestricted and unregulated firearm target ranges and discharges in urban residential neighborhoods;
- City of Pompano Beach opposing outdoor firearm ranges in residential neighborhoods;
- City of Hollywood allowing municipalities to decide on regulation of firearm discharges in urban residential neighborhoods, and
- City of Fort Lauderdale urging the State of Florida to amend Florida Statute Section 790.33 to allow municipalities to decide on regulation of firearm discharges in urban residential neighborhoods.

Upon Mayor Bell's request, Mr. Gerken addressed the discharging of weapons within city limits, the state legislature's restriction on local governments' abilities to regulate firearms, and the large penalties facing local governments who infringe on the state's preemption of weapons. He cited 790.15, F.S., Discharging

Fruitland Park City Commission Regular Minutes

Page 5 of 11

March 26, 2015

Firearm in Public or on Residential Property which makes it illegal to recklessly or negligently discharge a firearm outdoors used primarily as a side of a dwelling or on any side of the dwelling and zoned exclusively for recreational use.

Mr. Gerken referred to the city commission's concerns raised at its March 12, 2015 regular meeting; several adopted municipal resolutions (as previously cited), and HB 623, prohibits discharge of firearm on residential property regardless of whether discharge occurs outdoors or in reckless or negligent manner and that the intent was to remove the words: *recklessly or negligently* and make it illegal to discharge a firearm in a residential property.

Mr. Gerken recognized existing laws prohibiting bullets from appearing into public roadways and open spaces; indicated that backyard gun ranges purport to keep same within residential ranges. He identified provisions in the statutes and acknowledged that nothing deals with private not-for-profit groups or individuals shooting in the backyard where safety is an issue, and stated that the total preemption of the subject issue in state and local governments is where to draw the line and what can and cannot be implemented. Mr. Gerken noted the resolutions in question which seek assistance and guidance from legislation on what local governments can do.

Commissioner Ranize referred to Attorney General Opinions 2011-17, Counties – Firearms – Preemption – Regulation; 2008-34, Shooting Ranges and Land Use Regulation, and AGO 2005-40, County Ordinance Regarding Discharge of Firearms. He explained that he has not seen any indication where the AGOs address reckless and negligent discharge. With respect to 790.15, F.S., he requested an opinion on *discharge* in itself or *reckless* or *negligent* in a residential neighborhood. With reference to 790.33, F.S., Field of Regulation of Firearms and Ammunition Preempted, he stated that no information is found if the round leaves the backstop and whether it is culpable negligence which he believes can cause great bodily harm or can result in a fatality.

After Commissioner Ranize gave an outline of the various gun ranges and the dangers involved with rounds and the discharge of a firearm, he acknowledged the National Rifle Association's regulations and other specifications and restrictions involved. He voiced concerns on the need for safety and for the protection of citizens and their property. Commissioner Ranize indicated that a resolution in disagreement can be adopted to make the public aware of the city's efforts to protect them against an accidental and negligent discharge from a firearm.

After discussion, Commissioner Lewis suggested that citizens -- who are in agreement and believes that as the commissioners are expressing the subject issue as a problem -- ought to call and write letters compelling, at the state level, resolution of the problem. He cited one of the exceptions under subsection

Fruitland Park City Commission Regular Minutes

Page 6 of 11

March 26, 2015

790.33(4)(d) F.S., on (d), *a court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge* and questioned how one could reach that level to appeal in resolving same.

Following much discussion, Mayor Bell called for the public to be heard.

Mr. Richard Dickerson, City of Fruitland park resident, stated that he is a licensed concealed carrier; described his backyard shooting range and preference to test his guns before discharging, and addressed attempts in not being disruptive to his neighbors or bullets leaving his range, breaking the law, or bullets leaving the range.

A Town of Lady Lake resident stated that she has a gun range and cited reasons why she supports Mr. Dickerson.

After discussion, Ms. Kelly addressed the limits in implementation due to state regulations on fire arms and questioned placing stricter regulations at parks to help protect children or people.

Ms. Diane Murphy, City of Fruitland Park resident, gave an account of her experiences in hearing gunshots at the end of last year; relayed the report she made to 911 emergency where nothing could be done in that regard, and voiced concerns on how she and her neighbors are fearful.

Following extensive discussion and by **unanimous consent, the city commission directed the city attorney to provide a draft resolution on the commission's position and prepare specifics requesting an Attorney General Opinion on reckless or negligence and the ranges and parameters requesting city commission consideration.**

(h) Discussion - Special Events Ordinance 2015-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES PERTAINING TO SPECIAL EVENTS WITHIN THE CITY OF FRUITLAND PARK; SPECIFICALLY PROVIDING FOR PROCEDURES AND REGULATIONS APPLICABLE TO CONDUCTING SPECIAL EVENTS AS DEFINED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Fruitland Park City Commission Regular Minutes

Page 7 of 11

March 26, 2015

Mr. Gerken described the makeup of the draft Special Events Ordinance 2015-002 affecting transportation or use of additional services which would require a permit for city staff to review and conditions to ensure it is safe and orderly. He addressed the ability to waive fees in certain situations upon request before the city commission.

In response, Mr. Rector explained that he has spoken with Mr. Gerken; indicated that staff has not discussed the draft, and noted that Cara Singeltary, P.A. (applicant, on behalf of Donald L. Galbreath and Janet L. Galbreath, and William Kenneth Galbreath Trustee of the William Kenneth Galbreath Family Trust) has not had the opportunity to review same. Mr. Rector relayed Mr. Gerken's confirmation that his request to postpone the proposed ordinance to the April 9, 2015 regular meeting for staff to resolve any outstanding issues would not pose any problems.

Mr. Ashley Hunt, attorney, confirmed his willingness, due to the deadline, to comply with the rules.

After extensive deliberations and by **unanimous consent, the city commission accepted the city attorney's recommendations and directed him to read the title of proposed Special Events Ordinance 2015-002 as previously cited into the record.**

A motion was made by Commissioner Ranize and seconded by Commissioner Gunter that the city commission approve the aforementioned proposed Ordinance 2015-002 giving the opportunity for the community development director to meet with the applicant prior to the second reading on April 9, 2015.

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

QUASI-JUDICIAL PUBLIC HEARING

By unanimous consent, Mayor Bell opened the public hearing.

- (i) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2015-001 – Rezoning – CR 466A and West of Josephine Drive**

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 45 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF

Fruitland Park City Commission Regular Minutes

Page 8 of 11

March 26, 2015

CR 466A AND WEST OF LAKE JOSEPHINE DRIVE; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on March 12, 2015.)

On motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission postponed proposed Ordinance 2015-001 to the April 9, 2015 regular meeting at staff's request.

END OF QUASI-JUDICIAL PUBLIC HEARING

9. NEW BUSINESS

No action was taken.

10. OFFICERS' REPORTS

(a) City Manager

i. Volunteer Appreciation Events

Mr. La Venia announced that the city will be hosting a city-wide Volunteer Appreciation Breakfast on April 15, 2015 at 9:00 a.m. in the city commission chambers whereby Certificates of Appreciation will be presented to the volunteers.

Mr. La Venia invited the city commission to the April 17, 2015 Volunteer Appreciation Luncheon for library volunteers which will be held at the Fruitland Park Library at noon.

ii. Development Disabilities Awareness Day March 28

Mr. La Venia stated that Development Disabilities Awareness Day will be held on March 28, 2015 in Clermont.

iii. Advertising

Mr. La Venia gave a status report on the following:

o RFP 2015-002, Legal Services

One RFP has been received and final date of receiving same will be on April 2, 2015.

Fruitland Park City Commission Regular Minutes

Page 9 of 11

March 26, 2015

- **Police Chief Position**
Fifteen applications have been received and the closing date will be on March 28, 2015.
- **RFQ 2015-03, Library Expansion – Design Build**
Scheduled to be advertised on March 31, 2015.

iv. CIP/CRA List

Mr. La Venia advised that he is currently working on Capital Improvements Plan/Community Redevelopment Agency list addressed at the recent workshops.

Mr. La Venia reported that staff is in the process of obtaining two quotes, one for cutting liens and the other for street sweeping at a quarterly basis.

iv. Cross Connection Ordinance

After Mr. La Venia mentioned the request for the cross-connection ordinance; relayed the attorney's recognition that the current ordinance is out of date, and suggested that proposed Cross Connection Control Program Ordinance 2011-014 would be circulated to the city commission before placing same on the next agenda for consideration.

v. School Crossing Safety Zone

Mr. La Venia addressed the possibility of procuring school safety zone solar lights on the north and south end of Berckman Street and Dixie Avenue, under CIP/CRA recommendations, not discussed at previous workshops.

Mr. La Venia explained that the city would pay the county a maintenance fee of \$534.69 per light, not included in the purchase, and relayed his conversations with Interim Chief Todd who concurred and believed it would be helpful for the city.

(b) City Attorney

In following up on Mr. La Venia's statements, Mr. Gerken mentioned the clarifications required on the 10-year Water and Wastewater Treatment Plant Agreement to ensure that problems do not exist in the future; indicated that staff is working with respective individuals, Booth Ern Straughan and Hiott Inc., the city's engineers, and Mr. Rector in this regard which will be shared with the town which he anticipates will be considered at the April 9, 2015 regular meeting.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Audio and Microphone

In response to Commissioner Ranize's concerns on the need for a new audio and microphone system in the city commission chambers, Mr. La Venia identified CIP funds set aside and quotes received for recording software, digital audio sound and microphone system upgrade.

ii. Budget

Commissioner Ranize suggested that when the city's budget is being considered, a power-point and copies be made available to the public.

iii. Police and Fire Fees

Commissioner Ranize conveyed the gratitude of an employee and his daughter-in-law who were former residents of the city in thanking the city for sending the letter regarding police and fire fees.

(b) Commissioner Lewis

Commissioner Lewis stated that he has nothing to report at this time.

(c) Vice Mayor Cheshire

i. Fire Assessment Status Report

In response to questions posed by Vice Mayor Cheshire, Mr. La Venia identified the companies he contacted in Tallahassee and Orlando regarding the fire assessment fee and that prices and the process will be provided before budget period.

ii. Recreational Center and Other City Needs

Vice Mayor Cheshire voiced his concurrence with Commissioner Gunter's idea on the proposed building of a new library with the old being used as a recreational center. He cited his reasons on the need to resolve important issues to the before expending funds.

(d) Commissioner Gunter, Jr.

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

11. MAYOR'S COMMENTS

Dates to Remember

Mayor Bell reminded the city commission of the following dates:

- April 15, 2015, Citywide Volunteer Appreciation Breakfast, Commission Chambers at 9:00 a.m.
- May 2, 2015 – Employee Picnic, Gardenia Park Recreation Complex, at 11:00 a.m.

Fruitland Park City Commission Regular Minutes

Page 11 of 11

March 26, 2015

- May 6, 2015, Lake County Community Service Awards, Lake Receptions, 4425 N. Highway 19-A, Mount Dora, FL 32757
Mayor Bell requested to meet with Ms. Coulson for registration to the event.

- May 16, 2015, "Water Safety Day", Gardenia Park
With reference to Ms. Yoder's review of activities made in a previous meeting, Mayor Bell encouraged everyone to attend.

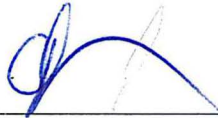
12. ADJOURNMENT

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 8:50 p.m.

The minutes were approved at the regular April 9, 2015 regular meeting.

Signed _____

Esther B. Coulson, City Clerk



Signed _____

Christopher Bell, Mayor

