

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

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 12, 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 Sirolli, Sergeant Erik Luce, Senior Officer Kenny Prater, Police Department; Fire Chief George Fernandez and Tim Yoder, Fire Department; Community Development Director Charlie Rector, Public Works Director Dale Bogle, Parks and Recreation Director Michelle Yoder, Finance Clerk Sue Parker, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 7:02 p.m.; Reverend Dennis R. Langford, Senior, Covenant Life Church of God gave the invocation, and Lieutenant Dennis Cutter led in the Pledge of Allegiance to the flag.

2. ROLL CALL

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

Upon the city manager's request and by unanimous consent, the city commission took the following item out of order on this evening's agenda.

SPECIAL RECOGNITION

Mr. La Venia manager introduced Lake County Sheriff's Office Captain Todd English as the new Interim Police Chief for the city; indicated that he will fulfill that role starting Monday March 16, 2015 until a police chief is retained, and referred to his comments with Lieutenant Cutter in this regard. He cited his background information, experience, and current duties and relayed his conversations with Lake County Sheriff Gary S. Borders who spoke highly of him.

Interim Police Chief Todd thanked the city commission for the opportunity. He addressed his goal to work together with the employees towards a positive direction with the expectation that each member appreciate their families, respect each other and maintain professionalism throughout the process.

The city commission welcomed Interim Chief English to this evening's meeting.

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3. PROCLAMATION – March 2015 *Irish Heritage Month*

On behalf of the city commission, the mayor proclaimed the month of March 2015 as *Irish-American Heritage Month* in recognition of the long history of Irish-American contributions to the State of Florida.

The proclamation will be submitted to Mr. “Pat” Patrick V. Kennedy, Ancient Order of Hibernians in America and Irish-American Heritage Committee Chairman, at a future date.

4. PRESENTATIONS

(a) February 14, 2015 5K Love Run Special Presentation

After Mayor Bell reviewed the revenues generated from the February 14, 2015 “5K Love Run”, Ms. Yoder noted the number of individuals who participated in the run, compared the amount donated in 2014 which totaled \$3,700, and on behalf of the city, gave a check presentation to Ms. Hannah R. McClain, Beyond the Walls Ministry Food Pantry, for \$7,379.84.

Ms. McClain expressed heartfelt gratitude to the city commission; indicated that the amount will benefit the families of Fruitland Park, and recognized Ms. Yoder’s efforts in organizing the event together with the city’s support.

(b) “Trick-or-Trot” Presentation

A presentation was made by Ms. Amanda Quinn, Fruitland Park Elementary School liaison, regarding the establishment of a partnership involving fundraising activities for October 31, 2015 5k Trick-or-Trot event.

Ms. Yoder referred to her meeting with Ms. Quinn who described her role and plan to initiate fundraising sponsorship efforts by the community to raise funds for the school’s technology department. She requested the city commission’s support as a partner for the event with the focus on “Being Fit”

On motion of Vice Mayor Cheshire, seconded by Commissioner Lewis, and unanimously carried, the city commission approved Ms. Amanda Quinn’s request supporting the partnership of fund raising activities for the October 31, 2015 5k Trick-or-Trot event.

5. LOCAL PLANNING AGENCY

Upon Mr. Gerken’s suggestion, the city commission determined that a Local Planning Agency meeting will not be necessary.

6. PUBLIC COMMENTS

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

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7. CONSENT AGENDA

Approval of Minutes

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

8. REGULAR AGENDA

(a) Boards/Committees Lake County Arts and Cultural Alliance

Mr. La Venia discussed the recommendation to the Lake County Board of County Commissioners on the selection of an individual to serve on the Lake County Arts and Cultural Alliance as a representative of the City of Fruitland Park for a one-year term commencing July 31, 2015.

After discussion, Mayor Bell encouraged individuals who are interested to contact Ms. Coulson.

(b) Parks and Recreation

i. Movie Night Report

Ms. Yoder reviewed the draft of the 2015 Spring and Summer Leisure Guide outlining recreational activities and special events; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Yoder described the movie night event for May 8, 2015 featuring “Big Hero Six” sponsored by Southern Cart Works LLC and Egner’s Exterior Cleaning Inc.

ii. Fruitland Park Day Status Update

Ms. Yoder gave a status update report describing the activities for the April 11, 2015 Fruitland Park Day.

iii. May 2015, National Water Safety Month “Water Safety Day”

Ms. Yoder outlined the planned activities relating to “Water Safety Day”.

iv. Spring Break Camp Report

Ms. Yoder gave a report outlining the 2015 Spring Break camp.

After much discussion and **by unanimous consent, the city commission approved the parks and recreation director’s request to advertise the 2015 Spring/Summer City of Fruitland Park parks and recreation events.**

(c) City Auditor Report

Later in the meeting, Mr. W. Chet Ross, Shumacker, Johnston & Ross, P.A., gave a brief overview on the status of the city’s funds. He gave a detailed report on the overall general fund balance, the utility fund, the redevelopment fund, and capital projects. He speculated the predictions on the city’s revenue streams for the next

two years; identified the projected taxes due to the imminent population increase, and indicated that a report will be provided to Ms. Gayle by the following week.

QUASI-JUDICIAL PUBLIC HEARING

(d) First Reading – 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 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 second reading will be held on March 26, 2015.)

Mr. Rector described the property and location of the subject rezoning; outlined the notices that were mailed to the affected property owners, and relayed the Planning and Zoning Board’s recommendation of approval at its March 11, 2015 meeting.

Mr. Rector addressed the applicant’s intent to continue with their camping activities as they have done over the years and described their plan to upscale same within six months with water and sewer connection when it becomes available. He indicated that the applicant ought to make arrangements with staff as the primary responder for police and fire protection services provided by Lake County and stated that a special exception permit would be required. Mr. Rector addressed the need for the applicant to pay the bills; noted their work with Ms. Yoder in coordinating city-related events, and mentioned the Land Development Regulation’s limit of 10 days maximum and once per quarter for any one event which was agreed to by the applicant.

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After much discussion, Mr. Rector described the requirements of the special events permit; recognized the imminent Bike Fest event, and addressed his plan to work with Mr. Gerken to obtain further information classified as a special event for consideration by the city commission.

After Mayor Bell called for interested parties to be heard, no one from the public came forward.

By unanimous consent, Mayor Bell closed the public hearing.

On motion of Vice Mayor Cheshire, seconded by Gunter and unanimously carried, the city commission approved proposed Ordinance 2015-001 as previously cited.

It was noted that more information on the permitting of special events would be available by the second hearing and the details outlining the citywide procedure for special events would be addressed before the commission at a future meeting.

Following discussion and after the applicant agreed in the affirmative to Commissioner Ranize' request to offset the fees for police and fire protection for the two forthcoming events, Mr. Rector addressed the plan to work with the interim police chief to coordinate the administrative costs and staff coverage in advance.

After further deliberations, and **by unanimous consent, the city commission agreed to review and consider, at next meeting, a proposed ordinance for special events and if approved, consider a temporary permit based on same.**

END OF QUASI-JUDICIAL PUBLIC HEARING

9. NEW BUSINESS

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

10. OFFICERS' REPORTS

(a) City Manager

i. Landscaping Improvements – Joint Participation Agreements - US Highway 27/CR 441 Medians, North and South of Berckman Street

Mr. La Venia addressed the beautification grants received for the landscaping medians on US Highway 27 and CR 441 27; pointed out the quote received from Booth Ern Straughan & Hiott Inc for engineering at \$1,250 and landscaping design at \$15,000, and mentioned staff's review of the cost for the total design including side lines and medians for approximately \$17,000.

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Mr. La Venia noted the amount of \$23,000 in grant funding from the State of Florida Department of Transportation for landscaping medians on US Highway 27 and CR 441 27 with the condition that they provide upkeep on same for the first two years after the completion.

Mr. Gerken addressed, in response to Mayor Bell's inquiry, the need for the Community Redevelopment Agency plan – identifying plans for landscaping and the use of redevelopment monies – to be updated and indicated that Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., is working on same.

After discussion, Vice Mayor Cheshire referred to discussions held at the March 11, 2015 Lake-Sumter Metropolitan Planning Organization Governing Board meeting on the availability of grant funds allocated for trees which has not been utilized.

Following further discussion, Mr. La Venia explained that staff will review the subject issue; communicate with Mr. Shumacker, and report back at the next meeting.

ii. Water and Wastewater Treatment Plant Agreement

Mr. La Venia explained that the water and wastewater treatment plant agreement is expected to be before the commission by the next meeting for consideration; addressed his intent to ask Mr. Gerken to review same, and conveyed the Town of Lady Lake's concurrence to the revisions.

Mr. La Venia referred to two legislative requests relating to the legislative grant. He pointed out the additional project – a continuation of the first project that was submitted – as a result of a telephone call he received from District 11 Representative D. Alan Hays who stated that he is looking for more -- and relayed the city's request for \$1.4 million.

Mr. La Venia described the plan regarding the connection of the wastewater mainline from the pumping station on CR 466A paid for with The Villages funds. He depicted the options, costs, and location relating to the construction of said facility and described how the main line would be operated.

iii. Volunteer Appreciation Events (In commemoration of National Volunteer Week April 12-18, 2015)

Mr. La Venia referred to forthcoming events recognizing volunteers which are usually held with lunch at the Fruitland Park Library around the Spring holiday. He described the plan for a citywide breakfast to be held in honor of the volunteers at city hall on Wednesday, April 15, 2015 before the library's luncheon event on April 17, 2015.

Mr. La Venia invited the city commission to present the volunteers with certificates of appreciation thanking them for their work with the city whereby the city commission had no objection to the request.

iv. Commission Workshops

Mr. La Venia requested the city commission's input on the following workshops starting at 6:00 p.m.:

- **Tuesday, March 17, 2015**

Public Safety relating to police and fire departments; the fire department's structure and future; police staffing and forthcoming needs, and realistic plans for the police and fire building;

- **Thursday, March 19, 2015**

Public works department; water and wastewater treatment plant agreement; water meters (replaced to a reliable system that generates revenue); public works building equipment, and a list outlining the street paving program (used during fiscal year 2013/14 with funding from the community redevelopment agency); architectural standards, stormwater management, street lighting, highway medians, and streetscape program (Berckman Street), and

- **Third Workshop (Not Scheduled)**

Administration (establishing a districting plan, runoff election process, and staffing); parks and recreation department (future festivals and short term plans for veterans' park), and the Fruitland Park library (additional future grant funding for the library expansion), and his five-year plan that he has worked on which includes community and recreational centers.

After much discussion, Mr. La Venia agreed with Commissioner Gunter's suggestion to review grant funding with the St. Johns' Water Management District for water meters.

The city commission discussed revisiting scheduling another workshop based on the result of the two forthcoming workshops.

iv. March 28, 2015 Development Disabilities Awareness Day

Mr. La Venia announced that the Development Disabilities Awareness Day event on March 28, 2015 at 9:00 a.m. will be held at the Clermont City Center and he welcomed city commissioners to advise staff if they are interested.

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v. **Forthcoming Bids Update**

Mr. La Venia gave a status report on the following which staff is waiting on:

- o **Shiloh Cemetery RFQ**
- o **Legal Services RFP**
- o **Fruitland Park Library Design Build RFP**

o **Police Chief Status Report**

Later in the meeting, Mr. La Venia referred to the press release regarding Interim Police Chief Dodd as well as the police chief search which has been advertised and posted on various websites.

Mr. La Venia addressed his intent to assemble a panel of professionals to be part of the search to include: a police chief from Lake County, the Lake County Sheriff, the Lake County State Attorney's Office or the State of Florida Department of Law Enforcement, and someone from the business sector.

vi. **Fruitland Park Cleanup Day**

Mr. La Venia announced that he will be advertising the event and indicated that dumpsters will be placed and managed at the public works facility as agreed by Waste Management Inc. He reported that after calling Lake County, no hazardous waste or tires will be collected on that day as it is out of their schedule. Mr. La Venia encouraged individuals to clean up and dispose items with the exception of tires and hazardous waste.

vii. **Highway Maintenance Agreement**

At Mr. La Venia's request, Mr. Bogle gave a report on the offer of \$15,200 a year for highway maintenance landscaping; described the work involved, and compared the services performed by the Town of Lady Lake.

In response to Vice Mayor Cheshire's inquiry, Mr. Bogle stated that he will find out whether a professional landscaping company could be outsourced to implement the work for a three-year period.

Following some discussion, Mayor Bell referred to Vice Mayor Cheshire's comments and suggested that staff review available bids to handle landscaping services.

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After Commissioner Gunter observed the business owners' suggestions on assisting paying for their portion of the landscaping outside their properties at the January 22, 2015 Business Advisory Group, Mr. La Venia stated that staff will review same and report back at the next meeting.

viii. 2015 Leadership Lake

Mr. La Venia referred to his recent visit to the not-for-profit hospitals in Lake County and relayed their interest in the renewal of the sales tax. He explained that in two months, Leadership Lake will be complete.

(b) City Attorney - Police and fire Fees

Mr. Gerken reported that the court has not issued an order since the January 27, 2015 judicial hearing and that the plaintiff and defendant had not agreed to the proposed order whereby the city would have 30 days -- after issuance of the order with the list which has not been issued -- to send the mail. Mr. Gerken described the procedures involved; recalled the events at and after the hearing, and expressed his desire as well as the city commission to have the matter completed. He relayed his previous conversations with Mr. Greg Stewart, Nabors, Giblin & Nickerson, P.A. attorney representing the city, on the consequences of proceeding to send out the best list to individuals by the end of the month without the court order and in good faith, provide same to the plaintiffs who would have the option to add names whereby there was no objection; thus, having until the end of June 2015 to file a claim.

After reference was made to the transcript of said hearing (a copy of which is filed with the supplemental papers to the minutes of this meeting), Mr. Gerken addressed the city's prerogative to pay the requested fees from the city's general funds which he does not recommend.

Commissioner Ranize suggested dismissing retaining Mr. Stewart on the subject matter due to a possible filing of a contempt charge; file a Florida bar complaint against his firm, and seek recouping the costs after their liability insurance company noting the costs involved to continue same.

After much discussion and **by unanimous consent, the city commission directed staff to make arrangements to proceed mailing out notices to the utility customers reflected on List A retained by the city to apply to request the police and fire fees refund.**

11. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Police and Fire Fees Lawsuit

Commissioner Ranize reiterated his reasons -- in citing an excerpt from the transcript -- to dismiss Nabors, Giblin & Nickerson, P.A.; request a

refund and if they are not willing and at a later date, file a Florida Bar complaint against them, and if that does not work, speak to the new city attorney to pursue malpractice. (A copy of the transcript is filed with the supplemental papers to the minutes of this meeting.)

ii. Police Chief Position

Commissioner Ranize expressed his appreciation to Sheriff Borders for permitting Interim Police Chief English Todd to serve the city; relayed his positive remarks about him, and stated that he believes the opportunity would provide a fresh prospective; thus, giving the individuals of Fruitland Park an opportunity to apply for said position.

(b) Commissioner Lewis

i. FLC

Mr. Lewis reported on the February 20, 2015 Florida League of Cities (FLC) 2015 Regional Summit Series: *What Every Municipal Official Needs to Know: Risk Management and Liability* and referred to the telephone communication he recently had with Mr. La Venia regarding the Equal Employment Opportunity Complaint filed against the city.

ii. Police and Fire Fees Lawsuit

Commissioner Lewis voiced his concurrence with Commissioner Ranize's comments on the city's payment for poor legal advice.

(c) Vice Mayor Cheshire

Vice Mayor Cheshire referred to several calls he received since the February 12, 2015 regular commission meeting, regarding backyard gun ranges in the city; voiced his belief that the right to bear arms ought to be used responsibly, and believes that with the passage of the law on gun ranges in backyards or residential neighborhoods and whether it is safe ought to be addressed.

After much discussion, Mr. Gerken pointed out municipalities with adopted resolutions outlining similar concerns with the request that the legislature address the residential backyard gun range. He addressed his intent to draft same and distribute examples.

Following further deliberations, Commissioner Ranize referred to four attorney general opinions posted on the subject issue since 2005. He addressed his plan to provide more information at the next meeting with the commission's approval to send a request for an opinion from Florida Attorney General Pam Bondi to be addressed at the next meeting regarding the discharge of a firearm as reckless in a residential neighborhood.

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Subject to additional discussion, Mr. Gerken stated that he will circulate the respective resolutions and based on the city commission's consensus, a draft will be prepared.

(d) Commissioner Gunter, Jr.

Commissioner Gunter referred to an invitation he received to attend with City of Leesburg Commissioner Bob Bone, the Greater Leesburg Democratic Club's meeting on March 16, 2015 regarding problems facing municipal government. Commissioner Gunter stated that he would be accompanied with Mr. La Venia.

By unanimous consent, the city commission accepted Commissioner Gunter's request as previously cited to attend as the City of Fruitland Park's representative.

12. MAYOR'S COMMENTS

After discussion, Mayor Bell referred to the following dates to remember:

- March 13, 2015, FLC/LCLC University Ethics Course for Elected Municipal Officers, Lake Receptions
Mayor Bell stated that he and Commissioner Gunter will be in attendance.

In response, Vice Mayor Cheshire indicated that he would be taking the ethics course online.

- March 17 and 19, 2015, City Commission Workshops at 6:00 p.m.
Mayor Bell suggested that the city commission bring their calendars at the March 19, 2015 workshop to determine whether another workshop would be required.
- March 21, 2015, Fruitland Park Cleanup Day.
Mayor Bell encouraged the public to attend where lunch will be provided by Waste Management Inc.
- March 26, 2015, Regular City Commission Meeting at 7:00 p.m.
- April 9, 2015, Regular City Commission Meeting at 7:00 p.m.
- April 11, 2015, Fruitland Park Day with the parade starting at 10:00 a.m.
- May 6, 2015, Lake County Community Service Awards, Lake Receptions
In response to Mayor Bell's inquiry, Ms. Coulson recalled that Pastor Sidney "Sid" Brock, Heritage Community Church, was nominated from the city and she indicated that she would find out whether the nomination form was submitted.

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4. 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 9:16 p.m.

The minutes were approved at the regular March 26, 2015 regular meeting.

Signed

Esther B. Coulson, City Clerk

Signed

Christopher Bell, Mayor