

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
December 11, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 11, 2014 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, Police Chief Terry Isaacs and Lieutenant Beckie Sirolli Police Department; Fire Department Chief Steve Whitaker; 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

Mayor Bell called the meeting to order at 7:02 p.m.; Chaplin Larry Miller, The American Legion, gave the invocation, and Chief Isaacs 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. PRESENTATIONSPECIAL RECOGNITIONS

On behalf of the city commission, Mayor Bell described Ms. Sharon Kelly's accomplishments and highlighted her involvement as city commissioner since 1994. He presented her with a plaque in appreciation and recognition of her many years of dedicated service and contributions as commissioner and vice mayor. He also presented Ms. Kelly, on behalf of Lake-Sumter Metropolitan Planning Organization (MPO), with its Certificate of Appreciation acknowledging her dedication and service from 2004 to 2014 where she was honored at its December 10, 2014 for her outstanding service and as the inaugural member on its governing board as the City of Fruitland Park's Lake at-Large Representative.

After the city commission expressed their appreciation and extended well wishes to Ms. Kelly, she accepted the plaque and certificate with gratitude.

By unanimous consent, the city commission recessed its meeting at 7:05 pm and reconvened at 7:20 pm.

4. PUBLIC COMMENTS

No members of the public appeared before the city commission at this time.

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5. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Cheshire, seconded by Commissioner Ranize and unanimously carried, the city commission approved the following minutes as submitted:

- (a) October 23, 2014**
- (b) November 5, 2014 Special Meeting**
- (c) November 20, 2014 Regular Meeting**

6. REGULAR AGENDA

(a) First Reading – ISBA Leesburg Ordinance 2014-027

Mr. Gerken read into the record the title of the proposed ordinance, the substance of which is as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO AN INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF LEESBURG, FLORIDA FOR THE PURPOSE OF APPROVING THE CITY OF LEESBURG'S PROPOSED ISBA BOUNDARY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 8, 2015.)

After discussion and a motion was made by Commissioner Gunter and seconded by Commissioner Lewis that the city commission approve proposed Ordinance 2014-027 as previously cited.

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

PUBLIC HEARING

By unanimous consent, Mayor Bell opened the public hearings at this evening's meeting.

(b) Second Reading and Public Hearing – Worthless Checks Ordinance 2014-025

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2014-025, Mr. Gerken read into the record the title, the substance of which is as follows, and the public was called to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 33.03 AND SECTION 50.30(J) OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES PERTAINING TO

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WORTHLESS CHECK CHARGES; PROVIDING FOR AN INCREASED WORTHLESS CHECK CHARGE; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 20, 2014.)

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

After discussion and a **motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission enact Ordinance 2014-025 as previously cited to become effective as provided by law.**

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

QUASI-JUDICIAL PUBLIC HEARING

(c) Second Reading and Public Hearing – Ordinance 2014-024 – Rezoning – North of Urick Street and West of Seminole Boulevard – Petitioner: Fruitland Park LLC

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2014-024, Mr. Gerken read into the record the title, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 42.26 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF URICK STREET AND WEST OF SEMINOLE BOULEVARD FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Final public hearing will be held on January 8, 2015.)

Mr. Gerken announced that the subject proposed ordinance is the first public hearing as it is a master development agreement; indicated that two public hearings are required whereby action would not be taken by the city commission at this evening's meeting, and explained that the second public hearing will be held on January 8, 2015.

Mr. Rector was sworn-in by Mr. Gerken and gave a background and status of the proposed project and described its location and size.

END OF QUASI-JUDICIAL PUBLIC HEARING

7. NEW BUSINESS

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

8. OFFICERS' REPORTS

(a) City Manager

i. Voluntary Compensation and Operational Assistance Mutual Aid Agreement

Mr. La Venia referred to the Voluntary Compensation and Operational Assistance Mutual Aid Agreement among Lake County Sheriff's Office and municipal police departments in Lake County for law enforcement services and resources to respond to criminal activity and intensive situations; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. Gerken depicted the location of the Walmart Stores Inc. (the majority of which straddles on the boundaries of the City of Leesburg and a portion within the City of Fruitland Park); recognized the sheriff's office having the authority over the jurisdiction and the coordination of law enforcement services, and indicated that certain municipal law enforcement agencies may be required to extend their levels of service beyond their cities' limits.

Mr. Gerken relayed the concerns of the City of Fruitland Park's officers providing more law enforcement services and responses than the other agency and Walmart's selection for the City of Fruitland Park's assistance where he believed is a matter for discussion with the City of Leesburg and the sheriff.

Commissioner Ranize mentioned the involvement of the City of Fruitland Park's law enforcement officers on incidents occurring at the store within the City of Leesburg's jurisdiction and noted the store's tax revenues generated to the City of Fruitland Park. He suggested formulating an agreement from the City of Fruitland Park involving Lake County State Attorney Fifth Judicial Circuit Brad King in this regard.

After much discussion, Mr. La Venia agreed with Mayor Bell's suggestion that he will meet with Mr. Gerken and Chief Isaacs to review the level of services in this regard before reporting back to the city commission.

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ii. Smart Fuels

Mr. La Venia referred to the 16" water main line that was believed to have been installed during the roadway construction of US 441/US 27.

Messrs. Rector and La Venia referred to Section 4, Fire Protection and the contribution provisions outlined in the Smart Fuels Florida LLC Developer Agreement to operate a biodiesel production facility on the property located on 2405 US Highway 441/ US 27; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. Rector relayed recent conversations with Commissioner Ranize and Mr. Tommy Smart, Smart Fuels Florida LLC, that he would not, has no plans to, and no fuels have been produced or processed at the facility. Mr. Rector confirmed that the company's water supply has been disconnected, that there are parked vehicles on the property, and that business operations are not taking place at the facility.

Mr. Rector noted that Mr. Smart still owes \$13,000 to the city for the water main line; conveyed his question as to whether the line was ever installed, and outlined the city's investment on the installation to be higher; however, more explanation was requested by Mr. Smart which Commissioner Ranize is following up on. Mr. Rector cited the language under Section 6, Decommissioning from the agreement which was brought to Mr. Smart's attention and relayed his intent to resolve the plans on the future use of the property.

Mr. La Venia addressed the plan for him and Mr. Rector to meet with Mr. Smart to address any additional concerns and report back to the city commission.

iii. CR 466A

Mr. La Venia referred to the December 2 and 3, 2014 letters he sent to the following individuals inviting them to attend the city's January 22, 2015 regular meeting to give a presentation on lighting, median strips and other forthcoming issues of importance on County Road 466A; copies of which are filed with the supplemental papers to the minutes of this meeting:

- District 25 Florida House of Representative Senator D. Alan Hays;
- District 33 Florida House of Representative H. Marlene O'Toole;
- Lake County Public Works Director Jim Stivender Jr., and
- Lake-Sumter MPO Executive Director T. J. Fish

Mayor Bell encouraged anyone with any concerns on the subject is to provide them to Mr. La Venia.

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iv. Public Comments

Mr. La Venia referred to his letter dated December 1, 2014 written in response to the concerns raised by Ms. Jean Delafchell, City of Fruitland Park resident, at the November 20, 2014 regular meeting regarding the run-off elections, street lights and sidewalks, recycling, tree trimming, and the creation of a dog park in the city. (A copy of Mr. La Venia's letter dated December 1, 2014 is filed with the supplemental papers to the minutes of this meeting.)

v. WWTP

Mr. La Venia addressed the plan to meet with Senator Hays on December 12, 2014 at 3:30 p.m. regarding legislative funding options (in grants or low interest bearing loans) available to proceed with the Water and Wastewater Treatment Plant (WWTP) project to receive and treat the city's wastewater in the Town of Lady Lake. He referred to the WWTP Capacity Reservation and Bulk Treatment Agreement approved at the town's December 1, 2014 meeting for the city's consideration which is currently being reviewed by Mr. Gerken.

Mr. La Venia addressed his plans to report back to the city commission at the January 8, 2015 regular meeting.

vi. MPO's Horizon Awards

Mr. La Venia announced that the MPO's 8th Annual Horizon Awards Dinner will be held on January 28, 2015 in the City of Clermont at 5:30 p.m.

vii. Annual "Hometown Christmas"

Mr. La Venia praised the city's department staff members who made the December 9, 2014 annual "Hometown Christmas" event a success.

viii. CDBG

Mr. La Venia explained that staff is close to finalizing the Community Development Block Grant (CDBG) application -- noting that the legislation recognizes it as discretionary -- and pointed out the city's Citizens' Advisory Task Force (CATF) who previously applied for grants under the CDBG program.

After discussion, Mr. La Venia addressed the need to reconvene the CATF; pointed out the membership categories and the process involved, and addressed his desire to become a member.

Following further discussion on the city commission's agreement to advertise for the CATF, Mr. Gerken explained that he will communicate with Mr. La Venia on more information in this regard.

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ix. Safety Award Program

With respect to previous discussions on the annual safety award program, Mr. La Venia noted the fiscal impact when half a day was awarded to be \$2,000, and announced that staff will proceed with the Safety Day Awards which will take place on January 8, 2015.

x. Leadership Lake County 2015

Mr. La Venia reported on his experience touring various studios and media facilities at the December 10, 2014 Leadership Lake County 2015 where the focus was on "Media Day".

(b) City Attorney

i. Police and Fire Service Fees Refunds Update

Mr. Gerken gave a status report on the police and fire service fees refunds processed by city staff and recognized their hard work in implementing same. He recalled his previous discussions on the hearing process; the finalization of same, and the plaintiff's class addressing whether sufficient notice was given which the city believed was carried out. Mr. Gerken pointed out the city's agreement to send out additional notices (which cannot be implemented without the court's consent) that was unsuccessful and mentioned the attempts made with the plaintiff's attorneys regarding the terms outlined in the stipulated order negotiated by Nabors, Giblin & Nickerson, P.A., the attorneys retained by the city.

Mr. Gerken explained that on behalf of the city, a motion to compel was filed with the court requesting guidance from the judge as to what the court would like the city to do. He advised that the court was informed on the city's willingness to comply with the notice but not agree to the conditions imposed on the city by the plaintiff's class who are requesting that all the monies – which was supposed to be for the fire department; the foundation and purpose of the whole agreement -- be given to a charity of their choice; payment of additional attorney's fees, and that the city admit wrongdoing and be held in contempt.

Mr. Gerken explained that the city would like to be fair and complete. He anticipated the court's decision that the notice is in order or time be granted for the additional notice process whereby any further refunds would be paid at that time and the issue finalized.

After discussion, Mr. Gerken explained that the notice has been filed, a stipulation hearing would be held, and a deadline established to finalize matters. He concurred with Commissioner Ranize' request for a court reporter at the hearing and confirmed that most individuals have received their refunds.

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ii. Davenport Property – Lime Street

Mr. Gerken announced that the closing on the Lime Street property owned by Mr. Daniel W. Davenport is anticipated for the end of December 2014.

9. COMMISSIONERS' COMMENTS

(a) Vice Mayor Cheshire

i. MPO - Forthcoming Workshops – City Events

Vice Mayor Cheshire expressed well wishes for the holidays. He referred to his attendance at the December 10, 2014 MPO Governing Board meeting as a replacement to former Commissioner Kelly, and conveyed the members' sadness on her leaving.

With respect to CR 466A, Vice Mayor Cheshire expressed his desire for funding to be sought in 2015 for Phase 3. He referred to the MPO's approval on the 2015 Legislative Position and Priorities for regional projects placing the widening of said roadway in the city as number one. Vice Mayor Cheshire requested that Mr. Fish be in attendance at the next meeting.

Vice Mayor Cheshire relayed his conversations with Mr. Rector and addressed the need for a workshop early in 2015 to review the subject roadway's architectural design. Additionally, Vice Mayor Cheshire suggested reviewing the use of the city's sewer plant and several other related matters; the fire department's facility (having previously spoken with Chief Whitaker); the Davenport Property for the public works department, and additional police services due to the development of The Villages.

In response to questions posed by Vice Mayor Cheshire on the fire department's involvement with fund raising events, Chief Whitaker, described the trends over the years and the decreasing levels of public participation. Vice Mayor Cheshire addressed his preference for periodical events such as food truck nights, food festivals, and carnivals to be considered.

ii. Code Enforcement

Vice Mayor Cheshire addressed the major problem on enforcing the city's codes.

iii. Historical Society

Vice Mayor Cheshire referred to the December 17, 2014 The Villages Daily Sun newspaper article regarding "Fruitland Park Launching Historical Society" and its plans announced at the December 4, 2014

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artist's reception for Virgil Bell showcasing his pen and ink drawings of historical Fruitland Park. Vice Mayor Cheshire voiced reasons for his support for the society.

iv. The Villages

As The Villages population expands into the city, Vice Mayor Cheshire cautioned the need to ensure that the city's funds are expended in the proper manner for the roadways and conveyed Mr. La Venia's suggestion that the use of dedicated "sinking funds" ought to be addressed at the workshop.

(b) Commissioner Gunter Jr.

i. Annual "Hometown Christmas"

Commissioner Gunter expressed appreciation to Ms. Yoder and Mr. Bogle for their performance at the December 9, 2014 annual "Hometown Christmas" event.

ii. Educational Concurrency Meeting

Commissioner Gunter referred to his attendance at the December 9, 2014 Annual Lake County Educational Concurrency Review Committee Meeting where he replaced former member Vice Mayor Goldberg.

Commissioner Gunter relayed the concerns expressed on the south county's facilities operating overcapacity; conveyed discussions held on the distribution of the one cent sales tax for 2016 whereby the school district would receive one-third and the intent to propose half a cent to appear on the November 2016 ballot, and referred to the suggestion made by a member representative from the Board of Lake County Commissioners to require advance collection of school impact fees on platted land.

(c) Commissioner Lewis

i. Annual "Hometown Christmas"

Commissioner Lewis conveyed the community's appreciation regarding the "Hometown Christmas" event.

ii. Christmas Program

Commissioner Lewis announced his involvement at his local church's Christmas program which will take place on December 14, 2014.

iii. Bless Fruitland Park

Commissioner Lewis announced that Pastor Sidney Brock, Heritage Community Church, has formulated a group with pastors and business leaders. Commissioner Lewis stated that they will be meeting on December 18, 2014 at 9:00 a.m. at Fruitland Park Elementary School

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mirroring a similar program at the City of Wildwood directing its efforts *Bless Fruitland Park* with a positive reinforcement utilizing the school as a focal point.

Mayor Bell noted that a check will be presented for \$4,000 at the school; indicated that planned activities; namely, the collection of winter coats for students who do not have access to clothing and Christmas food baskets for families. He relayed Pastor Brock's preference for the city to endorse the "Bless Fruitland Park" concept and support the program's efforts by recognizing their services in the form of a resolution.

After discussion and upon the suggestion by Mayor Bell, **the city commission, by unanimous consent, supported "Bless Fruitland Park" concept.**

(d) Commissioner Ranize

i. Annual "Hometown Christmas"

Noting the number of events that have taken place over the years, Commissioner Ranize expressed appreciation to staff and recognized their hard work in making "Hometown Christmas" a success.

ii. Trucks

Commissioner Ranize relayed the concerns of City of Fruitland Park Resident Myra Martin regarding trucks entering and exiting the nursery and questioned whether extra police department personnel could patrol the area.

iii. Public Comments

Commissioner Ranize conveyed concerns from some residents and relayed their preferences regarding the placement of public comments on the city commission agenda. He questioned whether the matter of moving public comments to the end of the agenda could be considered.

iv. Stormwater

Commissioner Ranize referred to his conversations this day with City of Fruitland Park residents; namely, Mr. Thomas "Tom" Renee Kist, who previously appeared before the city commission expressing his concerns regarding the underground storm drainage system and similar problems shared by Mr. Dwight Dodd and other residents who were at the casino community center.

Commissioner Ranize addressed the need to hold a workshop to resolve stormwater issues; the diversion of water especially as it relates to flooding after heavy rainfall, and a plan on the costs and the funding of same.

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After discussion and in response to Commissioner Ranize' comparison of the city's monthly rates for stormwater on commercial properties with another municipality, Mr. Gerken recognized the city's low numbers which has not been adjusted which can be reviewed.

Commissioner Ranize extended well wishes for the holidays.

10. MAYOR'S COMMENTS

(a) Joseph Dragolovich Memorial

Mayor Bell recalled former Fruitland Park Emergency Management Services Captain and District Chief Joseph Dragojevich Sr., who died on October 18, 2013 in a diving accident and referred to the Lake EMS's recognition of a drive and the commemorative plaque at the U.S.S. Spiegel Grove honoring his life.

(b) Annual "Hometown Christmas"

Mayor Bell announced the following "Light up Fruitland Park" contest winners at the December 9, 2014 Annual Hometown Christmas event:

- John Schmidt, 703 West Miller Street,
- Dennis and Ann Fessenden, 407 South Dixie Avenue,
- Jimmy and Ann Reynolds, 1111 South Valley Road, and
- Brandon, Kayla and Alana Camps and the Christina Simmons family who were honorable mentions

Ms. Yoder announced that 70 people provided their names and paperwork to participate in the contest.

(c) Historical Society

Mayor Bell referred to the historical society and suggested that Ms. Jo-Ann Glendinning, Fruitland Park Library Director appear before the city commission at a future meeting with more information.

(d) Lake-Sumter MPO

Mayor Bell announced that the Lake-Sumter MPO will be holding its Eighth Annual Horizon Awards Dinner event on January 28, 2015. He requested that those interested in attending are to notify Ms. Coulson.

(e) FLC 2015 Regional Summit Series

Mayor Bell referred to the February 20, 2015 Florida League of Cities Workshop Regional Summit Series: "What Every Municipal Official Needs to Know: Risk Management and Liability".

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(f) 2015 Workshop

Mayor Bell addressed the plan to convene an initial February 2015 workshop regarding issues that were raised at this evening's meeting and suggested that any specific issues ought to be presented to Mr. La Venia.

(g) Invitation to the Governor's Official Swearing-in Ceremony

Mayor Bell referred to the recent invitation from The Governor and First Lady of the State of Florida to attend the Official Swearing-in Ceremony of Governor Rick Scott and Lieutenant Governor Carlos Lopez-Cantera at The Old State Capitol in Tallahassee on Tuesday, January 6, 2015.

After discussion, and **by unanimous consent, the city commission agreed with the request for the mayor to attend the ceremony as previously cited.**

(h) Wildlife

Mayor Bell mentioned the recent warning from the police department regarding recent bear sightings within the city.

After discussion, staff agreed to provide informational announcements of such sightings in the neighborhood in the residents' water bills.

(i) Pine Ridge Dairy Project

After discussion, Mr. La Venia concurred with the city commission's request that staff notify the residents of the Pine Ridge Dairy roadway project which will commence in the near future.

(j) Dates to Remember

Mayor Bell referred to the following events:

- Wreaths Across America - December 13, 2014 at noon at Shiloh Cemetery and indicated that he will read the proclamation again at the event.
- Holiday Closing – city hall will be closed on the dates: Christmas Eve, December 24; Christmas Day, December 25 and the day after Christmas, December 26, 2014 and New Year's Day, January 1, 2015. He acknowledged that this evening is the last meeting of the month.
- Circus Camp Geneva - January 24 and 25, 2015.
- 5K Love Run – Saturday, February 14, 2015.

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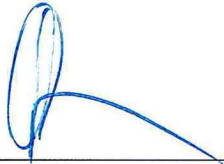
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- February 17 and 18, 2015 Lake Legislative Days where he and Mr. La Venia will be in attendance. Mayor Bell noted that he will be serving on Lake County League of Cities' Transportation Committee and will be meeting with Mr. Stivender.
- March 21, 2015, Fruitland Park Cleanup Day, and
- April 11, 2015, Fruitland Park Day.

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 9:16 p.m.

The minutes were approved at the January 22, 2015 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor