

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
October 23, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 23, 2014 at 7:00 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, John L. Gunter, Jr., and Sharon Kelly.

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, City Treasurer Tannette Gayle, Police Chief Terry Isaacs, Police Department Lieutenant Beckie Sirolli, Community Development Director Charlie Rector, Fire Chief Steve Whitaker, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 7:00 p.m. and gave the invocation.

Police Chief Terry 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. PROCLAMATION - *Red Ribbon Week* – October 23-31, 2014

On behalf of the city commission, Mayor Bell recognized October 23 to 31, 2014 as “National Red Ribbon Week” with the theme: “*A Healthy Me is Drug Free*” and encouraged everyone to support Lake County Safe Schools Department staff in creating safe school environments for students in Lake County.

The proclamation was accepted by Chief Isaacs with appreciation who described the police department’s participation in honoring *Red Ribbon Week* at the Fruitland Park Elementary School.

4. PUBLIC COMMENTS

Mr. Jay Warn, City of Fruitland Park resident, referred to the holding of events voiced his concerns on parking safety and hazardous problems when exiting from the soccer/football field at Shiloh Street and suggested spending money to make improvements. He explained that when travelling through school zones during heavy traffic at the Dixie Avenue/Berckman Street intersection, he voiced his concerns on the larger vehicles that block the cones on the roadway which causes limited visibility and requested that traffic lights be installed in said location.

The city commission agreed to make another request to Lake County for a traffic signal as Dixie Avenue is a county arterial.

5. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Goldberg, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the consent agenda relating to the following minutes as submitted.

- (a) **September 18, 2014 Special Meeting**
- (b) **September 18, 2014 Workshop Meeting**
- (c) **September 25, 2014 Regular Meeting**
- (d) **October 9, 2014 Regular Meeting**

6. REGULAR AGENDA

(a) Final July 31, 2014 Year-to-Date Budget Report

Ms. Gayle referred to the revenues and expenses for the period ending September 30, 2014; reviewed her memorandum dated October 17, 2014 with the supporting documents, and gave a status of what was billed and what is expected in reimbursables. In order to be transparent, she explained that she is working on providing more reports to be placed on the website.

Ms. Gayle announced that the city is the recipient of an award for the Certificate of Achievement to which Mayor Bell referred to a letter dated October 15, 2014 from Mr. Stephen J. Gauthier, Government Finance Officers Association, notifying the city that its comprehensive annual financial report for FY ended September 30, 2013 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

(b) MCCi Laserfiche Software and Services

On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved an agreement between MCCi, a subsidiary of Municipal Code Corporation, and the City of Fruitland Park, Florida for Laserfiche software and services for a period of three years with annual automatic renewals. (The total cost of \$34,000 from Capital Improvement Program (CIP) funds are divided into FY 2014/15 and FY 2015/16 as previously discussed.)

(c) Police Vehicles Purchases

The city commission considered its action to authorize the purchase of two new police vehicles Ford Interceptors SUVs totaling \$89,199.10 from the CIP fund.

Chief Isaacs reviewed the vehicle proposal for 2014-2015 and described the vehicles in question and the process in which to purchase them.

After much discussion and **on motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg, the city commission approved the purchase as previously cited with Brannen Ford, Georgia with funds from the Capital Improvement Program.**

(d) Breathing Air Storage System – Channel Innovations Corporation

The city commission considered its action to approve a quote from Channel Innovations Corporation quotation for Model #HC-60-4-WM, 6000 PSI DOT Bottle, 2036 CF Breathing Air Storage System at a cost of \$5,350 for the fire department. (Quote's total cost of \$114,811.25)

Chief Whitaker stated that payment options have not yet been addressed with Ms. Gayle; noted that it would be \$3,778 a year over a three-year period with interest from the CIP.

After lengthy discussions, the city commission directed Mr. Whitaker to report back with more information on the costs involved with lower interest rates, extension period, and penalties.

(e) Front Mower - John Deere

The city commission considered its action to approve one John Deere 950 Gas Midz mower from Fields Equipment Company at \$5,775 for the public works department.

After discussion, and **on motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved the John Deere 950 Gas Midz mower as previously cited with the two trade-ins, John Deere F725 front Mowers for a total of \$2,000.**

(f) First Reading –Medical Marijuana Ordinance 2014-023

Mr. Gerken read into the record the title of proposed Medical Marijuana Ordinance 2014-023, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 280 DAYS ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF ANY LOCAL BUSINESS TAX RECEIPTS OR LAND USE MODIFICATIONS OR OTHER APPROVALS HAVING THE EFFECT OF PERMITTING OR ALLOWING MARIJUANA DISPENSING ORGANIZATIONS, MEDICAL MARIJUANA TREATMENT CENTERS, MEDICAL MARIJUANA FACILITIES, MEDICAL MARIJUANA PERSONAL CAREGIVERS OR FOR ACTIVITIES RELATED TO MEDICAL MARIJUANA, AS FURTHER DEFINED HEREIN; THE

TEMPORARY MORATORIUM SHALL APPLY TO ALL REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (Based on the passage of the November 4, 2014 constitution amendment, the second reading will be held on November 20, 2014.)

After discussion, a motion was made by Vice Mayor Goldberg and seconded by Commissioner Kelly that the city commission approve Medical Marijuana Ordinance 2014-023 as previously cited.

Mayor Bell called for a roll call vote on the motion which was declared unanimously carried.

8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

i. Proposed Charter Amendments

Mr. La Venia referred to recent notification sent to city residents regarding the November 4, 2014 General Election ballot questions on the proposed changes to the city charter whereby the League of Women Voters will be hosting a Fruitland Park Town Hall Meeting on October 30, 2014 at 7:00 p.m. at the Casino Community Center. He welcomed everyone's attendance at said meeting to hear the explanation or ask questions regarding the subject issue. (A copy of the notification is filed with the supplemental papers to the minutes of this meeting.)

ii. Landscaping Improvements – US Highway 27/CR 441 Medians, North and South of Berckman Street

Mr. La Venia referred to his recent meeting with Mr. Duane K. Booth, Ern, Straughan & Hoitt Inc. (BESH) regarding plans for the landscaping improvements on US Highway 27/CR 441 Medians, north and south of Berckman Street. Mr. La Venia pointed out the landscape architecture services proposal utilizing the application of the Florida Department of Transportation's (FDOT's) Landscape Initiative Grant on the highway reconfiguration, and noted that the cost to submit the preliminary plans to be approximately \$2,750.

Mr. La Venia relayed Mr. Bogle's conversation on October 22, 2014 with an FDOT representative, regarding the grant, FDOT's initial offer of

\$200,000 and guaranteed maintenance on the subject project for two years reported at the first meeting and their impression given that there would be a grant cover. Mr. La Venia pointed out FDOT's current proposal to limit the grant to trees, the increased amount of \$250,000, and the city's requirement to secure ground cover on the medians; thus, maintaining same from the beginning. He requested the city commission's position at this evening's meeting.

Mr. La Venia recognized the available enhancement grant funds to secure a grant cover (native and drought resistance) which can be applied for FY 2015/16. He noted the restrictions and legal limitations as well as the city's requirement during the design process to plant trees in the median ensuring that the tree placement would not block the two-sided bill board which needs to be visible for \$250,000. Mr. La Venia explained that the city has until October 31, 2014 to submit the design application (preliminary design includes ancillary costs; the secondary cost of the design is not known until the grant is rewarded, the actual cost to implement the design would be at least double or triple with work expected to be complete around June 2015).

Messrs. La Venia and Bogle described the types of maintenance involved for the grant covering and tree plantings for each median island within FDOT's right-of-way future construction plan as well as the costs involved.

After discussion, the city commission reviewed and expressed preference for the yellow tree at the retention pond "Daniels Pond tree".

Following extensive discussions, **a motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission authorize staff to proceed with the preliminary design and apply for the Fiscal Year 2015/16 design application grant to secure a grant cover as previously cited.**

Mayor Bell called for a roll call motion with the city commission members voting as follows:

Vice Mayor Goldberg	Yes
Commissioner Cheshire	Yes
Commissioner Gunter	No
Commissioner Kelly	Yes
Mayor Bell	Yes

Mayor Bell declared the motion carried on a four to one (4-1) vote.

iii. Leadership Lake County

Mr. La Venia explained that he will be attending the October 29, 2014 Leadership Lake County “Criminal Justice Day” program where participants will be meeting with the Lake County Sheriff’s Department, the Office of the State Attorney and the Public Defender’s Office which will involve visits to the jail.

iv. Christmas Lighting Contest

Mr. La Venia referred to the entry form for the “Light up Fruitland Park” Christmas Lighting Contest with sign up starting on November 1, 2014 with the residents serving as judges. He explained that more information will be posted on the park and recreation’s Facebook page.

v. Hometown Christmas Event

Mr. La Venia described the parks and recreation director’s proposed program as a result of a recreation meeting she attended on the city’s forthcoming Hometown Christmas event “Santa’s Switchboard” similar to the City of Mount Dora’s; recognized that Mr. Rector and him have been enlisted as volunteers, and reported that additional volunteers are being sought as Santa to make a pre-arranged expected calls to a child who have been listed in the program. Mr. La Venia noted that there is no cost to the city.

By unanimous consent, the city commission accepted the City of Fruitland Park’s “Santa’s Switchboard” program as previously cited.

vi. Claypit Property

After Mr. La Venia addressed the city commission’s awareness on the Claypit property (Dream Lake subdivision), Mr. Rector referred to his discussions with the city commission on said property located on South Dixie Avenue which has assessed uncollectible fines of up to \$125 a day filed in 1997 for code violations totaling to more than \$800,000. He explained that the city has no interest in the property.

Mr. Rector reported that Mrs. Glen Cochran (property owner) passed away recently and her children acquired the property and wants it divided. He referred to the recent visit of Ms. Brenda Aynes, (the late property owner’s daughter) to his office on the process; relayed the issue on the need to clear up the code lien which amounted at that time to \$750,000, and pointed out her proposal to clear up the code violation and finish cleaning the pit.

Mr. Rector noted the remarkable job the family has performed in clearing the pit and recommended their request to settle the code violation for \$7,000

and vacate the road, a separate process which requires an application and payment of fees.

Mr. Rector identified the number of items stored on the property as the reason for the code lien and conveyed the families wishes that they do not intend to fill in the pit. He referred to Ms. Aynes' letter dated October 16, 2014 on the subject issue and relayed the family's commitment that within six months, the property would be cleared; brought into compliance, and upon passing inspection, the offer of \$7,000 as full payment to satisfy the lien, would be released within said period. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Mr. Rector explained that if the property is not cleared and fails inspection within that time period, the city commission would retain the \$7,000 as partial payment towards the outstanding balance, the lien would continue to accrue, and the matter would be considered before the special magistrate.

After discussion, **a motion was made by Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the Claypit property owner's request and staff's recommendation as previously cited.**

vii. Community Services Department Software Program

Mr. Rector explained that the community services department is anticipating the delivery of LW426 computer equipment, server and software valued at approximately \$7,000 and stated that he provided to The Villages the required information on same.

(b) City Attorney

i. Hughes Property Residential Contract – 600 Laurel Street

With reference to the residential contract and compliance agreement with the seller Mr. Eric A. Hughes, Mr. Gerken reported that closing is scheduled for the property located at 600 Laurel Street by the end of October 2014.

ii. Davenport Property Contract – Lime Street

Mr. Gerken referred to the contract with Mr. Daniel W. Davenport, seller, regarding four vacant lots next to the public works facility on Lime Street; indicated that the issue going back to the 1940's which has since been resolved due to Ordinance 80 identified by Mr. Rector. Mr. Gerken anticipated that the contract would be considered at the next meeting.

iii. Police and Fire Service Fees

Mr. Gerken referred the last meeting's reference on the Police and Fire Service Fees Refunds Class-Action settlement; indicated that Mr. Greg

Stuart, Nabors, Giblin & Nickerson, Attorney, and the plaintiff's counsel are working on an agreed order to provide additional notice, adjust the refund period, and finalize same, and conveyed the city's desire to be fair and complete.

10. COMMISSIONERS' COMMENTS

(a) Vice Mayor Goldberg

Vice Mayor Goldberg stated that he has nothing to report at this time.

(b) Commissioner Cheshire

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

(c) Commissioner Gunter, Jr.

Commissioner Gunter gave a report on the recent visit he made to the city's engineers, BESH and stated that he was impressed with their facility.

(d) Commissioner Kelly

Commissioner Kelly referred to the Lake-Sumter Metropolitan Planning Organization Governing Board meeting she attended on October 22, 2014 with Mr. La Venia and conveyed Lake County Commissioner Tim Sullivan's remarks that the county commission has placed C466A Roadway on its 2015 Legislative Positions Priority List.

Responding in the affirmative, Mayor Bell confirmed the said roadway as a possible issue at the 2015 Lake County Days for additional funding.

11. MAYOR'S COMMENTS

(a) FDLE Investigation

Mayor Bell referred to the State of Florida Department of Law Enforcement Special Agent Bill R. Lee Jr.'s email dated October 22, 2014 regarding the Status of Investigations which indicated that the allegations against Chief Isaacs were dismissed and the case is being closed; however, the investigations against Mayor Bell and Mr. Rector is wrapping up. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

(b) Certificate of Achievement – Budget Reporting

Mayor Bell pointed out Ms. Gayle's report earlier in this evening's agenda; addressed his intent to place on the next agenda the plan to officially recognize her for the Certificate of Achievement award, and extended his congratulations.

(c) City of Fruitland Park's Candidates

Mayor Bell referred to the Florida Governor's current negative advertising; referred to a recent campaign ad in the City of Fruitland Park, and encouraged the candidates for city commission to run a positive campaign.

(d) Dates to Remember

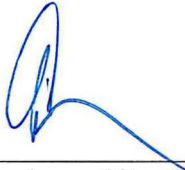
Mayor Bell pointed out the following dates:

- October 30, 2014 amendments hosted by the League of Women Voters at 7:00 p.m. at the Casino Building;
- October 31, 2014 Trick and Treat Festivals with an anticipated gathering of more than 3,000 people at 6:00 p.m.;
- November 4, 2014, General Election, he encouraging everyone to vote;;
- November 5, 2014, Special Meeting (Canvassing Board Meeting and Swearing Into Office and Installation of Elected Officials) at 6:00 p.m.;
- November 11, 2014, Veterans, Day and city offices will be closed;
- November 13, 2014 Regular Meeting will be cancelled; however, city commissioners will be representing the city at the League of Cities 2015 Annual Legislative Conference in Orlando;
- November 20, 2014 Special Meeting at 7:00 p.m. and the Planning and Zoning Board meeting will take place at 6:00 p.m.;
- November 27, 2014 Regular Meeting will be cancelled and city offices will be closed on that day for Thanksgiving as well as November 28, 2014;
- December 4, 2014, Artist Reception hosted by the Fruitland Park Library at 6:00 p.m., and
- December 9, 2014 Hometown Christmas with Santa.

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 8:24 p.m.

The minutes were approved at the December 11, 2014 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor