

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
October 9, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 9, 2014 at 7:00 p.m.

**Members Present:** Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, John L. Gunter, Jr., and Commissioner 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, 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 7:04 p.m. and Pastor John Stricklen, Countryside Baptist Church, gave the invocation.

After Mr. Rector's recognition of Countryside Baptist Church's application to process the annexation of their church location as an addition into the City of Fruitland Park, the city commission congratulated Pastor Stricklen.

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. SPECIAL RECOGNITIONS – RETIREMENTS**

On behalf of the city commission, Mayor Bell recognized the following individuals who were honored at a Retirement Ceremony on Monday, October 6, 2014 held at Heritage Church:

**(a) Former Fire Chief Thomas Lee Gamble**

Chief Whitaker, on behalf of the fire department, highlighted former Fire Chief Gamble's many years of accomplishments; expressed heartfelt gratitude for his dedicated services, and acknowledged the support received from various representatives, organizations and the community who were in attendance at the ceremony.

After the city commission extended best wishes to former Fire Chief Gamble, he voiced his appreciation for such honor and acknowledged the fire department's services.

**(b) Mrs. Joyce Bell – Former School Crossing Guard**

**(c) Ms. Gisela Fernandez – Former School Crossing Guard**

On behalf of the city, Chief Isaacs recognized the previous performances of Mrs. Joyce Bell and Ms. Gisela Fernandez and expressed appreciation for their many years of service.

The city commission also conveyed their appreciation to Mrs. Bell and Ms. Fernandez on their retirements and wished them well.

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**(d) Fruitland Park Elementary School**

Earlier in the meeting, Mayor Bell recognized Fruitland Park Elementary School as the recipient of the Five-Star 2012-13 Community Involvement Award by the Florida Department of Education.

Mayor Bell read the bios regarding the accomplishments of Principal Dr. Melissa De Jarlais, Mses. Ellen Miller and Jeanne Villegas; recognized Vice Mayor Goldberg's membership on the Lake Educational Concurrency Review Committee, and acknowledged the police department's services provided to the school.

The city commission welcomed the school's faculty staff to this evening's meeting.

**By unanimous consent, Mayor Bell took the following items out of order on this evening's agenda.**

### **5. PROCLAMATIONS**

**(a) Florida City Government Week – October 19-25, 2014**

Earlier in the meeting, Mayor Bell acknowledged *Florida City Government Week*, part of an ongoing effort, is sponsored by the Florida League of Cities to raise public awareness about the services that cities perform and to educate the public on how city government works by encouraging cities to involve their local schools, businesses, media and civic clubs in planning *Florida City Government Week* activities.

On behalf of the city commission, Mayor Bell read into the record a proclamation designating October 19 to 25, 2014 as *City Government Week* in the City of Fruitland Park. He encouraged all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly and support educational partnerships between city government and schools.

Dr. De Jarlais, Mses. Miller and Villegas accepted the proclamation with much appreciation.

### **4. PRESENTATION – Communities For a Lifetime**

Later in the meeting, Ms. Janine Rogers, Volunteer and Community Services Director, Florida Department of Elder Affairs, gave a presentation on partnering with the City of Fruitland Park to implement innovative programs, services, and activities; encourage social involvement and contributions for seniors and young residents to aid in community decision-making, and help create better places in which for all to live.

Ms. Rogers outlined the volunteer opportunities available by bringing the community together; recognized communities across the state in bringing people together, and highlighted the process involved.

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On motion of Vice Mayor Goldberg, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the Florida Department of Elder Affairs' request granting permission to join other communities around the State of Florida supporting the department's *Communities for a Lifetime* initiative.

### **3. SPECIAL RECOGNITIONS – RETIREMENTS**

#### **(b) Communities for a Lifetime**

Ms. Rogers requested the City of Fruitland Park's support of the Florida Department of Elder Affairs' *Communities for a Lifetime* initiative to make Florida a friendlier place to live for people of all ages, that they may be as independent as long as possible, and remain in their homes and in the communities they love.

After discussion, Ms. Rogers requested that the city commission adopt a resolution or proclaim establishing a community for a lifetime committee and for her acting as a liaison between her at the city's discretion to meet and plan various activities and programs to benefit the population, the city would conduct an assessment of residents on their program's needs, the department will review and determine what the communities priorities are by providing resources based on the community's needs.

After Mayor Bell recognized the future Villages moving in to the city and the city's interest in any volunteerism along with that where they could help the community, Ms. Rogers described the creation of a statewide safe home program, holding workshop meetings, and promoting same by her working with the city in the process of providing services that the local communities are interested in.

On behalf of the city commission, Mayor Bell read into the record a proclamation resolving that the City of Fruitland Park community will make every effort to first evaluate and later remove barriers to create a *Community for a Lifetime*.

Ms. Rogers accepted the proclamation with appreciation and stated that, on behalf of the state, she looks forward to working with the community.

### **6. PUBLIC COMMENTS**

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

### **7. CONSENT AGENDA**

#### **Approval of Minutes**

The September 18, 2014 Special Commission Meeting minutes was postponed to the next meeting at the city clerk's request.

### **8. REGULAR AGENDA**

#### **(a) Board of Trustees Firefighters Pension Trust Fund**

##### **i. Residents: Commission-Appointments**

The city commission considered the recommendation of the Board of Trustees Firefighters Pension Trust Fund to reappoint Messrs. Jerry Elton and Charles F. "Chuck" Themm, representing the residents: commission-

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appointed category, for another two-year term as their current terms will expire on December 31, 2014.

After discussion, and **on motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the Board of Trustees Firefighters Pension Trust Fund's recommendation as previously cited.**

**ii. Pension-Board Appointment**

The city commission considered its action to rescind its approval at its July 18, 2013 regular meeting appointing Ms. Diane Gibson-Smith representing the residents: commission-appointed category and accept the Board of Trustees Firefighters Pension Trust Fund approval of her appointment representing the pension-board category.

After discussion, and **on motion of Vice Mayor Goldberg, seconded by Commissioner Kelly and unanimously carried, the city commission accepted the aforementioned appointment as recommended by the Board of Trustees Firefighters Pension Trust Fund.**

**(b) NPDES Program Coordination – Maryann Krisovitch - Agreement**

**On motion of Commissioner Kelly, seconded by Commissioner Gunter and unanimously carried, the city commission approved an agreement and statement of work with Maryann Krisovitch (contractor) for the National Pollutant Discharge Elimination System Stormwater program.**

**(c) Discussion – Proposed Medical Marijuana Ordinance**

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.

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Mr. Gerken referred to his previous discussions before the city commission regarding the subject proposed ordinance; addressed the need to advertise same before consideration, and explained that the issue will be appearing on the November 4, 2014 ballot as a referendum to amend the state constitution.

Mr. Gerken gave a report on positions taken by other local governments on the subject issue; mentioned his conversation with the Florida League of Cities, and he conveyed the recommendation, similar to the Internet Café's proposal, for a short-term moratorium until the state regulates same. He explained the procedures involved for the proposed ordinance to be considered by the city commission, assuming it passes at the election, whereby the constitutional amendment would not be effective until the first week in January 2015.

**PUBLIC HEARING**

**(d) Second Reading and Public Hearing – Ordinance 2014-016 Natural Gas Franchise Agreement**

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, APPROVING AND ADOPTING A NATURAL GAS FRANCHISE AGREEMENT BETWEEN THE CITY OF LEESBURG, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA; SPECIFICALLY PROVIDING FOR THE FURNISHING OF NATURAL GAS ENERGY WITHIN THE CITY LIMITS OF FRUITLAND PARK BY THE CITY OF LEESBURG, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (First reading was held on August 28, 2014.)

Mr. Gerken relayed conversations he had with the City of Leesburg's City Attorney this day regarding his suggestive changes on the subject issue.

After much discussion and upon Mr. Gerken's suggestion, the city commission agreed to postpone the item to the November 20, 2014 meeting and extended an invitation for Mr. Jack Rogers, City of Leesburg Gas Department Director and other representatives to appear before the city commission to address their case and provide the revised agreement at that time.

**On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission postponed its consideration of Ordinance 2014-016 as previously cited to the November 20, 2014 meeting at the city attorney's request.**

**END OF PUBLIC HEARING**

**9. NEW BUSINESS**

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

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### **10. OFFICERS' REPORTS**

#### **(a) City Manager**

##### **i. Proposed Charter Amendments**

Mr. La Venia read into the record the proposed charter amendments public advertisement that he recently prepared for the November 4, 2014 election, which has since been received by Mr. Gerken. (A copy of the advertisement is filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia addressed the intent to post the political advertisement on the city's website, the city's Facebook page, and utility bill mailing for the residents in one week's time.

In response to Mayor Bell's inquiry, Mr. Gerken explained that individual elected officials can speak and advocate on issues relating to proposed charter amendments. He referred to Electors and Elections, Expenditures by Local Governments under 106.113 Florida Statutes and explained that they are not permitted to expend funds to distribute mailers on such matters; however, factual information that will appear on the ballot may be distributed.

After discussion and **by unanimous consent, the city commission accepted Mr. La Venia's recommendation to proceed with the advertisement regarding the proposed charter amendments; allow same to be addressed at a political public forum moderated by the League of Women's Voters, Inc., and permit Mr. Gerken to be in attendance, if desired.**

##### **ii. US Highway 27/441 Landscaping**

Mr. La Venia referred to the recent meeting held among Mr. Bogle, a representative from Booth, Ern, Straughan, Hoitt (the city's engineers/surveyors and land planners), and himself regarding a pending grant anticipated to be available during 2015 and 2016 for \$250,000 for the median strip landscaping improvements on US Highway 27/441.

Recognizing that the State of Florida Department of Transportation determines the requirements, Mr. La Venia identified the drought-resistant landscaping that staff may be considering. Mr. La Venia explained that more information on the costs involved will be provided to the city commission at a future meeting and mentioned that the maintenance contract for US Highway 27/441 is currently being considered.

##### **iii. Mower Equipment**

Mr. La Venia referred to the estimated costs to replace the commercial grade mowing equipment received from the following companies (copies of the respective documents are filed with the supplemental papers to the minutes of this meeting):

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John Deere	\$10,816
Everglades Farming Equipment	\$7,056
Mid-Florida Tractor & Equipment	\$11,993
Wildwood Power and Saw	\$11,507

After discussion and confirming that they are all State of Florida contracts, Mr. La Venia stated that he will provide more information at the next meeting.

**iv. MUNIS® Software Program**

Mr. La Venia referred to the renewal of the 2007 Munis Software Program agreement; described the software program, and noted the terms as a three-year renewal for \$28,000 per year (an approved budgetary item as an ongoing cost). (A copy of which is filed with the supplemental papers to the minutes of this meeting.)

**On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved renewing the agreement as previously cited for a three-year term.**

**v. Leadership Lake County 2015**

Mr. La Venia gave a report on his experience at the recent Leadership Lake County 2015.

**(b) City Attorney**

**- Police and Fire Service Fees Refunds Update**

Mr. Gerken referred to his discussions at the last meeting regarding the Police and Fire Service Fees Refunds Class-Action settlement; outlined the city's obligations as stipulated in the settlement agreement identifying logistical issues where the city previously notified the water utility customers and indicated that the subject issue relates to individuals who are no longer the city's customers.

In order to mitigate the issue, Mr. Gerken suggested sending a notice, with the deadline extended, to the additional customers who did not receive the original first notice and indicated that he would be speaking with Mr. Greg Stewart, attorney retained on behalf of the city, who is handling the matter. Mr. Gerken described the type of notices to the public; the procedures on the requirement to file a final report with the court regarding the account holders

After further discussion and **by unanimous consent, the city commission authorized the city attorney to pursue reopening the Police and Fire Service Fees Refunds Settlement mailing process to utility customers who claimed they were not notified and report back to the city commission on a possible amendment.**

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**11. COMMISSIONERS' COMMENTS**

**(a) Vice Mayor Goldberg**

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

**(b) Commissioner Kelly**

Commissioner Kelly stated that she has nothing to report at this time.

**(c) Commissioner Cheshire**

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

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

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

**12. MAYOR'S COMMENTS**

Mayor Bell highlighted the following events under the dates to remember:

- October 10, 2014, Lake County League of Cities Board of Directors' Meeting;
- October 10, 2014, 2014-2015 Florida League of Cities' Legislative Policy Committee;
- October 31, 2014 *Trick or Treat* Festivities at 6:00 p.m.;
- November 5, 2014 Canvassing Board Meeting at 6:00 p.m.;
- November 7, 2014 Lake County League of Cities Board of Directors' Meeting at 12:00 p.m. (Tentative);
- November 13, 2014, Regular Commission Meeting at 7:00 p.m. – Cancelled, and
- November 20, 2014, Special Commission Meeting

**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 8:36 p.m.**

The workshop will convene immediately following the conclusion of the special commission meeting.

The minutes were approved at the October 23, 2014 regular meeting.

Signed \_\_\_\_\_

Esther B. Coulson, Citay Clerk

Signed \_\_\_\_\_

Christopher Bell, Mayor