

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
August 28, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 28, 2014 at 7:00 p.m.

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

**Members Absent:** Commissioner Sharon Kelly

**Also Present:** City Manager Gary La Venia, City Attorney Scott Gerken, City Treasurer Tannette Gayle, Police Chief Terry Isaacs, Community Development Director Charlie Rector, Deputy Fire Chief Steve Whitaker, Community Development Director Charlie Rector, Public Works Director Dale Bogle, Fruitland Park Library Director Jo-Ann Glendinning, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Bell called the meeting to order at 6:59 p.m. and requested prayers for the family of Commissioner Gunter in memory of his mother Gertrude "Gertie" Mae Gunter who died on August 19, 2014 and Commissioner Sharon Kelly who recently lost a family member.

Pastor J. Rush, Deeper Life Church gave the invocation and Police Chief Isaacs led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

Ms. Coulson called the roll and a quorum was declared present.

Upon Mayor Bell's suggestion and **by unanimous consent, the city commission excused the absence of Commissioner Sharon Kelly from this evening's meeting and extended best wishes to her.**

**3. PUBLIC COMMENTS**

Mr. Joe Hill, Lake County resident and former St John's River Water Management District (SJRWMD) Governing Board member, referred to the first reading of the proposed water conservation ordinance to be considered later on this evening's agenda which he stated that he or his experts have not read.

After discussion, Mr. La Vena referred to a previous meeting he had with Ms. Teresa Watkins, Florida Water Star™ and two representatives from SJRWMD regarding same.

Mr. Ray Lewis, resident and former member of the Charter Review Committee, relayed his observations based from the public's response regarding the referendum amending the

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charter relating to the city commission districts and redistricting and the office of the mayor. He suggested that the city be proactive in providing the referendum as one source of information to the public similar to the City of Wildwood's website.

### **4. CONSENT AGENDA**

#### **Approval of Minutes**

**On motion made by Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the special meeting minutes of July 31 and the budget workshop minutes of August 4 and 5, 2014 respectively as submitted.**

### **5. REGULAR AGENDA**

#### **(a) Board Appointments/Reappointments**

##### **- Planning and Zoning Board**

**On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried the city commission approved the request to recommend the reappointments of Mr. Philip D. Purlee and Ms. Connie Bame to serve on the Planning and Zoning Board each for three-year terms to expire on September 30, 2017.**

#### **(b) Special Magistrate**

##### **i. Contract**

**On motion of Vice Mayor Goldberg, seconded by Commissioner Cheshire and unanimously carried, the city commission approve an independent contract between the City of Fruitland Park and Ashley S. Hunt, Hunt Law Firm, P.A., to serve as magistrate and provide magistrate services for the city's Code Enforcement Board.**

Mr. Gerken gave a background initiating the Special Magistrate process and described Mr. Hunt's background and experience. He recognized that although Mr. Hunt is known personally by the city commission, Mr. Gerken confirmed there is no conflict of interest and conveyed his recommendation of approval to approve the contract.

##### **ii. Sunset Code Enforcement Board**

After discussion, Mr. Gerken noted, as a result of the city commission's earlier action under item 5(b)(i), Special Magistrate, the sunseting of the Code Enforcement Board.

Recognizing the ability to deal with more severe code problems, Mr. Rector requested additional time for staff to review available options on code enforcement procedures.



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Mayor Bell suggested that the code enforcement members be invited to the September 11, 2014 regular meeting and budget public hearing to be recognized by the city commission.

**On motion of Vice Mayor Goldberg, seconded by Commissioner Gunter, and unanimously carried, the city commission approved sunsetting the Code Enforcement Board.**

**(c) Budget Report**

After Ms. Gayle gave a status report on the Fiscal Year 2015-16 Year-to-Date Budget, Mr. La Venia referred to the proposed current millage rate of 4.7131 as discussed at the August 4 and 5, 2014 workshops where it will be considered at the September 11, 2014 regular meeting and budget public hearing.

Mayor Bell encouraged the city commissioners to individually meet with Ms. Gayle.

**(d) Purchase Orders**

The city commission considered its action to approve a purchase order requisition reflecting sewer supplies for the public works department totaling \$12,552.

After much discussion and in response to Commissioner Gunter's inquiry on whether there is an existing grant to change the water meter and update the meter system, Mr. La Venia, addressed his plan to meet with the Mr. Fred Fox, Fred Fox Enterprises Inc. (the city's grant administrator), on September 8, 2014 regarding the Community Development Block Grant and other grant funding sources.

**i. Sewer Supplies**

**On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the purchase order requisition for sewer supplies as previously cited.**

**ii. Water Supplies**

**On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the purchase order requisition showing water supplies for the public works department totaling \$7,984.18.**

**(e) First Reading – Ordinance 2014-016 Natural Gas Franchise Agreement**

Mr. Gerken read into the record the following title of proposed Ordinance 2014-016, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK,  
APPROVING AND ADOPTING A NATURAL GAS  
FRANCHISE AGREEMENT BETWEEN THE CITY OF

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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. (Second reading and public hearing will be held on September 11, 2014.)

**A motion was made by Vice Mayor Goldberg and seconded by Commissioner Gunter that the city commission approve proposed Ordinance 2014-016 as previously cited, subject to changes to be provided by the city attorney before the second reading.**

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

**(f) First Reading – Ordinance 2014-019 Water Conservation Landscaping**

Mr. Gerken read into the record the following title of proposed Ordinance 2014-019, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 101 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED “WATER CONSERVATION”; SPECIFICALLY AMENDING SECTION 101.10 ENTITLED ‘WATERWISE AND FLORIDA FRIENDLY LANDSCAPING;’ AMENDING SECTION 101.10(C)(3) REGARDING THE WATERWISE LANDSCAPES PUBLICATION; AMENDING SECTION 101.10(C)(4) REGARDING IRRIGATION STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second reading and public hearing will be held on September 11, 2014.)

Mayor Bell referred to Mr. Hill’s presence earlier at this evening’s meeting and thanked him for his efforts on the subject issue.

Mr. La Venia referred to his meeting with SJRWMD’s staff, Mr. B. Kraig McLane, Intergovernmental Coordinator and Deirdre Irwin, Florida Water Star and his invitation to Mr. Hill and Ms. Watkins who witnessed the changes and subsequent recommendations to the proposed ordinance.

**A motion was made by Vice Mayor Goldberg and seconded by Commissioner Cheshire that the city commission approve proposed**



**Ordinance 2014-019 as previously cited, subject to changes to be provided by the city attorney before the second reading.**

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

- (g) First Reading – Ordinance 2014-018 Personnel and Policy Procedure Manual**  
Mr. Gerken read into the record the following title of proposed Ordinance 2014-018, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; ADOPTING A REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Second reading and public hearing will be held on September 11, 2014.)

**A motion was made by Commissioner Cheshire and seconded by Commissioner Gunter that the city commission approve proposed Ordinance 2014-018 as previously cited.**

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

Mr. La Venia explained that two additional changes will be added to the personnel manual before the second reading and additional changes relating to the fraternization and social media policy would be ready within two months. He expressed appreciation to Ms. Marie Azzolino, Human Resources Administrator/Deputy City Clerk and Attorney Dorothy “Dotty” Green, the city’s labor council from Latham Shuker Eden & Beaudine LLP, who worked with Mr. Gerken on the manual.

**8. NEW BUSINESS**

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

**9. OFFICERS’ REPORTS**

**(a) City Manager**

**i. City of Fruitland Park Fire Chief**

After Mr. La Venia acknowledged the presence of Mr. Whitaker and introduced him as the city’s new fire chief to the meeting, the city commission extended congratulations.

**ii. Workshop**

**CR 466A - Commercial Construction and The Villages NOPC**

Mr. La Venia reported on an individual who met with Mr. Rector on his intent to build a retail/commercial medical building on the site (without water and sewer) on the intersection of Micro Race Track Road and CR 466A.

After Mr. La Venia mentioned the need to address the possibility of architectural standards for future construction on CR 466A, Mayor Bell suggested that the city commission hold a future meeting and invite Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., to provide the pros and cons.

With respect to Lake County's plans on the forthcoming median improvements to CR 466A and CR 441 and acknowledging the future Villages, Commissioner Cheshire questioned the inclusion of streetscaping with a Fruitland Park theme; upgrades on lighting and landscaping and the maintenance of same, and the ability to work out financing with the county.

In response, Mayor Bell suggested inviting Lake County Public Works Department Director Jim Stivender, Jr. and Mr. Gary Moyer, The Villages.

Mr. Rector explained that on September 18, 2014, a special meeting would be required to consider the first reading of items that need to be advertised and indicated details are being worked out whereby The Villages would be modifying their Notice of Proposed Change for an additional 24 homes.

**By unanimous consent, the city commission approved holding a special meeting on September 18, 2014; agreed for Lake County Public Works Department Director Jim Stivender, Jr. to attend the meeting regarding the construction of CR 466A, and directed staff to provide a detailed plan in that regard.**

**iii. Property Acquisition**

Mr. La Venia described the four vacant lots adjacent to the public works department building; relayed the request of \$140,000 from the property owner, Mr. Dan Davenport, and pointed out the assessed evaluation of \$95,000 conducted in the last six months -- the amount of which Messrs. Rector and Davenport agreed to settle on purchasing same.

Mr. La Venia explained that staff would determine whether usable funds would be allocated from the Community Redevelopment Agency or the Capital Improvement Program.



**On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried, the city commission approved staff's recommendation to purchase the vacant lots from property owner Mr. Dan Davenport for the amount of \$95,000 and authorized staff to proceed with a contract for city commission's consideration.**

**iv. Streetscape Program - Berckman Street**

Mr. La Venia reported that work on water tank at Gardenia Park is planned for February 2015. He acknowledged the projects in the streetscape program that would affect that portion; mentioned staff's discussions on limiting the pavers to crosswalks, and indicated that Mr. Beliveau would provide the city commission with the costs to locate same at the September 18, 2014 special meeting.

After Mayor Bell requested that staff invite a vendor to give a power-point presentation on pavers, Mr. La Venia explained that he would be providing more information.

**v. Shiloh Cemetery – Fence**

Mr. La Venia reviewed the quotations received to deal with some of the tree removal and other related problems at Shiloh Cemetery.

Messrs. La Venia and Bogle referred to illustrated examples featuring columns and mentioned the installation of black chain-link fencing and the entrance features at Shiloh Cemetery.

After discussion, the city commission agreed for staff to provide more information at a future meeting.

**vi. Employee Health Fair**

Mr. La Venia commended Ms. Azzolino for a job well done in promoting the recent Employee Health Fair held at city hall.

**vii. US Highway 27 and Spring Lake Road Intersection - American Auto and Truck Salvage Inc.**

Mr. La Venia reported on Mr. Beliveau's involvement with work on US 441; referred to the median design improvements at US Highway 27 and US 441, and addressed the impacts caused to American Auto Salvage, despite the roadway improvements, thus the inability for semi-trucks and car carriers to utilize roadway to access the business.

Mr. La Venia mentioned the Florida Department of Transportation's (FDOT's) reluctance to resolve the problem; pointed out signatures of support received from various state and local elected officials petitioning

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the state to erect a four-way traffic signal at the intersection of Spring Lake Road and US Highway 441 as a result of the undue hardship to American Auto.

After discussion and **on motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved staff's request to support Lake County Legislative Delegation's recommendation to install traffic lights at the aforementioned intersection and authorized the mayor to sign the petition of support to the Florida Department of Transportation in this regard on behalf of the city.**

**viii. Annual Regional Summit Series, FLC Educational Courses - Florida City Leaders Forum on College Access and Success**

Mr. La Venia referred to the invitation from The National League of Cities, Florida College Access Network and the Florida League of Cities' University to the Florida City Leaders Forum on College Access and Success: *Education is Your Economic Engine*, to be held on Wednesday, October 15, 2014 at the Westin Tampa Harbour Island from 11:30 a.m. to 5:00 p.m.

**ix. Legislative Committee**

Mr. La Venia announced that the first meeting of the FLC Legislative Committee will be held on Friday, September 12, 2014.

**(b) City Attorney**

**i. 2014 Legislative Updates**

Mr. Gerken gave a report on bills that passed and failed at the 2014 Florida Legislative Session and encouraged the city commission to continue to be involved with the Lake County League of Cities.

**ii. Ethics Training**

Mr. Gerken indicated that Mr. "Sandy" Sanford A. Minkoff, Lake County Attorney, contacted him recently regarding Lake County's plans to work with municipalities to arrange for a half-day educational training seminar on Code of Ethics for Public Officers for municipal elected officers to meet the four-hour requirement not needed until January 1, 2015. Mr. Gerken stated that he will remind the city commission in this regard.

**iii. Utilities Relocation**

Mr. Gerken referred to the provisions under Chapter 2014-169, regarding FDOT appropriating funds annually to a municipality within a rural area of critical economic concern for certain utility work necessitated by a project on the State Highway System for municipally-owned or county-owned utilities located in rural areas of critical economic concern.



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(A copy of the document is filed with the supplemental papers to the minutes of this meeting.)

Mr. Gerken described the criteria identified in the bill; indicated that the city would not qualify for same due to FDOT's population and median income thresholds, and questioned whether the city could renew its request to FDOT to forgive some of the debt.

Mr. Gerken explained that he will provide more information to Mr. La Venia and the city commission.

**10. COMMISSIONERS' COMMENTS**

**(a) Vice Mayor Goldberg**

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

**(b) Commissioner Cheshire**

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

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

Commissioner Gunter thanked the citizens for their support due to the recent passing of his mother.

Commissioner Gunter reported on his recent attendance at the 88<sup>th</sup> Annual Florida League of Cities Conference in Hollywood.

**(d) Commissioner Kelly**

No report was available as Commissioner Kelly was absent from this evening's meeting.

**11. MAYOR'S COMMENTS**

Mayor Bell concurred with Commissioner Gunter's comments regarding the FLC's annual conference and reminded the commission on the Lake County League of Cities' Sponsor Night to be held on October 8, 2014.

**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 8:42 p.m.**

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

Signed

  
\_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed

  
\_\_\_\_\_  
Christopher Bell, Mayor