

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
March 13, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 13, 2014 at 7:00 p.m.

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

Members Absent: Vice Mayor Albert Goldberg.

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, Police Chief Terry Isaacs, City Treasurer Tannette Gayle, Community Development Director Charlie Rector, Ms. Michelle Yoder, Parks and Recreation Director, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

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

INVOCATION

Pastor John Stricklen, Countryside Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bell led in reciting the Pledge of Allegiance to the flag.

2. ROLL CALL

At Mayor Bell's request, Ms. Coulson called the roll and a quorum was declared present.

By unanimous consent and upon Mayor Bell's request, Vice Mayor Goldberg's absence was excused at this evening's meeting.

PROCLAMATION - K-9 Veterans Day

On behalf of the city commission, Mayor Bell read into the record a proclamation recognizing March 13, 2014 as *K-9 Veterans Day* in Fruitland Park and called upon all residents to acknowledge and support the four-legged soldiers and nationally honor all the military working dogs and K-9 Veterans of all wars.

In acknowledging the presence of the city's reserve service dogs K-9s Basko, Bella and Rosco, Chief Isaacs accepted the proclamation and thanked the city commission.

3. PUBLIC COMMENTS

Mr. Joe Hill, Lake County resident and former St John's River Water Management District Board Member, reiterated his previous request for the team and him to work with the city commission to improve the city's current conservation ordinance to make it more water-friendly and submit their recommendations to the city commission.

Mayor Bell suggested that Mr. La Venia make arrangements to work with Mr. Hill and receive his ideas.

4. CONSENT AGENDA - Approval of Minutes

On motion of Commissioner Cheshire, seconded by Commissioner Gunter and unanimously carried, the city commission approved the February 22, 2014 workshop and the February 27, 2014 regular city commission meeting minutes as submitted.

5. REGULAR AGENDA

(a) Charter Review Committee Update

Messrs. La Venia and Mackie McCabe, Charter Review Committee Chair, addressed the Charter Review Committee's current review of the city's charter and the concept of redistricting.

Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., reviewed the draft proposed schedule; referred to the draft map, and discussed the consideration of scenarios on planned district lines and the criteria required for charter amendment. (A copy of the schedule was submitted for the record and filed with the supplemental papers to the minutes of this meeting.)

(b) "Love Week 5K Run and Kids Fun Run" Report

Ms. Michelle Yoder, Parks and Recreation Director, reviewed the list showing expenses and donations as a result of the February 8, 2014 Love Week 5k Run and Kids Fun Run event and replayed the YouTube video on the event. On behalf of the city, Ms. Yoder presented a check for the amount of \$3,704.54 to Beyond the Walls Food Pantry (Heritage Community Church). A copy of the list was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

Ms. Hannah McClain, Beyond the Walls Food Pantry, accepted the check with gratitude; expressed gratitude to those who participated and volunteered at the event, and provided the explanation of "Love Week".

Mayor Bell expressed appreciation for the services provided by Beyond the Walls Food Pantry and Ms. McClain described, at Mayor Bell's request, the services provided to the community.

In response, Mayor Bell expressed appreciation for Ms. Hannah's work and mentioned her visit late last year to Nicaragua with the church team.

After Ms. Yoder gave an update on the March 15, 2014 Founders' Day event, she requested that the city commission establish future dates for the Love Week 5k Run and Kids Fun Run and the city's Founders Day.

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the parks and recreation

department director's request to establish the date for the next "Love Week 5k Run and Kids Fun Run" on Saturday, February 14, 2015.

Following further discussion, Mayor Bell requested that Ms. Yoder report back to the city commission with more information at the next meeting on establishing a set date for future the annual Founders Day event.

Answering several questions posed by the city commission, Ms. Yoder highlighted the program for the March 15, 2014 Founders Day event and based on a number of concerns expressed by the public, she recommended reverting back to the name "Fruitland Park Days".

(c) First Reading - Ordinance 2014-008 – Municipal Lien Search Fees

After Mr. Gerken read into the record the title of the proposed ordinance, the substance of which is as follows, Mayor Bell called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES BY CREATING SECTION 99.140, PROVIDING FOR MUNICIPAL LIEN SEARCH FEES; PROVIDING FOR THE 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 on April 10, 2014.)

No one from the public appeared before the city commission.

Messrs. Gerken and La Venia gave background information on other municipalities' charges for lien search requests and addressed the problems experienced by city staff.

Mr. La Venia explained that staff may appear before the city commission, if the fees are inadequate, at a later date, to consider open permit charges.

After discussion, and **on motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved proposed Ordinance 2014-008 as previously cited.**

(d) First Reading – Repeal Ordinance 2014-007, Police and Fire Service Fees

After Mr. Gerken read into the record the title of the proposed ordinance, the substance of which is as follows, Mayor Bell called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REPEALING CITY OF FRUITLAND PARK ORDINANCES 2009-014, 2010-005, AND 2011-010, RELATING TO POLICE AND FIRE SERVICE FEES AS SET FORTH THEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second reading and public hearing will be on April 10, 2014.)

No one from the public appeared before the city commission.

Mr. Gerken referred to the March 5, 2014 settlement hearing held at the Lake County Clerk of the Circuit Courts. He indicated that the judge has not yet ruled on the settlement and suggested a longer period of time as he believed that the 30-day application deadline was too short. Mr. Gerken conveyed the city's preference to finalize the issue during Fiscal Year 2013/14 which the judge considered reasonable.

Mr. Gerken relayed his conversations with Ms. Amanda Perez, City of Fruitland Park Finance staff and other staff members and suggested moving back the application process to potentially the July 31, 2014 date up to the end of the fiscal year. He addressed his intent to notify the city commission on the judge's ruling and other matters. He referred to the previously adopted Suspension Collection of Police and Fire Service Fees Resolution 2014-00.

A motion was made by Commissioner Gunter and seconded by Commissioner Cheshire that the city commission approve the proposed Repeal Ordinance 2014-007 as previously cited, pending the ruling from the court which repealed the fees going forward, and approved the city attorney's recommendation to move the application back to July 2014.

In response to several questions, Mr. Gerken recognized the number of municipalities who have been served with similar lawsuits and notice of lawsuits and mentioned the possibility of the Florida League of Cities eventually becoming involved in this regard.

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

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

The motion was declared carried on a three to one (3-1) vote.

6. NEW BUSINESS

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

7. OFFICERS' REPORTS

(a) City Manager

i. Fruitland Park Cleanup Day

Mr. La Venia gave a statistical report regarding the March 1, 2014, Fruitland Park Cleanup Day which was successful and noted that a total of 52 volunteers participated in the collection of approximately 1,000 trash. On behalf of the city, he thanked the volunteers and Waste Management Inc. for their involvement.

ii. Two Cents Local Option Gas Tax

Mr. La Venia reported on the consensus reached at the recent city manager's association meeting on the current numbers allowing selection of Option 2 for the two cents local option gas tax formula phased over three years; anticipated that same would be addressed at the March 14, 2014 Lake County League of Cities luncheon with some municipalities supporting Option 2, and recognized the passage of some municipal resolutions.

In response, Mr. Gerken explained that he received notification from the Lake County Attorney's Office on the feedback received with the majority choice of Option and that they would be redrafting the interlocal agreement with the city.

Commissioner Gunter confirmed that he supports Mr. La Venia's recommendation to select Option 2 which will be considered at the next city commission meeting and it was recognized that the Lake County Board of County Commissioners will make its final decision at the end of June 2014.

iii. Public Service Award

On behalf of the city commission, Mr. La Venia extended congratulations to the city's Fire Department Senior Chief Thomas "Tommy" Lee Gamble who has since been notified by letter on March 7, 2014 that he would be the recipient of the "Chris Daniels Public Service Awards" on April 30, 2014 at a ceremony in Mount Dora.

Mayor Bell thanked Mr. Steve Fussell, City of Fruitland Park resident, for completing and submitting the 2014 Lake County Community Service Awards Nomination Form and for featuring Chief Gamble in recent newspaper articles.

iv. Fire Department Donations – “Team Jay”

Mr. La Venia referred to Chief Borst’s notification and on behalf of “Team Jay, he thanked the following who recently made contributions to the fire department”:

- Central Florida Solutions Group, monetary donation for printing of the “Team Jay” t-shirts,
- Moganelli & Associates, LED lights for the brush unit,
- Nestle Waters North America, donated water), and
- AutoZone, (LZ Road Lights)

Thank you letters dated March 13, 2014 from Mr. La Venia were sent to the aforementioned companies were filed with the supplemental papers to the minutes of this meeting.

v. Condolences

On behalf of the city commission and staff, Mr. La Venia extended condolences to Fire Department Lieutenant Donald Gilpin who lost his father last week and Mr. John Schaller, longtime member of the Planning and Zoning Board, who recently lost his wife Amy.

vi. Kiwanis Club

Mr. La Venia referred to the March 12, 2014 Kiwanis Club meeting that was held in the library; described its purpose and goal, and addressed the intent to start a chapter in the City of Fruitland Park. He announced that the club will be available for anyone who is interested in exploring or becoming a charter member.

(b) City Attorney

i. Parish Lawsuit (Case No. 2013 CA 001361, Circuit Court, Fifth Judicial Circuit)

Mr. Gerken referred to the Settlement Agreement and Mutual Release with Mr. Robert Parish addressed earlier this day at the Attorney-Client Session; explained that a total payment to Mr. Parish would be \$240,000 -- \$15,000 of which would be from the liability insurance company which represents the city who authorized the proposed settlement – with the only payment from the city to be \$15,000 for Fiscal Year 2014/15. As a result, he explained that there would be a complete release of the city and a dismissal with prejudice of any further litigation. Mr. Gerken stated that he recommends to the city commission approval of the proposed settlement which requires an affirmative vote of three elected officials.

A motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission approve the city attorney’s recommendation of approval to the Settlement Agreement

and Mutual Release between the City of Fruitland Park and Mr. Robert Parish.

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

Mr. Gerken explained that the transcript resulting from the attorney-client sessions would be made available once the dismissal is filed.

ii. Library Expansion

Mr. Gerken reported that the seller's mortgage company, at this current time, refused to release the property, adjacent to the City of Fruitland Park Library, from the mortgage lien. He referred to conversations with Mr. Rector on the possibility of the city configuring the addition, without the additional land; however, the additional land would be beneficial to the library for the possible expansion in the future.

Rather than waiting for the grant funding already applied for, Mr. Gerken advised suggesting to the seller to extend the contract for a period of time which would allow the city to release the property, require a variance at a public hearing, and build in its current state.

After Mr. Rector confirmed in the affirmative the seller's intent to sell the entire property and Commissioner Gunter's suggestion to utilize Community Redevelopment Agency funds to acquire same for potential redevelopment, Mr. Gerken addressed the ability to explore options on the plan to potentially redevelop the area and make inquiries with the seller.

Following Mayor Bell's suggestion to obtain an extension on the grant funding, Messrs. La Venia and Rector agreed to meet on the issue.

iii. Special Magistrate Ordinance

Mr. Gerken explained that the special magistrate draft ordinance will be before the city commission at its April 10, 2014 regular agenda for consideration.

iv. Absence – March 27, 2014 Regular Meeting

Mr. Gerken announced that he will not be present for the March 27, 2014 city commission meeting as he will be away on vacation. He addressed the possibility of assigning a representative from the law firm to attend in his stead if necessary.

8. COMMISSIONERS' COMMENTS

- (a) Vice Mayor Goldberg**
No report was available.

(b) **Commissioner Cheshire**

- **Personnel Policy**

Commissioner Cheshire referred to previous conversations held with Mr. La Venia and earlier discussions at this day's shade meeting regarding the need to ensure that employee personnel files are documented and for the city's employee manual to address parameters on relationships in the workplace which Mr. La Venia agreed to review.

- **Fruitland Park Cleanup Day**

Commissioner Cheshire stated that the recent Cleanup Day was successful; however, he relayed his conversations with Messrs. La Venia and Rector on the need to take action on code enforcement. He identified several locations with abandoned vehicles on a number of properties; addressed the need to explore methods on how to improve the city's appearance including retaining part time staff for such purpose, and relayed complaints received from individuals in this regard.

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

- **Code Enforcement**

In concurring with Commissioner Cheshire's previous remarks, Commissioner Gunter voiced earlier concerns he had on code enforcements; his report made as a result of a previous conference he attended on the matter, and other municipalities legislation on liens placed on properties for clearing vacant lots, and addressed the need review making such changes.

- **Fruitland Park Cleanup Day**

Commissioner Cheshire thanked the residents for attending the Fruitland Park Cleanup Day recently and encouraged individuals to join the city next year.

(d) **Commissioner Kelly**

- **Code Enforcement**

Commissioner Kelly suggested the need to address changing the method of notifying law enforcement whenever there is a code enforcement issue which the city commission ought to consider at a future meeting.

Foreclosures

After Mr. La Venia responded on the problems of reaching out to the out-of-town banking financial institutions and their responsibility to maintain properties that they own, Commissioner Kelly addressed the need to enact an ordinance to enforce same.

In response and recognizing the current code violation liens, Mr. Rector requested that the city commission provide more requirements for staff to deal with long term properties that are ready to be foreclosed.

Mr. Gerken reminded the city commission on the draft special magistrate ordinance that will be presented before the city commission at a future meeting.

9. MAYOR'S COMMENTS

- **Fruitland Park Cleanup Day**

Earlier in the meeting, Mayor Bell addressed the need to place the Fruitland Park Cleanup Day on the city's calendar for 2015.

- **Personnel Manual**

Mayor Bell suggested that the city's human resources attorney and Mr. La Venia conduct a complete review on what needs to be changed to the city's existing human resources/personnel manual.

- **Code Enforcement**

Mayor Bell addressed his concurrence with previous comments on code enforcement and noted the need to review same.

- **Dates to Remember**

Later in the meeting, Mayor Bell announced the following:

- Saturday, March 15, 2014, Fruitland Park Days at 10:00 p.m.;
- Tuesday, March 25, 2014, the Charter Revision Committee meeting;
- Thursday, March 27, 2014, the city commission's regular meeting, and
- April 30, 2014, Lake County Community Service Awards, Lake Receptions for the fire chief which he extended congratulations.

Mayor Bell noted that missing from the calendar is the Annual Employee Picnic which is traditionally held on the first Saturday in May 2014.

10. 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 8:30 p.m.

The minutes were approved at the March 27, 2014 regular city commission meeting.

Signed 
Esther B. Coulson, City Clerk

Signed 
Christopher Bell, Mayor