

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
May 11, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 11, 2017 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer; Jeannine Racine-Michaud; Police Chief Michael Fewless; Lieutenant Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; Chris Lewis, and Taylor Luttfiring, Fire Department; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order at 6:02 p.m.; Ms. Sharon Burris, Heritage Community Church, gave the invocation, and Chief Fewless led in the Pledge of Allegiance to the flag.

2. ROLL CALL

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

Special Recognition

After Mayor Cheshire referred to the May 10, 2017 Service Above Self Award event, Chief Fewless gave a background of the annual event recognizing the nominations of Lake County law enforcement officers for the "Service Above Self" program award.

Chief Fewless recalled the city commission's presentation of lifesaving awards, at its June 9, 2016 regular meeting honoring Officer Brad Heidt for his life-saving techniques administered to the then nearly four-year-old Bentley who nearly drowned. Chief Fewless explained that Officer Heidt was chosen amongst 13 agencies as "*the Lake County Officer of the Year*" at the Leesburg Noon Rotary's "Service Above Self" Awards" and displayed the plaque that was presented to the City of Fruitland Park.

Mayor Cheshire, in noting the absence of Officer Heidt, explained that the city commission will reserve another time to hold a special presentation in his honor.

3. PROCLAMATION - "*Stamp Out Hunger*" National Food Drive Day Proclamation – May 13, 2017

Mayor Cheshire recognized the "*Stamp Out Hunger*" National Food Drive Day Proclamation – May 13, 2017 proclamation which will be presented at a later date. to Mr. Shane Ulbin, National Association of Letter Carriers Branch 1091 Food Drive Coordinator.

Mayor Cheshire announced that Saturday, May 13, 2017 is the *National Food Drive Day* and encouraged the residents to support the food drive by placing a bag or can of non-perishable food next to their mailboxes prior to their letter carrier's arrival who will pick it up while delivering the mail.

4. PRESENTATIONS

(a) Water Safety Day

Mr. Jim Harrison, Straight Forward Ministries, Inc/Swimming For Life (founded by his wife and himself), acknowledged Chief Fewless' earlier special recognition which related to the near drowning incident of a child and gave an historical overview on the reasons why Lake County has been involved in same since 2012 in water safety prevention and its establishment of the Water Safety Council. He described the Water Safety Day events (countywide by Lake County municipalities) where the City of Fruitland Park is involved on May 20, 2017 and encouraged everyone to participate.

Mr. Harrison invited families to access the website: <https://www.swimmingforlife.com/> to apply for, receive swim scholarships and register with various cities in the county for a \$5.00-dollar fee; addressed the goal to enlist 1,000 children, and highlighted Florida as the leading nation in accidental drowning in children ages one to four. He expressed appreciation to those involved for the cooperation given for this effort.

On behalf of the city commission, Mayor Cheshire thanked Mr. Harrison for his presentation.

(b) Fruitland Park Elementary School

Dr. Kristi Burns, Lake County School Board Member District 2, gave a very brief overview of her biochemistry background; pointed out the district's retention in December 2016 of new superintendent Ms. Dr. Diane S. Kornegay, and described the performance that she undertook resulting in positive feedbacks received on her promotion of the schools' excellence within the community and the school district.

Dr. Burns referred to the building of Fruitland Park Elementary School (at the same site) and the meeting of its timeline within five years; the attempts to pay off debt from different revenue sources, and state law's requirement to meet the correct number of enrolled students. She mentioned the \$400,000 investment earmarked towards improving and resolving the air quality issue at the elementary school

The city commission pointed out District 1 School Board Member Bill Mathias' appearance at its October 13, 2016 regular meeting and the consensus reached on waiving the wastewater impact fee in exchange for the undeveloped property owned by the school board near Urick Street and his indication to convey same to the school board.

Ms. Tammy Langley, Fruitland Park Elementary School Principal, relayed at Dr. Burns' request, that she was informed that the elementary school would be rebuilt on the same school site.

After discussion, Dr. Burns recalled the discussions she had with the school's chief of operations regarding the wastewater at the current site as well as impact fees; however, she explained that she will find out more information on the undeveloped school board property and address same with Mr. La Venia.

In response to an inquiry posed by Mr. Mike Sweeney, City of Fruitland Park resident, the city commission and Dr. Burns confirmed the discussions held on the properties owned by the school board.

Ms. Langley explained that the school board staff met with the elementary school's faculty staff addressing the next steps relating to the elementary school including assuring them of resolving the air quality issues during Summer 2017. She confirmed, in response to Commissioner Ranize' inquiry, that traffic flow on CR 466A will continue to be an ongoing discussion with Chief Fewless.

Dr. Burns gave an overview of the reorganization of the school districts' three regions initiated by Dr. Kornegay. Dr. Burns identified the north district (Mount Dora-Umatilla region) and mentioned the south lake region, and noted that reports will be made to a regional director to determine the regions' needs.

Ms. Connie Bame, Fruitland Park Elementary First-Grade Teacher, announced that the second 2017-18 Fruitland Park Elementary National Elementary Honor Society will be holding a ceremony at the elementary school's cafeteria on May 11, 2017 at 6:00 p.m. to induct its members and extended the invitation to the city commission welcoming them to attend.

In concurring with Vice Mayor Gunter, Mayor Cheshire encouraged Dr. Burns and Ms. Langley to appear before the city commission to direct any issues of concern or contact with Mr. La Venia.

5. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Lewis, seconded by Commissioner Bell and unanimously carried, the city commission approved the April 27, 2017 regular meeting minutes as submitted.

6. REGULAR AGENDA

(a) Fire Department – Windows Server - MMD Computer Center Inc.

The city commission considered its request to authorize the approval of costs from MMD Computer Center Inc. for the installation and connection of the fire department's Windows Server 2016 to city hall and relayed reasons on connecting same by using the Wi-Fi as opposed to the virtual private network.

After Mr. La Venia referred to the quotes received from MMD Computer Center Inc., and Interim Fire Chief Gilpin described same to connect the Fire Department's computer system into the city's server, Ms. Coulson gestured in the affirmative to Mr. La Venia's statements on the fire department utilizing the Wi-Fi route as a cost-effective means to access records before acquiring hardware prior to the new fire department building.

After much discussion and **by unanimous consent, the city commission approved staff's recommendation for MMD Computer Center Inc. to install and configure by wireless data network the fire department's server to city hall at a cost of \$1,060.00.**

(b) First Reading - Ordinance 2017-016 – Personnel Policies and Procedures Manual – Family Employment-Nepotism and Personal Relationships

Ms. Geraci-Carver read into the record, proposed Ordinance 207-016, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 2.4 IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL LAST REVISED IN ORDINANCE 2014-018; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)

Ms. Geraci-Carver referred to the city commission's action at its April 27, 2017 regular meeting on the removal of provisions pertaining to city commissioners where they are not considered as city employees.

A motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2017-016 as previously cited.

There were no comments from the public at this time.

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

(c) First Reading - Ordinance 2017-017 Repealing Local Traffic Movement Regulation Ordinance 2017-011

Ms. Geraci-Carver read into the record, proposed Ordinance 207-017, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REPEALING ORDINANCE

2017-011 WHICH CONTROLS AND REGULATES TRUCK TRAFFIC ON CERTAIN STREETS IN THE CITY OF FRUITLAND PARK; PROVIDING FOR DIRECTIONS; SETTING AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)

There were no comments from the public at this time.

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve Ordinance 2017-017 as previously cited.

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

- (d) **First Reading – Ordinance 2017-018 Parks and Recreation Fees, Section 99.90**
Ms. Geraci-Carver read into the record, proposed Ordinance 207-018, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE RECREATION DIRECTOR TO SET CERTAIN RECREATION FEES AND TO DELETE FEES FOR THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Geraci-Carver confirmed in response to Vice Mayor Gunter's inquiry that future rate changes reflected in the body of the ordinance would not be considered before the city commission by resolution.

In response to Mr. La Venia's inquiry, Ms. Geraci-Carver confirmed in the affirmative that language can be included in the proposed ordinance to allow the recreation director to set the rates and the commission subsequently adopting same by resolution. She explained Municode Code Corporation's preference, during the codification process, to review fees adopted by resolution whereby language on same would be included in the city's code.

On motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed its action to approve proposed Ordinance 2017-018 as previously cited.

In response to Mr. La Venia's inquiry, Ms. Yoder cited reasons why she is suggesting the removal of charges for residents and non-residents that are incorporated within the body of the ordinance.

By unanimous consent, the city commission accepted the city attorney's suggestion that proposed Ordinance 2017-018 would be postponed to the June 8, 2017 regular meeting.

(e) First Reading – Ordinance 2017-019 Curfew

Mayor Cheshire indicated that proposed Ordinance 2017-019, the title of which is as follows, will be withdrawn from this evening's agenda:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING SEC. 132.07 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK TO INCORPORATE THE JUVENILE CURFEW PROVISIONS SET FORTH IN FLORIDA STATUTES; ESTABLISHING GEOGRAPHIC APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)

Mayor Cheshire referred to previous reports made to him by a former law enforcement officer that there were no existing enacted ordinances reflecting the city parks' operating hours; indicated that the proposed ordinance is not what he had envisioned, and stated that it was not what Chief Fewless desired.

As requested by Mayor Cheshire, Chief Fewless referred to Mr. Bogle's previous approach to the law enforcement officers on damages that took place at Veterans Park to which Mr. La Venia explained that Chief Fewless' inquiry for a gate is being implemented.

Where there are no posted signs reflecting the parks' opening and closing hours, Chief Fewless mentioned the law enforcement officers' rights to question individuals who are at the parks after hours; thus, he indicated that a curfew is not required. He addressed the need to keep people away from city property and expressed preference for times of operation to be posted on the signs.

After discussion, Ms. Geraci-Carver explained that such enforcement could be made by adopting a resolution referencing the code whereby the city commission would establish the parks' hours and pointed out the State Attorney's Office requiring signs to be posted in accordance to Florida State Statutes, Regulation of Recreation Activities, to which the city commission members acknowledged the existence of same.

In response to Mayor Cheshire's inquiries on the law enforcement officers monitoring of activities at the parks and the installation of gates at other park locations, Chief Fewless described the type of gates and confirmed the ability for

officers to gain access which would prevent vehicles from entrance and any potential damage to the parks.

Following extensive discussions and **on motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission withdrew from this evening's agenda, its action to approve Curfew Ordinance 2017-019 as previously cited.**

7. NEW BUSINESS

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

8. OFFICERS' REPORTS

(a) City Manager

i. City Grants

In response to a question posed, Mr. La Venia gave a status update on the city's grants:

- State of Florida Department of Environmental Protection, Florida Recreation Development Assistance Program Grants for Gardenia Park Phases I and II were previously submitted.
- State of Florida Department of Environmental Protection, Division of Water Restoration Assistance Grants for the Fruitland Park Capital Lift Station and Force Main and Fruitland Park Lady Lake Wastewater Interconnection Projects have been handled by Ms. Racine-Michaud and a progress report was provided on same.
- State of Florida Department of State, Division of Library and Information Services Public Library Construction Grant for the Fruitland Park Public Library is not due until June 15, 2017; thus, conversations have been held with Booth, Ern, Straughan & Hiott Inc. (BESH), engineers retained by the city, regarding the compilation of same.

ii. CR 466A

Mr. La Venia referred to the current completion of the CR 466A roadway improvements; placed emphasis on the need to address the forthcoming change in traffic patterns for Fruitland Park Elementary School, and relayed information from Lake County on its intent to procure Phase III CR 466A roadway construction improvements to four lanes scheduled for late 2017 and early 2018 where it will be incomplete beyond Poinsettia Avenue.

(b) City Attorney

i. Lawsuits and Notices of Claims

Ms. Geraci-Carver referred to the following litigation matters:

- **James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park** – a response in the case filed is pending from Ms. Stephanie J. McCulloch, McLin Burnsed Attorney;
- **Green v. City of Fruitland Park, Hunnewell, Isom & Isaacs** – third amended complaint case where the city was added is pending the court’s ruling on the city’s motion to dismiss, and
- **Notices of Claims** - nothing has been filed and there are no developments on the following:
 - Anthony Mancino,
 - James Hartson, and
 - Larry Odum.

ii. City Attorney - Pennsylvania Avenue – Terry Ross Duplex Project

Ms. Geraci-Carver referred to the city commission’s discussions at its April 27, 2017 regular meeting on the Terry Ross Duplex Project, Pennsylvania Avenue; pointed out that it does not appear said project meets the city’s zoning code requirements, and made comparisons of the following:

- minimum dwelling unit size of 1,200 square feet is required by city code; however, each unit -- lots 18 and 19 (Pennsylvania Avenue Forest Avenue duplexes) -- are about 924 square feet each;
- 10,000 square feet minimum lot size requirement is required by city code; however, the units have a minimum dwelling unit size of 8,250 square feet;
- site setback on lot 18 on the north side is five feet. the city code requires 10 feet, and
- lot sizes are 150 by 55 feet and the minimum lot code requirement for Residential 2 District (R-2) zoning is 80 feet.

If the applicant intends to pursue the subject matter as constructed, Ms. Geraci-Carver described the procedures to be taken before the Planning and Zoning (P&Z) Board and the determination to be made by the city commission as to whether the criteria was met and to consider granting the variance from city code.

In outlining the city’s option, Ms. Geraci-Carver described how case law would support (when the building permit is issued in violation of the code and when construction has commenced which is void from the beginning and has no authority) the city’s right to rescind and its requirement to remove construction.

Ms. Geraci-Carver mentioned the applicant's decision to pursue the condominium process allowing for separate or part ownership of the detached unit as required by code; recognized that the problem -- the setback, minimum lot size, and minimum unit size -- would not be cured as they are contrary to the city's code, and described the potential legal standing as a result of the city commission's decision. She gave reasons why she recommended that the city commission leave the building as a nonconforming use and not consider the granting of variances which would allow other applicants in a similar situation to implement same.

After discussion, Ms. Geraci-Carver answered in the affirmative to Vice Mayor Gunter's question that a stop work order can be placed on the property.

A motion was made by Commissioner Ranize that the city commission authorizing the placement of a stop work order on the Terry Ross Duplex Project, Pennsylvania Avenue and direct the city attorney to negotiate with the applicant's legal representative methods to remedy the problems relating to same.

Following extensive deliberations, Mr. Rector explained that throughout the subject issue, and in discussions with the city manager, he has not been approached and no inquiries were made of him. He voiced his disagreement with Ms. Geraci-Carver's previous remarks and explained it is permitted for a recorded lot of record to be buildable lots under the old land development regulations (LDRs) with requirements allowing for a five-foot set back under the R-2 zoning designation.

Mayor Cheshire referred to Mr. La Venia's previous discussion with the city commission members on his belief that an independent professional company would review the issue that Mr. Rector is referring as it pertains to what took place and the ongoing activities. Mr. La Venia explained that it would require the city commission's consensus whereby a report on the subject inquiry would be anticipated by mid-June 2017.

After discussion and by unanimous, the city commission agreed to not authorize the issuance of a stop work order on the Terry Ross Duplex Project, Pennsylvania Avenue and directed the city attorney to negotiate with the applicant's legal representative methods to remedy the problems relating to same.

In response to Mayor Cheshire's question on halting any further actions on the subject project, Ms. Geraci-Carver referred to a proposed ordinance she drafted and forwarded to Mr. La Venia to be considered before the P&Z Board allowing single-family attached residential dwelling units in R-2 and

R-2A zoning only as a special exception use to be approved by the city commission. (A copy of the document is filed with the supplemental papers to the minutes of this meeting.)

Following further discussions and after Mr. Rector recognized that the next P&Z Board meeting will be on May 18, 2017, Ms. Geraci-Carver agreed with Commissioner Ranize' comments that the applicant could apply for a permit between now and that time.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission agreed to hold a special meeting, following the May 18, 2017 Planning and Zoning Board, to consider the proposed ordinance allowing single-family attached residential dwelling units in Residential 2 (R-2) and R-2A zoning districts and accepted the city attorney's suggestion to abide by the advertising requirements for a change in the city's land development regulation's zoning code for permissible and allowable use before scheduling the first and second reading.**

The motion to place a stop order on the property and direct the city attorney to negotiate with the applicant's legal representative methods to remedy the problems relating to the Terry Ross Duplex Project on Pennsylvania Avenue died for a lack of a second.

Mr. Carlisle Burch, City of Fruitland Park resident, gave his opinion that the subject building should not have existed; however, it was erected; felt that the city is working to justify the initial duplexes, and believed that the process of building the properties slowed, which he thinks ought to be demolished. He stated that as a result of remarks made to the neighbors, efforts were made to expedite work which he believed was to sway the city commission's decision.

Ms. I. Woods, City of Fruitland Park resident, expressed concerns on her experience with Mr. Rector and the process involved on the subject issue.

Mr. D. Johnston, City of Fruitland Park resident, pointed out his recent relocation to the subject area and expressed his support to demolish the subject project.

Ms. Rita Ranize, City of Fruitland Park resident, stated that regardless of fault, she believes a stop work order ought to be issued until the completion of an investigation mitigating further costs to the applicant and the city.

Later in the meeting, and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved staff's recommendation to retain Andrew J. Hand Esq.,**

Sheppard, Smith & Cassady PA, to serve as an investigatory attorney/factfinder regarding the Terry Ross Development (construction of a duplex, single family, attached housing, condominium on Pennsylvania Avenue) at a cost not to exceed \$12,000.00 and authorized the city manager to report back to the city commission if costs exceeds same.

9. PUBLIC COMMENTS

Mr. Peter Hurtt, City of Fruitland Park resident, pointed out the Coffee with the Mayor events hosted by former Mayor Bell and Mr. La Venia; indicated that they were informative and well attended, and anticipated that they would be reinstated.

In response, Mayor Cheshire suggested that Mr. La Venia determine dates to host the Coffee with the Mayor event at the Fruitland Park Library and The Villages.

After Ms. Ranize alerted the city commission on Lake County's recent connection of water lines to conduct training at the Chelsea Run neighborhood, Mr. Bogle reported that he has contacted the county who promised to get back in touch with him.

10. COMMISSIONERS' COMMENTS

**(a) Commissioner Ranize
Code Compliance**

Commissioner Ranize acknowledged the efforts being made to comply with and to improve problems relating to code enforcement. With reference to the LDRs addressed earlier at this evening's meeting, he expressed issues he has with Mr. Rector's comments, with the protocols when addressing a city officer and elected officials, and with the information that was brought to his attention by citizens.

(b) Commissioner Lewis

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

(c) Commissioner Bell

Commissioner Bell acknowledged Mr. Rector's tenure and his satisfactory performance; expressed his confidence in Mr. La Venia during the investigatory process, and indicated that he will withhold any further judgements until the results of same are received.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter referred to the turnout at the May 10, 2017 *2017 Lake County Community Service Awards* and his discussions with the elected officials and Mr. Jim Stivender Jr., Lake County Public Works Director, regarding CR 466A.

After discussion, Mr. La Venia reported that CR 466A Phase IIIB roadway improvement project (from Poinsettia Avenue to Windy Acres) has been postponed. He described a meeting Messrs. Bogle, Rector and himself had with

Mr. Duane K. Booth, BESH, regarding the city's entire project and the relocation of utilities on CR 466A Phase IIIA project at an approximate cost of \$160,000.

11. MAYOR'S COMMENTS

(a) City Highlights

Mayor Cheshire recalled his initial period, as an elected official, and progress the city has made since that time; addressed the need for transparency, and noted the opportunity the city has to do the right thing for the citizens.

(b) Dates to Remember


Mayor Cheshire recognized the following events:

- May 12, 2017- Lake County League of Cities (LCLC) Dr. Stanley Sidor, Lake Sumter State College Meeting, Lake Receptions
- May 20, 2017 – Water Safety Day, Gardenia Park;
- May 24, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.;
- May 25, 2017 - Regular Commission Meeting at 6:00 p.m. – Cancelled;
- May 29, 2017 – City Offices Closed – Memorial Day;
- June 8, 2017 - Regular Commission Meeting at 6:00 p.m.;
- June 9, 2017 – LCLC Carey Baker/Mike Prestridge, Lake County Property Appraiser's Office *Preliminary Tax Roll 2016* Meeting,;
- June 20, 2017 – Workshop Commission Meeting at 6:00 p.m. to address the police department;
- June 22, 2017 - Regular Commission Meeting at 6:00 p.m., and
- June 28, 2017– Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.

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 7:42 p.m.

The minutes were approved at the June 8, 2017 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor