

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
July 27, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 27, 2017 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

**Member Absent:** Vice Mayor John L. Gunter, Jr.

**Also Present:** City Manager Gary La Venia, Interim City Attorney Sandy Minkoff, City Treasurer; Jeannine Racine; Police Chief Michael Fewless; Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector; Lori Davis, Code Enforcement Officer; Fruitland Park Library Director JoAnn Glendinning; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order; the Reverend Dr. George A. Mulford, III, Grace Bible Baptist Church, gave the invocation, and Chief Fewless led in the Pledge of Allegiance to the Flag.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

After Mayor Cheshire recognized the absence of Vice Mayor Gunter at this evening's meeting and **by unanimous consent, the city commission excused his absence.**

**3. CONSENT AGENDA**

**On motion of Commissioner Bell, seconded by Commissioner Lewis unanimously carried, the city commission approved the June 8, 2017 regular; June 20, 2017 workshop, and the June 22, 2017 regular meeting minutes as submitted.**

**4. REGULAR AGENDA**

**(a) CR 466A Landscape Maintenance - Mowing Schedule**

The city commission considered its action on the landscape maintenance for CR 466A.

Mr. Bogle described the plan on August 3, 2017 to start maintaining the landscape of CR 466A and described the work conducted by the public works staff with plans to continue with same. He confirmed in the affirmative in response to Mayor Cheshire's inquiry that, from Lake County Public Works' CR 466A Mowing Cycle for July 24, 2017, the sidewalk, mowing and trash removal from Sumter County

Line to Timber Top Lane and the roadside mowing schedule from Timber Top Lane to US SR 441/27, were not carried out unless they completed the ROW that was not completed by the city's public works department.

Mr. Bogle referred to his conversation with Mr. La Venia earlier this day and requested permission to contact Ms. Lori Koontz, county Public Works Department Road Operations Division, regarding his plan to use additional public works personnel to maintain the subject roadways from funds earmarked in the city's FY 2017-18 budget.

After Commissioner Bell relayed a business owner's concern on the unsatisfactory condition of US SR 441/27 to which Mayor Cheshire concurred, Mr. Bogle addressed in response, the likelihood of working on the subject roadways provided that it meets the State of Florida Department of Transportation Highway Maintenance Memorandum of Agreement.

After discussion, the city commission, **by unanimous consent, authorize staff to contact Lake County Public Works Department and the State of Florida Department of Transportation regarding the maintenance of roadway areas and median strips on US SR 441/27 and CR 466A in the City of Fruitland Park.**

Following further discussion, Mr. Minkoff opined on the need for commitments from the state and the county on same to be in writing stipulating the responsibilities on the maintenance of the city's respective roadways.

After Commissioner Ranize addressed the need to clarify, in the contract, the maintenance of retention ponds and after discussion, Mr. La Venia mentioned his plan to address same with City Attorney Ms. Anita Geraci-Carver.

Commissioner Ranize relayed comments to him by Ms. Brenda Press, Lake County Department of Public Works Contracting Officer, regarding Attorney General Opinion (AGO) 2008-49 regarding roads – Municipalities – Counties – Right-of-Ways – Sidewalks – responsibility for maintenance of sidewalks and medians of county roads located within city limits. He referred to his July 7, 2017 email to Ms. Geraci-Carver regarding same; relayed the research that she has made so far on the issue in question, and conveyed her request for city commission permission, at its next meeting to allow her to explore further whereby he suggested that the city commission keep same in mind if that is the intent. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

**(b) Fruitland Park Public Library – Roofing**

Mr. La Venia described the estimates received from three vendors (Sack Roofing Inc. for \$47,600; McHale Roofing Inc, \$48,795, and Eustis Roofing Co., \$66,300) to install a metal roof for the Fruitland Park Public Library and recommended the selection of Sack Roofing.

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After much discussion, Commissioner Lewis referred to the subject issue (addressed at the January 26, 2017 regular meeting); his belief to refrain from participating disclosing a potential conflict of interest to which Mr. Minkoff, in concurring, mentioned the need for him to abstain from voting.

After discussion and **a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission approve staff's recommendation to select Sack Roofing Inc. as the lowest responsible bidder to remove and install a metal roof on the Fruitland Park Library building for \$47,600.**

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

<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner Lewis</b>	<b>Abstain</b>
<b>Commissioner Ranize</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**Mayor Cheshire declared the motion carried on a four to one vote with Commissioner Lewis abstaining.** (Commissioner Lewis' completed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was filed within 15 days and is incorporated with the minutes of this meeting.)

## **PUBLIC HEARING**

**By unanimous consent, Mayor Cheshire opened the public hearing.**

**(c) Second Reading and Public Hearing – Ordinance 2017-020 Hybrid Fire Department**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-020, Mr. Minkoff read the title, the substance of which is as follows and Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 8, 2017.)

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

After noting that the title of the subject item ought to read “Fire Department”, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-020 as previously cited to become effective immediately as provided by law.**

**By unanimous consent, Mayor Cheshire reopened the public hearings to allow Mr. Peter J. Hurtt, City of Fruitland Park resident, to appear before the city commission.**

In response to Mr. Hurtt’s inquiry, Mr. La Venia explained the city commission’s previous decision to retain the fire department and addressed his plan to view other ideas which he intends to share with Interim Fire Chief Gilpin.

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

**5. OFFICERS’ REPORTS**

**(a) City Manager**

**i. Real Property Donation – Last Will and Testament – Annmarie Lewis Estate - Discussion**

Mr. La Venia referred to the Last Will and Testament of Ann Marie Lewis who bequeathed her real property (located at 1307 Pine Ridge Dairy Road as depicted on the county’s interactive map) to the city as a public park facility.

Mr. La Venia referred to his conversations with the late Ms. Lewis’ attorney on July 21, 2017 regarding issues on the will relating to the possibility of selling the property and paying monies due to outstanding creditors (to which he believed the city commission would be in favor) and the city accepting and agreeing to the legitimacy of the creditors and that they would pay and accept the property, or proceed with distributing the residue to Uncle Donald’s Farm of Lady Lake.

After Mayor Cheshire expressed his desire to not have another park behind a residential dwelling, Commissioner Bell recalled the late Mr. and Mrs. William Lewis appearing before the city commission at its meeting in 2010 to bequeath their property to the city in their wills to which the city commission concurred at the time. Commissioner Bell suggested the need for more information before a decision is made on taking on the property.

In response to Mayor Cheshire’s statement and after Commissioner Lewis suggested delaying the discussion to proceed further, Mr. Minkoff

confirmed in the affirmative, in response to his inquiry, that the clause in the will, bequeathing the property as a park, is a deed restriction.

If creditors exist and there is a plan to sell the property and without the knowledge on the estate's status, Mr. Minkoff recognized the first bequest taking priority on the value and the property; noted the likelihood of the court taking the proceeds to fulfill the will's directions, and mentioned the possibility of utilizing the probate process to obtain the property's title. He suggested maintaining and working with what the city has first.

After discussion, and **by unanimous consent, the city commission agreed with the city attorney's suggestion and authorize the city manager to proceed in working towards the direction of the Last Will and Testament of Ann Marie Lewis without invoking attorneys' fees.**

**ii. Fruitland Park Library Director**

Ms. Glendinning reported that she has been working closely with Senatore Inc., construction architect retained by the city, and the public on the coastal comfort color combinations selected for the proposed construction of the Fruitland Park Library; and stated that she anticipated receiving the city commission's approval.

Ms. Glendinning referred to the map drawings and samples of the interior and exterior design displayed at this evening's meeting and depicted the sign banner and labels on the water bottles displaying the new logo featuring the windmill prepared by Sign Wizard Inc.

In response to Commissioner Ranize' inquiry on the date when the construction of the Fruitland Park Library would be procured, Mr. La Venia gave a report on Mr. James P. Senatore's examination of materials provided by Booth Ern Straughan & Hiott Inc. (engineers, surveyors and land planners retained by the city) and recognized City Attorney Anita Geraci-Carver's review on the respective documents which he anticipates would shortly be ready for submittal.

Mayor Cheshire relayed remarks from The Villages' resident commending Ms. Glendinning on the library's services.

**iii. Code Enforcement Officer**

Ms. Davis cited from the code enforcement report dated January 1 to July 27, 2017 statistics on code enforcement complaints; delinquent business licenses (whereby she is working with the city clerk's office on updates and location of businesses), and junk, unlicensed, and uninsured vehicles. (A copy of the report is filed with the supplemental papers to the minutes of this meeting.)

Ms. Davis addressed the ability to contact and communicate with property owners as their properties (on Mirror Lake Drive, North Dixie Avenue, South Dixie Avenue, and the old mercury thermometer incinerator plant on US SR 441/27) have been deemed as unsafe structures; addressed the possibility of demolition on same, and pointed out the procedure which is currently being reviewed by Ms. Geraci-Carver.

Mr. La Venia anticipated that Ms. Geraci-Carver will be in attendance at the next regular meeting whereby the city would be allowed to work with the respective property owners on the fee provision and reimbursement to the city for demolishing said structures.

Ms. Davis reported that the first Special Magistrate Hearing will be held on August 3, 2017 at 8:30 a.m. to consider the property located on 401 Acorn Circle. She explained that future hearings will be held on the first Thursday of the month.

**(b) City Attorney**

**i. Lawsuits**

**ii. Notice of Claims**

Mr. Minkoff referred to Ms. Geraci-Carver's agenda summary report and indicated that he is available to answer questions.

**iii. Marijuana Moratorium**

Mr. Minkoff requested the city commission's action to enact an ordinance or follow state law on the marijuana moratorium as the existing (2016-030 Moratorium – Marijuana Dispensaries) has expired.

Following much discussion, and **by unanimous consent, the city commission accepted Commissioner Lewis' recommendation to implement the city attorney's recommendation to impose a new short-term moratorium for six months.**

Mr. Minkoff explained that the will convey the city commission's action to Ms. Geraci-Carver who will bring the matter back before the city commission for its consideration at the next meeting.

**6. PUBLIC COMMENTS**

Mr. Hurtt voiced his respect to the commission and staff and complimented them on their hard work.

Mr. Paul Frost, City of Fruitland Park resident, noted his discovery on the marijuana issue approved by the state legislature and the consequences of anyone caught selling them within 1,000 feet of school property; recognized the regulation permitting the sale of same within 500 feet of schools, and mentioned his desire to make the city commission aware of same.

7. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Ranize**

Commissioner Ranize requested the city commission's consideration on the code enforcement officer's workload and the hours allotted to her.

(b) **Commissioner Lewis**

i. **Facebook™ Posting**

Commissioner Lewis complimented the police department and commended Chief Fewless on the immediate measures it undertook to respond to recent postings on *What's Happening Now Fruitland Park* and the *Fruitland Park Police Department* Facebook™ platforms and the department's availability to accept telephone calls.

ii. **FY 2017-18 Budget**

In response to the previous remarks by Mr. Hurtt, Commissioner Lewis addressed the commissioners' role in identifying and directing funds to address risk management (low restrictive cash reserve) during the FY 2017-18 budget process. He pointed out Ms. Racine's July 19, 2017 email regarding the general fund unrestricted fund balance trends from FYs 2011-12 to 2015-16 and requested the city commission's consideration in that regard. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

(c) **Commissioner Bell**

Commissioner Bell thanked Ms. Glendinning and Mr. Bogle for their and taken to fulfill their work.

(d) **Vice Mayor Gunter, Jr.**

Vice Mayor Gunter was absent at this time.

8. **MAYOR'S COMMENTS**

(a) **FY 2017-18 Budget**

Mayor Cheshire referred to Commissioner Lewis' remarks on the FY 2017-18 budget; pointed out the forthcoming August 8, 2017 workshop, and addressed the need to maintain the millage rate to avoid potential risk.

(b) **Dates To Remember**

Mayor Cheshire noted the following dates:

- July 28, 2017 - Special Commission Meeting at 6:00 p.m.
- August 3, 2017 - Workshop at 6:00 p.m.  
Upon Mayor Cheshire's suggestion, and by **unanimous consent, the city commission cancelled the August 3, 2017 workshop and determined that discussions will be held to reschedule at a later date.**


- August 10, 2017 - Regular Commission Meeting at 6:00 p.m.
- August 11, 2017 - LCLC Four-Hour Ethics Training, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 9:00 a.m.
- August 17-19, 2017 - Florida League of Cities Conference, World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 7:30 a.m. Mayor Cheshire addressed his inability to attend the conference.
- August 24 - Regular Commission Meeting at 6:00 p.m.
- August 28 - 2017 Lake County Legislative Delegation Hearings, Lake Sumter State College, Paul C. Williams Fine Arts Center, 9501 US-441, Leesburg, FL 34788 at 1:30 p.m.

9. **ADJOURNMENT**

**There being no further business to come before the city commission at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 7:05 p.m.**

The minutes were approved at the August 10, 2017 regular meeting.

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

Signed   
\_\_\_\_\_  
Chris Cheshire, Mayor





**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Raymond Preston Lewis II, hereby disclose that on July 27, 20 17 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, McHale Roofing ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Selecting of Roofing Contractor to remove and replace roof of the City Library. One of the contractors bidding was McHale Roofing. McHale Roofing purchases Business Auto Insurance from me.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/29/17  
Date Filed

Raymond P. Lewis, II  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.