

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
June 8, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 8, 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; Police Chief Michael Fewless; Captain Eric Luce; Sergeant David Brown, Detective Jennifer Hutchins, Officers Brad Heidt, Jerimiah Ricketts, Paul Sandbrakken, and Mike Whitaker, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; and Madison Leary, 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 6:00 p.m. and due to the absence of Pastor Rick Welborne, Life Church Assembly of God; Chief Fewless gave the invocation and 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.

Upon Mayor Cheshire's suggestion and by **unanimous consent, the city commission agreed to resume parliamentary procedures when conducting its meetings by following Robert's Rules of Newly Revised (RONR) Order as the decorum of debate amongst the elected officials on the conduct of speakers, the public and staff and to be initially be recognized by the mayor during its proceedings.**

Mayor Cheshire referred to the RONR Cheat Sheet which distributed to the city commission; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**3. LOCAL PLANNING AGENCY Recess 6:00 p.m. or Thereafter**

**By unanimous consent, the city commission took a recess at 6:03 p.m. to convene the Local Planning Agency and reconvened its regular meeting at 6:14 p.m.**

**4. SPECIAL RECOGNITION**

**(a) 2017 "Service Above Self" Program Award and "Lake County Officer of the Year" - Officer Brad Heidt**

Chief Fewless introduced Officer Brad Heidt -- who was selected amongst other Lake County agencies -- as recipient of "*the Lake County Officer of the Year*" award; recalled the lifesaving techniques he administered around 2015 Memorial

Day to a four-year-old child who almost drowned, and noted Officer Heidt's continued contribution after the event. Chief Fewless announced that the "Service Above Self" Award plaque (presented previously to the city) will be displayed at city hall during the 2017 year.

After the city commission congratulated Officer Heidt, he expressed his gratitude.

**(c) Captain Erik Luce – Promotion**

Chief Fewless recalled his initial employment with the city; recognized the then Sergeant Luce' efforts over the past two years -- during which time he was promoted to the position of lieutenant -- and identified the impression he has made based on his assignments. Chief Fewless indicated that Captain Luce is well respected by the police department.

After Captain Luce introduced his wife, he was acknowledged by the city commission and accepted the recognition with honor.

**(b) Detective - Officer Jennifer Hutchins**

Chief Fewless recollected the performance of Jennifer Hutchins during his initial employment; relayed her desire to attend the Criminal Investigative Division training where she has proven herself, and announced reasons why she will become the next detective.

Following Detective Hutchin's introduction to her family, she expressed her appreciation for the recognition.

After Chief Fewless welcomed those present to join in celebrating staff's accomplishments at the police department, Mayor Cheshire, on behalf of the city commission, extended congratulations.

**5. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the May 11, 2017 regular city commission meeting minutes as submitted.**

**6. PRESENTATION**

**Lake County School District Superintendent**

Dr. Diane S. Kornegay, Lake County School District Superintendent, expressed her appreciation to Ms. Tammy Langley, Fruitland Park Elementary School Principal, who was present at this evening's meeting, for her support, and introduced herself to the city commission by highlighting her background and experience in the public educational sector.

Dr. Kornegay explained that being appointed in January 2017, she is nearing completion of her accomplishments of her first 100-day plan; addressed her intent to provide a summary of her experiences with regard to same, and highlighted the following:

- engaging with the community by building relationships and opening a dialogue in conducting teachers' focus groups;
- submitting a report on all the schools visited;
- meeting with local governmental and other organizational bodies on the district schools' needs, what can be implemented going forward with the next steps to support them, and what is working well with students and what needs to be changed, and
- collecting data and presenting same.

Dr. Kornegay noted the other goals to be focused on the budget as it relates to how funds are being spent; providing better programs to invest in children to better purpose the district's resources, and changing instructions to produce greater results for the children.

Dr. Kornegay reported on the district's current C-rating; its ranking as the 44<sup>th</sup> in the state, and how improvements are planned to be made. She addressed the intent to provide training in the summer with expectations established for teaching and learning and support to teachers in focusing on meeting children's individual needs.

Due to the lack of early learning programs for pre-kindergartners, Dr. Kornegay noted some proposed goals to consider are:

- focusing on involving more families with children with current programs with expanded early learning opportunities;
- redesigning and broadening the current technical educational programs known as "vocational ed" with the realization that not every pupil will attend college;
- preparing children for the workforce by increasing graduation rates, engaging children in relevant learning in the field of interest – recognizing Lake County's job well done in developing such programs to middle school –determining the children's needs in learning, and opening additional academies to acquire master skills and graduate with industry certifications for employment;
- working with business communities offering internships for children and externships for teachers; being a part of the district's advisory board in developing program growth, and providing accelerated opportunities for more advanced children, and
- due to the lack of prospects in earning college credits through dual-enrollment programs, transporting children to Lake-Sumter and bringing equitable opportunities closer to local high schools.

Dr. Kornegay believed that the initiatives for the 2017-18 school year, previously described, would focus on determining the issues and improving the quality of teaching and learning in the classroom which would ensure the children's success.

In response to a question posed by Vice Mayor Gunter, Dr. Kornegay described the 11-month school year program she proposed to the school board and mentioned the lack of

clarification that it was for all children which would require input from the schools and stakeholders to determine interest; thus, affordability would be an issue.

Dr. Kornegay noted that some children could utilize different instructional time where the learning process during the summer could use additional remediation; the achievement gap for struggling students would be prevented, and such programs would offer incentives which she is proposing for students and parents.

Dr. Kornegay referred to previous conversations which arose from a consultant's proposal who was working with the school board on successful schools and what was implemented recognizing the longer school years, school days, additional instruction time, and early intervention program. She relayed her response in the affirmative on her consideration of same; however, she described her clarification previously addressed before the media as she believes in parents' choices on children's extra instructional time to which Vice Mayor Gunter voiced his preference for the year-round program.

In answering Vice Mayor Gunter's question on school uniforms as a result of his travels outside of the country, Dr. Kornegay believed it is a parent-school-community decision; recognized nine district schools with uniform policies which she will leave at the local level as to whether it would be beneficial for the children; and addressed her intent to work with the schools on how to best help the students.

On behalf of the city commission, Mayor Cheshire thanked Dr. Kornegay for the presentation.

## 7. **REGULAR AGENDA**

### **(a) Site Plan Review – Commercial Building– Applicant: Sunshine Properties & Rentals Inc.**

The city commission considered its action on the site plan for a commercial building designated as General Commercial (C-2) zoning district.

Mr. Rector described the site plan review which is a commercial building for Sunshine Properties & Rentals Inc.

**After discussion, a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve the LPA's recommendation to adopt the site plan for a commercial building designated as Commercial 2 zoning district as submitted with the caveat requiring an eight-foot fence on the rear northern boundary of the property.**

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

### **(b) First Reading – Ordinance 2017-018 Recreation Fees**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-018, 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 CITY COMMISSION TO SET RECREATION FEES BY RESOLUTION; REPEALING FEES FOR USE OF THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 22, 2017.)

After Mr. La Venia described the process, there was one from the public.

**A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2017-018 as previously cited.**

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

**(c) First Reading – Ordinance 2017-021 Establishing Park Hours**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 95.04 TO INCLUDE A DEFINITION OF PARK; CREATING SECTION 95.19 TO ESTABLISH PARK HOURS FOR THE CITY'S PARKS; CREATING EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE. (The second reading will be held on June 22, 2017.)

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission approve Ordinance 2017-021 as previously cited.**

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

**(d) First Reading – Ordinance 2017-020 Hybrid Fire Department**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-020, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING PROVISIONS SET FORTH IN CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; ESTABLISHING A HYBRID FIRE DEPARTMENT CONSISTING OF PAID PERSONNEL AND VOLUNTEER PERSONNEL; AUTHORIZING THE CITY MANAGER TO APPOINTMENT A FIRE CHIEF AND PERSONNEL; DEFINING DUTIES AND POWERS OF FIRE CHIEF; PROVIDING FOR COMPENSATION AS AUTHORIZED BY THE CITY COMMISSION; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

In response to Vice Mayor Gunter's inquiry, Ms. Geraci-Carver referred to the city's code providing for a fire department to be inconsistent with its current operations and funding; addressed the need for the existing code provisions codified in the statute to be repealed or replaced, and noted, alternatively the commission including the fire department segment in the code. Based on many previous city commission and appointed-committee discussions, she opined that it would make sense to establish a hybrid fire department which is the city commission's discretion.

After Commissioner Bell voiced his concerns that the city commission has not yet reviewed the FY 2017-18 budgetary cycle to make a determination on a hybrid fire department, Ms. Geraci-Carver indicated that it could be changed during the budget process.

Mr. Jay Carnell, City of Fruitland Park resident, held a dialogue among Mr. La Venia and the city commissioners on the cost of providing hybrid fire rescue services.

After discussion, **Commissioner Bell raised a point of order on the exact figures not yet revealed by the city commission.**

Recognizing that the budget process has not yet started, Mr. La Venia explained that the costs to the citizens are preliminary. He described the process that took place regarding the consultant's calculations on a flex trained fire department personnel in conjunction with volunteers and county emergency medical services and addressed the plan to meet with Interim Chief Gilpin to discuss pay scales to ultimately provide a better service than the county's.

Mr. Larry Latsinhezer, Lake County resident, held a dialogue on why the numbers relating to fire rescue are not available for public viewing.

Mr. Carl Burch, City of Fruitland Park resident, gave his historical perspective of the fire department which he believes to be better than the county's; addressed his experience of the county's limited resources recognizing their dedicated quality of services scattered all over the county and the Fruitland Park area remaining uncovered, and noted the fire department volunteer's continued response rates. With respect to the budget, he believes the county's budget may increase but feels that the citizens would attempt to keep the costs down.

**Commissioner Ranize made a motion to approve Hybrid Ordinance 2017-020 as previously cited.**

Subsequent to continued discussions, the motion died for a lack of a second.

**A motion was made by Commissioner Lewis that the city commission direct the city attorney to draft an ordinance approving the fire department repealing and replacing the fire department within the existing code and bring it back before the city commission for consideration.**

Following extensive deliberations, **Vice Mayor Gunter seconded the motion on the floor.**

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

**By unanimous consent, Mayor Cheshire opened this evening's the public hearings.**

#### **PUBLIC HEARING**

**(e) Second Reading and Public Hearing - Ordinance 2017-016 – Personnel Policies and Procedures Manual – Family Employment-Nepotism and Personal Relationships**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-016, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

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 first reading was held on May 11, 2017.)

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

**A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission enact Ordinance 2017-016 as previously cited to become effective as provided by law.**

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

**(f) Second Reading and Public Hearing - Ordinance 2017-017 Repealing Local Traffic Movement Regulation Ordinance 2017-011**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-017, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

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 first reading was held on May 11, 2017.)

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

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission enact Ordinance 2017-011 as previously cited to become effective as provided by law.**

**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 Ranize</b>	<b>No</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**Mayor Cheshire declared the motion carried on a four to one (4-1) vote.**

**8. NEW BUSINESS**

There was no new business at this time.



9. **OFFICERS' REPORTS**

(a) **City Manager**

i. **Fruitland Park Library**

Mr. La Venia reported that Fruitland Park Library Director JoAnn Glendinning will be present at the next meeting.

ii. **Project Status Update Report**

Mr. La Venia announced that a project status update report will be available at the next meeting.

iii. **Message Sign Board – Police Department**

Mr. La Venia indicated that he would like to propose another sign board for the police department which has not yet been purchased but is allocated in the budget under the capital improvement program. He noted, in the meantime, that more information will be forthcoming on the costs involved.

iv. **Fruitland Park Library Construction - Fire Suppression System**

Mr. La Venia referred to recent correspondence distributed to the city commission regarding the Fruitland Park Library fire sprinkler system; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia pointed out previous discussions he had with Commissioner Ranize on the necessity of a fire suppression system for the new Fruitland Park Library. He stated that although he feels it is not necessary, should the city commission decides to expand the building, it would be required under the Fire Building Code.

In response to Vice Mayor Gunter's statements, the city commission agreed to obtain bids and include a separate line item in the budget in that regard.

Commissioner Ranize relayed his response to previous inquiries brought to his attention on the need for a fire suppression system for the new library based on its current occupancy and size and mentioned the likelihood of exceeding same. He referred to comments made at a previous meeting by Mr. "Jamie" James P. Senatore, architect retained by the city, that such system would not be required; however, the design would be included for the system at an additional cost, if the city commission wanted to expand. Commissioner Ranize voiced concerns that such matter was not presented before the city commission for input; thus, the reason why he brought it to Mr. La Venia's attention for it to be discussed.

Mayor Cheshire, in concurring with Commissioner Ranize' comments, recognized the occupancy and size dimensions close to what is required; believed the commission ought to review including the system in the budget, and request that Senatore conform in that regard.

After discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission authorized Senatore Inc., in preparing the procurement of the Fruitland Park Library Construction project, to allow for contractors to bid on the fire suppression system as a separate line item.**

**(b) City Attorney**

**i. Lawsuits**

• **George Fernandez v. City of Fruitland Park**

Ms. Geraci-Carver referred to the United States District Court Middle District of Florida Ocala Division's recent order approving settlement funds for the George Fernandez case which she anticipated will be distributed and the matter closed.

• **James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park and**

• **Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs**

Ms. Geraci-Carver announced that case management conferences are scheduled during this week for the James and Rita Homonai v. Foster, Crenshaw and Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs cases. She indicated that she will report back to the city commission at the next meeting on the trial dates to be scheduled.

**ii. Notice of Claims**

Ms. Geraci-Carver explained that no development has been made on the notice of claims.

**Dr. Sundeep Shah**

With respect to the traffic accident claim negotiated by the city's insurance company, Ms. Geraci-Carver referred to a recent letter sent to the claimant, Dr. Sundeep Shah, offering approximately \$7,000.

**iii. Public Records Law**

Ms. Geraci-Carver reported on the new public records law that went into effect on June 23, 2017 and gave her understanding that the city is currently in compliance. She indicated that posting of the records custodian is required whereby the city's ability to paying attorneys' fees would be avoided when the requester make a public records request in writing and receives a response.

Ms. Geraci-Carver explained that she will report back to the city commission on other new laws that has come into effect at the next meeting.

iv. **City Attorney - Pennsylvania Avenue/Forest Avenue – Terry Ross Duplex Project Status Update**

At Mayor Cheshire's request, Ms. Geraci-Carver referred to her email dated May 17, 2017 regarding the Ross Property which identified lots 18 and 19 that were currently under construction; where, after further review, do not meet the Land Development Regulations (LDRs) requirements for minimum dwelling unit size. She addressed the possibility of lot 18 meeting the required side setback requirements established on what was recorded in 1916, prior to the city's incorporation. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver referred to her telephone conversations with Mr. La Venia, earlier this day, on the unsuccessful attempts made by LPG Urban and Regional Planners Inc., retained by the city, to locate the period when the plat was recorded under the county.

Ms. Geraci-Carver identified the only remaining issue to be the units which are allowed to be constructed on the lots with the current zoning, where each needs to be minimum of 1,200 square feet. She mentioned her uncertainty of the city's ability to determine whether the setback requirements of five feet and the minimum size on the rear or side are appropriate.

Ms. Geraci-Carver gave her understanding that five more permits were applied for. She explained that future lots (provided the minimum size of the units are at least 1,200 square feet where they would be allowed) met the current Residential 2 (R-2) zoning designation setback since 1916 and that they are condominiums subject to separate ownership. Ms. Geraci-Carver indicated that the city would not be able to deny the permits.

In response to Mayor Cheshire's inquiry, Ms. Geraci-Carver recognized that such requirement is in the current adopted LDRs which are presently undergoing review and changes are being proposed, She identified a typical statement relating to meeting the setbacks or zoning requirements at the time the LDR changes and noted that if one met the LDRs, which were updated in the 1990s, there would be the ability to develop which was in effect at that time.

After Ms. Geraci-Caver explained that LPG is working on the LDR requirements to be presented before the city commission for some changes and Mr. La Venia anticipated that modifications would be available by the end of the year, she recognized that there would be no bearing on the comprehensive plan unless widespread changes were considered on what the city commission would want to be permitted in certain zoning districts.

In order to stop single family detached homes in the city other than enacting ordinances, Ms. Geraci-Carver explained that the comprehensive plan,

LDRs, and any vesting rights that may be in effect would need to be reviewed whereby one may not be able to prohibit all properties designated as R-2 zoning to be developed as they are currently allowed to be developed. She indicated that each issue would need to be reviewed on an individual basis, depending on the status in the approval process, and that the city commission would need to determine its policy on what would be allowable under the R-2 zoning.

Ms. Geraci-Carver explained that the city cannot prevent an application for permits under the existing code and noted that the city would need to allow the applicant to develop and construct existing structures, even if a part of the property was damaged, under the present LDR requirements. She explained how the city would review the efforts made by the applicant -- who owned a lot long term and decided to build a duplex or condo -- based on case law and vesting rights; thus, the owner relying on same to their detriment to establish the entitlement to develop under the city's current LDRs.

Commissioner Lewis placed emphasis on the lot of record platted in 1916 (50 foot-wide lots throughout the city); indicated that it was pointed out to him the state legislature's predictions and the passage of the Burt J. Harris Jr. Private Property Rights Protection Act 1995 that local government cannot change their ordinances to the financial detriment of those holding properties who want to develop.

After Commissioner Lewis explained the value of the lot if built upon, Ms. Geraci-Carver addressed the question the loss regarding the ability to build on every development and whether it is developable and if the city no longer allows attached units but permits detached units or single family residential properties or duplexes under special exceptional use, the city would not deprive the applicant the ability to develop same.

Commissioner Ranize referenced previous discussions on the subject issue whereby the plans which reflected duplexes, he believed, were built in the Cities of Tavares or Eustis instead of requiring the redrawing of same; noted at a subsequent commission meeting --Ms. Geraci-Carver's opinion on the square footage and so forth -- "duplex" reflected in print which should have been considered before the commission, and stated that if it was to have been a single-family attached residential dwelling unit, which is allowed, the commission was subsequently informed of the intent.

Ms. Geraci-Carver responded in the affirmative that the property owner would need to pay for the condo as it is after the fact. She relayed her recommendation previously made to Mr. La Venia describing the requirement of an internal process; otherwise, if the plan was approved as a

duplex, it would be required to be considered before the Planning and Zoning Board and the city commission.

After much discussion, Commissioner Ranize responded to Mayor Cheshire's inquiry on the need for the city commission to be informed on issues at such magnitude; acknowledged the discrepancy described by Ms. Geraci-Carver, and expressed unhappiness for the residents.

Following extensive deliberations, Ms. Geraci-Carver explained that she and Mr. Greg Beliveau, LPG, recommended that the city commission hold a workshop, after the budget workshops, on what is allowable in each zoning district; where he would review the changes on what is required in the zoning code and report back to the city commission.

**By unanimous consent, the city commission agreed with the city attorney's recommendation to hold a workshop with Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., to review the City of Fruitland Park's zoning districts.**

In response to Commissioner Lewis' inquiry, Ms. Geraci-Carver stated that she believed the city commission's position at its May 11, 2017 regular meeting was not to demolish the two existing single-family attached residential dwelling units in Residential 2 (R-2) and R-2A zoning districts even if they did not meet the requirements.

Commissioner Lewis confirmed that the city will not allow a variance; the property will require a certificate of occupancy with a nonconforming use designation, and the owner would be required to obtain an ordinance of law owner insurance coverage sufficient for the increase construction cost to bring the building up to current code.

After discussion and at Mayor Cheshire's request, Ms. Geraci-Carver indicated that the city commission would be making a decision to not require the Terry Ross Duplex Project located on Pennsylvania Avenue (Forest Avenue) to be demolished but allow the building to remain constructed "as is" as a nonconforming use.

Mr. Carlisle "Carl" Burch, City of Fruitland Park resident, believed that rating R-2 without approval where duplexes are not allowed and interpreted single-family attached residential dwelling units which was constructed later were not the initial plan. He recognized the discussions identifying said properties as small lots and voiced his concurrence with the statement made at the May 11, 2017 regular meeting that a recorded lot of record to be buildable lots under the old LDRs since 1960.

Mr. Burch gave historical examples of the approximate eight single family homes that were part of the first division in 1916; lot 20 (adjacent to 19) built in 1986, and lots 8, 10, 11, and 21 constructed in 2007. He mentioned the requirement for the builder, at that time and due to the lots' inadequate size and incorrect setbacks, to surrender up to 10 feet to increase the width of Sunset Lake in exchange of meeting the setbacks that were in effect.

Mr. Burch questioned the sudden attention given to Mr. Ross in having single family attached and believed the variable lots, when they were divided to allow dual ownership in case one would be sold, are not meeting the requirements of single family.

Mr. Burch pointed out Ms. Geraci-Carver's previous remarks regarding the five-foot setback requirements whereby Mr. Rector previously approved the variance situated further from the street. Mr. Burch stated that he believed that variances are approved to permit the builder to construct on the property and gave a definition of hardship for variance.

Mr. Burch felt that the community development department is making decisions at the city commission level; recognized the other lots were measured and designed by the tax appraiser to the nearness of lot approximately 29 to 30 feet wide to accommodate the setbacks enforced by the city, and acknowledged the public appearing before the city commission on separate occasions in previous years to address same. He stated that he believes that it is the municipalities' job to manage the community's growth and requested the need to stop the continued development of apartments encroaching single family homes.

**On motion of Commissioner Ranize, seconded by Vice Mayor Gunter and unanimously carried, the city commission accepted the city attorney's recommendation that the Terry Ross Duplex Project (the two existing single-family attached residential dwelling units in Residential 2 (R-2) and (R-2A) zoning districts on Pennsylvania Avenue (Forest Avenue)) not be demolished despite the approval received from the community development director as to whether it was correct or not and even if said properties did not meet the Land Development Regulations' requirements.**

Later in the meeting, and after Commissioner Ranize questioned the status of the investigation relating to the Terry Ross Development, Mr. La Venia mentioned his preparedness to conduct the investigation as it benefits the city by establishing transparency and putting the issue to rest. He mentioned the telephone call he has scheduled with the investigatory attorney/factfinder on June 9, 2017.

Commissioner Ranize indicated that the city commission were not initially being made privy to the information and varying accounts heard and relayed his request to Mr. La Venia on answers he outlined.

Vice Mayor Gunter agreed with Commissioner Lewis' explanation citing reasons to not expend \$15,000 for decisions made that need to be placed into context where he believed the commission had no facts.

After Mayor Cheshire explained why he felt there was nothing the city commission could do at this time, Commissioner Ranize voiced his belief that the city owes it to the residents to conduct an independent review and addressed the need for transparency.

After extensive discussions a **motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission not proceed with the investigation and not retain Andrew J. Hand Esq., Sheppard, Smith & Cassady PA, as an investigatory attorney/factfinder regarding the Terry Ross Development (construction of a duplex, single family, attached housing, condominium on Pennsylvania Avenue/Forest Avenue) at a cost not to exceed \$12,000.00.**

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

<b>Commissioner Ranize</b>	<b>No</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>Yes</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>No</b>

**The Mayor declared the motion carried on a three to two (3-2) vote.**

#### **10. PUBLIC COMMENTS**

Earlier in the meeting, Mr. Fred Clarke, City of Fruitland Park resident, addressed the ongoing problem of fireworks occurring around the neighborhood; cited Code Section 95.30, Fireworks (Ordinance 312 enacted on April 12, 1984) *It shall be unlawful for any person to have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park or recreation areas.* He mentioned law enforcements' involvement in this regard and expressed concerns as to whom would be paying for said permits.

Mr. Paul Frost, City of Fruitland Park resident, gave an eye-witness account of activities that took place on the evening of May 9, 2017 whereby the Lake Emergency Medical Services (EMS) were deployed with sirens and lights. He noted that Lake County Public Safety's Fire Rescue Station 53 located on Spring Lake Road, left without the use of sirens

and went to another location; reported that The City of Leesburg's Station 64 (3714 Rogers Industrial Park Road) responded to the service call instead, and requested that the city commission meet with the county to find out the status.

Ms. Cynthia Burch, City of Fruitland Park resident, referred to the top of a recent correspondence she received in the US Mail from the State of Florida Commission on Ethics with the slogan "In God We Trust". She expressed sadness that the public servants have disappointed the people of Fruitland Park.

## 11. COMMISSIONERS' COMMENTS

### (a) Commissioner Ranize

#### i. Agenda Items

After discussion, and at **Commissioner Ranize' request, the city commission, by unanimous consent, agreed to remove in future the "New Business" item listed under its regular agenda.**

#### ii. Fire Department

In response to Mr. Frost's concerns regarding Fire Rescue Station 53, Commissioner Ranize relayed his previous efforts in communicating with the county to no avail regarding the lack of response to a service call whilst employees from Station 53 were dining at Stavro's Fruitland Park Pizza Restaurant in November 2016.

### (b) Commissioner Lewis

#### (a) EMT

Commissioner Lewis expressed his heartfelt gratitude to the employees of Lake EMS, Interim Chief Gilpin and Lieutenant Josh Ranize who responded to a June 4, 2017 emergency which resulted in the saving of his wife's life.

#### (b) LSMPO

Commissioner Lewis referred to the actions taken by the Lake-Sumter Metropolitan Planning Organization (LSMPO) Governing Board at its May 24, 2017 meeting on retaining the position of Executive Director T. J. Fish. He outlined reasons why he believed Mr. Fish would not be in his job much longer based on the result of the vote and pointed out Sumter County Board of County Commissioners' petition to Governor Rick Scott to eliminate the LSMPO and incorporate into MetroPlan Orlando.

#### (c) Fire Department

In response to Mr. Carnell's previous inquiry who was absent from the meeting room, Commissioner Lewis gave reasons why the quality of care and services delivered by retaining the fire department in-house to be better. He referenced Mr. Frost's earlier remarks regarding Fire Rescue Station 53; pointed out the responding fire department from Okahumpka to a recent



incident on Maple Avenue, and mentioned his first-hand experience in times when residents receive responses to needed help during a crisis.

- (d) **Pennsylvania Avenue/Forest Avenue – Terry Ross Duplex Project**  
Commissioner Lewis cited reasons on his unwillingness to support expending funds to conduct an investigatory attorney/factfinder regarding the Terry Ross Development to which he believed Mr. La Venia could handle. He voiced concerns on Mr. Rector's statement made on the hierarchy when addressing the city commission at a previous meeting and encouraged Mr. La Venia to handle the decorum as it relates to directors.

- (e) **Special Magistrate**  
Commissioner Lewis referred to a recent meeting he had with Mr. Ashley Hunt, Special Magistrate Attorney retained by the city, regarding the lack of code enforcement cases before him for the city. He voiced concerns on the unsafe structure without a roof causing blight on the intersection of Dixie and Palm Avenues which is not reaching Mr. Hunt.

After Mayor Cheshire relayed his conversations with Ms. Lori Davis, Code Enforcement Officer, regarding similar areas and her intent to meet with Mr. Hunt, Ms. Geraci-Carver suggested that she meet with her as Mr. Hunt is the neutral participant in this matter.

- (c) **Commissioner Bell - Lake EMS**  
Commissioner Bell referred to the previous workshops held and the outpouring of accolades received for Lake EMS.
- (d) **Vice Mayor Gunter, Jr. – 2017 Annual Employee Picnic**  
Vice Mayor Gunter expressed appreciation to Ms. Yoder for her performance and the success of the May 6, 2017 Annual Picnic.

## 12. MAYOR'S COMMENTS

- (a) **Swim Events**  
Mayor Cheshire described the swim team program experienced recently by his family.
- (b) **Dates To Remember**  
Mayor Cheshire noted the following dates:
- June 9, 2017 Lake County League of Cities' Messrs. Carey Baker/Mike Prestridge, Lake County Property Appraiser's Office *Preliminary Tax Roll 2016* Meeting, Lake Reception 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon;
  - June 20, 2017 – Workshop Commission Meeting at 6:00 p.m.;
  - June 22, 2017 - Regular Commission Meeting at 6:00 p.m.;

- June 28, 2017– Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m., and;
- July 4, 2017 – City Offices Closed – Independence Day;
- July 12, 2017 - Budget Workshop at 6:00 p.m.;
- July 13, 2017 - Budget Workshop at 6:00 p.m.
- July 14, 2017 – LCLC’s 2017 Legislative Session Update – Lake Legislative Delegation, FY 2017-18 Budget and Dues Approval, Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon;
- July 27, 2017 - Regular Commission Meeting at 6:00 p.m., and
- July 28, 2017 - Special Commission Meeting at 6:00 p.m.

**13. 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 8:33 p.m.**

The minutes were approved at the July 27, 2017 regular meeting.

Signed

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Esther B. Coulson, City Clerk

Signed

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Chris Cheshire, Mayor