

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
August 10, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 10, 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 Treasurer; Jeannine Racine; Captain Eric Luce; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Pablo Echevarria, Madison Leary, and Michael Howard Firefighters Fire Department; Community Development Director Charlie Rector; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m., Pastor Seth Mulford, Grace Bible Baptist Church, gave the invocation and Captain Luce 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.

3. CONSENT AGENDA

On motion of Commissioner Bell, seconded by Commissioner Ranize and unanimously carried, the city commission approved the July 27, 2017 regular and July 28, 2017 special meeting minutes as submitted.

4. (a) Resolution 2017-023 – FY 2016-17 – Surplus Vehicles Sales - Budget Amendment BT 2017-015

At Mayor Cheshire's request, Ms. Geraci-Carver read into the record proposed Resolution 2017-023, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2016/2017 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM GENERAL FUND SURPLUS TO THE GENERAL FUND POLICE SUPPLIES BUDGET FOR EXPENDITURES IN THE POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-023 as previously cited.

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

(b) June 2017 EOM Financial Report

After Ms. Racine reviewed the final year-to-date budget report for the period ending June 30, 2017, it was accepted by the city commission.

5. OFFICERS' REPORTS

(a) City Manager

• Soccer Field Status Update

Mr. La Venia gave a status update report on the proposed soccer field at Northwest Lake Community Park project; indicated that the grading was completed by Booth Ern Straughan Hoitt Inc. (BESH), engineers, surveyors and land planners retained by the city who, and explained that Rainey Construction Company is ready to commence on said project.

Mr. La Venia referred to piggyback proposals for the soccer field's installation and irrigation from ACI Irrigation for \$13,900, Dozier Irrigation for \$12,500, and Cottom's A-1 Sod and Total Lawn Care for \$14,682. He recommended awarding the proposed project to Dozier Irrigation as staff considered it is the local and most preferred lowest bidder.

On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the city manager's recommendations as previously cited.

• Veterans Park

Mr. La Venia recognized that funds of approximately \$105,000 for the Veterans Memorial Park ballfield is available which was set aside earlier in the year towards improvements. He referred to the three piggyback proposals received for Veterans Memorial Park lighting installation from Musco Lighting for \$32,000; Himes Electric Company Inc. for \$57,400, and Affordable Electric Inc. for \$59,750.

Mr. La Venia recommended awarding the proposed project to Musco Lighting as the lowest and most responsive preferred bidder and highlighted the company's experience and performance.

After much discussion, and **on motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved the city manager's recommendations as previously cited.**

Mr. La Venia addressed his preference to proceed in using the manufacturer, who originally installed the old playground equipment, to remove it permanently for approximately \$5,000 as it is no longer safe.

Following further discussions and **on motion of Commissioner Ranize, seconded by Commissioner Bell and unanimously carried, the city commission accepted the city manager's recommendation to remove the playground equipment from Veterans Memorial Park.**

(b) City Attorney

i. Notice of Claim – Anthony Mancino

Later in the meeting, Ms. Geraci-Carver referred to Mr. Anthony Mancino's case which was evaluated by Ms. Stephanie Brionez (formerly McCulloch), attorney assigned to the case, who previously spoke to some of the witnesses from a liability standpoint and relayed that although she does not believe the city has liability, there is risk in all litigation.

Ms. Geraci-Carver referred to her recent conversations with Mr. Mancino's attorney; conveyed their firm offer of \$15,000 (the acceptance for a full release on what the city would pay in its deductible to the insurance company), and recommended the city commission's authorization of same.

Following much discussion, **a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve the city attorney's recommendation to accept the claimant attorney's firm offer of \$15,000 over and above the attorney's fees provided the insurance company picks up the difference in what the city expended to settle the Mancino matter.**

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

Commissioner Bell	Yes
Commissioner Lewis	Yes
Commissioner Ranize	Abstain
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

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

Commissioner Ranize addressed the need to abstain from voting due to a potential conflict of interest due to his knowledge of the subject case.

ii. Fruitland Park Library

Ms. Geraci-Carver reported that the Library construction contract has previously been provided to staff and she is waiting for comments to determine whether the city wants changes otherwise, the city is ready. She explained that she also provided the advertising requirements for competitive bids which should be taking place.

iii. Marijuana Moratorium

Earlier in the meeting, Ms. Geraci-Carver gave her understanding of the city commission's desire to impose six months for the marijuana moratorium ordinance which has since been drafted and for city commission consideration at its August 24 and September 14, 2017 regular meetings.

iv. Pennsylvania Avenue – Terry Ross Duplex Project

Ms. Geraci-Carver gave an update on the Terry Ross Duplex Project; believed Mr. Rector spoke with an attorney dealing with the property, and indicated that he referred the attorney to her where she had conversations with her earlier during the week.

Ms. Geraci-Carver explained that the attorney would like the city to consider, instead of condo the attached residential units, to allow the creation of town homes with a homeowner's association (HOA) to maintain the exterior of the buildings.

Ms. Geraci-Carver addressed her plan to review the city's code; referred to her conversations with Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., earlier this day, and addressed the desire to review same before responding back to the attorney.

6. PUBLIC COMMENTS

Mr. Peter Hurtt, City of Fruitland Park resident, referred to the FY 2017-18 budget; discussed with Mr. La Venia the fire department's personnel and compensation, and anticipated that the fire department personnel be properly compensated for their services.

Mr. Carlisle Burke, City of Fruitland Park resident, addressed Mr. Ross' plans on the proposed duplexes, which he stated was not authorized from the beginning, and noted the promise to build something else.

Mr. Burke believes that Mr. Ross is further accommodated by the city commission; anticipated that some sort of notice be provided to the affected area residents, and expressed his disappointment on the outcome of the current situation.

7. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Ranize**

Pennsylvania Avenue – Terry Ross Duplex Project

Commissioner Ranize requested that the city commission be provided with a report and be kept apprised of Mr. Terry Ross' plan with the duplex and other properties at the Pennsylvania Avenue location.

(b) **Workshops - Public Works Proposed Building/Land Development Regulations**

Commissioner Ranize referred to the August 8, 2017 workshop; expressed his apology to the city commission and the public on his view, on what he thought at that time, of the proposed public works construction project. He gave a report on his recent visit to the Town of Lady Lakes, the City of Tavares and his communication with a representative at the Lake County Sheriff's Office and believes there needs to be a change in the public works building study plans.

Commissioner Ranize questioned the plans on the city's proposed property, if there is development off Lake Eller and an available site for annexation off Micro Race Track Road. He recognized the city commission's approval at its April 13, 2017 meeting to locate the public works department building at the city's water wastewater treatment plant; acknowledged the ability to expand, if affordable, and pointed out his meeting with Mr. Bogle earlier this day.

Commissioner Ranize recognized the plan to transform the exiting Fruitland Park Library into a recreational center. He noted the current library's occupancy capacity; questioned the space for public parking when there is a major event, and noted the likelihood of utilizing the present public works site by changing it into a parking lot to support the recreation center. Commissioner Ranize referred to the city commission's discussion at its August 8, 2017 workshop on the proposed construction; addressed the need to conduct a workshop on LDRs, and reschedule the workshop for the public works building.

After discussion and **by unanimous consent, the city commission agreed to hold a workshop on Tuesday, August 22, 2017 at 6:30 p.m. to address Chapter 154, Zoning District Regulations of the Land Development Regulations with the community development director and LPG Urban and Regional Planners Inc. and requested that said chapter be provided in advance of the workshop.**

In response to Commissioners Lewis' inquiry, Ms. Geraci-Carver confirmed that the chapters can be amended in sections.

After discussion and answering Mr. La Venia's request, Commissioner Ranize addressed the Emergency Operating Center (EOC) concept for the public works proposed building where its expansion could be addressed at a future workshop meeting. He gave favorable review of his previous visit to the new utilities buildings with operational EOCs at the Town of Lady Lakes and City of Tavares.

(b) Commissioner Lewis - Marijuana Moratorium

Commissioner Lewis referred to recent press releases and newspaper articles regarding the medical marijuana and gave reasons why he approves a moratorium approach.

(c) Commissioner Bell – Marijuana Moratorium

Commissioner Bell explained that he is looking forward to attending the August 17-19, 2017 Florida League of Cities Annual Conference where he believed that one of the programs will include medical marijuana.

(d) Vice Mayor Gunter, Jr.

i. Public Works Proposed Building

Vice Mayor Gunter referred to the proposed public works building construction and his previous tour of other locations where there is no room for expansion as mentioned at the August 8, 2017 workshop meeting to which Commissioner Ranize addressed was the reason for his recent tour to other public works facilities.

Vice Mayor Gunter voiced his concurrence with Commissioner Ranize' reference to the city commission's previous approval on locating the public works building to the water wastewater treatment plant which he has since been in favor of and recognized the need for parking at the current public works site.

ii. Pennsylvania Avenue – Terry Ross Duplex Project

Vice Mayor Gunter questioned the overseeing of the HOAs for the units relating to the Terry Ross project and recalled the city's problems with the few HOAs who did not meet their commitment.

In response, Ms. Geraci-Carver explained that the project would establish the HOA whereby the city commission cannot place restrictions in that regard. She explained that she does not feel it would be a viable option as it may create more of a non-conformity and indicated that she would like to review more issues before reaching a final conclusion.

8. MAYOR'S COMMENTS

(a) Public Works Proposed Building

Mayor Cheshire recalled the city commission's previous action to move the public works proposed building to the sewer plant to which Commissioner Lewis indicated after it was determined whether it was going to be financially feasible.

(b) Dates To Remember

Mayor Cheshire noted the following dates:

- 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.;
- August 22, 2017 , city commission workshop meeting at 6:30 p.m.;
- 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.
- September 4, 2017 – Labor Day, Offices Closed,
- September 14 - Regular Commission Meeting at 6:00 p.m.
- September 28 - Regular Commission Meeting at 6:00 p.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 6:59 p.m.

The minutes were approved at the August 24, 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, Richard E. Ranize, hereby disclose that on August 10, 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, _____ ;
- 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.

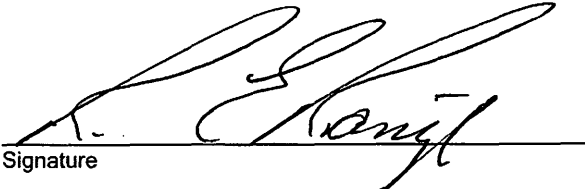
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

On or about July 1, 2012 and until Nov. 1 2014, I communicated with Laura Hargrove or Gause & Hargrove, PLLC regarding Mr. Mancino's arrest by the Fruitland Park Police Department. From the information discussed during are conversations and the information I learned about this case, I feel it would be improper and create a conflict for me to discuss this casr with fellow Commisission. I hearby abstain from discussing or voting on the Mancino case..

For the record I have not received any payment, compensation, nor have I gained or lost privileges from any information exchanged regarding the Mancino case.

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.

August 10, 2017
Date Filed


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.