

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
August 24, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 24, 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, 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., Mr. Steve Whitaker, Heritage Community 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.

Mayor Cheshire announced that members of the public and employees wishing to address the city commission at this evening's meeting, will be recognized by him to appear at the podium and before making a comment, that they state clearly into the microphone their name and address.

3. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Bell, seconded by Commissioner Ranize and unanimously carried, the city commission approved the following meeting minutes as submitted.

- (a) **March 2, 2017 workshop minutes,**
- (b) **August 8, 2017 workshop minutes, and**
- (c) **August 10, 2017 regular minutes**

4. REGULAR AGENDA

First Reading – Ordinance 2017-022 – Imposing Second Moratorium – Marijuana

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-022, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF
FRUITLAND PARK, LAKE COUNTY, FLORIDA; ESTABLISHING A
TEMPORARY MORATORIUM WITHIN THE CORPORATE LIMITS
OF THE CITY OF FRUITLAND PARK PROHIBITING MEDICAL

CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 14, 2017.)

Ms. Geraci-Carver explained that the subject ordinance will be in effect until the December 14, 2017 regular city commission meeting where during that time, the commission can better determine whether a recommendation ought to be made to ban the entire medical marijuana dispensaries' activities completely allowable by state statute or regulate them by treating them as pharmacies.

After discussion, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2017-022 as previously cited.**

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

5. OFFICERS' REPORTS

(a) City Manager

Mr. La Venia referred to the copy of the FY 2016 Comprehensive Annual Financial Report (CAFR) where a presentation will be made before the city commission at a future meeting and pointed out the FY 2017-18 budget which will be considered on the September 28, 2017 regular agenda.

(b) City Attorney

i. Lawsuits - Dr. Sundeep Shah v. City of Fruitland Park

Later in the meeting, Ms. Geraci-Carver referred to the lawsuit filed by Dr. Sundeep Shah against the city regarding a traffic incident in the city. She explained that the attorneys have reached a settlement; recommended that the city commission approve the settlement to him in the amount of \$17,500, and indicated that the city would expend no money as there is no deductible in the insurance policy.

On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the city attorney's recommendation of approval on the subject complaint for the settlement of \$17,500 inclusive to Dr. Sundeep Shah's attorneys.

ii. Notice of Claims - Anthony Mancino

Earlier in the meeting, Ms. Geraci-Carver referred to the city commission's action at its August 10, 2017 regular meeting to accept Mr. Anthony Mancino's attorney's firm offer of \$15,000 over and above the attorney's

fees which was approved by the insurance company; thus, the city's out-of-pocket would be \$15,000.

Ms. Geraci-Carver confirmed that Ms. Stephanie Brionez, attorney assigned to the case, is drafting settlement documents which will be going to Mr. Mancino's attorneys for processing.

iii. Library Construction Bid

At Mayor Cheshire's request, Mr. La Venia reported that the invitation to bid on the library site development and library construction is planned to be advertised on August 25, 2017 and reported that same will be scheduled for September 29, 2017.

6. PUBLIC COMMENTS

Mr. Steven Girard Stivlosky, City of Leesburg resident and expert petitioner, referred to the billboards' prolife signs; indicated that he is seeking local governments who will be first to move towards the direction where he is willing to educate citizens at a league or assembly of municipalities, and addressed his intent to send an email with more information on the concept on "life peace zones" (pro-life sanctuary cities). He addressed the creation of a chapter in the zoning code called "overlay district" which started in Cincinnati, Ohio and mentioned his desire for same to be legally codified where existing homes and businesses, which would require petition, would receive approval on their respective uses.

Later the meeting, Mr. Carlisle Burke, City of Fruitland Park resident, believed that discussions relating to the (Pennsylvania Avenue/Terry Ross Duplex Project) issue could have been avoided if rules were followed. He felt the problem could be easily remediated by zoning single family recognizing the property for single family homes have been built on an existing subdivision since 1916 which he has no issue. Mr. Carlisle indicated that if he also would not have a problem if Mr. Ross plans for single family attached condominium with one unit on either side as single-family residences, similar to other locations. He recognized the issue of developing duplexes which could have been allowed and the rules followed if it came before the city commission and the choice made once the public was heard.

Mr. Carlisle noted the major issue of accommodating Mr. Ross and avoiding the rules whether it is intentional, made by accident, or is a misunderstanding.

Mr. Ross, property owner/resident/developer, explained that he was informed that he could make a purchase on the property at Pennsylvania Avenue; noted that permits were issued for \$50.00 to commence work, and reported on the neighbors' objections halfway in the process of completion. He gave reasons why he agrees to develop town homes and reported that Hawthorne Associates recently conducted a survey on the roadway where he had to dedicate a portion of same. Mr. Ross noted that said roadway was fenced off; indicated that it would be unusable whereby the deed would be on the neighbors, and explained for

an additional 10 feet, the roadway would need to be a one-way street which he believed that the neighbors would be opposed.

Mr. Ross reported that in addition to being slandered, he is ready for the final inspection which he cannot obtain and recognized that time is passing by due to the rent he is losing.

Ms. Rachel Ross (nee Yarbrough), City of Fruitland Park resident, stated that she is a longtime resident. She expressed concerns on the disparaging reports, since the project started, from neighbors on social media and advocated that activities conducted were not illegal. Ms. Ross explained how they followed the process and voiced her objection to the statements made by Mr. Carlisle.

Mr. Larry Blevins, City of Fruitland Park resident and owner of properties on the subject affected area, voiced his support of the Ross'. He addressed his previous appearance before the city commission on the need to improve the city's tennis courts and traffic signals and questioned the need for the city to make improvements to the community.

Ms. Rita Ranize, City of Fruitland Park resident, indicated that the animosity created was not directed at the Ross' but the way it was carried out -- where laws and rules were not followed -- and recognized the city commission's attempts to correct the wrong.

7. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Pennsylvania Avenue – Terry Ross Duplex Project

Commissioner Ranize referred to his email dated August 23, 2017 to Mr. La Venia and copied to Ms. Geraci-Carver regarding zoning with accompanying questions together with Lake County's Geographic Information Services (GIS) map reflecting subdivision lots along Sunset Way. He pointed out indicated that such issues need to be addressed and conveyed his request for clarification on the zoning changes since the August 22, 2017 workshop meeting. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Commissioner Ranize noted the issue of duplexes versus single family attached units and detached single residence; noted the issue it has created for the city and taken care of for the future.

Commissioner Ranize outlined reasons for further interpretation on:

- the lack of, what he has not seen, the statutory requirement on the subject issue;
- the city commission's intent to request that Mr. Ross condo the property and go through the expense allowing the building of residential units -- if it meets the city's current zoning;

- the information received on the lot meeting the minimum square foot setback requirements addressed at the August 22, 2017 workshop, and
- the belief that the city permitted something to be built which did not meet the minimum lot size setback requirements and the square footage for said lot or the remaining lots (owned by Mr. Ross) not meeting what was platted in 1916.

Commissioner Ranize referred to his findings conducted on the adoption of Resolution 2007-001 granting a variance “schedule of setback requirements” at 200 and 2020 Forest Street for four lots at the Dream Lake Subdivision and the property owner dedicating ten feet of right-of-way (ROW) on Sunset Way to the city. He compared same with a similar circumstance whereby the city had an opportunity to negotiate the remaining vacant lots, owned by Mr. Ross, at the time of application; receive another 10 feet on Pennsylvania Avenue to around the west end of Dixie Avenue, and deal with the issues relating to Sunset Way.

Commissioner Ranize pointed out his research carried out earlier this day on the four duplex homes built on Dennis Avenue around 2003 which are not attached single family units; that said homes did not meet the city’s single family medium density residential (R-2) zoning and its minimum square foot setback requirements at that time, and that the city permitted the properties in question to be permanently built and owned as duplexes.

Commissioner Ranize referred to the dwelling units on Orange Street and mentioned the lack of opportunity he had to analyze same earlier this day. Due to the complexity of the subject issue and in reviewing the county’s GIS’ website on the area in question, Commissioner Ranize encouraged the city commission to visit the Sunset Way area.

Commissioner Ranize referred to several appearances made by Mr. Dwight Dodd, former City of Fruitland Park resident, before the city commission during 1974 and his requests for the city to make improvements on Sunset Way. To alleviate the problem and answering Mr. La Venia’s inquiry, he stressed the need to conduct a survey.

Later in the meeting, Commissioner Ranize relayed a previous call received from Mr. Dodd who informed him that he had sold his property on Sunset Way.

Commissioner Ranize recognized the existing duplex attached single family issue on Pennsylvania Avenue (Forest Avenue); gave his understanding that the remaining single family attached residential dwelling units -- R-2 and medium density residential (R-2A) zoning districts -- are being built to meet the city’s current codes, and requested the applicable state statute. He

explained that records presented to him do not reveal that said proposed properties have to be condominiums, and if so, he questioned the reason recognizing that the city did not condo the previous properties that were approved and permitted to date where they currently remain as duplexes on Dennis Street. Commissioner Ranize indicated that there will be anticipated additional traffic on Sunset Way with potential problems on ingress and egress and noted that the city commission has nothing to address the issues including the area residents' concerns.

Commissioner Ranize referred to Mr. Ross' approach to the city with blue prints to construct duplexes which was not presented before the city commission. Commissioner Ranize explained that Mr. Ross was informed by staff that the properties are single family attached which would pose no problem and that the city would require him to condo the property to suit the city's verbiage of single family attached residents where, upon good-faith, Mr. Ross followed staff's direction.

Later in the meeting, Commissioner Ranize questioned the potential costs to condo the property as he feels it to be unfair to compel someone to do so.

Ms. Geraci-Carver, in response, noted the other option for the three remaining lots to go through the special exception use process -- if the intent is to proceed with the existing duplexes that were built -- and questioned whether it would be proper to commence through the process where the city commission would consider them as duplexes.

Commissioner Ranize noted the potential of liability if the city commission went through the special exemption process -- noting that Mr. Ross has already been granted permission to build the properties and was denied same -- to which Ms. Geraci-Carver, in concurring, recognized the quandary with the existing properties where Mr. Ross has the right, under the city's code, to permit duplexes on the remaining lots in that zoning district as a special exception use for consideration before the Planning and Zoning (P&Z) Board and subsequently the city commission.

Commissioner Ranize recalled the city commission's previous discussions --after being informed by staff that a mistake was made in informing and permitting Mr. Ross to build existing units/properties which did not meet the minimum square footage and the setbacks were changed to align with something else --on demolishing the properties, and his request to cease work giving reasons why he believed it to be unfair and improper for the city commission to leave Mr. Ross investing in same in limbo.

Commissioner Ranize addressed the need to clarify and rectify the subject matter expeditiously in order for Mr. Ross to commence with the properties.

Mayor Cheshire thanked Commissioner Ranize for the fact-finding and requested that Ms. Geraci-Carver address the issues especially as it relates to the condoing of the properties, if the intent is to build as single-family attached units addressed at the August 22, 2017 workshop; conduct further analysis on any additional activity, and find out if there has been any changes since based on Commissioner Ranize's findings.

(ii) Evaluations

Commissioner Ranize referred to the request at the October 13, 2016 regular meeting to periodically conduct performance evaluations and referred to Ms. Geraci-Carver's submittal of several sample employee performance evaluations and review forms by email on October 21, 2016. In recognizing that evaluations and contracts to be imminent, he requested the need for a form to perform an evaluation.

Later in the meeting and upon Mayor Cheshire's suggestion, **the city commission, by unanimous consent, directed the city attorney to select the most effective, widely utilized, and straightforward form and provide it to the city commission to conduct performance evaluations on the city manager, city attorney, city treasurer, and city clerk.**

(b) Commissioner Lewis - Pennsylvania Avenue – Terry Ross Duplex Project

Commissioner Lewis referred to his question posed during the latter proceedings of the August 22, 2017 workshop; recalled Vice Mayor Gunter's gesture in the negative on what was accomplished in condoing.

Commissioner Lewis referred to his email on August 23, 2017 to Ms. Geraci-Carver regarding Ross Property Follow up Question. In reviewing the potential of three to five structures of Mr. Ross allowing single family units which meet the square footage and setbacks, Commissioner Lewis questioned where it is stated in the Land Development Regulations (LDRs) that one should condo and the accomplishment of same and pointed out Ms. Geraci-Carver's email response dated August 23, 2017. He relayed his conversations with her on the day in question on the requirement for single family attached units to be deeded separately to which she concurred in the affirmative in response to his request.

Commissioner Lewis mentioned that he is the owner of two structures at Royal Oaks Estates in the City of Leesburg; identified Mr. Stivlosky who addressed the city commission earlier in this evening's meeting, as a resident of one of the structures, and identified said structure to be town homes and not condominiums.

Commissioner Lewis described the deed restrictions and outlined the responsibilities of the unit owner and property owners' association. He believed the other possibility or another option on having two residences on the property's footprint (acknowledging that the property is not big enough to divide into two deeds and meet the minimum square footage requirement of the city's LDRs).

Commissioner Lewis addressed his question on the definition of single family detached; noted the cost to structure a town home arrangement whereby they would be deeded separately and subject to individual ownership, and outlined the state and auditing reporting requirements in forming a condominium association who takes care of the common ground.

In concurring with Commissioner Ranize' findings relating to Orange Street, Commissioner Lewis acknowledged the duplex built in 2007 which meets the square footage requirement and is zoned R-2; however, he does not know if underwent the variance application process at that time. He gave reasons why he believed the town house approach to be the better solution.

Ms. Geraci-Carver agreed, in the affirmative to Mayor Cheshire's remarks that the easiest option in remedying the matter to be for Mr. Ross to appear before the P&Z Board and apply for the remaining duplexes, and not the two existing properties, under special exception.

With respect to the comments made by Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., and in referring to the R-2 designation, Commissioner Ranize expressed disappointment as he believed the residents would have the ability to participate in the process; if the city followed the policies and procedures in place; recognized that the commission is beyond that stage, and questioned the potential costs to the city.

After discussion, Ms. Geraci-Carver indicated, in response to Commissioner Lewis' question, that it would not be possible to review, after-the-fact, the variance on duplex for the two existing structures.

Ms. Geraci-Carver concurred with Mayor Cheshire's comments -- in referencing her statements made at the June 8, 2017 regular meeting -- for the subject project to be left as a non-conforming use for one structure midpoint and the others utilized in the manner needed by the city.

Ms. Geraci-Carver relayed her previous statements before the city commission at its August 22, 2017 workshop on her plan to (which she had already) respond to Mr. Ross' attorneys on the question posed to her on the creation of townhouses instead of condominium; conveyed the attorneys' concurrence on the implementation of town homes by creating ownership of the structure, allowing town homes to split the lot further and the city compounding the creation of a nonconforming use issue -- a lot of record in the city's code which does not meet the current LDRs as far as minimum lot size.

After discussion and in response to Mayor Cheshire's statements on the city commission's position, Ms. Geraci- Carver addressed her intent to meet with Mr. La Venia to address the city's options and liabilities on the two buildings.

(d) Commissioner Bell –

i. Pennsylvania Avenue – Terry Ross Duplex Project

After Commissioner Bell referred to Mr. Ross' attorney who has been in touch with Ms. Geraci-Carver on the options, she referenced the discussions relayed at the August 10, 2017 regular meeting on the idea posed to her on the town home creation as opposed to condo due to the cost; conveyed her plan, at that time, to meet with Messrs. Beliveau and La Venia, and mentioned Mr. Beliveau's subsequent review of same, Mr. La Venia's endorsement in that regard, and her submittal of her response sent earlier this day.

After discussion, Commissioner Lewis explained that he met with Mr. Ross, at his request, earlier this day; he relayed his reasons on the preference to proceed with town homes.

After Commissioner Bell believed that the city commission had previously established a policy on communicating with developers, Ms. Geraci-Carver explained that she will communicate with Ms. Coulson in that regard.

ii. Sunset Way

Commissioner Bell recognized how Sunset Way has changed in the past 20 years; reported that work has since been performed on said roadway, and identified other roadways that the city was requested to review; namely, Seminole Avenue and Old Dixie Avenue. He suggested utilizing some of the funds, previously earmarked for paving, and allocating same towards surveying and planning and review other needed roadway improvements.

iii. LSMPO

Later in the meeting, Commissioner Bell referred to the Lake~Sumter Metropolitan Planning Organization (LSMPO) and the settlement agreement reached with its Executive Director T. J. Fish where his last day will be in October 2017.

Commissioner Lewis announced that he is resigning as the city's at-large primary member representative on LSMPO Governing Board. He reported that the Lake County Board of County Commissioners will be considering, at its future meeting, the Lake County League of Cities' recommendation of approval appointing him to serve as its representative on the Lake Emergency Medical Services Inc. Board of Directors to the remaining term of February 1, 2018 replacing Brenda Brasher who has resigned.

In response, Commissioner Ranize' requested to be appointed to serve as a member of the LSMPO Governing Board.

By unanimous consent, the city commission accepted Commissioner Ray Lewis' resignation as the at-large primary member representative on the Lake-Sumter Metropolitan Planning Organization (LSMPO) Governing Board; acknowledged his appointment as the Lake County League of Cities representative to the Lake Emergency Medical Services Inc. Board of Directors, and designated Commissioner Rick Ranize to serve as the at-large primary member representative on the LSMPO Governing Board, replacing Commissioner Ray Lewis who has since resigned.

(e) Vice Mayor Gunter, Jr.

i. Duplexes

Vice Mayor Gunter referred to Commissioner Ranize' statements on the development of duplex homes on Dennis Street in 2003 and on Orange Avenue in 2007 and recognized that complaints have not been received on same which the city commission is unaware.

With respect to Sunset Way, Vice Mayor Gunter relayed the city commission's previous negotiations with Mr. Dodd and the surrendering of a portion of said roadway; recognized the impasse reached in 1997, and noted the reasons former Commissioner Reverend Robert D. Harden ran to serve on the city commission as he would give up his property to widen the Sunset Way roadway. Vice Mayor Gunter recalled the issue during said period raised by the City of Tavares Resident Mr. Allen McPherson, on the impact to his property and concurred with Commissioner Ranize' suggestion on the need to conduct a boundary survey.

Vice Mayor Gunter recollected the city's initial contract at that time with Town and Country Refuse to collect garbage; their problem with the ingress and egress of Sunset Way, and pointed out the city commission's request at that period for property owners to surrender their properties to improve the widening of Sunset Way.

ii. FLC

Vice Mayor Gunter referred to the August 17-19, 2017 Florida League of Cities Conference and gave the following report:

- Partnership Policing

The keynote speaker police chief's presentation on the previous shootings of law enforcement personnel in Dallas, Texas, and the occurrence of two police officers at Kissimmee most recently;

- The New Homestead Exemption:

The proposed increased costs, the affected homes, and the types of assessments on tax bills;

- Vacation Rentals
Reports on vacation rentals, owned by Florida developers, rented to migrant workers living in cramped conditions and recent complaints about the Wingspread Subdivision where workers were witnessed leaving for construction work at The Villages.
- Florida Ethics Law
The pending requirement in changing the process to complete Florida's Public Meetings and Public Records Law continuing education mandatory training for local elected officials with a certified attorney.

8. MAYOR'S COMMENTS - Dates To Remember

Mayor Cheshire recognized the following dates:

- 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. Mayor Cheshire requested that the city commissioners notify Ms. Coulson of their intent to attend.
- Mayor Cheshire wished everyone a nice holiday on September 4, 2017 – Labor Day noting that the city offices will be closed.
- September 8, 2017 Lake County League of Cities Luncheon Meeting, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 14, 2017 - Regular Commission Meeting and first budget public hearing at 6:00 p.m.;
- September 15, 2017 – Back to School Movie Night *Smurfs* at 8:00 p.m.;
- September 27, 2017 LSMPO Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.
- September 28, 2017 - Regular Commission Meeting at 6:00 p.m. and second budget public hearing at 6:00 p.m., and
- October 12, 2017 - 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 September 14, 2017 regular meeting.

Signed 
Esther B. Coulson, City Clerk

Signed 
Chris Cheshire, Mayor