



## **FRUITLAND PARK CITY COMMISSION REGULAR MEETING AGENDA**

**August 24, 2017 (Revised)**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**6:00 p.m.**

- 1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE** (revised)  
**Invocation** –Steve Whitaker, Heritage Community Church

**Pledge of Allegiance** - Police Chief Michael A. Fewless

- 2. ROLL CALL**

- 3. CONSENT AGENDA**

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

**Approval of Minutes** (city clerk)

- March 2, 2017 workshop minutes,
- August 8, 2017 workshop minutes, and
- August 10, 2017 regular minutes

- 4. REGULAR AGENDA**

**First Reading – Ordinance 2017-022 – Imposing Second Moratorium – Marijuana** (city attorney)

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.)

- 5. OFFICERS' REPORTS**

- City Manager**
- City Attorney**
  - Lawsuits**

**ii. Notice of Claims**

**iii. Library Construction Bid**

**6. PUBLIC COMMENTS**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize**

**(b) Commissioner Lewis**

**(c) Commissioner Bell**

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

**8. MAYOR'S COMMENTS**

**9. ADJOURNMENT**

**DATES TO REMEMBER**

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

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, City Offices Closed

September 8, 2017 - LCLC LYNX Presentation (Sweatt) City Budget Discussion, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

September 14, 2017 - Regular Commission Meeting (First Budget Public Hearing) at 6:00 p.m.

September 15, 2017 - Back to School Movie Night *Smurfs*

September 27, 2017 - Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.

September 28, 2017 - Regular Commission Meeting (Second Budget Public Hearing) at 6:00 p.m.

October 4, 2017 - LCLC Sponsors Night, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.

October 12, 2017 - Regular Commission Meeting at 6:00 p.m.

October 13, 2017 - LCLC Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

October 25, 2017 - Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.

October 26, 2017 - Regular Commission Meeting at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**



<b>AGENDA ITEM NUMBER</b>  <b>3</b>
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## CONSENT AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Draft Minutes		
<b>For the Meeting of:</b>	August 24, 2017		
<b>Submitted by:</b>	City Clerk		
<b>Date Submitted:</b>	August 18, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>			
<p>Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote</p> <p>Approve the following draft meeting minutes:</p> <ul style="list-style-type: none"> <li>(a) March 2 workshop,</li> <li>(b) August 8 workshop, and</li> <li>(c) August 10, regular.</li> </ul>			
<b>Action to be Taken: Approval</b>			
<b>Staff's Recommendation:</b> Approval			
<b>Additional Comments:</b> Form 8, Voting Conflict form is filed with the August 10, 2017 minutes.			

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the consent agenda: \_\_\_\_\_  
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING MINUTES**  
**March 2, 2017**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 2, 2017 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer; Jeannine Racine-Michaud; Deputy Police Chief Dennis Cutter, Police Department; Interim Fire Chief Don Gilpin; Lieutenant Tim Yoder; Chris Lewis, Madison Leary, and Michael Goins, Firefighters; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

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

**3. FSAC'S PROVISION OF FIRE SERVICES RECOMMENDATIONS**

At Mayor Cheshire's request, Mr. La Venia referred to the February 22, 2017 Fire Services Advisory Committee (FSAC) minutes; conveyed its recommendations, with one dissenting vote, at its February 22, 2017 meeting for the city to keep its fire department in-house, and relayed its unanimous decision to convert to a hybrid system with fulltime paid employee firefighters and volunteers 24 hours. (A copy of the minutes is filed with the supplemental papers to the minutes of this meeting.)

The city commission considered its implementation of a ratio on the combination of a fire assessment and ad valorem taxes.

In expressing appreciation on the committee's work, Vice Mayor Gunter believed what is best for the city to be conducting fire services in-house for \$175; expressed his disagreement with the committee's recommendation who he felt that the whole aspect was not reviewed, and relayed his conversations with the City of Mascotte's Fire Department Chief Randy Brasher on the problems in covering a percentage of its budget from the city's general funds.

Commissioner Bell cited concerns on the committee allowing city commission members to appear to address issues which he believes taints the committee's decision-making. He indicated that the hybrid system or its lifespan was not addressed, and mentioned his uncertainty on the sentiments of paid firefighters and volunteers working together in a hybrid system. He mentioned the need for larger equipment for bigger buildings; conveyed

March 2, 2017 Workshop Minutes

the consultant's statements that the city cannot rely upon mutual aid to satisfy its responsibility, and felt that if the city proceeds with the assessment, the effective method is to fund at 100 percent. Commissioner

Commissioner Lewis voiced his appreciation of the FSAC's work; mentioned his previous discussion with his representative appointment on the committee, and believed that adequate information was presented to support its decision. He indicated that his viewpoints have nothing to do with his son who is a volunteer firefighter; believed the lowest cost option at reduced expense in providing fire services and medical protection is Lake County, and explained reasons why he supports his previous opinion that the better level of service to the residents is to retain the fire department inhouse with the direction that it needs to be staffed (not by volunteers) and funded through the city's budget in order to be effective.

Commissioner Ranize indicated that the tragedy suffered by his son and his vision from an early age to volunteer for the fire department has no bearing on his decision. He expressed the following concerns:

- the county's replacement of its county manager;
- the selection of its public safety director in the hopes that it is not the individual from south Florida to take his place who does not respond service calls if a volunteer firefighter is on the scene of an incident;
- the imminent Lake County Fire Rescue/Lake Emergency Medical Services (EMS) Consolidation Study;
- the viewpoints of the county's two newly appointed elected officials;
- the Town of Lady Lake's longstanding volunteer fire department which was taken over by the county where the town's commercial buildings are not supported by the county's fire rescue vehicles; thus, questioning the closest response units to be dependent on The Villages Public Safety Department;
- the reference made by Mr. Steve Whitaker, FSAC member, at its March 31, 2017 meeting highlighting the county's service proposal/deployment; the three Lake County Fire Rescue Stations within close proximity of each other, and the coverage for the city and the potential outcome of the previous incident that took place on Picciola Road and Lake Unity Road requesting the responding units whereby no one was monitoring the City of Fruitland Park except its volunteers;
- the recent article regarding the county's outdated equipment and the inability to meet the National Fire Protection Association's standards where he indicated it reliance on The Villages Public Safety Department (a copy of which is filed with the supplemental papers to the minutes of this meeting), and

- the spreadsheet showing the fire department's FY 2017-18 budget reflecting approximately \$563,000 which he supports; thus, the city affording same which he cannot commit said funds to the county recalling the number of previous incidents when the county did not provide assistance.

Commissioner Ranize expressed his appreciation to the FSAC and indicated that the committee was not provided with figures to determine whether the provision of city fire and rescue services would be fair to the residents. He recognized the tremendous growth to the city which will take time to generate revenue; emphasized that every effort ought to be made in working the various figures, and explained the lessons he learned from the FSAC whereby the city owes it to the residents to attain a plan with absolute final figures.

Mayor Cheshire stated that he would support charging less to the residents than what was provided to the county (\$667,000) and recollected Commissioner Lewis' reference at the July 28, 2016 special meeting identifying unstaffed or inadequate coverage when responding to services calls in the fire department.

Mayor Cheshire stressed the desire to fulfill the deficiencies to protect the residents and wait for the city's growth where he was concerned was not addressed at the FSAC and voiced his concurrence with Commissioner Ranize' remarks on the potential city growth; otherwise, transfer the city's fire and rescue services to the county if the city's efforts fail. He addressed the requirement to determine the fire department's personnel needs; questioned the definition of flex fire personnel, and mentioned his preference to implement same utilizing the fire assessment fee.

#### **4. FY 2017-18 – FIRE DEPARTMENT**

- a. Budget**
- b. Three Additional Firefighters**
- c. Volunteers**
- d. Revised Fire Assessment vs. Ad Valorem**

Interim Chief Gilpin and Assistant Chief Yoder explained how existing volunteer firefighters and full time personnel -- who is not committed to another fire department -- could be utilized to fulfill the gap of one and-a-half-hours and recommended up to three individuals which could be reassessed up to four years.

In response, Vice Mayor Gunter referred to The Villages-News entitled: *Firefighters Worried About High Rate of Turnover at Villages Public Safety Department*; pointed out its department losing 109 employees in five years, and recognized The Villages Professional Firefighters Local 4770 International Association of Firefighters who recently held a bargaining session on the firefighters' compensation package. He recognized the city's starting pay to be less than what The Villages are paying; questioned the potential tenure, and predicted the city's high turnover rate. (A copy of the article is filed with the supplemental papers to the minutes of this meeting.)

Interim Chief Gilpin pointed out his recent meeting with City of Leesburg Fire Chief David Johnson and relayed the employees' preference to his proposal -- that he implemented in

his former role and which was successful in the City of Eatonville -- that they would accept on their days off a \$15 hourly rate without benefits or overtime working part time flex duty guaranteed from one of three assignment slot system coverage within the 24-hour period.

After discussion and in response to Commissioner Bell's inquiry, Interim Chief Gilpin referred to Lake EMS utilizing a flex personnel on a similar assignment slot system where some of its employees currently work for the City of Fruitland Park's volunteer fire department. He suggested extending the concept to other eligible professional firefighters in other municipal departments.

Following further discussion, Commissioner Ranize reviewed the revised fire assessment versus ad valorem calculations per resident for the FY 2017-18 budget on the fire department's volunteers only prepared by Ms. Racine-Michaud and determined that the assessed costs would be approximately \$290 in full assessment. (A copy of the document in question is filed with the supplemental papers to the minutes of this meeting.)

Subsequent to extensive deliberations and in response to Mayor Cheshire's inquiry, Interim Chief Gilpin recommended 24 hours coverage (five to 12 hour shifts from 6:00 a.m. to 6:00 p.m. 365 days a year at a minimum) initially with one flex personnel with an update to provided to the city commission.

After further discussion, the city commission discussed with Ms. Racine-Michaud the three flex personnel with 24-hour coverage and worker's compensation, at an hourly rate of \$15 at an operating budget of about \$340,000 whereby the majority of the city commission agreed with retaining the fire department in-house.

**5. LAKE COUNTY PROPERTY APPRAISER'S -2017 TAX ROLL CALENDAR**

Following extensive deliberations, Mayor Cheshire noted the majority of the city commission's position for the fire department to proceed with the flex schedule.

In response, Ms. Geraci-Carver addressed the need to adopt the initial assessment resolution establishing the fire assessment rate by July 13, 2017 and Ms. Racine-Michaud referred to NAL test file on the Truth-in-Millage (TRIM) notice received this day from the Lake County Property Appraiser's Office which needs to be uploaded by The Government Services Group Inc., consultant retained by the city, to place it on the TRIM which she believes to be the process the city intends to take.

Following extensive deliberations, the majority of the city commission agreed on the need for a fire assessment.

**6. OTHER BUSINESS**

There was no further business to come before the city commission.



**7. ADJOURNMENT**

The meeting adjourned at 8:37 p.m.

The minutes were approved at the August 24, 2017 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
MEETING MINUTES  
August 8, 2017**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Tuesday, August 8, 2017 at 6:30 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; Executive Administrative Assistant Karen McKillips, Police Department; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Community Development Director Charlie Rector; Public Works Director Dale Bogle; Deputy City Clerk Dana Coleman and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

After Mayor Cheshire called the meeting to order at 6:34 p.m., Captain Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

At Mayor Cheshire's request, Ms. Coulson called the roll.

**3. FY 2017-18 BUDGET**

- Unrestricted Reserves

Ms. Racine pointed out the general fund's unrestricted reserves on the Comprehensive Annual Financial Report FY 2017-18 and the alternative fund balance reflected in the General Funds Unrestricted Reserve for the end of FY 2016-17 noting that \$125,000 would be budgeted after all changes have been made. (A copy of the respective document is filed with the supplemental papers to the minutes of this meeting.)

- Redevelopment

Ms. Racine addressed the need to relocate the CR 466A utilities project (originally budgeted at \$160,000 and resulting in more than \$322,000 for FY 2017-18) which was moved to utilities; gave reasons why she moved \$172,000 back to the Community Redevelopment Agency (CRA) redevelopment fund and left the remaining \$150,000 in utilities. She explained the remaining revenue in the utilities department due to the \$2.5 million loan and the \$750,000 in grant funding which will return to the bank balance and gave reasons why she believed the city ought to expend extra funds on water wastewater capital projects.

Much later in the meeting, and after Commissioner Ranize referred to Lake County's projections on the cost of \$322,741 on the redevelopment system improvements to relocate the city's phase II infrastructure project, Mr. La Venia recognized the phase I infrastructure project (CR 466A) for approximately

\$328,000 where no invoices were received from the county and the city's advanced payment to the county prior to its award of the project.

After discussion, Mr. La Venia concurred with Commissioner Ranize' request to receive invoices from the county.

- Roads and Streets

Commissioner Ranize requested the city commission's decision to utilize approximately \$120,000 towards the city's roadway projects for FY 2016-17 and \$132,000 for FY 2017-18 and how CRA funds would be utilized as redevelopment projects.

In response, Ms. Racine referred to the second page of the handout reflecting a fund balance of about \$136,022 for the end of FY 2017-18 and addressed the anticipation of receiving more revenue as the CRA property value increases.

After recognizing the availability of \$50,000 for road resurfacing in the general fund for FY 2016-17, Mr. La Venia addressed the need for the city commission to consider in the future Wingspread and The Glenn developments (which are not in the CRA) to which Mayor Cheshire suggested that City Attorney Anita Geraci-Carver would need to establish \$2,000 in restricted funds by resolution.

Subsequent to further discussion on the need to perform cost analysis on the replacement of the city's roadways and as suggested by Commissioner Ranize, **the city commission, by unanimous consent, directed staff to report back to the city commission on the grading of the city's roadways in need of repair.**

Following much discussion and **by unanimous consent, the city commission recommended that the city treasurer divide the funds.**

Commissioner Lewis' inquired about the utility fund balance and supplanting \$150,00 into utilities.

In response, Ms. Racine addressed her findings on the FY 2016-17 end fund balance recognizing the difficulty in making predictions and determining the accuracy until she receives information from the auditors and Mr. La Venia indicated that he will communicate with Ms. Geraci-Carver in this regard.

- Public Works Department Building

Ms. Racine noted the constant changes in figures for the proposed construction of the public works department building and requested the city commission's authorization to allocate \$400,000 towards FY 2017-18 budget (leaving a fund balance in capital improvements) where any overages can be placed in the utility department.

Mayor Cheshire referred to Mr. Rector's memorandum dated August 8, 2017 regarding the Public Works Building Location on Lime Street, Old Public Works Yard with the accompanied proposed public works building study plans; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia noted the maximum cost of \$421,000 for the potential construction on the existing site which can be changed; addressed the likelihood to rework the site where annual improvements can be made, and described the features where costs were lowered.

At Commissioner Bell's request, Mr. Rector outlined the savings involved; addressed the advantages of the existing site location highlighting its dimensions and features, and described the proposed construction in comparison with the new building referenced at the July 13, 2017 workshop meeting.

Commissioner Ranize expressed concerns on the condition of the public works building and in reviewing the proposed plans; he gave comparison to a previous public work building where he worked, and expressed concerns on not seeing a plan with options, facts and figures to make a decision; expressed concerns on the stormwater runoff at the current location which should be paved, and requested an exact figure for the new library construction retention area.

After further discussion, Vice Mayor Gunter mentioned his previous tour of a similar building and addressed the makeup of same and the need for office space.

Following further deliberations, and **by unanimous consent, the city commission authorized the city treasurer to place an allocation of \$400,000 in the FY 2017-18 budget for the proposed construction of the public works building and postponed proceeding on same until more information is presented to the city commission at a future workshop meeting.**

- Police Department

Ms. Racine noted the change to include a third additional police officer to the last quarter instead of the last half of the fiscal year; indicated that the \$34,000 came out of the reserves and agreed with Mayor Cheshire's assessment from \$125,000 to \$142,000 which he believed ought to remain.

Following extensive discussions, Captain Luce explained that he does not foresee any changes precluding the need for a law enforcement officer in April 2018; addressed the need for the police department to make preparations for said additional position, and requested that the city commission keep an open mind; thus, noting that Police Chief Mike Fewless intends to make his case before the commission.

After discussions and **by unanimous consent, the city commission accepted the previous request made by the police chief at its June 20, 2017 workshop**

**meeting and recognized its position to address the third additional officer for \$34,293 during mid-year budget FY 2017-18.** The majority of the city commission agreed with the city treasurer's request to transfer said funds (\$125,000 to \$142,000) to the reserves.

#### 4. OTHER BUSINESS

(a) **Code Enforcement Officer**

Mr. La Venia referred to the city commission's consensus at its July 28, 2017 regular meeting to increase the FY 2017-18 budget to allow additional hours allotted towards the code enforcement officer's position. He relayed his conversations with Ms. Lori Davis, Code Enforcement Officer, who expressed her willingness to work three days a week. Mr. La Venia mentioned intent to address Mr. Rector's disagreement on utilizing funds from the community development department's permitting budget with Ms. Geraci-Carver for the code enforcement officers' compensation.

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

Commissioner Lewis voiced his satisfaction with the FY 2017-18 budget at this time; addressed the plan to proceed, and gave his commitment to work with the city commission to approve what it has achieved in this regard.

Vice Mayor Gunter expressed his satisfaction with the millage rate.

(c) **Public Comments**

Earlier in the meeting, Ms. Coulson made reference to Mr. La Venia's comments made at staff meeting held earlier this day that there will be no change in the employee benefits health insurance and recognized the presence of Ms. Coleman at this evening's meeting.

Ms. Coleman expressed concerns on the affordability of the city employees' health insurance; pointed out the research she conducted on benefits and programs offered by local governments where she believed that better rates could be attained, and requested that the city commission review the issue and provide employees with options.

Ms. Coleman referred to the city commission's discussions regarding Ms. Davis; addressed her review of the State of Florida Division of Corporations, and her computation on the number of businesses in the city without business licenses.

In concurring with Ms. Coleman's statements on the expense of medical insurance, Mr. La Venia described the monthly coverages for dependents and payment by the city and addressed the consequences and cost difference of lowering payments to move to a plan with less medical benefits. He mentioned the possibility of reviewing other existing medical insurance health programs and questioned the city commission's position to address same beyond the employee and extend coverage to dependents with the possibility of piggybacking with other municipalities.

The city commission shared their experiences regarding medical insurance coverage costs for dependents; the various health insurance, community rating plans and options with tiers, and the problems relating to the claims process and costs designated based on the number of employees.

Mr. La Venia addressed his willingness to communicate with Ms. Tera Townsend, Lassiterware, the city's employee benefits consultant, on her insight in this regard as well as, in response to Commissioner Lewis' inquiry, reviewing the Florida League of Cities' Group Health Program.

In response to Ms. Coleman's inquiry, Mr. La Venia indicated that the State of Florida Division of Management Services' health insurance plans would be looked into.

**5. ADJOURNMENT**

**There being no further business, the meeting adjourned at 7:40 p.m.**

The minutes were approved at the August 24, 2017 regular meeting.

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

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

**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:**

<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>Abstain</b>
<b>Vice Mayor Gunter</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 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 the land development regulation workshop, 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

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Ranize Richard Eugene	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Commissioner City of Fruitland Park
MAILING ADDRESS 213 North Valley Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY Fruitland Park Lake	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED August 10, 2017	NAME OF POLITICAL SUBDIVISION:  MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**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.

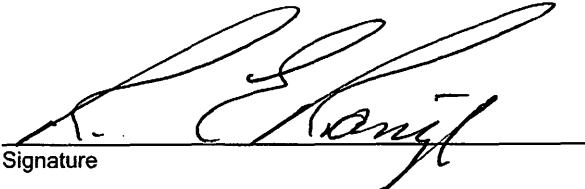
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

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.**



<b>AGENDA ITEM NUMBER</b>  <b>4</b>
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## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Ordinance 2017-022– Moratorium relating to medical cannabis activities		
<b>For the Meeting of:</b>	August 24, 2017		
<b>Submitted by:</b>	City Attorney		
<b>Date Submitted:</b>	August 7, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>			
<b>Amount Required:</b>			
<b>Balance Remaining:</b>			
<b>Attachments:</b>	Ordinance 2017- 022		

**Description of Item:** The City’s moratorium expired. Direction is needed from the commission as to whether it wants to allow marijuana treatments centers within the City of Fruitland Park or ban them or impose a new short-term moratorium to further study the issue in light of the approved legislation. If the City chooses to allow marijuana treatments centers, the City is limited in the regulations it may impose, as regulation is largely preempted to the state. It is reported that there are threats of law suits against local governments who have enacted a ban. If the City does allow this use, then the following regulations apply:

- May not be located within 500’ of the real property that comprises a private or public school, unless the City approves the location through a formal proceeding open to the public and the City determines that the location promotes the public health, safety and general welfare of the community;
- City cannot place specific limits on the number of dispensing facilities that may locate within the City;
- City may determine by ordinance the criteria for the location of and other permitting requirements, provided they do not conflict with state or department rules;
- Any requirements for permitting and location cannot be more restrictive than that for pharmacies (for ex. if drive thru is permitted at a pharmacy, it must also be permitted for these centers); and
- Any license or permit fee imposed cannot exceed that which a pharmacy would be charged; and
- The City may require compliance with the Florida Building Code, the Florida Fire Prevention Code, and any local amendments to the Florida Building Code or Florida Fire Prevention Code.

Direction is requested from the Commission: (1) impose a short-term moratorium, (2) impose a ban or (3) allow, or (4) discuss further at August 10 Commission meeting. An ordinance will be drafted based on the Commission’s direction.

On July 27, 2017 the City Commission gave direction to bring forward an ordinance imposing a moratorium. The attached ordinance imposes a moratorium in order to give time to determine whether regulations pertaining to the location and number of dispensing facilities are justified and appropriate, or whether to ban medical marijuana treatment facilities from the City boundaries.



The moratorium will be in effect until December 14, 2017 or expire upon the earlier of the following:

- (1) On December 14 2017;
- (2) The effective date of an ordinance, adopted by the city commission, to address Medical cannabis activities in the City of Fruitland Park; or
- (3) At such time as the city commissioner receives a report from Staff regarding the impact of Medical cannabis activities in the City of Fruitland Park and recommendation relating to a ban or regulation of medical marijuana treatment centers, and votes by majority vote to repeal this moratorium.

**Action to be Taken: Motion to Approve Ordinance 2017-022**

**Staff's Recommendation:**

**Additional Comments:**

Reviewed by: \_\_\_\_\_

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor

**ORDINANCE 2017 – 022**

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.

**WHEREAS**, in 2014, the Florida legislature passed the Compassionate Medical Cannabis Act (“Compassionate Use Act”) legalizing the cultivation, processing and dispensing of low-THC cannabis by a qualified dispensing organization for qualified patients; and

**WHEREAS**, in 2016, the Florida legislature amended the Right to Try Act, amending the Compassionate Use Act and legalized the cultivation, production and dispensing of medical cannabis, and derived products, by a qualified dispensing organization for eligible patients; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of medical cannabis in Florida; and

**WHEREAS**, businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, SB 8A/HB 5A was recently adopted by the Florida legislature which preempts control of cultivation, processing and delivery to the State; however, local governments are empowered to regulate the location and number of medical marijuana treatment centers within its boundaries, or may ban them from their jurisdictions; however, if not banned, then regulations may not be more restrictive than ordinances for pharmacies

**WHEREAS**, the Commissioners desires to discuss the impacts on city resident of medical cannabis dispensing facilities within the City; and

**WHEREAS**, the Commission need time in which to evaluate whether or not the City should ban MMTC within the City or adopt regulations pertaining to the location and number of dispensing facilities; and

**WHEREAS**, the Commissioners finds that a ban or regulation of the dispensing of cannabis will benefit the health, safety and welfare of the residents of Fruitland Park and will reduce adverse impacts on the community; and

**WHEREAS**, the purpose of this ordinance is to place a temporary moratorium on medical cannabis activities, as defined herein, for a period of time that is reasonably necessary for the Commissioners to determine proper regulations regarding such facilities, if deemed advisable, or to determine whether they should be banned.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

**Section 1.      Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Amendment.** The Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended by adding Chapter 104, entitled “Community Protection” which reads as follows:

**CHAPTER 104 – COMMUNITY PROTECTION**

**ARTICLE I. MEDICAL CANNABIS ACTIVITIES.**

**Sec. 104.01. Definitions.**

For the purposes of this article, the following terms, whether appearing in the singular or plural form, shall have the following meanings:

Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

Medical cannabis activities means the growing, planting, harvesting, drying, processing and wholesale and retail sale of Medical cannabis, including Low-THC cannabis and derivative products, or any subset of such activities, or any related activities, including medical marijuana treatment facilities.

Medical cannabis means the substance defined in section F.S. § 381.986, as may be amended.

**Sec. 104.02. Moratorium.**

(a) As of the effective date of this article, a moratorium shall exist until December 14, 2017, or sooner as provided herein, during which time the city shall not issue any new local business tax receipt to any person or entity for the purpose of engaging in, operating, or managing a business or facility for Medical cannabis activities.

(b) The moratorium shall expire upon the earlier of the following:

(1) On December 14, 2017;

(2) The effective date of an ordinance, adopted by the city commission, to address Medical cannabis activities in the City of Fruitland Park; or

(3) At such time as the city commissioner receives a report from staff regarding the impact of Medical cannabis activities in the City of Fruitland Park and recommendation relating to a ban or regulation of medical marijuana treatment centers, and votes by majority vote to repeal this moratorium.

(c) The on-site sale, provision, or dispensing of Medical cannabis, Low-THC and cannabis derivative products in incorporated Fruitland Park is prohibited during the moratorium period, except as set forth in applicable federal, state or local law.

**Section 3. Inclusion in Code.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word “or phrase in order to accomplish such intentions.

**Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall

not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

**Section 5. Filing with the Department of State.** The city clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

**Section 6. Effective Date.** This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

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

Attest:  
Esther B. Coulson, City Clerk

_____ Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading August 24, 2017

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

FILED with the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



**AGENDA ITEM  
NUMBER  
5b**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	City Attorney Report		
<b>For the Meeting of:</b>	August 24, 2017		
<b>Submitted by:</b>	City Attorney		
<b>Date Submitted:</b>	August 16, 2017		
<b>Are Funds Required:</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
<b>Account Number:</b>			
<b>Amount Required:</b>			
<b>Balance Remaining:</b>			
<b>Attachments:</b>			

**Description of Item:** Please find below items to report to the City Commission.

**REQUEST FOR COMMISSION ACTION:**

**James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park.** – This case involves allegations of violations of civil rights, false arrest and false imprisonment and battery. The case originates from a traffic stop. Attorney Brionez is in the process of supplementing discovery responses and preparing discovery requests to serve on the Plaintiff.

**Green v. City of Fruitland Park, Hunnewell, Isom & Isaacs.** – On April 7, 2017, Atty. Brionez filed with the Court the following: Defendants The City of Fruitland Park, Chief Isaacs, and Chief Isom's Motion to Dismiss Plaintiff's Third Amended Complaint with Prejudice and Motion to Strike with Memorandum of Law in Support. Plaintiff filed his response to the City's Motion to Dismiss on April 28, 2017. Plaintiff filed a Response to the City's Motion to Dismiss. We are still waiting for the Court to rule on the Motion to Dismiss. On 6/2/17 the case management schedule was set. Attorney Brionez is currently preparing discovery requests to serve on the Plaintiff.

**Dr. Sundeep Shah v. City of Fruitland Park**

Accident claim submitted to the City's insurance carrier on September 5, 2015 for an auto accident on November 14, 2014 where a former city employee driving a police car rear-ended Dr. Shah. Dr. Shah seeks \$200,000.00. The insurance carrier has attempted to negotiate a settlement of the claim. There is insurance coverage. The City was served with a Complaint/Summons on June 9. The insurance carrier assigned Stephanie Brionez to represent the City. The City's initial response to the complaint is not yet due as an extension was obtained. She has engaged in settlement negotiations prior to the deadline for a response, at the direction of the City's insurance company. A settlement amount was reached pending City Commission approval for \$17,500 inclusive. The City will not need to sign settlement documents.

The Plaintiff will sign a release. The insurance company will make the full payment as the City does not have a Deductible. Commission approval to settle for the monetary amount listed above is requested.

**Notice of Claim - Anthony Mancino:** At the August 10 meeting the Commission approved settlement in the amount of \$15,000, provided any amount over and beyond \$15,000 was covered by insurance. The City's insurance company has agreed to cover expenses over the \$15,000 deductible. Settlement documents will be drafted, but do not require the City's signature.

**Notice of Claim – James Hartson:** No developments to report.

**Notice of Claim – Larry Odum:** No developments to report.

**Library:**

On July 6, 2017, I met with the City Manager, Mr. Rector and Mr. Senatore to review bid bond requirements, other bond requirements, and advertising/notice requirements. The draft construction contract for the library was provided to the City and Mr. Senatore on August 3 for review and comment. I understand there are no changes or comments. On August 8 I provided, in writing, the following information to the City relating to advertising requirements as had previously been discussed on July 6: *Since this project will cost over \$500,000, the solicitation of competitive bids must be publically advertised at least one (1) time in a newspaper of general circulation in Lake County no less than 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The bids must be received and opened at the location, date and time listed in the bid advertisement.*

**Action to be Taken:** Possible Settlement of Dr. Sundeep Shah v. City of Fruitland Park

**Staff's Recommendation:** Motion to Approve Settlement to Dr. Shah in the amount of \$17,500 inclusive, of which City will pay \$0.

**Additional Comments:**

Reviewed by: \_\_\_\_\_

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor



**AGENDA ITEM  
NUMBER  
6**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Public Comments				
<b>For the Meeting of:</b>	August 24, 2017				
<b>Submitted by:</b>	City Clerk				
<b>Date Submitted:</b>	August 19, 2017				
<b>Are Funds Required:</b>			Yes	X	No
<b>Account Number:</b>	N/A				
<b>Amount Required:</b>	N/A				
<b>Balance Remaining:</b>	N/A				
<b>Attachments:</b>	Yes				
<b>Description of Item:</b>					
<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>					
<b>Action to be Taken:</b> None.					
<b>Staff's Recommendation:</b>					
<b>Additional Comments:</b>					

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the agenda: \_\_\_\_\_  
Mayor

**RESOLUTION 2013 -023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1.        Citizen's Rights

(a)        Definition.        For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b)        Right to be Heard:        Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1.        An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2.        An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3.        A meeting that is exempt from §286.011; or
4.        A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2.        Suspension and Amendment of these Rules

(a)        Suspension of these Rules:        Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b)        Amendment of these Rules:        These rules may be amended or new rules adopted by resolution.



- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

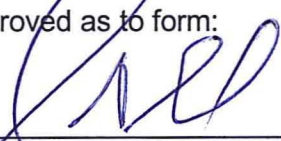
ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney