

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
August 11, 2016**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 11, 2016 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer Jeannine Michaud-Racine; Police Chief Michael A. Fewless, Deputy Police Chief Dennis Cutter, Fire Chief Michael Laming; Assistant Fire Chief Don Gilpin; Fire Department Lieutenant Tim Yoder, Kevin Ducharme, Firefighter David Campbell, Fire Department; Community Development Director Charlie Rector, Public Works Director Dale Bogle; Parks and Recreation Director Michelle Yoder, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Bell called the meeting to order at 7:00 p.m., Reverend Jamie Johnson Rush, House of Prayer Deeper Life Church, gave the invocation and Chief Fewless lead in the Pledge of Allegiance to the Flag.

2. ROLL CALL

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

3. PRESENTATION (revised)

Operation Bless Fruitland Park "Project Generosity" - Pastor Sidney Brock, Heritage Community Church

Pastor Brock gave an update on Operation Bless Fruitland Park's August 14-21, 2016 Project Generosity and the goal of raising \$12,500 earmarked towards the Fruitland Park Elementary School to address its current unmet budgetary needs that was not considered in last year's school district's budget.

Pastor Brock recalled the success of the previous project where funds were raised from various organizations within the city. He explained that the remaining funds to be raised would be used for project legacy earmarked towards funding within other groups within city which the school cannot use.

Pastor Brock addressed the intent to challenge participation from the city commission and business groups; explained that there will a check presentation on August 25, 2016 where invitations have been sent to various officials to attend, tour the campus, and address the school's current condition in hopes of improve its buildings or construct a new school sooner viewed favorably by the school board members.

4. PUBLIC COMMENTS

(a) Charitable Donation

After referring to this day's newspaper article featured in The Villages Daily Sun, Mr. Michael Hurtt, City of Fruitland Park resident, and in response to Pastor Brock's presentation, Mr. Hurtt expressed the willingness of himself and his wife to donate.

(b) Invocation

Mr. Hurtt thanked Reverend Rush for the prayer offered earlier at this evening's meeting.

(c) Library Impact Fees

Mr. Hurtt referred to the July 10, 2016 Daily Commercial newspaper article "Lakes' High Impact Fees Have Champions, Critics"; a copy of which is filed with the supplemental papers to the minutes of this meeting.

In noting Lake County's concerns where impact fees were not collected, Mr. Hurtt questioned the reason and whether the issues have been resolved.

Mr. La Venia responded in the affirmative that the issue was resolved; explained that the impact fees derived from The Villages project who made good on same for the Fruitland Park library, and identified the portion paid for every constructed homes to-date, the subject of his report to be addressed later in this evening's meeting.

After Mr. Rector described The Villages share of approximately \$195,393, Mr. La Venia indicated that the majority of the funding extends back to 2010; recognized the city's share of about \$8,700, and mentioned his plan to request the city commission's approval of same later in this evening's meeting.

After identifying the impact fees collected, Mr. Rector indicated that the city and county never had an agreement to collect library impact fees; recalled how the library was funded (similar to the Cities of Leesburg and Umatilla), and referred to the various grant funds totalling \$1 million received since 2010. He noted the discovery was made by the new county library staff that the city paid no impact fees and subject to negotiations, it was calculated that the city would be paying \$8,700.

5. CONSENT AGENDA

On motion of Commissioner Cheshire, seconded by Vice Mayor Gunter and unanimously carried, the city commission took action on the following items:

(a) Approval of Minutes

Approved the following minutes as submitted:

- i. October 15, 2015 workshop meeting**
- ii. July 12, 2016 budget workshop meeting**

- iii. July 28, 2016 special meeting,
- iv. July 28, 2016 regular meeting

(b) **Resolution 2016-028 - Previously Adopted Resolutions**

Adopted Resolution 2016-028 the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE CORRECTION OF A SCRIVENER'S ERROR IN FISCAL YEAR 2015/2016 BUDGET AMENDMENT RESOLUTIONS; PROVIDING FOR THE CORRECTIONS TO BE MADE TO THE RESOLUTIONS AND FOR THE RESOLUTIONS, AS CORRECTED, TO BE RE-EXECUTED BY THE MAYOR, CITY CLERK AND CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. REGULAR AGENDA

(a) **Resolution 2016-027 - Budget Amendment BT2016-29 - Service Lift**

Ms. Geraci-Carver read into the record proposed Resolution 2016-027, the subject of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2015/2016 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM UTILITY FUND CONTINGENCY TO THE UTILITY FUND EQUIPMENT BUDGET; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2015-2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and **on motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission adopted Resolution 2016-028 as previously cited.** (Purchase was authorized at the July 28, 2016 regular meeting.)

By unanimous consent, Mayor Bell opened the public hearings.

SECOND READING AND PUBLIC HEARING

(b) **Second Reading and Public Hearing - Ordinance 2016-015 - Amending Chapter 89 Cemeteries**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2016-015, Ms. Geraci-Carver read into the record the following title and Mayor Bell called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 89 – CEMETERIES TO INCLUDE DEFINITIONS; PROVIDE FOR

SALE OR TRANSFER OF INTERMENT RIGHTS; DELETING LANGUAGE WHICH IS OBSOLETE; TRANSFERRING RESPONSIBILITY FROM THE CITY CLERK TO THE CITY MANAGER OR DESIGNEE; REPEALING PHASE IN PROVISION; AUTHORIZING THE CITY COMMISSION TO ADOPT RULES AND REGULATIONS FOR CITY CEMETERIES BY RESOLUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 28, 2016.)

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

A motion was made by Commissioner Lewis that the city commission enact Ordinance 2016-015 to become effective immediately as provided by law.

After considerable discussion **the motion was seconded by Commissioner Cheshire.**

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

Commissioner Cheshire	Yes
Vice Mayor Gunter	No
Commissioner Lewis	Yes
Commissioner Ranize	Yes
Mayor Bell	Yes

The motion was declared carried on a four to one (4-1) vote.

7. NEW BUSINESS

There was no new business to come before the city commission at this time.

By unanimous consent, Mayor Bell took the following items out of order on this evening's agenda.

8. OFFICERS' REPORTS

(b) City Attorney

i. George Fernandez v. City of Fruitland Park - Civil Action

Ms. Geraci-Carver referred to her recent conversations with Ms. Stephanie McColloch, attorney at McLin Burnsed; reported that she filed a motion to dismiss the above-captioned lawsuit, and relayed that there would be no hearing in the federal case. Ms. Geraci-Carver explained that the judge is expected to review the pleading before making a decision and that Ms. McColloch will let her know as soon as she receives any information.

ii. **Angelica Dobruck v. Lake County Sheriff Gary S. Borders et al - DAVID System**

Ms. Geraci-Carver referred to the Driving/Driver and Vehicle Information Database system lawsuit served throughout many agencies in the state. She indicated that the law firm is reviewing the subject matter to provide the city's insurance company -- with the anticipation that Ms. McColloch would have additional time to represent the city and respond to the complaint -- and addressed the intent to keep the city commission apprised.

iii. **Movie Night**

On behalf of the city commission, Mayor Bell thanked Ms. Geraci-Carver for sponsoring the "Zootopia" movie-on-the-lawn back to school event that took place on Friday, August 5, 2016 at 8:30 p.m.

Upon Mayor Bell's request, Ms. Yoder gave a report of the event in question which she stated was successful.

(a) **City Manager**

i. **Concrete Poles**

Mr. La Venia noted the available funds in the budget to purchase four 40 foot concrete poles for \$2,000, sold at cost and installed free of charge, from the City of Leesburg. He recommended using the two poles for banners hoisted on Berckman Street and replacing two light poles at the two basketball courts at Veterans Park.

ii. **Library Impact Fees**

Mr. La Venia referred to previous discussions held earlier at this evening's meeting regarding library impact fees and reported on the new homes built since 2010. He requested permission to pay Lake County the portion of the city's impact fees of approximately \$8,700 to secure and proceed with the grant process for consideration at the first county commission meeting in September 2016 and noted the remaining funds to be coming from The Villages.

On motion of Commissioner Cheshire, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the city manager's recommendation to authorize the payment of \$8,786 in impact fees to Lake County and proceed with the grant process, as previously cited.

Lengthy discussions ensued on Commissioner Ranize' request for the city commission to be provided with the county's last annual audit.

iii. Vehicle Replacement

Mr. La Venia recognized the need for a new vehicle for the administration staff; noted that the blue Chevy Impala is inoperable, and recognized funds in the capital improvement plan. He requested that the city commission approve replacing the current vehicle with a 2017 Ford from Bartow Ford for \$17,400.

Mayor Bell requested that more information be provided on the next city commission agenda for consideration.

After discussion, Mr. La Venia confirmed, in the affirmative in response to a question posed by Commissioner Lewis, that staff will review comparable prices from Bartow Ford Company and AutoNation Ford Bradenton dealerships.

iv. Fire Department Budget

The city commission discussed at length its position on the fire department's staff coverage and response times to service calls for city residents; clarification required for Mr. La Venia to ensure the FY 2016-17 budget is in order, and the need to work on an immediate plan.

A motion was made by Vice Mayor Gunter that the city commission direct the city manager to contact Lake County Fire Rescue Division to determine the costs of providing full time services for the City of Fruitland Park.

Following extensive deliberations, **Commissioner Cheshire seconded the motion on the floor.**

After discussion, **Mayor Bell restated the motion on the floor to direct the city manager to contact Lake County Fire Rescue Division to determine the costs and provide figures for full time services before the city commission makes a decision.**

Commissioner Ranize requested that Mr. La Venia be authorized to contact the county to find out whether the percentage of the fire impact fee is the total fire rescue division's budget and report back to the city commission before making a decision.

Considerable discussion ensued and **Mayor Bell restated the motion on the floor to direct the city manager to explore options with Lake County Fire Rescue Division to determine the costs and provide figures for full time services to the city commission for consideration at the next meeting.**

After discussion, Ms. Geraci-Carver responded to Vice Mayor Gunter that no one has to make any disclosures in this regard.

Following further discussion, **Mayor Bell called for a roll call vote on the motion with the city commission members voting as follows:**

Commissioner Cheshire	Yes
Vice Mayor Gunter	Yes
Commissioner Ranize	No
Commissioner Lewis	No
Mayor Bell	Yes

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

After discussion, Commissioner Cheshire requested that the fire department staff provide what they envision on the number of firefighters; their hours, whether they would be paid, and if the system would be hybrid and make comparisons with the city and the county.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Lewis

Commissioner Lewis stated that he have no comments at this time.

(b) Commissioner Ranize

i. Fire Department Budget

Commissioner Ranize requested that Mr. La Venia and Chief Laming work with the county's fire rescue division; district and other municipal fire chiefs in the surrounding area by the next meeting; provide information offering a hybrid system or full time fire services staffed in a hybrid manner, and submit the city's FY 2016-17 budget (based on a unanimous vote or four to one vote including the \$103,000 in the fire department's budget) in order for the city commission to determine the county's fire rescue provision of services -- acknowledging what the firefighter volunteers' skills have brought for the last 40 years to the city.

ii. Code Enforcement

In response to a question posed by Commissioner Ranize, Mr. Rector acknowledged that the new independent code enforcement contractor will be retained on August 22, 2016; she will tour the city, and will be subsequently introduced.

(c) Commissioner Cheshire – Fire Department Budget

Commissioner Cheshire expressed his disappointment on the results of the fire department budget and mentioned his requests made on the response times provided by the Town of Lady Lake who contracts fire rescue service with the county.

- (d) **Vice Mayor Gunter, Jr.**
Vice Mayor Gunter stated that he have no comments at this time./

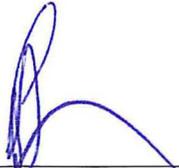
10. MAYOR'S COMMENTS

- (i) **Fire Department Budget**
Mayor Bell voiced his concurrence with Commissioner Cheshire's remarks on the need for a fire department backup plan which the city commission implemented at this evening's meeting.
- (ii) **CR 466A**
Mayor Bell reported that he travelled on CR 466A and used the new traffic signals that is currently operational on said roadway. CR 466A
- (iii) **Dates to Remember**
Mayor Bell noted the following dates:
- August 12, 2016, Lake County League of Cities Ethics Training at 601 Northshore Drive, Eustis, FL 32726 at 9:00 a.m.
 - August 18-20, 2016, Florida League of Cities' 2016 90th Annual Conference at Diplomat Resort, Hollywood, Florida, 33020 at 7:30 a.m.
 - August 25, 2016, Special City Commission Meeting at 6:00 p.m. with the State of Florida Historical Resources Division's presentation on the Fruitland Park Casino;
 - August 25, 2016, Regular City Commission Meeting at 7:00 p.m.
 - August 26, 2016 "Ribbon-Cutting" Pine Hills Postal and Neighborhood Recreation Center, 3422 Moyer Loop, The Villages, FL 32163 at 10:00 a.m.;
 - August 30, 2016, Primary Election at 7:00 a.m.;
 - September 2, 2016, "Ribbon-Cutting", Moyer Village Recreation Center, 3000 Moyer Loop, The Villages, FL 32163 at 10:00 a.m., and
 - September 5, 2016, Labor Day - City Offices closed

11. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 8:21 p.m.

The minutes were approved at the August 25, 2016 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor