

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
August 25, 2016**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 25, 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, Officer Brad Heidt, Police Department, Fire Chief Michael Laming; Assistant Fire Chief Don Gilpin; Fire Department Lieutenant Tim Yoder, and Firefighter David Campbell, Fire Department; Community Development Administrative Assistant Tracy Kelley, Public Works Director Dale Bogle; and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

After Mayor Bell called the meeting to order at 7:25 p.m., Reverend David M. Ayriss, D.C., 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.

**By unanimous consent, the following items were withdrawn from this evening's agenda, at staff's request, and postponed to the September 8, 2016 meeting.**

**3. PRESENTATIONS**

(a) **Proclamation - National Public Lands Day – September 24, 2016**

(b) **Presentation - Lake Griffin State Park**

**4. COMMUNITY REDEVELOPMENT AGENCY**

**5. LOCAL PLANNING AGENCY**

**By unanimous consent, the city commission recessed its meeting at 7:30 p.m., recessed to the Community Redevelopment Agency and Local Planning Agency meetings, and reconvened its meeting at 7:38 p.m.**

**6. PUBLIC COMMENTS**

Mr. Peter Hurrt, City of Fruitland Park resident, expressed his dismay and disappointment on the conduct and proceedings of the public hearing that was held by the State of Florida Department of State Division of Historical Resources public meeting earlier this evening regarding the proposed demolition of the Fruitland Park Casino to facilitate construction of a new library on the site.

The following individuals appeared in support of retaining the city's fire department:

Ms. Deborah Posse, City of Fruitland Park resident, who described the volunteer fire department employees' favorable performance;

Ms. Victoria, City of Fruitland Park resident, questioned the incorporation of Fire Station 53 serving the Spring Lake area with the city's station 56 along with the mutual aid;

Mr. Bob Brown, City of Fruitland Park resident, expressed concerns on Lake County's Public Safety Fire Rescue response time, recognizing the close proximity of the city's fire department where he believed they who should have responded when his grand daughter's home was previously destroyed by fire, and

Ms. Rita Ranize, City of Fruitland Park resident.

**7. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved the August 11, 2016 regular meeting minutes as submitted.**

**8. REGULAR AGENDA**

**(a) Wastewater Grant Agreements**

The city commission considered its action to approve the following grant agreements between the City of Fruitland Park and the State of Florida Department of Environmental Protection, Division of Water Restoration Assistance:

- Agreement LP35081 to provide financial assistance for the Fruitland Park Lady Lake Wastewater Interconnection project for the amount of \$500,000
- Agreement LP35080 to provide financial assistance for the Fruitland Park Capital Lift Station and Force Main project for the amount of \$250,000

After discussion, and **by unanimous consent, the city commission agreed not to divide the motion and consider same as a single motion.**

Following further discussion and **on motion of Commissioner Ranize, seconded by Commissioner Cheshire and unanimously carried, the city commission approved Agreements LP 35080 and LP35081 as previously cited.**

- (b) **July 2016 - EOM Financial Report**  
Ms. Michaud-Racine reviewed the end-of-month financial report reflecting revenues and expenses through July 31, 2016.

### QUASI-JUDICIAL PUBLIC HEARING

- (c) **First Reading - Ordinance 2016-016 - Comprehensive Plan Amendment - Single Family Medium Density to Commercial - North of CR 466A and West of Rose Street - Applicant: Sunshine Properties and Rentals Inc.**

At Mayor Bell's request, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2016-016, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM SINGLE FAMILY MEDIUM DENSITY TO COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.04 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A (MILLER STREET) AND WEST OF ROSE STREET; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 8, 2016.)

After Mr. Jimmy Posse, City of Fruitland Park resident, questioned the widening of the affected roadway, Mr. La Venia described the roadway improvements; referred to the County Road R 466A Phase 1 Road Construction map identifying the area (displayed outside the city commission chambers), and noted the potential proposed designation in the affected area.

**A motion was made by Commissioner Cheshire and seconded by Vice Mayor Gutner that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2016-016 as previously cited.**

**Mayor Bell requested that the city clerk call for a roll call vote on the motion and it was declared unanimously carried.**

**(d) First Reading - Ordinance 2016-017 - Rezoning - R-2 to C-2 - Applicant: Sunshine Properties and Rentals Inc.)**

At Mayor Bell's request, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2016-017, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 1.04 ± ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 8, 2016.)

**A motion was made by Commissioner Ranize and seconded by Commissioner Cheshire that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2016-017 as previously cited.**

**Mayor Bell requested that the city clerk call for a roll call vote on the motion and it was declared unanimously carried.**

**(e) First Reading - Wastewater Rates Ordinance 2016-018**

At Mayor Bell's request, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-017, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99, SECTION 99.60 (B) OF THE CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN WASTEWATER RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 8, 2016.)

After further discussion, Commissioner Lewis recommended that Mr. Jimmy Posse, City of Fruitland Park resident, meet with Mr. Bogle regarding concerns on his water bill rate.

**A motion was made by Commissioner Cheshire and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2016-018 as previously cited.**

## END OF PUBLIC HEARING

### 9. NEW BUSINESS

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

### 10. OFFICERS' REPORTS

#### (a) City Manager

##### i. Kiwanis Club of Lady Lake

Mr. La Venia read into the record a letter dated August 14, 2016 from Ms. Deborah D. Tinsley Kiwanis Club of Lady Lake President, expressing the club's gratitude on the hard work by Ms. Michelle Yoder, Parks and Recreation Director, before, during and after the club's "Christmas in July/August" events held in July in the Town of Lady Lake and August 13, 2016 in the city, a brand new program instituted serving specific populations. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia acknowledged the performance by Ms. Yoder and expressed his appreciation.

##### ii. Fire Department – Fire Protection and Rescue Services

Mr. La Venia referred to the August 22, 2016 email from Chief Laming recommending three full time firefighters starting mid-year Fiscal Year (FY) 2016-17; providing 24-hour coverage for emergency response services for up to \$10 per hour at \$103,000 utilizing the police and fire department refund, a copy of which is filed with the supplemental papers to the minutes of this meeting.

Should the city commission decides to implement same in-house, Mr. La Venia pointed out Lake County's proposal to provide fire protection and rescue services as outlined in the letter dated August 24, 2016 together with calculations on the service cost of fire department positions from Mr. David C. Heath, Lake County Manager. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Mr. Heath recognized the presence of Mr. John Joliff, Lake County Public Safety Director/Fire Chief, at this evening's meeting. Mr. Heath reported on the county's opening of its jointly operated Fire Rescue Station 90/Clermont Fire Station 104 on August 22, 2016; relayed information received on August 24, 2016 from United States Senator Bill Nelson's office on the county's receipt of a \$1.7 million Staffing for Adequate Fire and Emergency Response Grant award to retain 15 firefighters, and referred

to the Daily Commercial's newspaper article featured over three months ago addressing the county's interest and intent to staff Pine Lakes and Astor areas with the grant applied for; however, he noted that the subject issue is different.

Mr. Heath gave a report identifying the county's fire department funding sources:

- corresponding rates for non-residential for basic life support which generates \$17 million;
- special fire assessments (approximately .4704 mills) at \$175 per household in the unincorporated area for advanced life support (ALS) (which, according to case law, cannot be utilized; thus, the county employs dual-funding generating \$21 million annually), and
- fire impact fee -- similar to the city's -- levied with transfers where the total budget is about \$23 million.

Mr. Heath relayed Mr. La Venia's previous request by telephone, that the county prepare fire rescue proposal, for the city commission's consideration. Mr. Heath addressed the county's constraints; namely, the lateness in its budget process for the city to send the revised Truth-in-Millage notice and the city's limited funding in its budget recognizing its current equipment and vehicles that the county may be interested in purchasing.

Mr. Heath noted the similar fire rescue services arrangements the county has -- for a number of years and without loss -- with the Towns of Astatula, Lady Lake, and Howey-in-the-Hills. He reviewed the county's concept for the city:

- FY 2017/18, to opt in to the county's fire assessment as well as its millage (similar to the city's arrangements for Emergency Medical Services (EMS) to be taxed and noting the EMS countywide millage imposed by the county commission for each municipality to implement same by interlocal agreements (ILAs));
- FY 2017/18, to participate in both fire assessments and fire millage, and
- FY 2016/17, the county would propose a hybrid system -- assuming that the city commission would proceed in that direction -- to match available revenues; conserve the city's funding of \$225,000 where Mr. Joliff, would review, for the transition year, the deployment model utilized by the county, and

- FY 2017/18, the county would provide full staffing, conduct an assessment and appraisal of the city's equipment and vehicles, if the county's interested, which would be utilized and offset against the \$225,00.

Mr. Heath addressed the intent to address the city's future public safety building and the reconciliation of the county and city fire impact fees; for Mr. La Venia and himself to meet to review the city's equipment and vehicles, and for the county attorney to work with Ms. Geraci-Carver on drafting the ILA.

With respect to the backup, Mr. Heath relayed Mr. La Venia's request to maintain and identify for the city the vehicles noting the county's suggested decal to be placed on the side of the vehicles with the willingness to work with the city on the design preference; described the services the county provides recognizing the sensitivity to the community's relationship with the fire department, and addressed the plan to provide preferential treatment for the city's volunteer fire department staff who desires to join with the county's fire rescue staff.

For the FY 2016-17 transitional period, Mr. Joliff addressed the initial intent to constantly monitor the plan for a lieutenant and paramedic to be available at the city's fire station 56 for 10 hours and the third individual from county fire station 53 together with coverage from surrounding area county fire stations and The Villages public safety department's fire station and addressed the 24-hour ALS service coverage which would be monitored for deploying additional staffing during the year.

Responding to several questions, Mr. Joliff addressed the plan to aim for a six-minute response time with the ability to redeploy and Mr. Heath identified the cap on the current fire assessment fee to be \$195.

After extensive deliberations, Mr. La Venia and Ms. Gearci-Carver recalled the city commission's previous actions creating the ad valorem taxation for the fire assessment in its code and addressed the process for FY 2017-18 to establish the final assessment rate, the implementation of same at the final adoption hearing, and the publishing of public notices to which Mr. La Venia suggested the need to carryout same within two months.

Following considerable discussion, **a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission direct the city manager to proceed utilizing the police and fire assessment refund fee of \$103,000 to fund in the FY 2016-17 budget three full time fire department positions commencing January 1, 2016 and provide a four-year plan for a full time fire rescue for the City of**

**Fruitland Park** (recognizing the unanimous vote when establishing the real truth-in-millage notice rate for FY 2016-17).

After the city commission discussed the requirements in utilizing a full time fire department with the provision of ALS service and capital improvement plan funds to purchase equipment for the fire department, Chief Laming described the 24-hour staff coverage and recognized himself as ALS certified in addition to the opportunity available for others to seek same.

After discussion and upon Ms. Geraci-Carver's request, Mayor Bell called for the public to be heard.

Mr. Hurrtt referred to the \$175 fire assessment fee and questioned the county's public safety fire rescue response time, the reduction in the International Organization for Standardization rates which he believed ought to be explored, and the likelihood of the rise in insurance rates to the residents.

Messrs. Paul Frost, Jimmy Posse, and Deborah Possee, City of Fruitland Park residents, cited reasons in support of the city retaining the fire department in-house.

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

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

**The motion failed to carry on a two to three (2-3) vote.**

Following further discussion, **a motion was made by Vice Mayor Gunter that the city commission approve commencing in mid-year FY 2016-17 budget authorizing the city manager to utilize the police and fire assessment refund of \$103, 000 to fund two firefighter positions.**

Following continued debate, **the motion was seconded by Commissioner Ranize.**

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

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

**The motion failed to carry on a two to three (2-3) vote.**

In response to Commissioner Ranize' request, Mr. La Venia, indicated that he will ask The Villages public safety department to determine what they could offer to the city.

Mr. Gunter addressed the need for more information as a result of various potential impacts and future costs arising from the county.

**After much discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Cheshire that the city commission approve transferring the city's fire department rescue services to Lake County Public Safety Fire Rescue.**

Ms. Possee gave reasons in objection noting the proximity of the city's fire department and its current staff.

Ms. Rita Ranize, City of Fruitland Park, mentioned her previous background at the Town of Lady Lake as the county's E911 Public Safety Telecommunicator dispatcher; disagreed with their information that there would be no delay in response time, and shared her family's emergency medical experiences and the long response time for service where they had to transport themselves to the hospital as she could not depend on the county.

Commissioner Ranize recalled the calls he made on two separate occasions to all county commissioners as a result of problems with the county's fire rescue service response times and the resulting incidents experienced by city residents; identified and expressed concerns on the few calls including one received this day from the few of the elected officials, and recollected his request to Mr. Joliff for the city to receive the automatic vehicle locator system to be installed in the city's vehicles which has not occurred to date as the city is a volunteer fire department.

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

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

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

In apologizing, Commissioner Ranize requested that the volunteer fire department staff remain with the city until the matter is worked out.

**(b) City Attorney**

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

Ms. Geraci-Carver gave an update on the Driving/Driver and Vehicle Information Database system lawsuit and indicated that Ms. Stephanie McColloch, attorney at McLin Burnsed (appointed by the city), is filing a motion to dismiss on behalf of the cities and the law enforcement officers.

**ii. George Fernandez v. City of Fruitland Park - Civil Action**

Ms. Geraci-Carver referred to the George Fernandez lawsuit; referred to the August 11, 2016 meeting where the city filed a motion to dismiss and pointed out the plaintiff's voluntarily amended complaint to the federal judge who denied the city's motion to dismiss. Ms. Geraci-Carver stated that Ms. McColloch is currently reviewing the amended complaint, noted that the response is due on August 29, 2016, and that an update will be given at the next meeting.

**11. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize - Casino Community Center**

Commissioner Ranize referred to the public hearing held earlier this evening on the casino's proposed demolition; stated that he was led to believe that the city had the funds to build a new library, and noted that the previous commission and former city manager did not make the effort to take care of the casino building which is currently unfit for use and should be condemned. He suggested demolishing the building and not build a new library if the city cannot acquire \$500,000 to construct same.

**(c) Commissioner Lewis**

**i. Casino Community Center**

Commissioner Lewis recognized the number of non-City of Fruitland Park residents who appeared before the Florida Department of State Division of Historical Resources' Bureau of Historic Preservation and Compliance Review staff who hosted the public meeting on the demolition of the Casino and gave reasons why he believed the citizens lack standing on the issue.

Commissioner Lewis agreed with Mayor Bell's suggestion for Mr. La Venia to send a letter to the department, on behalf of the city commission, in that regard and referred to Ms. Ranize's comments earlier this evening during the public meeting recognizing the casino's structure not being in its original form.

**ii. Fire Department – Fire Protection and Rescue Services**

Commissioner Lewis referred to the sermon message by Dr. Reverend George Mulford III, Grace Bible Baptist Church, on August 21, 2016: "*you can make enemies with your position, you should never make enemies with your disposition.*" Commissioner Lewis apologized for his conduct at the city commission meetings; however, not for his position taken as it relates to the fire department.

**(b) Commissioner Cheshire - Casino Community Center**

In concurring with Commissioner Ranize's remarks, Commissioner Cheshire suggested demolishing the casino building if the department does not produce, after conducting its review, the city with its findings.

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

**i. Fire Department – Fire Protection and Rescue Services**

Vice Mayor Gunter concurred with Commissioner Lewis' comments on the position he has taken and votes made during city commission proceedings.

Vice Mayor Gunter recalled, when he served with the previous commission, the fire department staff's actions when they left the city; the few unrelated calls he received in that regard, and the maintained coverage for the department and staff being restored to their positions shortly thereafter. He noted other municipal agencies that have turned over their fire-related services to the county.

**ii. Casino Community Center**

Vice Mayor Gunter referred to comments made by a citizen, Mr. "Tom" Thomas Shepherd, at the department's public hearing earlier this evening regarding the burning down of the former school building (current city hall). Vice Mayor Gunter recalled the process and fire department training sessions that were implemented at that time and that there were no calls from city residents.

Vice Mayor Gunter recalled the long range plans the former city commission had (which he served on) since 1994 when a purchase was made on the property located in close proximity of the casino; referred to the grant funds from the county and the state, and that plans does not always work out timely.

## 12. MAYOR'S COMMENTS

### i. **Fire Department – Fire Protection and Rescue Services**

Mayor Bell indicated that there have been no complaints regarding Lake EMS -- noting a different situation with the city's fire department -- mentioned his service on its board, and recognized Lake EMS' organization, formed by Lake County which has served the city well.

Later in the meeting and with reference to Commissioner Lewis' comments, Mayor Bell recognized that members do not always get what they want but to move forward and conduct business for the city.

### ii. **Operation Bless Fruitland Park**

Mayor Bell referred to the presentation held earlier this day by Operation Bless Fruitland Park at Fruitland Park Elementary School who was presented with a check for \$12,000. He described the organization's makeup, where the city is a partner, and the concept to raise donations and needed services; thus, the initial focus was on the school to drive growth in the city.

In recognizing that the school is one of the oldest buildings in the county, Mayor Bell noted that the school board will be considering on its future agenda its capital program fund to construct a new Fruitland Park Elementary School projected for the years 2022-24.

**Upon Mayor Bell's suggestion, the city commission, by unanimous consent directed the city manager write a letter to the Lake County School District supporting the need for a new Fruitland Park Elementary School and for the school board to consider same.**

Vice Mayor Gunter questioned the excess surplus property the school district owns within the city and around Lake County.

After Commissioner Lewis suggested that Commissioner Gunter communicate with Mr. Bill Matthias, Lake County School Board Member Chairman, Mayor Bell recommended inviting him to a future city commission meeting in that regard.

### iii. **Dates to Remember**

Mayor Bell noted the following events:

- September 5, 2016 Labor Day - City Offices closed;
- September 8, 2016, Regular City Commission Meeting and first budget public hearing at 7:00 p.m. where Mr. W. Chet Ross, CPA,

Shumacker, Johnston & Ross, PA., is anticipated to be present to review the 2015 Comprehensive Annual Financial Report;

- September 22, 2016, Regular City Commission Meeting and second budget public hearing at 7:00 p.m., and
- September 28, 2016, Lake County League of Cities' *2016 Sponsor's Night Event*, at 6:00 p.m.

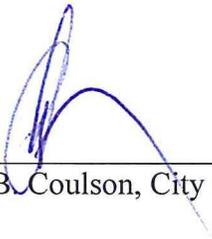
**13. ADJOURNMENT**

**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 9:23 p.m.**

The minutes were approved at the September 8, 2016 regular meeting.

Signed

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



Signed

\_\_\_\_\_  
Christopher Bell, Mayor

