FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
February 12, 2015

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 22, 2015 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, City Treasurer Tannette Gayle, Police Chief Terry Isaacs and Lieutenant Dennis Cutter, Police Department; Lieutenant George Hernandez, Tim Yoder, Fire Department; Community Development Director Charlie Rector; Parks and Recreation Director Michelle Yoder; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 7:03 p.m.

Before Associate Pastor Chris Jones, Community United Methodist Church, gave the invocation and at Mayor Bell's request, he reported that more than 3,500 people attended the February 7, 2015 Winterfest event which was a success.

Police Chief Terry Isaacs led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

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

SPECIAL PRESENTATIONS

- **Certificates of Completion – 2015 IEMO (January 23-25, 2015)**

  On behalf of the city commission, Mayor Bell presented to Commissioners Ray Lewis and Rick Ranize Certificates of Completion for the 2015 Institute for Elected Municipal Officials (IEMO) that was held on January 23 to 25, 2015 in Jacksonville, Florida and read into the record letters dated February 5, 2015 from the Florida League of Cities recognizing the awards in question; copies of which are filed with the supplemental papers to the minutes of this meeting.

  Commissioners Lewis and Ranize thanked the commission for the recognition.

- **MPO's Horizon Awards**

  Mayor Bell referred to the January 28, 2015 Lake-Sumter Metropolitan Planning Organization's (MPO's) Eight Annual Awards Dinner and recognized that in addition to the City of Fruitland Park being honored for *Small Municipality* category *"CR 466A Partnership with Lake County and the Villages"*, he pointed out the following:

- photographs honoring the elected officials present;

- January 28, 2015 letter from Florida District 10 Congressman Daniel Webster congratulating the city and acknowledging its contributions to the community which was read into the record (copy of same is filed with the supplemental papers to the minutes of this meeting);

- February 10, 2015 The Villages Daily Sun article *Planning our Growth;* a copy of which is filed with the supplemental papers to the minutes of this meeting;

- 2009 award presented at the MPO's Horizon event for *Small Municipality* category *City Commission Elected Official Participation*, and

- an invitation to an event sponsored by the MPO *Get to Know Your MPO* on Friday, February 20, 2015 at 11:00 a.m., 1616 South 14 Street, Leesburg; a copy of which is filed with the supplemental papers to the minutes of this meeting.

3. PUBLIC COMMENTS

- **Scholarship**

  Mr. Myron Wade, Lake County resident, thanked the city commission for the partial scholarship that he received; explained how it has impacted his life; and mentioned the ability for him to attend school this semester under the "Veterans Readjustment Educational Program".

  The city commission extended congratulations.

- **Rails-to-Trails Program**

  Mr. John Schaller, City of Fruitland Park's Planning and Zoning Chairperson and Lake-Sumter Metropolitan Planning Organization Citizens' Advisory Committee MPO CAC member, referred to discussions at the February 16, 2015 CAC meeting regarding new funding available for the Rails-to-Trails program; mentioned the State of Florida Department of Transportation's support of same, and noted the submittal of the first application in 2009 in this regard which did not materialize.

  Mr. Schaller addressed the timeline before March 2015 for the city to respond to the MPO and resubmit a new application to help CAC start the process, reevaluate the change to the city's existing rails into the trails and complete same as part of the public enjoyment in walking and observing nature and putting the review of another actual rail bed to some use.

  After discussion, Mr. Schaller conveyed the CAC's interest to work with the city; recognized the state's involvement on the expansion of the subject project to which Mayor Bell referred to his previous conversations with Mr. T. J. Fish, MPO Executive Director, when the City of Leesburg connected to the Town of Lady

Lake and relayed the review of a shorter rail system connecting the main line to Lake Griffin State Park which hare benefits that the city could review.

After Mr. Schaller noted the MPO's involvement and the number of times meetings are held and his pleasure in serving as a representative for the city, Mayor Bell thanked him for his additional service for 19 years on the city's Planning and Zoning Board.

Mr. La Venia explained in response to Commissioner Gunter's comments that he will make an inquiry to Mr. Fish regarding the review of the original application submitted to the city.

4. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved the January 22, 2015 regular meeting minutes as submitted.

5. REGULAR AGENDA

(a) NG9-1-1 System – Lake County ILA

The city commission considered its action to approve an interlocal agreement with Lake County and the City of Fruitland Park regarding the NG 9-1-1 System by Lake County Circuit Inspector General Division.

After much discussion, and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the interlocal agreement as previously cited.**

(b) Artist Rendering - Gardenia Park Racquet Ball Court - Spring Break Art Camp

After discussion, Mayor Bell suggested that the one-week Spring-Break Art Camp with ten art students to paint murals at Gardenia Park's racquet ball court be postponed in order for Ms. Yoder to review the comments from the city commission with Mr. La Venia.

Following considerable discussion, and **on motion of Commissioner Ranize, seconded by Vice Mayor Cheshire, and unanimously carried, the city commission approved not to proceed with the painting of the murals at Gardenia Park's outside wall at the racquet ball court.**

(c) Police Vehicle Sale

After Mr. La Venia gave a background information on request to approval the sale of a black 2008 Chevrolet Impala, VIN 2G1WC583789233932, and **on motion**

made by Commissioner Lewis, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved the sale of the vehicle by auction.

(d) The Villages of Fruitland Park Final Plat

Mr. Rector described the current status and approval process of the following projects relating to acceptance of The Villages of Fruitland Park Final plat which have been reviewed by the city attorney, engineer, public works and community development departments; anticipated that after the city commission's action at this evening's meeting, permits would be obtained by March 1, 2015, and noted the responsibilities of road maintenance by The Villages:

a. Jackson Villas,
b. Leo Villas, and
c. Unit 27

Mr. Rector anticipated the software program to be in place by the last week of the month whereby the Villages IT department is working closely with the community development department and relayed the Planning and Zoning Board's recommendation of approval on the respective plat.

Following further discussion and **a motion was made by Vice Mayor Cheshire and seconded by Commissioner Gunter that that the city commission approve the projects as previously cited.**

Whereupon Mayor Bell called for a roll call vote and declared the motion carried unanimously.

6. NEW BUSINESS

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

7. OFFICERS' REPORTS

(a) City Manager

i. Fire Chief

Mr. La Venia explained that former Fire Chief Steve Whitaker has resigned; mentioned his appointment of George Fernandez noting his credentials and his confidence in him, and acknowledged him at this evening's meeting.

The city commission welcomed the new Fire Chief Fernandez to the meeting.

ii. Water and Wastewater Treatment Plant Agreement

Mr. La Venia referred to his recent meeting with Messrs. Rector, Bogle and the Town of Lady Lake staff regarding the Wastewater Treatment

Plant Reservation and Bulk Treatment Agreement; conveyed the changes recommended to be presented before the town commission for consideration, and addressed his intent to bring back the agreement at a future meeting for review.

iii. Potential Traffic Signal - CR 468 and CR 466A

Mr. La Venia referred to a telephone call received earlier this day from Metro Consulting Group, who contracts with Lake County, to conduct a traffic study and a visual traffic count during peak hours on police issues, and traffic turning pattern to determine whether a traffic signal is warranted on the intersection of CR 468 and 466A. He addressed the plan to meet with the group by the next week and addressed his desire to speak with Chief Isaacs and Mr. Bogle on the issues in question.

iv. IT Contract

Mr. La Venia explained that staff is still working on quotes relating to the IT contract.

v. Phone System/Internet Provider

Mr. La Venia addressed the ability to backup the limited phone network system that exists in the city; referred to the quote received from CenturyLink for a phone system at an additional $2,500 a month, and recommended taking the next step of utilizing the Voice over Internet Protocol system where the telephones would be leased with Xfinity® Comcast Business as the city's internet service provider. He explained that funds exist in the budget and identified the departments who would be covered in the annual agreement for $460 a month.

After discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the city manager's recommendation to approve changing the city's existing internet service provider to Xfinity® Comcast Business Service.**

vi. Records Management - Server Upgrade

Mr. La Venia addressed the need to upgrade the current server for the city's records management program; relayed Ms. Gayle's statements that she communicated with Mr. W. Chet Ross, Shumacker, Johnston & Ross, P.A.. the city's auditor, who determined that the server met the criteria for purchase with capital improvement program (CIP) funds.

Mr. La Venia recognized an old CIP account, separate from the regular CIP, which has an estimated amount of $30,000 in unused funds which could be utilized to upgrade the server for approximately $12,000 and

other city computers which need upgrading for about $1,200. He addressed his intent to provide more information at the next meeting.

vii. Leadership Lake County

Mr. La Venia reported on the educational portion of the February 11, 2015 Leadership Lake County program where a tour took place at Lake Hills School accommodating students with special needs and disabilities and the visit to Tavares High School and the students' food services program.

viii. City Events

Mr. La Venia announced that the 5K Love Run will take place on February 14 and indicated that staff will be advertising the March 21, 2015 Cleanup Day whereby arrangements will be made to meet with Mr. Bogle and Ms. Yoder on plans to cleanup public and private lands and address the availability of dumpsters.

After discussion, Mr. Bogle mentioned his intent to find out the availability of a hazardous materials container for the event.

(b) City Attorney

i. Invocation Policy

Mr. Gerken explained that a draft of the invocation policy is available which he will circulate to the city commission before it is considered as an agenda item.

ii. Fruitland Park Library Expansion

Mr. Gerken referred to the comments addressed at the January 22, 2015 regular meeting regarding the delay of the Fruitland Park Library expansion and the definition and meeting the grant requirements.

Mr. Gerken noted that Mr. Rector has prepared a Request for Qualification (RFQ) relating to the library's design-built to be obtained from Mr. Duane K. Booth, Booth Ern Straughan & Hiott Inc (BESH); stated that there are some certifications needed by the city, and referred to discussions that were held between Messrs. La Venia and Booth where information would be in place for the proposals to be submitted.

In referring to the library grant application documents (the interlocal agreements with the county), Mr. Gerken confirmed that the dates are well within thresholds, and suggested that Mr. La Venia or Fruitland Park Library Director JoAnn Glendinning send a letter to the Lake County Impact Fee Coordinator to ensure that the dates are in time for the grant requirements.

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iii. Police and Fire Fees

Mr. Gerken referred to the update he gave, previously provided to the city commission, regarding the Police and Fire Service Fees Refunds Class-Action settlement; relayed the court's requirements for the city to send additional notices which will be submitted, and outlined the process worked on by Mr. Greg Stewart, Nabors, Gilbin & Nickerson, attorney retained by the city, on the list of individuals for distribution with the participants' agreement and the court's concurrence. He stated that the city can go with the theme "to be done and to be fair to move this along".

Mr. Gerken pointed out the false allegation made that he did not attend a hearing in 2014. He confirmed his attendance at the settlement hearing; stated his willingness to share such information with anyone who have any questions, and anticipated that the issue is complete as does not want to hear anything more about the issue and do not want integrity questioned as it was upsetting; thus, he does not want that to be made a bigger issue than needs to be.

iv. Resignation

Mr. Gerken gave reasons why he believes the time has come for him to step down as city attorney for more than 13 years; felt that the city is heading in the right path and pointed out what he has read and rumblings he has heard on some of the commissioners' desire for him to leave.

Mr. Gerken referred to the 30-day notice provision in his contract; gave his reassurance that he will not leave staff in a lurch, and indicated that pending projects would be taken care of. He addressed his willingness to work with his successor ensuring that they are kept apprised. He requested that the city move forward with a positive direction and leave the dark times in recent years behind.

Mayor Bell, in response, referred to this day's Daily Commercial newspaper article by Mr. Steve Fussell, Fruitland Park News and Daily Commercial writer, entitled: *City May Look for New Attorney* and requested Mr. Gerken's reconsideration and the city commission's vote of support if he is willing to see the city through as long as the commission would like. (A copy of the article is filed with the supplemental papers to the minutes of this meeting.)

8. COMMISSIONERS' COMMENTS

At Commissioner Ranize' request, Mayor Bell agreed for the following item to be taken out of order on this evening's agenda.

(d) Commissioner Ranize

Commissioner Ranize pointed out the recent IEMO program that he attended; referred to the Daily Commercial newspaper article, and relayed the telephone discussions he had initially received from Mr. Fussell – who he had already received input from two city commissioners on replacing the city attorney. Commissioner Ranize cited his comments on the violation of the sunshine law and indicated that he contacted a mutual friend and personal attorney Charles "Chuck" Johnson who advised him that 'the first bite of the apple had already been bitten'. Commissioner Ranize gave reasons why it was wrong in placing the issue in the press; stated that he was also approached about the recent television story relating to the city, and relayed his response that he would not entertain the matter. He conveyed his concerns to Messrs. La Venia and Rector and apologized for the article that went out. Commissioner Ranize expressed his displeasure before Mr. La Venia on the comments in the Daily Commercial which he refuted were his statements; noted the billing issues he has with Mr. Gerken, and the options he had to deal with same.

(a) Vice Mayor Cheshire

Vice Mayor Cheshire expressed concerns on the Daily Commercial newspaper article and Mr. Fussell's information regarding this evening's meeting. Vice Mayor Cheshire referred to his conversations with Mr. Gerken earlier this day; explained that he never questioned his integrity, and mentioned his statements to him why he believed it was a bad time to resign and that he ought to allow his contract to end in October 2015.

Vice Mayor Cheshire recognized the comparable attorneys' fees; relayed his remarks he had with Mr. La Venia regarding the some of the problems that could have been rectified, and recalled the city commission's action on the initial police and fire fee issue noting the commission's responsibility on taking the attorney's advice who was hesitant to proceed on the issue.

(b) Commissioner Gunter Jr.

Commissioner Gunter expressed his preference for Mr. Gerken to remain until October 2015.

Commissioner Gunter reported on the well-attended recent Winterfest event held by the Community United Methodist Church.

With respect to the forthcoming city commission workshops, Commissioner Gunter requested that Mr. La Venia include addressing the redistricting prior to the 2016 General election.

(c) Commissioner Lewis

Earlier in the meeting, Commissioner Lewis gave his recollection of events when the police and fire fees were addressed before the city commission. He mentioned his review of voice transcripts on Mr. Gerken's remarks made at previous city commission meetings on what could have been implemented to avoid the situation, relayed his comments at subsequent meetings on what transpired at the settlement hearing, and his statements that he was not in attendance. Mr. Lewis explained that he has lost confidence in the legal opinion provided and the strategy designed after the settlement hearing, and that he accepts Mr. Gerken's resignation.

Later in the meeting, Commissioner Lewis explained that it appears that he was questioning Mr. Gerken's integrity which was not intended, he was addressing the quality of the advice and the role that he served to which Mayor Bell cited reasons in disagreement.

9. MAYOR'S COMMENTS

Earlier in the meeting, Mayor Bell expressed his disappointment on the story that appeared in the Daily Commercial.

Later in the meeting, Mayor Bell voiced his concurrence with Commissioner Gunter's statements and stated that during the stressful last few years, Mr. Gerken's integrity has never been of question. He explained how the city commission ultimately voted to proceed with the fees against the city attorney's advice.

Mayor Bell expressed preference for Mr. Gerken to remain during the present period and agreed with Vice Mayor Cheshire's remarks regarding the salary.

Dates To Remember

Mayor Bell noted the following:

- February 14, 2015 5k Love Run and encouraged everyone to participate.

- Mr. La Venia and himself will be travelling to Tallahassee on February 17 and 18, 2015; requested for an informational flyer prepared by staff to present to the individuals he will be meeting with, anticipating that it will be productive in reaping funds for CR 466A roadway project.

- The February 20, 2015, FLC 2015 Regional Summit Series: *What Every Municipal Official Needs to Know: Risk Management and Liability*, in Winter Park, whereby Commissioner Lewis plans to be in attendance.

- the March 17 and 19, 2015 city commission workshops will be held at 6:00 p.m.

- March 21, 2015 Cleanup Day.

- Fruitland Park Day on April 11, 2015 where Ms. Yoder will provide more information at the next meeting.

- Community Service Awards cut-off date will be February 20, 2015.

10. 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 8:35 p.m.

The minutes were approved at the March 12, 2015 regular meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor