

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
July 14, 2016**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 14, 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 Fewless, Deputy Police Chief Dennis Cutter; Assistant Fire Chief Don Gilpin; Fire Department Lieutenant Tim Yoder, 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., the Reverend Dr." George A. Mulford, Grace Bible Baptist Church gave the invocation and Chief Fewless led in the Pledge of Allegiance to the flag.

After Chief Fewless recognized the Certification of Completion Group Crisis Intervention Course that Pastor Mulford completed, the city commission extended congratulations.

2. ROLL CALL

Mayor Bell requested that Ms. Coulson call the roll and a quorum was declared present.

3. PROCLAMATION - MEMORIAM

On behalf of the city commission, Mayor Bell read into the record a proclamation honoring the late and former elected official Martin "Charlie" Chesley Boatwright, Jr. and expressed sincere condolences to his family and loved ones as well as to those who knew him.

The proclamation will be sent to the family.

By unanimous consent, the city commission agreed with Mayor Bell's suggestion to take the following items out of order on this evening's agenda.

SUPPLEMENTAL AGENDA

- 7. (f) Special Recognition - 2016 The Florida Law Enforcement Challenge Awards**
The city commission recognized the State of Florida Law Enforcement Program's (grant funded program sponsored by the Florida Department of Transportation) award to the City of Fruitland Park Police Department Law Enforcement Traffic

Safety Challenge program promoting traffic safety which impacted the community in reducing traffic-related crashes, injuries and fatalities.

Chief Fewless referred to the plaque awards -- worth \$12,000 each -- presented to the Fruitland Park Police Department who received second place rankings in the *Fruitland Park Police Department Category 2* and *DUI Challenge*. He noted that such awards are often presented to approximately 38 comparably-sized agencies with the first place winner utilizing a full-time motor unit citation equipment which the City of Fruitland Park's police department did not possess.

The city commission congratulated Chief Fewless and the police department for their accomplishments.

4. PRESENTATIONS

(b) **Fruitland Park Library - Floor Plan Review - Senatore Inc.**

Mr. Rector indicated that Ms. Glendinning, Mr. Senatore and himself worked on the floor plan review which meets what the city commission previously addressed and Mr. James Senatore, Senatore Inc., gave a power-point presentation on the proposed site plan; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion and **on motion of Vice Mayor Gunter, seconded by Commissioner Ranize, the city commission directed staff to work with Senatore Inc. and proceed with the detail drawings on the proposed Fruitland Park Library construction.**

(a) **Special Fire Assessment - Ms. Sandi Melgarejo, Government Services Group Inc.**

Ms. Sandi Melgarejo, Government Services Group Inc. (GSG), gave a presentation on the city's Fire Services Assessment Program; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Melgarejo recalled GSG's contract with the city executed on February 4, 2016 to conduct a fire services assessment program development and described the options provided if the city commission wished to proceed. She defined the fire assessment charge imposed against a property's home revenue to pay for fire services and noted case law requirements for the special assessment to be valid to benefit the property under first responder fire services and to be fairly and reasonably apportioned among all property owners.

Ms. Melgarejo described the "historically demand" methodology GSG developed -- reviewed and upheld by the Fourth District Court of Appeals in 2010 -- which demonstrated how the city responds to calls as a demand factor and illustrated its data components as follows:

- First Major Component - Service Delivery Zones
Historical City of Fruitland Park area serviced by the city's volunteer fire department -- who responds to the level of first responder without the Emergency Medical Services component -- where its budget can be funded through the special assessment program and The Villages serviced by Villages Center Community Development District's Interlocal Service Boundary Agreement where the city pays a contracted amount to The Villages for residential buildings at \$177 per dwelling unit.

Based on the National Fire Protection Association's standards, CSG reviewed the fire flow and determined the square feet cap on non-residential (mainly school district buildings) to be \$17,400.
- Second Major Component - Fire Department's projected budget for FY 2016-17.
- Third Component - call data identifying who is demanding what percentage of the fire department's resources.
- Fourth Component - parcels' structures within the city; namely, dwelling units, their uses, and square footage.

Ms. Melgarejo referred to historical Fruitland Park's FY 2016-17 current personal and operating expenses budget and calculated how its net expenditure is placed on tax bills where the city would recoup its costs to collect. She described in detail the process of sending notices to property owners who are required to pay the fire assessments; the city's potential plans regarding the impact to their properties at a public hearing according to Section 197.3632, Florida Statutes, and how GSG computed the non ad valorem assessment on the tax bill depicting the charges by the property appraiser and collection by the tax collector.

To keep the city legally defensible and with respect to the demand placed on the city's fire department, Ms. Melgarejo described how GSG reviewed the one-year call data for calendar year 2015; depicted how the cost parcel apportionment was charged as the fair-way billing unit on residential and non residential categories, and gave reasons why vacant land was not charged.

Ms. Melgarejo indicated that it would be the city commission's policy-decision to attain the per dwelling residential and non residential unit rates -- based on the components and percentage from the FY 2016-17 budget. She recommended that the city commission wholly exempt governmental parcels and institutional uses -- noting that governmental parcels do not receive a tax bill -- addressed the problem with collection where a lien cannot be placed, and recommended that the city buy them down.

After Ms. Melgarejo described the scenarios in reaching the per square foot for non residential dwellings at the historical Fruitland Park and The Villages, she indicated that staff would need the city commission's position on:

- its intent to proceed with the implementation of the fire assessment;
- the rates that would be considered, and
- the type of exemption policies for exempt government and institutional tax exempt (recognizing that it would be the city commission's discretion to charge where a tax bill would be received -- with the commission having the ability to lien the property but it does not have a collection issue -- and recommending not to do so for the first year).

Ms. Melgarejo recognized:

- proposed Ordinance 2016-007 for consideration on this evening's agenda outlining the procedures to publish ten days before second reading scheduled before it is enacted on July 28, 2016 where the city's home rule revenue source would be applied to implement the fire assessment;
- the adoption of proposed Initial Assessment Resolution 2016-021 consisting of the apportionment methodology, rate, exemptions, and the actual fire assessment program (establishing the maximum rates for implementation during FY 2016-17;
- the direction for staff to mail first-class notices of the public hearing on August 4, 2016 for the August 25, 2016 public hearing;
- the adoption of proposed Final Assessment Resolution 2016-022 at the public hearing where the city commission would make a final decision for implementation (similar to setting the millage rate);
- possible public comments whereby the city commission could decide on the rates as noticed, reduce same, or proceed with implementation, and
- the finalization of the tax roll based on the rates adopted and certify them to the tax collector by September 15, 2016 for inclusion in the November 2016 tax bill.

5. PUBLIC COMMENTS

After Mr. James Warren, City of Fruitland Park resident, received confirmation that the \$177 would be allocated from the general funds towards the special fire assessment, he questioned the needs of the fire department and the Emergency Medical Services and recommended that the special fire assessment issue be placed on the ballot.

6. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the June 23, 2016 regular meeting minutes as submitted.

7. REGULAR AGENDA

(a) Boards/Committees - Discussion

Mr. La Venia explained that a member (board appointed category) will be appointed to the Fruitland Park Firefighter Trust Fund Board of Trustees at its meeting on July 18, 2016 and considered by the city commission at its next meeting.

(b) First Reading - Ordinance 2016-007 - Ad Valorem Taxation

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Ordinance 2016-007, the substance of which is as follows and explained the purpose of same:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, REPEALING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "AD VALOREM TAXATION" AND APPENDIX THERETO ENTITLED "AUTHORITY TO HAVE COUNTY ACCESS, COLLECT TAXES" BOTH IN ITS ENTIRETY; CREATING A NEW CHAPTER 90 TO BE ENTITLED "ASSESSMENTS"; PROVIDING DEFINITIONS; PROVIDING APPLICABILITY; MAKING FINDINGS; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPLEMENTATION OF A FIRE SERVICE ASSESSMENT; PROVIDING FOR ADOPTION OF FIRE SERVICE ASSESSMENT RATE BY RESOLUTION AND AUTHORIZING EXEMPTIONS; PROVIDING COLLECTION METHODS AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; INCLUDING AN ALTERNATIVE METHOD; PROVIDING FOR SEVERABILITY, CONFLICT AND CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Following considerable deliberations, a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2016-007 as previously cited.

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

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

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

(c) First Reading - Ordinance 2016-014 - Purchase and Use of Niche for Two Cremains

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Ordinance 2016-014, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.50 TO ALLOW TWO CREMAINS IN ONE NICHE AND TO INCLUDE FEES FOR THE PURCHASE AND USE OF A NICHE FOR TWO CREMAINS; PROVIDING FOR FEES FOR REOPENING NICHE AND SUBSEQUENT ENGRAVING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND QUASI-JUDICIAL HEARING

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2016-014 as previously cited.

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

By unanimous consent, Mayor Bell opened the public hearings at this evening's meeting.

(d) Second Reading and Public Hearing - Ordinance 2016-012 - Small-Scale Comprehensive Plan Amendment

After Ms. Geraci-Carver read into the record proposed Ordinance 2016-012, the substance of which is as follows, Mayor Bell called for interested parties to be heard:

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 0.51 + ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A (MILLER STREET) AND EAST OF POINSETTIA AVENUE; 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 first reading was held on June 23, 2016.)

Mr. Rector described the potential use of the subject property.

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

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission enact previously cited Ordinance 2016-012 to become effective thirty-one (31) days after its adoption by the city commission. (If the ordinance is challenged within thirty (30) days after its adoption, it may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that the ordinance is in compliance.)

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

- (e) **Second Reading and Public Hearing - Ordinance 2016-013 - Rezoning**
After Ms. Geraci-Carver read into the record proposed Ordinance 2016-013, the substance of which is as follows, Mayor Bell called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.51 + ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO NEIGHBORHOOD COMMERCIAL (C-1) 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 first reading was held on June 23, 2016.)

Mr. Rector described the potential use of the subject property.

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

A motion was made by Commissioner Cheshire and seconded by Commissioner Lewis that the city commission enact previously cited Ordinance 2016-013 to become effective as provided by law .

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

END OF QUASI-JUDICIAL PUBLIC HEARING

8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

i. CPA RFP

Mr. La Venia conveyed discussions he had with Ms. Michaud-Racine regarding Mr. W. Chet Ross, Shumacker, Johnston & Ross, P.A., Certified Public Accountant (CPA) retained by the city.

Although Mr. La Venia commended Mr. Ross on his performance, he explained that the Comprehensive Annual Financial Report exceeded the filing deadline of March 31, 2016 which is why he is requesting that the city commission consider seeking request for proposals for CPA services. Mr. La Venia recognized that Mr. Ross performs services for other municipalities and organizations and acknowledged his long relationship with the city.

After discussion, Ms. Michaud-Racine confirmed that the CAFR was due to the State of Florida Department of Management Services on June 30, 2016 and the city is in default of having its financial disclosures submitted.

After discussion, a motion was made by Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission approved staff's recommendations with the direction to seek request for proposals for a Certified Public Accountant.

ii. Letter of Historical Resources

Mr. La Venia referred to a letter dated July 12, 2016 from Mr. Timothy A. Parsons, Division of Historical Resources (DHR) and State Historic Preservation Officer Director, regarding Project: *Case Study Consideration of Alternatives to Demolition of the "Casino"*; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia relayed Mr. Parson's request to provide supporting documentation on the cost to rehabilitate; the cost to move the structure;

why the facility is undesirable as a community space; address the potential integration of the intact building into the site plan, and supporting photographs and documentation of termites and other relevant damage. He also conveyed the request for the historical resources staff to visit the casino and participate in a public meeting to discuss the potential demolition.

After discussion and **by unanimous consent, the city commission agreed with Mayor Bell's suggestion for staff to provide to the State of Florida Division of Historical Resources and State Historic Preservation Officer Director the available dates of July 28, August 11, or August 25, 2016 to hold a public hearing starting at 6:00 p.m. on the casino building.**

iii. Ribbon cutting

Mr. La Venia referred to the following invitations at 10:00 a.m. for ribbon cutting:

Pine Hills Postal and Neighborhood Recreation Center on August 26, 2016 and
Moyer Village Recreation Center Pool and Mini Recreation Center on September 2, 2016

(b) City Attorney

i. Provided a New Law Summary Update to

Ms. Geraci-Carver referred to the 2016 New Law Summary that was provided to staff on July 8, 2016; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ii. Former Fire Chief George Fernandez

With reference to the recent complaint filed by Former Fire Chief George Fernandez, Ms. Geraci-Carter reported that a telephone conference is scheduled for Tuesday July 19, 2016 and addressed the intent to speak to the attorney to formulate a response.

10. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize - Parking Areas

Commissioner Ranize voiced concerns on the aesthetics of impervious property parking areas around Miller Street and Dixie Avenue; inquired whether such reoccurring problems could be prevented, and questioned whether consideration could be given for respective lots or plots to conform with surface paved parking lots and drainage.

Mr. Rector explained how access on designated parking spaces is achieved and outlined the requirements to provide engineering for stormwater retention when impervious surfaces exceed disabled lot parking spaces. He noted the problem on

the number of lots being too small for retention ponds, and referred to the city commission's earlier action at this evening's meeting under Items 4.(d) and (e) whereby the applicant did not have enough land to provide surface to accommodate the potential number of vehicles which is not permitted under the latest development regulations for newly platted developments.

(b) Commissioner Cheshire - Special Fire Assessment

Commissioner Cheshire gave his opinion on the transfer of funds dedicated to the fire assessment from one account to the other; voiced concerns on the cost to implement same to be borne by the residents, and believed the majority of the public would be satisfied with the increase in millage rate for a hybrid fire fighting team in the city.

Commissioner Cheshire questioned the number of service calls the city's fire department would respond to, if the city had urgent care in the area; and acknowledged the poor treatment of the fire department's volunteers who ought to be paid more in their a monthly stipend.

Commissioner Cheshire voiced his support if the city reduces the ad valorem taxes to the same amount for the fire special assessment fee.

(c) Commissioner Lewis

After discussion, Commissioner Lewis concurred with Mr. Warren's earlier remarks; recalled the city commission's position on unmet needs without adequate reserves, and mentioned the need to address dedicated source of funding for the fire department.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he had no comments at this time.

11. MAYOR'S COMMENTS

(a) Special Fire Assessment

Mayor Bell gave his opinion on the purpose of the special fire assessment.

(b) Fruitland Park Public Library - Serving the Community for 100 Years - 1916-2016 Banner

At Mayor Bell's request, Ms. Glendinning explained the banner, displayed in the rear of the commission chambers and the cups and bags featuring "Fruitland Park Public Library - Serving the Community for 100 Years - 1916-2016". She recognized that the library started in 1916; addressed her intent to make plans in commemoration.

Ms. Glendinning proposed an October or November 2016 date or an approximate date anticipated when the shovel would be placed in the ground to dedicate the construction of the new Fruitland Park Library commemorating it with a reception

and special (entertainment, food and music) which can be addressed at a future time.

Mr. Bogle agreed with Ms. Glendinning's request that the banner would be displayed across Berckman Street in front of the existing library.

(c) Dates to Remember

Mayor Bell announced the following dates:

- **July 19, 2016, at 5:00 p.m. and July 20, 2016 at 9:00 a.m. - Lake Griffin State Park, Town of Lady Lake Town Hall Commission Chambers.**

Mr. Bogle concurred in the affirmative with Mayor Bell's inquiry that he will be attending the meetings on both dates.

After discussion and in response to Mayor Bell's inquiry, Ms. Coulson disclosed that Ms. will be attending a future city commission.

- **July 28, 2016 Regular City Commission Meeting**
- **August 11, 2016, Regular City Commission Meeting**
- **August 12, 2016, Lake County League of Cities - "Ethics Training Class", Eustis Community Center**
- **August 18-20, 2016, Florida League of Cities' 90th Annual Conference, Diplomat Resort, Hollywood, Florida**

12. 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 8:48 p.m.

The minutes were approved at the July 28, 2016 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor