

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
July 9, 2015**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 9, 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 Anita Geraci-Carver, Interim City Treasurer Diane Riechard, Interim Police Chief Lake County Sheriff's Office Captain Todd English, Lieutenant Dennis Cutter, Jennifer Hutchins and Sergeant Erik Luce, Senior Officer Kenny Prater, Officers Collin Wheeler, Robert Vachon, and Paul Sandbakken, Police Department; Fire Chief George Fernandez; Fire Department Lieutenants Michael Laming and Don Gilpin, Community Development Director Charlie Rector, 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 7:02 p.m.

Due to Reverend Father "Ted" Theodore F. Koelln's absence, Commissioner Gunter gave the invocation.

Interim Police Chief Lake County Sheriff's Office Captain Todd English 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 Recognition

Mr. La Venia reported on the number resumes received and ranking of the final candidates for the police chief position; introduced Captain Michael A. Fewless at this evening's meeting who was selected as the city's police chief, and highlighted his extensive background, experience and current review of the city. Mr. La Venia indicated that Captain Fewless will be sworn in at the July 23, 2015 regular meeting and will be commencing his employment with the city on August 1, 2015.

Mr. Fewless mentioned his perspective of the city's potential progress, gave a personal profile of his immediate family, and mentioned his long term employment with the Orange County Sheriff's Office. He indicated that he is looking forward to the challenge and restoring professionalism to the city.

After the city commission welcomed Mr. Fewless to the meeting, Mr. La Venia mentioned the deliberative process recognizing individuals involved in the open panel to

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select the chief; namely, Captain English, City of Clermont Police Chief Charles Broadway, Dr. Gary Lester, The Villages Community Relations, and Mr. Jim Logan, Lake County resident.

3. PUBLIC COMMENTS

Mr. Peter Hurtt, City of Fruitland Park resident, congratulated Captain Fewless on his appointment. Mr. Hurtt questioned the do's and don'ts in the city and the enforcement of same.

In response, Mr. La Venia conveyed his conversations with Mr. Rector who described the code enforcement procedures and the commencement of proceedings with individuals who are not in compliance. He requested that Mr. Hurtt contact Ms. Tracey Kelly, Community Services Department, who will be able to assist him with his concerns.

Mr. Rector referred to his previous request to the special magistrate, retained by the city, to forward any concerns to him and confirmed that nothing has been brought to his attention; reported on the success made by Lieutenant Cutter and himself where individuals who have been made aware of problems have since corrected same, and indicated that proceedings have already begun with those who were not going to comply.

After discussion, Mr. Darren Kling, City of Fruitland Park resident and business owner, commended the city commission on a job well done. He suggested the need to take care of business owners within the city by initiating a business association; indicated that he would like to see the city initiate the procurement of towing company services.

Mr. Kling recognized the roads that surround the business around Grays Airport Road; addressed the problem of semi-trucks needing to access his property safely, and questioned the county annexing the area into the city. He commended staff for performing an outstanding job.

Mr. Rick Kerm, City of Fruitland Park resident, voiced his concurrence with Mr. Kling's statements.

4. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the June 25, 2015 regular meeting minutes as submitted.

5. REGULAR AGENDA

(a) City Treasurer

City commission considered its action to approve the position of the city treasurer.

In noting the city commission's consideration to affirm the city treasurer's appointment, Mayor Bell referred to the city commission's discussions at its

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July 9, 2015 regular meeting and recognized the presence of Ms. Diane Riechard at this evening's meeting. Recognizing that she started with the city on July 6, 2015, Mayor Bell stated that she is qualified, has come in highly recommended, and has offered her services to assist the city during its budget process. He relayed her comments that the city continue to seek candidates for city treasurer position.

Mr. La Venia introduced Ms. Diane Riechard who commenced her position as a part time interim city treasurer for 20 hours per week at \$30 per hour.

On motion of Vice Mayor Cheshire, seconded by Commissioner Ranize and unanimously carried, the city commission confirmed the appointment of Ms. Diane Riechard as interim part time city treasurer.

On behalf of the city commission, Mayor Bell welcomed Ms. Reichard to the city.

(b) Engineering and Surveying Services WWTP – Proposal – BESH

The city commission considered its action to approve authorizing the city manager to secure funding from a financial institution for the Town of Lady Lake Water Wastewater Treatment Plant (WWTP) Connection Project; approve the contract with Booth, Ern, Straughan & Hiott, Inc. (BESH) to commence engineering and surveying services, and authorize the mayor to execute same.

Mr. La Venia described the services and indicated that the Town of Lady Lake's Commission unanimously approved the WWTP agreement at its July 6, 2015 regular meeting.

On motion of Vice Mayor Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the contract with Booth, Ern, Straughan & Hoitt, Inc., as previously cited, in the amount of \$126,410.

(c) CR 466A Phase I Infrastructure – Proposal - BESH

The city commission considered its action to approve a cost estimate with BESH for the relocation and installation of the city's water and sewer lines to facilitate with the construction on CR 466A at a cost not to exceed \$10,000. (The CR 466A Phase I Infrastructure Agreement with Lake County was approved at the June 11, 2015 regular meeting and bidding is expected in December 2015.)

Mr. La Venia explained that after the survey was conducted, the engineering contract amount was estimated more than what was anticipated at \$38,527.50; noted that staff is anticipating the total actual construction work to be procured by Lake County's contractor at \$328,660.20, and indicated that the actual cost is unknown until the outcome of the county's project's bid proposal.

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In response to several questions posed, Mr. Rector explained the purpose of the high costs and described in detail the exploratory expansion work to be implemented.

After much discussion and with reference to the agreement, Mr. La Venia requested that the city commission consider BESH's cost estimate where the total price will change when the project is bid by the county and that the cost estimate in the agreement can be amended at a future meeting. He referred to his recent letter dated to Mr. David Heath, Lake County Manager, regarding CR 466A Roadway Improvements and the State Legislature's Transportation and Water Projects recent \$2.5 million award towards CR 466A Phase III Right of Way. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia relayed his request for the county to consider utilizing some of the award towards the proposed roadway improvement up to the intersection of Rose Avenue and Miller Boulevard (the location of the proposed traffic signals) to address safety issues where said roadway segment would taper off through the school zone.

Mayor Bell and Mr. La Venia indicated that a meeting has been scheduled for them to meet with Mr. Heath and Lake County District 5 Commissioner Welton G. Cadwell on August 19, 2015 at 3:00 p.m.

On motion of Commissioner Lewis, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved entering into the agreement with Booth, Ern, Straughan & Hoitt, Inc. for \$38,527.50 for the relocation and installation of the City of Fruitland Park's water and sewer lines to facilitate with the Phase III Right of Way construction on CR 466A.

(d) Lift Station – Proposal - BESH

The city commission considered its action to approve a cost estimate for a force main connecting to an existing lift station in the Town of Lady Lakes and upgrades to the existing town's lift station.

Mr. La Venia identified the cost estimate of \$151,770, contingent upon the fund that he is pursuing.

After discussion and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission accepted the cost estimate of \$151,770 from Booth, Ern, Straughan & Hoitt, Inc., as previously cited.**

As Lake County would be undergoing a bid process Mr. Rector conveyed the request from Mr. Fred Schneider, Lake County Public Works Department,

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Engineering Division, that the CR 466A Phase I Infrastructure Agreement with Lake County reflect BESH's estimated cost for the utility project at \$328,660.20.

After discussion, and **on motion of Vice Mayor Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the CR 466A Phase I Construction Infrastructure Agreement with Lake County at an estimated cost of \$328,660.20, as previously cited.**

(e) **Animal Control Services – Lake County - ILA Assignment**

After further discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the Assignment of Interlocal Agreement with Lake County for animal control services.**

6. **NEW BUSINESS**

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

7. **OFFICERS' REPORTS**

(a) **City Manager**

i. **Gardenia Park - FRDAP Grant Projects**

Mr. La Venia referred to his previous conversations with Mr. Fred D. Fox, Fred Fox Enterprises Inc. (the grant writer retained by the city) regarding the possibility of applying for recreational grants due on August 14, 2015 and explained that he will be meeting with him on July 10, 2015 on:

- the sunshade over the playground at Gardenia Park for almost \$25,000;
- the placement of rubber matting floor surface (pricing to be obtained from Mr. Fox);
- the refurbishment and relocation of the tennis courts from Veterans Park to Gardenia Park (at the city commission's discretion), and
- with remaining grant funds, if any, additional equipment to the skate park in compliance with the Americans with Disabilities Act which was included in the long range plan (price to be obtained from Mr. Fox).

Mr. La Venia addressed his intent to speak with Mr. Greg Beliveau, LPG Urban and Regional Planners, about appearing before the Planning and Zoning Board on the grant applications' request and its recommendations on same before seeking the city commission's approval at the next meeting. Mr. La Venia mentioned staff's intent to obtain quotations, take photographs and address a civic group. He addressed the State of Florida Department of Environmental Protection, Land and Recreation Grant's requirement to hold public meetings to review the proposals for the grant applications prior to submittal.

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Commissioner Ranize gave reasons why the city's existing problems ought to be initially repaired to a usable standard; questioned the status of resolving the water and wastewater treatment plant, and suggested seeking grant funding for the soccer field that was lost.

In response, Mr. La Venia relayed Mr. Fox's comments on the process in applying for the \$50,000 and the unlikelihood of obtaining \$100,000 grant funding. He indicated that the city would need to allocate funding towards the soccer field to which Commissioner Ranize requested a need for a more defined plan.

Following extensive discussions on the status of necessary work for various city projects, Commissioner Ranize addressed the need to initially prioritize same.

Subsequent to further discussion, Mayor Bell indicated that the utilization of the city's soccer field would be made known until after the August 19, 2015 meeting with Commissioner Cadwell and Mr. Heath.

After Commissioner Ranize suggested including in the budget allowing Ms. Michelle Yoder, Parks and Recreation Director, to retain another individual to maintain the park permanently, Mr. La Venia concurred with the request to prioritize the projects and that he will speak with Mr. Fox to seek obtaining a \$100,000 grant for the soccer field.

ii. Library Impact Fees

Mr. La Venia referred to the ILA between Lake County and the City of Fruitland Park regarding the use of 2013, 2014, and 2015 library impact fees for the Fruitland Park Library in the amount of \$572,000; noted the additional award of about \$418,000 currently awarded to the city for the construction of the new library; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia requested the city commission's approval of same and confirmed in the affirmative regarding Commissioner Ranize's previous request that the ILA is the documentation in writing.

By unanimous consent, the city commission agreed with the city manager's suggestion to consider the interlocal agreement, as previously cited, at the next meeting.

iii. VOFP Unit 32 – Final Plat Approval

Later in the meeting, Mr. Rector reviewed the Villages of Fruitland Park Unit Number 32 Final Plat submittal which is ready for execution; a copy of which is filed with the supplemental papers to the minutes of this meeting.

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After discussion and based on the increase in population at The Villages, Mr. Rector stated, at Mayor Bell's request, that he will find out more information on the number of properties that have or will have closings.

On motion of Vice Mayor Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission approved the Villages of Fruitland Park Unit Number 32 at staff's request and authorized execution of same.

(b) City Attorney

i. Casino Community Building

Ms. Geraci-Carver reviewed the letter dated June 29, 2015 from Mr. Daniel Hicks, Attorney, regarding the Fruitland Park Historical Society, Inc., a Florida Corporation; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver gave her belief that there is not a restrictive covenant which prevents the city to tear down the building and use it for another purpose and indicated that she addressed the matter before the city commission at June 25, 2015 regular meeting.

Ms. Geraci-Carver interpreted the deed requirement to mean that the property initially was given to the predecessors who wanted to see if a non-profit organization would take it over, maintain, and utilize same for entertainment and social purposes; pay \$2,500 within a three-year time period which expired in 1923, and if not, as specified in the guarantee, who would ultimately have title to the property for the period in question, maintain same and utilize the premises as a community building or clubhouse.

Ms. Geraci-Carver gave opinion her that the deed should have been extinguished when it was transferred to the Town of Fruitland Park (now known as the City of Fruitland Park) and that the city should not have had the language carried over to deed. She explained that she does not see the interpretation that Mr. Hicks has that the purpose needs to continue indefinitely. Ms. Geraci-Carver pointed out the additional language regarding the conditions and restrictions on the property with the provision that the George T. Clark Club House is used as a community or clubhouse which she stated is not for an unlimited time.

Ms. Geraci-Carver believed it would be proper for her to have conversations with Mr. Hicks to determine whether an understanding could be reached.

Ms. Geraci-Carver confirmed, in response to Mayor Bell's inquiry, that the Fruitland Park Historical Society Inc. is making an objection and

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Mr. Hicks is outlining reasons why it why the subject matter would be an issue that the property would revert back to the owner; thus, he is providing the city with information about their position.

ii. Multiplying Rates – Sewer and Water Meters Proposed Ordinance

Mr. La Venia addressed the intent to submit the proposed ordinance on the method of multiplying rates on sewer and water meters to the city commission for consideration at its next meeting.

Ms. Geraci-Carver referred to previous conversations held on the same multiplier being used for charging water, garbage, and storm water fee. She gave her understanding that the storm water fee is established by Florida State Statutes; explained that a study was not conducted to review same, and noted the statutory requirement on authorization being based on what is being charged on electric meters and garbage. Ms. Geraci-Carver mentioned her plan to review the garbage contract which will determine how charges are made to the city.

After extensive discussions regarding the multiplier rate process, Ms. Geraci-Carver concurred with Commissioner Gunter's suggested options that the city continue charging users based on the number of electric meters which would determine the number of existing units; install separate new water meters, or execute a release agreement, if they wish to continue with the electric meter method of assessment.

In response, Ms. Geraci-Carver requested that she review the water rate study as it indicates what the base charge is and how it is being assessed before reporting back to the city commission.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Water Connection - FY 2014/15 CIP/CRA Priority List

Commissioner Ranize recognized Mr. Bogle's awareness and referred to his conversations with Mr. La Venia to include on the FY 2014/15 Capital Improvement Program/Community Redevelopment Agency priority list, the water connection line underneath CR 466A (between Lake Josephine Drive and Miller Street) due to a small leak from an old pipe which is in poor condition. He explained that it is currently disconnected on both ends resulting in no circulation and requested whether an estimate could be obtained and determine the funding to replace the pipe.

ii. Casino Community Building

Commissioner Ranize voiced concerns regarding Mr. Hicks June 29, 2015 letter regarding the Fruitland Park Historical Society, Inc. and referred to the Historical Society's presentation that Fruitland Park Library Director JoAnn Glendinning gave at the January 22, 2015 regular meeting. He

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stated that he does not know the society members who never requested to meet with the city commission to provide its goals, objectives, ideas and plans.

Commissioner Ranize recognized the time expended on the Casino Community Building issue and the attempts made by Messrs. La Venia and Rector to save the building from demolition. He stated that he believes the city's expenditure of more than \$350,000 on the property is not feasible and addressed his willingness to donate \$200 to photograph the building; locate an individual who would build same to scale, and place a model of same in the new library's foyer.

(b) Commissioner Lewis

i. Fruitland Park Library Director

Commissioner Lewis commended Ms. Glendinning for a job well done as a result of her previous presentations before the city commission; recognized her performance, and requested that his comments be conveyed to her.

ii. CR 466A Roadway Improvements

As the Commissioner Seat 1 representative to the roadway north of CR 466A, Commissioner Lewis expressed gratification on the completion of the roadway improvements transitioning to Rose Avenue on July 8, 2015.

Commissioner Lewis requested that for the August 19, 2015 meeting with Commissioner Cadwell and Mr. Heath, that an inquiry be made on how to pave the already crumbling Shiloh Street which will be heavily travelled when the CR 466A roadway construction improvement begins (from US 441, to North Dixie Avenue, to Shiloh Street and to Poinsettia Avenue).

iii. Late John G. Hubbard, Ethics

Commissioner Lewis referred to the Florida League of Cities' (FLC's) *Quality Cities* May/June 2015 publication; recognized the recent passing of John G. Hubbard Esq., who taught the Ethics Law class at the January 23-25, 2015 FLCs' Institute for Elected Municipal Officials, that he and Commissioner Ranize attended, and indicated that he learned a lot from him where he will take away from his statements . . . *always buy your own lunch*.

iv. Casino Community Building

Commissioner Lewis quoted a portion of the article from *Quality Cities* entitled "Leadership – Experience, Science and Trust" from Dr. Scott Paine:

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“Good policy must be able to demonstrate its credentials by multiple standards of evidence, not just one. And a standard to which leaders may need to recur, along with professional analysis, is the old familiar standard of experience. Rationales that resonate with what the public and the council themselves have witnessed may prove just as important . . . perhaps even more important than a statistical assessment.”

Commissioner Lewis stated that it was the process relating to the Casino Community Building; shared his personal experience on expending money into an old building, and after referring to the article in the Daily Commercial “Fate of Historic Building Still up in the Air”, he gave reasons why he does not see the wisdom of utilizing city revenue towards the community center; however, he sees the benefits of the plan and his comfort level of constructing a new library which he has discussed with the city residents. (A copy of the article is filed with the supplemental papers to the minutes of this meeting.)

(c) Vice Mayor Cheshire

In welcoming Captain Fewless, Vice Mayor Cheshire voiced the support of the city commission to bring the police department up to par and up to integrity.

(d) Commissioner Gunter, Jr.

i. Casino Community Building

In concurring with Commissioner Lewis’ comments regarding the Casino Community Building, Commissioner Gunter explained that the city commission has been addressing the issue for 20 years.

ii. CR 466A -

Commissioner Gunter relayed the city commission’s previous concerns when Mr. Jim Stivender Jr., Lake County Public Works Department Director, appeared at a prior meeting regarding the roadway improvements on CR 466A and the impacts on Shiloh Street; recalled Mr. Bolge’s willingness to negotiate the construction of same at a reasonable rate, and relayed Mr. Stivender’s statements that the Shiloh Street would not be budgeted by the county.

iii. Excused Absence

Commissioner Gunter expressed appreciation to the city commission in excusing his absence at the last meeting and encouraged everyone to find the opportunity to visit Alaska.

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9. MAYOR'S COMMENTS

a. Berkman Street Roadway Improvements

Mayor Bell voiced concerns on the need to rectify the truck traffic due to the repaving of Berkman Street, to which Mr. Bogle addressed the plan to address same with the individuals concern.

b. Casino Community Building

Mayor Bell referred to Commissioner Ranize' statements regarding the Historical Society; mentioned that upon his review of its membership, half are not city residents. He suggested naming a Historical Society of Fruitland Park with the bylaws requiring the membership to be city residents.

c. ISBA

Upon Mayor Bell's suggestion, and by unanimous consent, the city commission agreed to hold a workshop on July 23, 2015 at 6:00 p.m. to discuss the Interlocal Service Boundary Agreement.

d. Dates to Remember

Mayor Bell recognized the following dates:

- July 23, 2015, regular city commission meeting;
- July 29 2015, Lake-Sumter MPO "Summit on Sidewalks and Safe Access to Schools" Mount Dora Community Building, 520 North baker Street, Mount Dora, Florida 32757 at 8:30 a.m.;
- August 3-5, 2015, City Commission Budget Workshop at 6:00 p.m. (traditionally held for two days);
- The cancellation of the August 13, 2015, regular city commission meeting at 7:00 p.m.,
- August 13-15, 2015 FLC Annual Conference, and
- August 27, 2015, Regular City Commission Meeting at 7:00 p.m.

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 at 8:45 p.m.

The minutes were approved at the regular July 23, 2015 regular meeting.

Signed

Esther B. Coulson, City Clerk

Signed

Christopher Bell, Mayor