

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
June 11, 2015**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 11, 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, Finance Clerk Sue Parker, Lieutenant Dennis Cutter, Fire Chief George Fernandez, 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 7:05 p.m.; Chaplain Larry Miller, The American Legion, gave the invocation and Lieutenant Cutter 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.

3. PUBLIC COMMENTS

Mr. Peter Hurtt, City of Fruitland Park resident, referred to the city commission's decision over a year ago on golf carts and low speed vehicles and conveyed his neighbors' concerns regarding the restrictions to cross CR 468 approaching The Glen.

In response, Messrs. Rector, Bogle and Lieutenant Cutter explained the ability for owners to operate their golf carts in the subject area.

4. CONSENT AGENDA

A motion was made by Commissioner Gunter and seconded by Commissioner Cheshire that the city commission approve the following minutes:

- **January 13, 2014 fire department presentation as submitted.**
- **March 19, 2015 special meeting, as corrected,**
- **May 12, 2015 workshop meeting as submitted,**
- **May 12, 2015 regular meeting as submitted,**
- **May 28, 2015 workshop meeting as submitted, and**
- **May 28, 2015 regular meeting as submitted.**

(The March 17, 2015 workshop and March 19, 2015 workshop meetings were not available.)

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

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

Mayor Bell declared the motion carried on a four to one (4-1) vote.

5. (a) Water and Wastewater Treatment Plant Agreement

The city commission considered its action to approve the Water and Wastewater Treatment Plant Agreement between the Town of Lady Lake and the City of Fruitland Park for the city to pay for wastewater treatment and for the town to receive and treat the city's wastewater.

Mr. La Venia cited and recommended the language change under subsection 5.A.(3), wastewater quality and referred to staff's meeting with the Town of Lady Lakes' staff in that regard. He described the construction of the new system and the water and wastewater treatment plant's (WWTP's) connection to the town.

Messrs. La Venia and Bogle outlined staff's plan to begin and conduct regular testing of the city's lift station (identical to the methods utilized by the town) to eliminate any grease. Mr. La Venia gave reassurance that there would be no issues with exceeding the testing limits established by the State of Florida Department of Environmental Protection on fats, oils and greases; stringent measures would be undertaken to enforce compliance, and 30 days would be sufficient time for the city to rectify the problem.

After much discussion, Mr. Rector described the method of testing, once the connection is completed, from the city's station managed separately before transmission to the town's system where it would be within its acceptable limits.

Following further discussion and **on motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved the previously cited Water and Wastewater Treatment Plant Agreement as submitted.**

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

After discussion and **on motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission approved staff's request to postpone to the next meeting its consideration of an engineering and surveying services proposal from Booth, Ern, Straughan & Hiott, Inc. (BESH) to complete the Town of Lady Lake's Water Wastewater Treatment Plant (WWTP) connection project -- including a surge tank and pump station at the current WWTP site, decommissioning of the existing**

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WWTP, a force main connecting to an existing lift station in the town, and upgrading the existing town's lift station -- until such time as the town formally approves same. Additionally, the city commission directed the city manager to report back at the next meeting on securing funding for said project before executing the respective contract to commence engineering work.

(c) CR 466A Phase I Infrastructure Agreement

After much discussion, and on motion of Vice Mayor Cheshire, seconded by Commissioner Gunter that the city commission approve the CR 466A Phase I Infrastructure agreement with Lake County.

Following further discussion, and in response to Mr. Rector's inquiry, Mr. La Venia confirmed that staff will make arrangements for BESH to provide a contract to commence work on the relocation and installation of the city's water and sewer lines at a cost not to exceed \$10,000 for consideration at the next meeting.

(d) Fruitland Park Library

The city commission considered its action to approve the construction of the Fruitland Park Library building, contingent upon securing a loan from a financial institution; rescind the Request for Qualifications (RFQ) 2015-03 Library Expansion - Design Build process, and direct staff to proceed with advertising for request for proposals for the design and construction of a new Fruitland Park Library building.

By unanimous consent and upon Mayor Bell's suggestion, the city commission agreed to divide the motion.

A motion was made by Commissioner Gunter that the city commission authorize staff to proceed with securing a loan and obtaining grants towards the construction of a new Fruitland Park Library.

After discussion, Commissioner Gunter restated the motion to authorize staff to proceed with securing a loan and obtaining grants towards the plan and design of a new Fruitland Park Library, contingent upon receiving funding. The motion was seconded by Vice Mayor Cheshire.

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

After further discussion, Mr. La Venia referred to his letter dated May 27, 2015 to Lake County Manager Mr. David C. Heath regarding the city's submittal of the Lake County Library Impact Fee Project Application to the county's library system division manager which also addressed the city's intent on the library

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changing from expansion to new construction, permission of which was granted by the county. Mr. La-Venia indicated that city staff no longer requires the RFQ where authorization was received for the Fruitland Park Library Director JoAnn Glendinning -- who received \$400,000 in additional grant money -- to apply for construction grants. He explained that a response has not yet been received from the State of Florida Division of Library and Information Services, Bureau of Library in Tallahassee on the loan applied for whereby city staff was informed to expect receiving same in 90 days. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Following subsequent discussions, and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission directed the city manager to send a letter to Lake County on the city commission's position to rescind Request for Qualifications 2015-03 Library Expansion – Design Build, contingent upon receiving written confirmation from Lake County on its agreement to allocate funds towards the plan and design of the new Fruitland Park Library construction.**

With respect to the proposition to direct staff to proceed with advertising for an RFP for the design and construction of a new Fruitland Park Library building, Mr. La Venia requested that the city commission postpone same for more information.

- (e) **Treasurer's Report - Year-to-Date Budget**
Ms. Parker reviewed the year-to-date budget report reflecting revenues and expenses through April 30, 2015.
- (f) **CRA**
After discussion and **on motion of Vice Mayor Cheshire, seconded by Commissioner Gunter and unanimously carried, the city commission approved the May 14, 2015 Community Redevelopment Agency's recommendations of approval to utilize funding set aside for Berckman Street's roadway improvements.**
- (g) **First Reading – Water Connection Ordinance 2015-004**
AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AMENDING SECTION 50.19 AND SECTION 50.30 OF THE CODE OF ORDINANCES TO REQUIRE SEPARATE CONNECTIONS AND SEPARATE METERS FOR EACH RESIDENTIAL UNIT OR COMMERCIAL UNIT AND TO PROVIDE FOR CALCULATION OF THE MINIMUM MONTHLY CHARGE BY THE NUMBER OF UNITS RATHER THAN THE NUMBER OF ELECTRIC METERS; DEFINING RESIDENTIAL UNIT AND COMMERCIAL UNIT; PROVIDING FOR REPEAL OF

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ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

On motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission postponed proposed Ordinance 2015-004, as previously cited, to be considered as first reading to the next meeting.

(h) First Reading – Sewer and Grease Traps Discharge Regulation Ordinance 2015-005

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, RELATING TO THE REGULATION OF GREASE TRAPS AND DISCHARGES INTO CITY SYSTEMS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mr. Rector suggested that the city commission permit a few users to enter into a payment and maintenance plan agreement with the city and allow 30 days as minimum time for the installation of grease tanks at their facilities -- a reasonable time established under Section 52-29, regulation of grease traps of the proposed ordinance – and described the steps that would be undertaken by the public works department staff when identifying grease pollutants. He addressed the requirement of at least once, every three months for the staff to conduct maintenance inspection service.

After Ms. Geraci-Carver addressed the need to work with staff for more changes, she suggested reporting back to the city commission.

On motion of Commissioner Ranize, seconded by Vice Mayor Cheshire and unanimously carried, the city commission postponed, at the city attorney's request, its action to consider Ordinance 2015-005, as previously cited, to the next meeting as first reading for more information.

(i) First Reading - MSTU Ordinance 2015-006

At Mayor Bell's request, Ms. Geraci-Carver read the title of proposed Ordinance 2015-006, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF

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AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Ranize and seconded by Vice Mayor Cheshire that the city commission approve Ordinance 2015-006 as previously cited.

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

9. NEW BUSINESS

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

10. OFFICERS' REPORTS

(a) City Manager

i. Fruitland Park Library – Air Conditioning Unit

Mr. La Venia referred to the quotations received for the Fruitland Park Library's air conditioning unit from:

- Munn's Air Conditioning Heating for \$15,961,
- Sumtar Air and Heat Inc. for \$19,146,
- Brown's Artic Air Inc. for \$18,279.25, and
- Budget Air Conditioning and Heating Inc. \$18,785.

Copies of the respective quotes are filed with the supplemental papers to the minutes of this meeting.

After Mr. La Venia explained that he will proceed with Munns, Mr. Bogle addressed his intent to contact them.

ii. City Treasurer's Resumes

Mr. La Venia reported that the deadline to receive responses to the city treasurer's vacant position was two weeks from the last regular city commission meeting and described the websites and advertisements that the ads were placed in.

After discussion and by unanimous consent, the city commission agreed to rank and select city treasurer applicants at the June 25, 2015 regular meeting and conduct interviews with the applicants on July 1, 2015.

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iii. Fire Department – Breathing Air Storage System

Mr. La Venia referred to concerns raised at a previous city commission meeting regarding the payment for breathing air storage system as being paid for in advance but not received. He confirmed, that after reviewing the matter, that the city had not received Cascade Compressor 33178; however, the compressor towards same was received and paid for. He relayed his discussions with Fire Chief Fernandez that the anticipated delivery date of the air packs are between July 15 and August 27, 2015.

Fire Chief Fernandez confirmed, in answer to a question posed by Mr. La Venia that the current air packs are still in compliance.

iv. Landscaping Improvements – US Highway 27/CR 441 Medians, North and South of Berckman Street

Mr. La Venia pointed out the city commission's discussions at the April 9, 2015 regular meeting regarding interest from individuals or firms on landscaping the medians on US 27/CR 441 and referred to the recent quotation received from Mr. J. M. Isom Sr., Isom's Lawn Service for \$54,000 annually; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia explained that if the city retains an individual with benefits to perform the subject services for less and with \$15,000 being deducted from the contract with the State of Florida Department of Transportation, he believes that the quoted cost in question is not cost-effective and staff cannot find any firms or individuals for less. Mr. La Venia addressed staff's plan to allow the state to carry out same or city staff would utilize said amount and accomplish the work itself.

After discussion, Mr. Bogle referred to discussions he had with Mr. La Venia on staff implementing light maintenance work and recognized the affected business completing same on their own.

Mr. Bogle referred to sweeper quotes received from USA Services, a roadway service provider, who specified including maintenance as an extra service whereby Mr. La Venia responded that the city commission would review same during the forthcoming budget process.

v. Redistricting

Ms. Geraci-Carver addressed her intent to meet with Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., on June 12, 2015; conveyed his comments that the city's only requirement is to conduct redistricting 150 days prior to qualifying in 2016.

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Ms. Geraci Carver explained that if the city commission leaves the currently established qualifying date for July 2016, an ordinance would be required to establish districts by February 2016.

vi. Casino Community Center

Mr. La Venia referred to the city commission's previous discussions regarding the Casino Community Center and distributed the memorandum dated June 11, 2015 from Mr. Charlie Rector, Community Development Director, regarding Casino Options for review. (A copy of the memorandum is filed with the supplemental papers to the minutes of this meeting.)

After discussion, and with respect to the third option to donate the casino to Lake Griffin State Park, State of Florida Division of Recreation and Parks, Mayor Bell conveyed Park Manager Doug Watson's remarks on the likelihood of obtaining permission to acquire funds for the subject building's relocation and relayed his recollection that a portion of the park's site was originally donated by the city.

Commissioner Ranize requested that Mr. Rector find out beforehand from T.A. Youngblood and Sons Building Movers, Inc., that he referred to at a previous meeting, to determine whether relocating the casino building to the state park would be feasible.

After Mr. Rector addressed the concerns of relocating the subject building to the state park, he agreed with Mayor Bell's request for him to arrange for the movers to assess same.

(b) City Attorney

(i) Disconnection Fee Ordinance

Ms. Geraci-Carver referred to the city commission's direction at the May 28, 2015 regular meeting to review the disconnection fee ordinance addressed by Commissioner Ranize.

Ms. Geraci-Carver mentioned her review of the minutes and ordinances that were placed on the city commission's previous agendas which was enacted. She stated that it appears that the incorrect ordinance was executed and pointed out the commission's approval of the \$50 increase in the charge -- which had been \$30 and noted the commission's desire for \$50 -- for the disconnection fees. She quoted the other change made and approved: the 'disconnection fee shall accrue at the time of physical disconnection' and cited the provisions of the executed ordinance: the 'disconnection shall accrue at the time' of the disconnect list is printed and shall be due regardless of payment

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before physical disconnection'. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver stated that the correct signed ordinance is required as it was properly enacted by the commission.

Later in the meeting, Ms. Geraci-Carver confirmed in the affirmative to Vice Mayor Cheshire's questions that with respect to the water disconnection that the city would be required to refund the \$50 and she would need to make a determination on Ordinance 2014-015, where individuals who were charged \$50 fee and did not get disconnected, would also be refunded.

With regards to shutting off the water meter when the customer was physically disconnected, Vice Mayor Cheshire also questioned the city being in compliance based on the disconnection list; its adherence to the ordinance, and it being consistent from that time where no charges were made.

After further discussion, Ms. Geraci-Carver stated that according to what she read on what transpired at the city commission's previous meetings when Ordinance 2014-015 was being considered, she had received the impression that staff did not want that provision changed but to be based on the list and it was initially placed on the agenda from the former city attorney's office. She also believed that it had to be on actual physical disconnection and staff did not want that to occur; therefore, former City Attorney Scott Gerken's report at that time stated that there are other changes. Ms. Geraci-Carver explained that she will provide that report back to the city commission.

After Ms. Geraci-Carver agreed with Commissioner Ranize's reference to the water meters to include the provisions under Section F from proposed Ordinance 2015-004 postponed earlier on this evening's agenda, Mayor Bell suggested that she work with staff to resolve the issue.

(ii) Qualifying Period for City Elections

Ms. Geraci-Carver pointed out and summarized her letter dated June 4, 2015 regarding qualifying period for city elections and addressed the city commission's authority in the charter as well as Florida Statutes to establish a time and manner in establishing the qualifying period. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

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Ms. Geraci-Carver suggested that they call her if they have any questions.

Later in the meeting and in response to Mr. Rector's comments, Mayor Bell suggested that the city may have to schedule the qualifying period in June to place items on the ballot for the primary election.

In response, Ms. Geraci-Carver explained that she will contact the Lake County Supervisor of Elections Office to find out more information relating to the qualifying period (ten weeks before the general election) and will report back at the next city commission meeting.

(iii) August 3, 2015, City Commission Budget Workshop

Ms. Geraci-Carver recognized that she has a conflict with the city commission's August 3, 2015 budget workshop as she will be attending a regularly scheduled council meeting that evening.

After discussion, Mayor Bell suggested that Ms. Geraci-Carver could attend the August 4 and 5, 2015 budget workshop meetings to which she responded that she has them scheduled.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. CRA Update

Messrs. La Venia and Rector explained, in response to Commissioner Ranize's question, that the comprehensive plan is almost complete.

Mayor Bell addressed the attempts by staff to ensure that it is considered during a meeting in July 2015 and before the budget workshops are held.

ii. Sewer and Grease Traps Discharge Regulation Proposed Ordinance 2015-005

Commissioner Ranize suggested that the city commission ought to provide additional assistance to the public works department if proposed Sewer and Grease Traps Discharge Regulation Ordinance 2015 is to be considered and for restaurants to be in compliance with the grinder pumps that the city currently has.

iii. Purchase of Police Vehicles

Commissioner Ranize voiced concerns on expending \$42,000 for a SUV purchase due to the five--year life expectancy and referred to the Florida Statutes which addressed discretionary tax funds.

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Ms. Geraci-Carver questioned the five-year or two-year sedan versus SUV; indicated that the discretionary tax money can be used for the purchase of law enforcement vehicles or some other items have a five-year life expectancy or more as it is per capital expenditure.

Believing there is a discrepancy, Mr. La Venia addressed his intent to communicate with the city's auditors due to the statement made of five years for the vehicle.

After Commissioner Ranize requested an Attorney General Opinion, Ms. Geraci-Carver addressed her intent to review the matter.

- (b) **Commissioner Lewis**
Commissioner Lewis stated that he has nothing to report at this time.
- (c) **Vice Mayor Cheshire - Water Main Break**
Vice Mayor Cheshire expressed his appreciation to the public works department director and staff for their quick response in dealing with the broken water main in the area after hours.
- (d) **Commissioner Gunter, Jr. - Excused Absence**
Upon Commissioner Gunter's request and **by unanimous consent, the city commission excused his absence for the next meeting as he will be out-of-town.**

12. MAYOR'S COMMENTS

- (a) **Florida Legislature Special Session – CR 466A**
Mayor Bell reported on the current status of CR 466A at the state legislature's special session for the budget before for the Governor who is expected to sign off on same by July 1, 2015.

Mayor Bell proposed that when the matter is finalized, the city commission present to Lake County the division of the CR 466A project into four phases; phase three as an extension of phase one or however far as the \$2.5 million would extend instead of waiting to receive the entire \$5.7 million needed to complete phase three, that is if the project is approved.

- (b) **Police Department**
Mayor Bell extended his appreciation for the assistance the police department provided on Monday, June 8, 2015 when 13 black-bellied whistling ducks born at the tree on Berckman Street were escorted to the lake on Mirror Lake Drive.

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(c) Dates to Remember

Mayor Bell announced that the next regular city commission meeting will be held on June 25, 2015 and the presentation by the "Lake County Property Appraiser's Office – Preliminary Tax Roll 2015" will be held at the June 12, 2015, Lake County League of Cities meeting.

Mr. Rector reported that as of this day and since March 3, 2015, 283 home permits were issued and the property appraiser's office is not up-to-date.

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 8:49 p.m.

The minutes were approved at the regular June 25, 2015 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Christopher Bell, Mayor