



**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

September 13, 2018 (Revised 2:00 p.m.)

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:00 p.m.

1. **CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**
Invocation – Pastor Aaron Hornsby, Eagles Nest Bible Baptist Church

Pledge of Allegiance – Interim Police Chief Erik Luce
2. **ROLL CALL**
3. **SPECIAL PRESENTATIONS - Florida Governor's Proclamation September 2018 Intergenerational Month in Florida** (city clerk)
Intergenerational and Faith Based Ministries
 - (a) **September 22, 2018 National Centenarian Day Proclamations**
 - i. **Bessie Hoffman**
 - ii. **Mary Asbury**
 - (b) **September 9, 2018 National Grandparents Day Proclamation** (revised)
 - (c) **September 6, 2018 National Read a Book Day Proclamation** (revised)
FP Elementary School – NEHS Students
 - (d) **September 11, 2018 National Day of Service and Remembrance Proclamation** (revised)
 - (e) **Department of Elder Affairs and AARP Area Agency on Aging – Presentation** (revised)
American Association of Retired Persons Liveable Communities
 - (f) **Waste Management Inc. – Proposed Parks and Recreation Community Center - Check Presentation** (city manager)
Accept a \$10,000 donation towards new equipment for the proposed parks and recreation community center (currently the Fruitland Park Library property).

4. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

Approval of Minutes (city clerk)

July 25, 2018 regular

5. REGULAR AGENDA

(a) Canvassing of Returns - 2018 Primary Election Certification Results
city clerk)

Approve August 28, 2018 Primary Election Certification

(b) Resolution 2018-054 – City Treasurer Appointment (city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING
A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE;
PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2018-055 – City Attorney Appointment (city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING
A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE;
PROVIDING FOR AN EFFECTIVE DATE.

(d) Resolution 2018-056 – City Clerk Appointment (city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING
A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE;
PROVIDING FOR AN EFFECTIVE DATE.

**(e) Resolution 2018-033 Fruitland Park Library Furniture Deposit –
FY 2017-18 Budget Amendment** (city attorney/city manager/city
treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, AMENDING THE
2017/2018 FISCAL YEAR BUDGET PURSUANT TO SEC.
6.07 OF THE CITY CHARTER; TO INCREASE OR DECREASE
BUDGETED ITEMS PROVIDING FOR THE AMENDMENT OF
THE FISCAL YEAR 2017-2018 BUDGET; AND PROVIDING
FOR AN EFFECTIVE DATE. (Postponed from the
August 30, 2018 special meeting.)

(f) Resolution 2018-057 Utility Rate Study Agreement - BESH (city
attorney/city manager) (revised)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL
ENGINEERING SERVICES PROPOSAL/AGREEMENT OR
UTILITY RATE STUDY BETWEEN BESH AND THE CITY OF
FRUITLAND PARK RELATING TO WATER, WASTEWATER
AND STORMWATER UTILITY RATE STUDIES AND PROJECT

ADMINISTRATIVE SERVICES CONCERNING TO SAME;
PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

- (g) **First Reading and Public Hearing Ordinance 2018-020 Parking Violations - Traffic Rules, Title VII, Chapter 71** (city attorney/city manager/interim police chief) (revised)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTERS 70 AND 71 OF THE CODE OF ORDINANCES RELATING TO TRAFFIC CONTROL AND TRAFFIC RULES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 27, 2018.)

- (h) **Resolution 2018-035 FY 2018-19 Adopted Fire Assessment Rates** (city treasurer)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- (i) **First Reading and Public Hearing Resolution 2018-052 – FY 2018-019 Tentative Millage** (city treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9863 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

- (j) **First Reading and Public Hearing Resolution 2018-053 – FY 2018-019 Tentative Budget** (city treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

END OF PUBLIC HEARING

6. OFFICERS' REPORTS

- (a) **City Manager**

- (b) City Attorney**
 - i. Notice of Claim – James Hartson**
 - ii. Notice of Claim – Larry Odum**
 - iii. Electric Franchise Agreement – City of Leesburg**

7. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

8. COMMISSIONERS' COMMENTS

- (a) Commissioner Ranize**
- (b) Commissioner Lewis**
- (c) Commissioner Bell**
- (d) Vice Mayor Gunter, Jr.**

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER (revised)

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

September 14, 2018, Lake County League of Cities (LCLC) Sheriff Peyton Grinnell, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

September 14, 2018, Movie on the Lawn, *Avengers – Infinity War*, City Hall Lawn at 7:00 p.m.

September 25, 2018, Lake Emergency Medical Services Board Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.;

September 26, 2018, Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;

September 27, 2018, City Commission Regular at 6:00 p.m.

October 3, 2018, Lake County League of Cities (LCLC) Sponsor's Night, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.

October 12, 2018, LCLC Fertilizer Ordinance Presentation, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

October 12, 2018, LCLC Fertilizer Ordinance Presentation, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

September 13, 2018 Regular Agenda

October 12, 2018, Movie on the Lawn, *Hod*, City Hall Lawn at 7:00 p.m.

October 20, 2018, Trick or Trot 5k Family Fun Run, Fruitland Park Elementary School, 304 West Fountain Street, Fruitland Park, Florida at 8:00 a.m.

October 24, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.

October 25, 2018, City Commission Regular at 6:00 p.m.

October 31, 2018, Halloween at 6:00 p.m.

November 3, 2018, Government Day, Dwight D. Eisenhower Recreation Center, The Villages, Florida 32163 at 9:00 a.m.

November 5, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778 at 3:30 p.m.

November 6, 2018, General Elections at 7:00 am

November 8, 2018, City Commission Regular

November 12, 2018, Veterans Day – City Hall Closed

November 16, 2018, LCLC Election of Officers, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

November 22, 2018, City Commission Regular – CANCELLED

November 22, 2018 – City Hall Closed

November 23, 2018 – Day After Thanksgiving – City Hall Closed

December 7, 2018, Hometown Christmas at 5:30 p.m.

December 13, 2018, City Commission Regular

December 27, 2018, City Commission Regular – CANCELLED

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.



**AGENDA ITEM
NUMBER**
3a-d

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Special Presentations – <i>September 2018 Intergenerational Month</i>				
For the Meeting of:	September 13, 2018				
Submitted by:	City Clerk				
Date Submitted:	September 5, 2018				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				
Description of Items:					
Florida Governor’s Proclamation – <i>September 2018 Intergenerational Month in Florida</i>					
a. September 22, 2018, National Centenarian Day Proclamation					
i. Bessie Hoffman					
ii. Mary Asbury					
b. September 9, 2018 National Grandparents Day Proclamation					
c. September 9, 2018, National Read-a-Book Day					
i. Proclamation					
ii. Fruitland Park Elementary School National Elementary Honor Society Students					
d. September 11, 2018 National Day of Service and Remembrance Proclamation					
Action to be Taken: None.					
Staff’s Recommendation: None.					
Additional Comments:					

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor



RICK SCOTT
GOVERNOR

INTERGENERATIONAL MONTH IN FLORIDA

WHEREAS, Florida has the highest population percentage of individuals age 65 or older in the nation; and

WHEREAS, Florida's older population serves as a treasured link to our past, present, and future, and Florida's youth represent a bright future for our state; and

WHEREAS, the Department of Elder Affairs recognizes that Intergenerational Month is a time to embrace the contributions and experiences of all generations; and

WHEREAS, Intergenerational Month improves relationships by increasing the cooperation and interaction between youth and older adults thereby allowing them to share their talents and resources; and

WHEREAS, Intergenerational Month encourages multigenerational planning in communities to address the needs of all age groups while helping to build stronger social connections regardless of age; and

WHEREAS, Intergenerational Month highlights the diversity of people of all ages and engages them in civic, educational, and cultural programs and activities; and

WHEREAS, Intergenerational Month reminds us that collectively, individuals and families can build community capacity to engage and address the needs of all ages; and

WHEREAS, we encourage all Florida residents to learn more about the benefits of intergenerational programs and activities during Intergenerational Month;

NOW, THEREFORE, I, Rick Scott, Governor of the State of Florida, do hereby extend greetings and best wishes to all observing September 2018 as *Intergenerational Month in Florida*.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 20th day of August, in the year two thousand eighteen.


Governor



Proclamation

WHEREAS, in 2014, the United States Department of Commerce Economics and Statistics Administration Census Bureau has projected that the number of U.S. residents age 65 years and older between 2015 and 2060 will increase to a total of 105.2 percent; and

WHEREAS, in 1916, Fruitland Park was evolving as a community with a post office, a school, churches, hotels, a community center with a tennis court, and golf courses, attracting hundreds of tourists who came to boat and hunt; and

WHEREAS, during this era in history, although the horse and buggy was the mode of transportation, records show that there were 44 registered drivers of automobiles in Fruitland Park; and

WHEREAS, due to the large agricultural development in the community, Lake Griffin (one of the largest lakes in Florida), had water shipments to Jacksonville and the Whitney Subdivision was surrounded with valuable groves where the railroad and truck center served as the largest and most profitable center in the world; and

WHEREAS, Ms. Bessie Hoffman, as a 75-year resident, held many garden parties for the children of the Town of Fruitland Park; and

WHEREAS, Ms. Hoffman since the early 1950's, sometimes with her late husband, advocated before the city commission to make the community a better place to live, work and play, and actively supported the staff of the former volunteer fire department before it was restructured in the late 90's, and

WHEREAS, the City of Fruitland Park proudly recognizes with honor, respect and admiration our centenarians who possess a wealth of knowledge and wisdom with stories and traditions from a time gone by; and

NOW, THEREFORE, BE IT PROCLAIMED that I Chris Cheshire, Mayor of the City of Fruitland Park, Florida recognize Saturday, September 22, 2018 as *National Centenarian Day* in Fruitland Park. On behalf of the city commission, the residents of Fruitland Park congratulate BESSIE HOFFMAN, who has reached the age of over 101 years; express admiration of her life-time accomplishments, inspiration and endurance that she represents and wish her good health.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

Dated this 13th day of September 2018

ABOUT BESSIE HOFFMAN

Born: November 19, 1916.

Place of Birth: At home Inverness, Florida (there were no hospitals).

Parent: Father graduated from the University of Florida, became an accountant and later purchased a vegetable farm with orange groves.

Family: Last living survivor and third eldest of eight children (six boys and two girls).
Moved to Leesburg at the age of 18 to live with her brother and sister-in-law.

Marital Status: Married Carl Hoffman of Leesburg who ran the oldest filling gas station in Leesburg.
Had three children (Marie and Diane) and one son (Carl Jr., deceased)

Education-and Experience: Graduated Inverness High School in 1934, worked for Dr. Hunter as an office manager, and was one of the founders, a pioneer and Sunday school superintendent of the former First Baptist Church of Fruitland Park which met at the then Casino Community Center.

Interests: Family, attending church, and enjoyed being involved in PTA.



Proclamation

WHEREAS, the United States Department of Commerce Economics and Statistics Administration Census Bureau has projected the number of U.S. residents age 65 years and older between 2015 and 2060 will increase to 105.2 percent with Florida's older population being the highest in the nation; and

WHEREAS, the longevity of life is a blessing for an individual where the community benefits from the knowledge, creativity and experiences this individual brings to all; and

WHEREAS, the City of Fruitland Park recognizes with respect and admiration the contributions our senior citizens make in our community; and

WHEREAS, Ms. Mary Odessa Asbury, daughter of a coalminer, was born on March 15, 1919 in Westover, Pennsylvania; moved to Ohio at the age of eight to live with her aunt and uncle, and married Jefferson Asbury at Jarrettsville, Maryland in October 1934; and

WHEREAS, Mary Asbury moved to Peach Bottom, Pennsylvania to a 170-acre "Greenbrier" Farm and for 17 years, raised cows for milk and butter; chicken for eggs, and pigs for meat; planted corn and soybeans and produced hay for sale; tendered a large garden, and canned, preserved and froze food for the winter months, and

WHEREAS, Ms. Asbury, having retired as a domestic engineer and being a busy mother, moved to Florida in 1968, first to Belleview, then Ellenton, and now resides in the City of Fruitland Park; and

WHEREAS, Ms. Asbury raised 13 children (nine boys and four girls), has 34 grandchildren, and is a proud great grandmother of 28; and

WHEREAS, Ms. Asbury loves to play cards, thoroughly enjoys the activities held at the City of Fruitland Park's senior social where she claimed: *This is a wonderful community, a real hometown feel and close to everything*; and her dog's name is Bingo; and

WHEREAS, Ms. Asbury enjoys travelling and seeing the world, has witnessed a lot of changes in 100 years from the horse and buggy to the space-age and the internet and she wonders; *"What next?"*

NOW, THEREFORE, BE IT PROCLAIMED that I Chris Cheshire, Mayor of the City of Fruitland Park, Florida on behalf of the city commission and residents recognize Saturday, September 22, 2018 as *National Centenarian Day* in Fruitland Park and honor MS. MARY ASBURY for her long life and prosperity and wish her many more.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

Dated this 13th day of September 2018



Proclamation

WHEREAS, this day has been recognized nationally by the United States Senate and former US President Jimmy Carter as founder of National Grandparents Day; and

WHEREAS, West Virginian Marian Lucille Herndon McQuade made it her goal to educate the youth in the community about the important contributions seniors have made throughout history and urged the youth to "adopt" a grandparent, not just for one day a year but for a lifetime; and

WHEREAS, in 1973 after former Senator Jennings Randolph introduced a resolution to the senate and as a result of Ms. McQuade's campaign efforts nationwide, on August 3, 1978, the then President Jimmy Carter signed a proclamation designating the first Sunday after Labor Day each year as *National Grandparents Day*; and

WHEREAS, the statute cites the day's purpose ". . . to honor grandparents, to give grandparents an opportunity to show love for their children's children, and to help children become aware of strength, information, and guidance older people can offer"; and

WHEREAS, the National Grandparents Day Council was organized by descendants of the founder of National Grandparents Day with its mission statement is to honor grandparents and promote intergenerational appreciation and activities; and

WHEREAS, since 2011, Generations United has spearheaded an annual campaign to encourage all generations to *do something grand* and engage with another generation on Grandparents Day this year's theme *Immigration* with emphasis on how this country's changing age and race demographics to be its greatest assets; and

WHEREAS, the City of Fruitland Park Library and the city's parks and recreation department during September 2018 will have coordinated or plan to have various intergenerational activities, projects and events such as: children's programming, story times, movie on the lawn and senior social to bring younger and older people together;

NOW, THEREFORE, I, Chris Cheshire, Mayor of the City of Fruitland Park, designated September 5, 2018 as *Grandparents Day* where the Fruitland Park Library hosted a special story time themed "Grandparent" and the children made a card and necklace for their grandparents and further encouraged grandparents and older adults to commit by sharing their wisdom and values with young people and children, youth and younger adults who similarly are to continue to connect and serve with older adults in the community.

PROCLAIMED this 13th day of September 2018.

Chris Cheshire, Mayor

Esther Coulson, City Clerk



Proclamation

WHEREAS, September 6, 2018 has been recognized by National Today™ as *National Read-a-Book Day*; and

WHEREAS, in 1455, Johann Gutenberg mass-printed and produced the first book (a Latin Bible) in Mainz, Germany and in 1876 Mark Twain's "Tom Sawyer" was published and was the first book to be written on a typewriter; and

WHEREAS, around 1908, the community library, located in a small home in Fruitland Park, was used as a guild hall for Holy Trinity Episcopal Church where books were donated by the founders Bosanquet and Dwight Families; and

WHEREAS, in 1956 due to the lack of interest and with the aid of the Lions Club, the community library remained open, and

WHEREAS, in 1970, after the town's catalog system was developed, the first salaried Town of Fruitland Park librarian reported that 128 books were checked out, and on Tuesday, September 4, 2018, 97 books and 141 audio books were checked out at the City of Fruitland Park Library; and

WHEREAS, before the internet, books were the main means of storing, accessing and spreading knowledge and in our high-speed era of technology and our patrons have more access to books in print, audio and e-books than past generations which makes text-based communications an intrinsic part of our lives, and

WHEREAS, cultures around the world have storytelling traditions that date back centuries and today we use stories as our main method of communicating with the world to reinforce bonds and strengthen relationships; and

WHEREAS, studies show that people who read frequently show less signs of stress and higher problem-solving abilities and improve language comprehension, critical thinking and communication skills; and

NOW, THEREFORE, BE IT PROCLAIMED that I Chris Cheshire, Mayor of the City of Fruitland Park, Florida recognized September 6, 2018 as *National Read-a-Book Day* in Fruitland Park where the Fruitland Park Library staff have read to the kindergarten and first grade classes at Fruitland Park Elementary School. The city commission encourage citizens to continue to read to their children, parents and grandparents or volunteer in reading programs at the school and the library.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

Dated this 13th day of September 2018

Fruitland Park Elementary NEHS 2018-2019 Student Bios

My name is Evan. I'm in 5th grade. I enjoy Science and will be an engineer when I'm grown up.

I am Brady Butts and I am a 5th grader at Fruitland Park Elementary. My favorite subject is Math. I want to be in the Army when I grow up.

My name is Cody Starr. I'm in 5th grade and I enjoy Science and Reading. I want to be a bio engineer when I grow up.

I'm a 5th grader from Fruitland Park Elementary. My name is Chris and I like Math. When I grow up I want to make video games.

My name is Ethan Whitaker. I like Math and I want to be a video game maker when I grow up.

My name is Gena. I am in 5th grade. My favorite subject is Math and I want to be a lawyer when I grow up.

My name is Kamaria. I am a 5th grader at Fruitland Park Elementary. My favorite subject is Math. School is cool when you do fun things. When I grow up I want to be a weather lady.

I am Troy Godwin. My favorite subject is Reading. I want to be an engineer when I grow up. I am 10 years old and I love soccer and mini golf.

I'm Bella Ritter. I enjoy reading. I am in 5th grade. I also like writing. I want to be a doctor when I grow up.

My name is McKenzie. My favorite subject is Math. I want to be a nurse when I grow up.

My name is Trinity Baum. My favorite subject is Math. I do not know what I want to be when I grow up!

My name is Emelie. I am in fifth grade. My favorite subject is Reading. I want to be a doctor when I grow up!

I'm Ella Prater. I'm a 5th grader. My favorite subject is Math. I want to be a veterinarian.

My name is Jewelya and I'm in 5th grade. My favorite subjects are Math and Reading. When grow up I want to be a basketball player.

My name is Jack. I am 10. My favorite subject is Math. My favorite sport is hockey. I would like to be a divorce attorney for Rohe Law in Tavares.

My name is Jaiden. My favorite subject is Math. I want to be a nurse when I grow up.

My name is Jacob Dicus. I like all subjects, but I like Math the most. When I grow up I would like to be an MLB baseball star.



Proclamation

WHEREAS, as early as 1932 and the years since, the American Legion Auxiliary has been holding events recognizing its children of world-war Veterans from the Civil and Spanish-American Wars in the Town of Fruitland Park; and

WHEREAS, in May 1956, Memorial Park Beach, named for the war dead, was formally dedicated to and accepted by the Town of Fruitland Park from the Lions Club for a recreation center and beach; the park was officially opened by the town on April 9, 1970; the park changed its name to “Veterans Memorial Park” on June 29, 1987, and the park was legally annexed into the City of Fruitland Park on July 13, 1995 as the “Veterans Memorial Complex”; and

WHEREAS on Sunday, May 28, 1967, the town held its Memorial Day program at Shiloh Cemetery in memory of the veterans of the war between the states, Spanish-American War, World Wars I and II and in recent years, American Legion has held annual events with the city commemorating the veterans; and

WHEREAS, the City of Fruitland Park and the American Legion has continued to work closely together collaborating their efforts in honor of the city’s veterans at various community events such as War Memorial and Shiloh Cemetery dedications; annual *Wreaths Across America* Ceremonies at Shiloh Cemetery, Veterans Day National Holiday observations; the historical citywide Armed Forces Day now known as “Fruitland Park Day”, and other city-related events; and

WHEREAS, since 1977, former John Gella served on the town’s Planning and Zoning Board; was subsequently appointed briefly as the town manager and as Post 219 American Legion’s first commander and advocated and represented 74 veterans on the building of its home which was changed to “The John Gella Memorial Unit 219 American Legion Auxiliary”; and

WHEREAS, on November 11, 1994, the city commission recognized area residents service men and women with a plaque presently on display at city hall; and

WHEREAS, throughout history, the city’s residents, service members, and first responders have continuously performed extraordinary acts of selfless patriotism, compassion and uncommon courage; and

WHEREAS, the city commission has determined the need to strengthen its ongoing partnership with the American Legion by enhancing its program to officially recognize and honor the city’s veterans including the auxiliary’s current membership of 82 veterans who are from the city; our current elected official, several city employees and city residents not yet acknowledged; and

NOW, THEREFORE, I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida do hereby proclaim the month of September 2018 as *Intergenerational Month* acknowledging that September 11 as *Patriot Day and National Day of Service and Remembrance* was tragically felt by everyone where its flags of the United States in the city were lowered to half-staff. On behalf of the city commission, citizens are encouraged to continue to take part in acts of charity, service and devotion in memory of those who paid the ultimate sacrifice for our country in the years that followed and carry forward the legacy by giving back.

PROCLAIMED this 13th day of September 2018.

Chris Cheshire, Mayor

Esther Coulson, City Clerk



RICK SCOTT
GOVERNOR

PATRIOT DAY: SEPTEMBER 11, 2018

WHEREAS, on September 11, 2001, our Country withstood the worst terrorist attack on United States soil, which tragically ended nearly three thousand innocent lives; and

WHEREAS, seventeen years later the citizens of Florida and the United States continue to mourn and remember those who lost their lives that day; and

WHEREAS, we honor those who, during our darkest hours, displayed immense selflessness, courage, and patriotism as they boldly ran towards danger to help their fellow Americans; and

WHEREAS, we honor and pay tribute to the brave men and women in uniform serving our Country around the world, as well as our dedicated members of law enforcement, firefighters, emergency medical technicians, physicians, nurses, and other first responders who work diligently every day to keep us safe and free; and

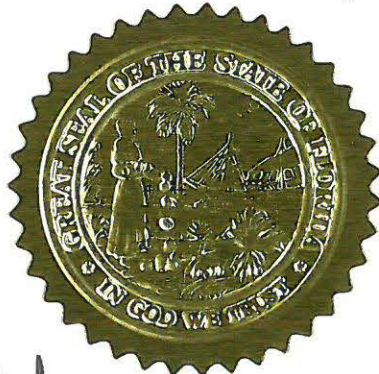
WHEREAS, we remember the members of our armed forces and first responders who have paid the ultimate sacrifice in defense of our freedom and security, and honor those who continue to serve our Nation; and

WHEREAS, we continue to stand united as a State and as one Nation under God in our fight against terrorism both at home and abroad, and in defense of the freedoms we hold dear; and

WHEREAS, individuals, organizations, and communities throughout Florida and across the Country will gather on this seventeenth anniversary to perform acts of charity, prayer, and to comfort and support one another as they honor our Nation and the memory of those who lost their lives on September 11, 2001; and

WHEREAS, by joint resolution, Public Law 107-89, approved December 18, 2001, the Congress of the United States designated September 11 of each year as Patriot Day, and by Public Law 111-13, approved April 21, 2009, the Congress of the United States has requested the observance of September 11 as an annually recognized National Day of Service and Remembrance.

NOW, THEREFORE, I, Rick Scott, Governor of the State of Florida, do hereby proclaim Tuesday, September 11, 2018, as Patriot Day and a National Day of Service and Remembrance. I call upon the people of our great State to observe this day with appropriate ceremonies and activities, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time in honor of those who were killed on September 11, 2001, in New York, Pennsylvania, and Washington, D.C. I hereby direct the flags of the United States of America and the State of Florida to be flown at half-staff, from sunrise to sunset, at all local and State buildings, installations, and grounds throughout the State of Florida on Tuesday, September 11, 2018. Furthermore, I encourage all other governmental entities, interested groups, and organizations throughout the State to display the National and State flags at half-staff in observance of Patriot Day, a National Day of Service and Remembrance.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capital, this 10th day of September, 2018.


GOVERNOR

ATTEST:


SECRETARY OF STATE

SECRETARY OF STATE



**AGENDA ITEM
NUMBER**
3e

AGENDA ITEM SUMMARY SHEET - Revised

ITEM TITLE:	Special Presentation – American Association of Retired Persons Liveable Communities			
For the Meeting of:	September 13, 2018			
Submitted by:	City Clerk			
Date Submitted:	September 5, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items:				
Presentation on AARP™ Liveable Communities by the Office of Volunteer and Community Services, State of Florida Department of Elder Affairs				
Action to be Taken: None.				
Staff's Recommendation: None.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor

Department of
ELDER AFFAIRS

STATE OF FLORIDA

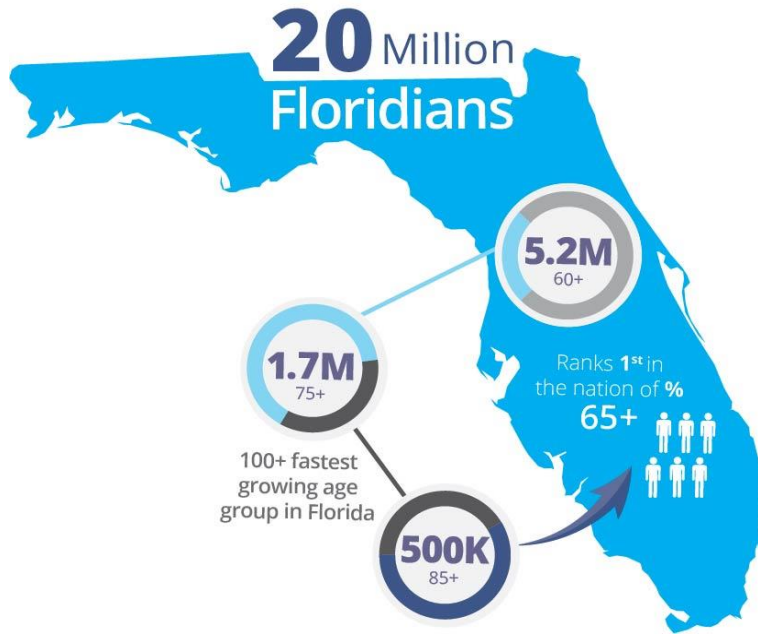


Creating Livable Communities:

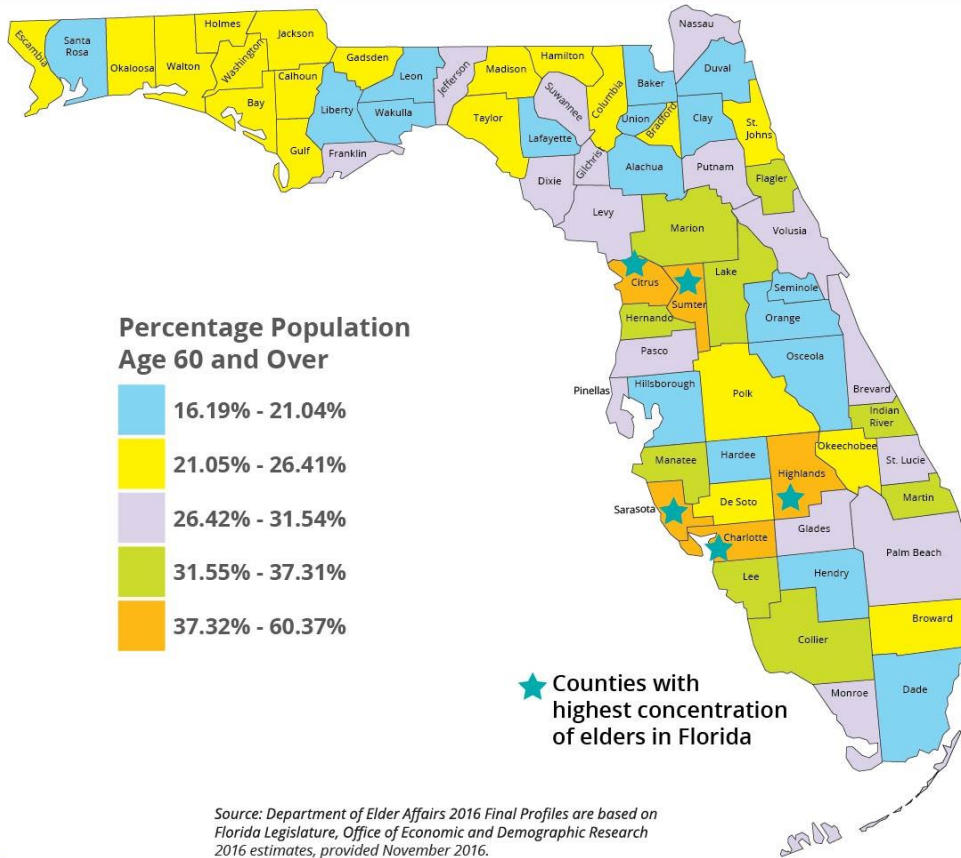
September 13, 2018

*Tracey Aittama, MSW
Communities for a Lifetime
Bureau of Elder Rights*

*Jerome Williams
AARP Ambassador Volunteer*

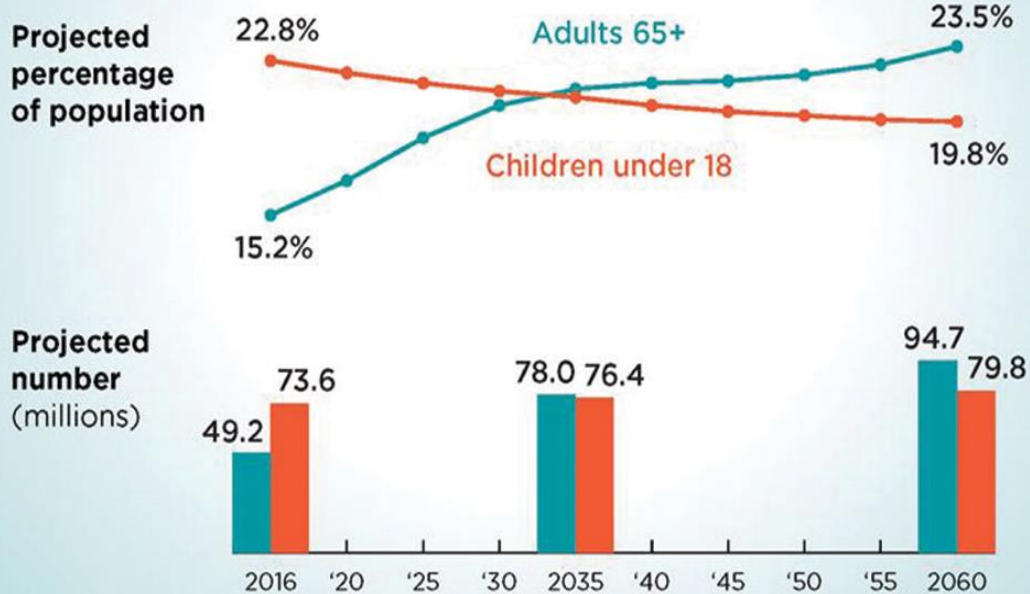


- Florida leads the nation with over 19% of the population over the age of 65+
- More than 5.2 million of Florida's population are older adults
- Latest statistics show that more than 1,000 people are coming to Florida every day
- In the next 12 years, this population is expected to increase another 46% to 7.6 million people.



Source: Department of Elder Affairs 2016 Final Profiles are based on Florida Legislature, Office of Economic and Demographic Research 2016 estimates, provided November 2016.

For the First Time in U.S. History Older Adults Are Projected to Outnumber Children by 2035



Communities for a Lifetime (CFAL)

Communities for a Lifetime is a Statewide program of the Department that aims to make all communities a safe and nurturing place for the people of all ages, especially older adults.

- **Housing**
- **Transportation and Mobility**
- **Health, Wellness, and Falls Prevention programs**
- **Aging in Place education and support**
- **Elder Abuse Prevention**
- **Dementia Friendly**



Creating Livable Communities and Partnerships

- **Communities working together**
- **Businesses**
- **Universities**
- **Area Agencies on Aging (AAA)**
- **AARP**
- **Department of Health**
- **Department of Transportation**





Proclamation

WHEREAS, the City of Fruitland Park supports the Florida Department of Elder Affairs' *Communities for a Lifetime* initiative to make Florida a friendlier place to live for people of all ages, that they may be as independent as long as possible and remain in their homes and in the communities they love; and

WHEREAS, the State of Florida has the highest percentage of elders of any state in the nation and our elder population will continue to increase reaching numbers without precedent in the first part of the 21st century; and

WHEREAS, in order to allow all residents to maintain their dignity, security and independence, communities must evaluate, assess and modify their infrastructures to create a *Community for a Lifetime*; and

WHEREAS, the City of Fruitland Park and the Florida Department of Elder Affairs share the vision and responsibility to improve the life of all citizens so they can prepare for and enjoy aging in place throughout their life; and

WHEREAS, in order to achieve our mutual goals, cities and counties should begin to build together a place free of physical, emotional and social barriers;

NOW, THEREFORE, I, Chris Bell, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby resolve that our community will make every effort to first evaluate and later remove barriers to create a *Community for a Lifetime*.

Christopher J. Bell, Mayor

Attest:

Esther Coulson, City Clerk



CFAL

Communities for a Lifetime

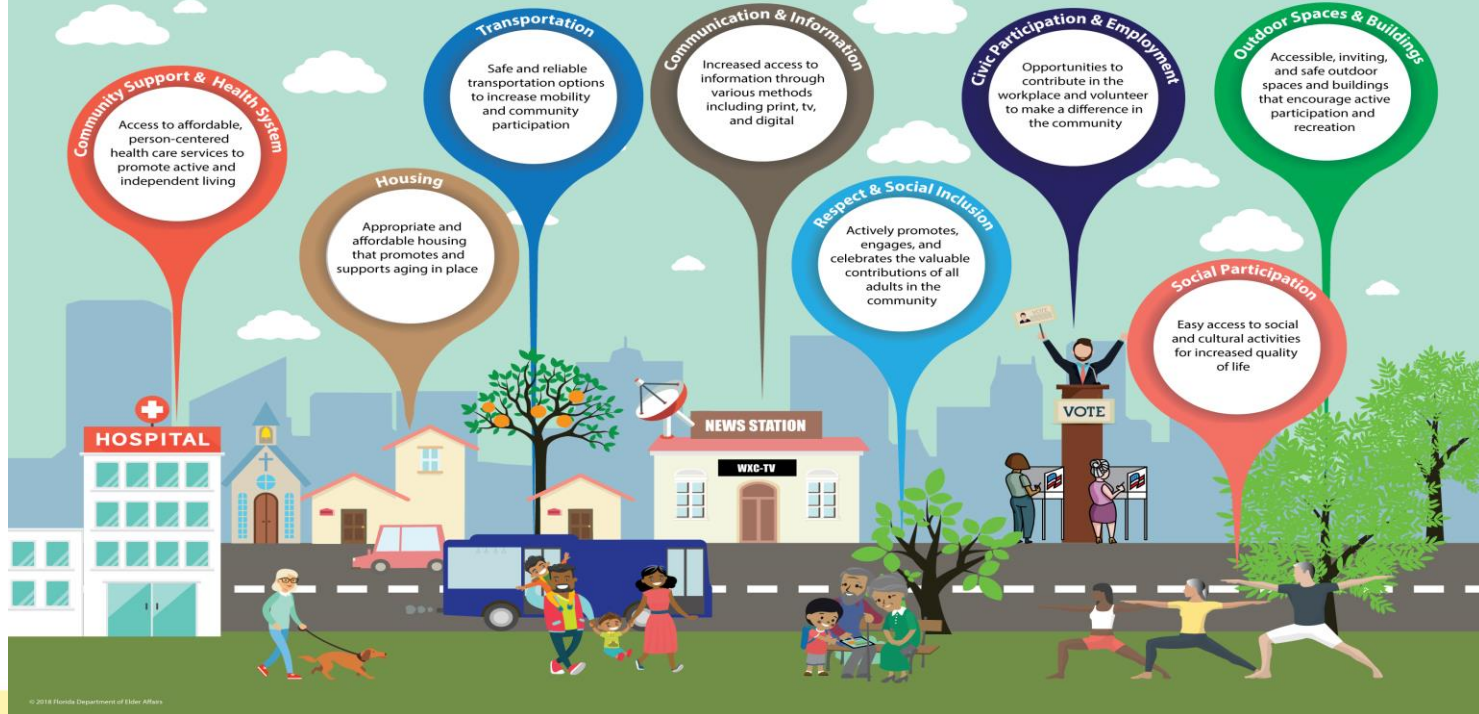
Department of Elder Affairs



8 DOMAINS OF A LIVABLE COMMUNITY

AARP Real Possibilities Florida

Department of ELDER AFFAIRS STATE OF FLORIDA



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WHAT IS A LIVABLE COMMUNITY?



WHAT IS A LIVABLE COMMUNITY?



“A livable community is one that is safe and secure, has affordable and appropriate housing and transportation options, and offers supportive community features and services. Once in place, those resources enhance personal independence; allow residents to age in place; and foster residents’ engagement in the community’s civic, economic, and social life.”

In a Livable Community, people of all ages can ...



Go for a walk



Cross the streets



Ride a bike



Get around without a car



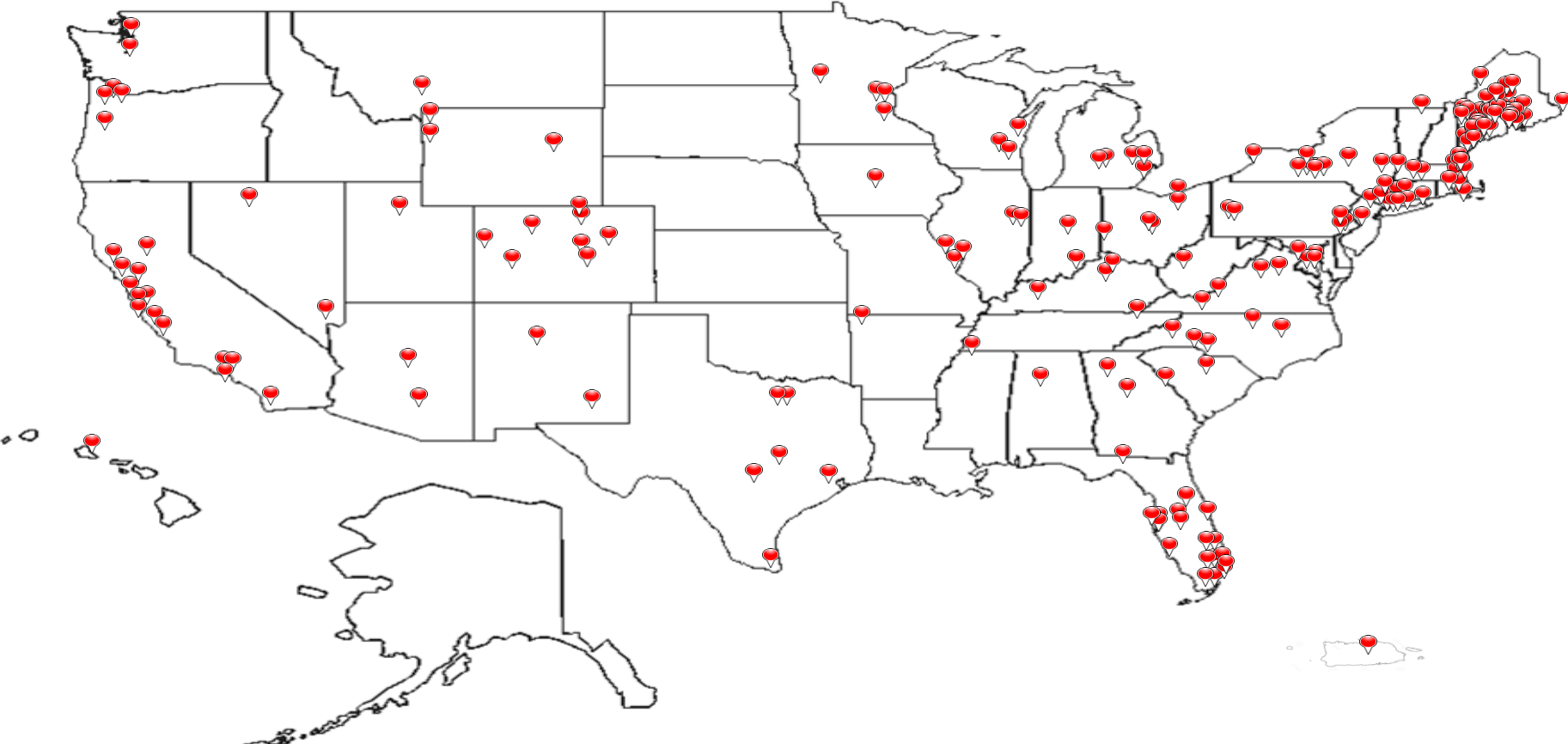
Live safely and comfortably



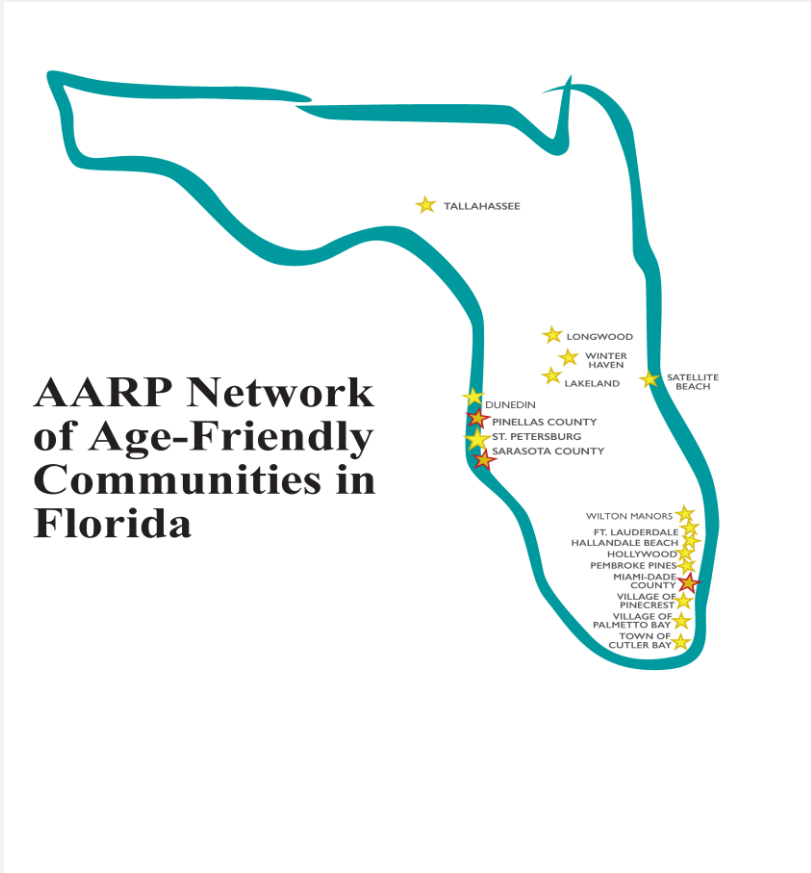
Work or volunteer

AARP NETWORK OF AGE-FRIENDLY COMMUNITIES

(UPDATED 2/12/18)



- Coral Gables
- Cutler Bay
- Dunedin
- Fort Lauderdale
- Hallandale Beach
- Hollywood
- Lakeland
- Longwood
- Miami
- Miami-Dade County
- Miami Lakes
- Palmetto Bay
- Pembroke Pines
- Pinecrest
- Pinellas County
- Pompano Beach
- Sarasota County
- Satellite Beach
- St. Petersburg
- Tallahassee
- Wilton Manor
- Winter Haven
- New Port Richey



“Age-Friendly Communities” ≠ “Old People Places”



Age-Friendly

Great Places for People of All Ages

THE 8 DOMAINS OF LIVABILITY

The availability and quality of these community features impact the well-being of older adults

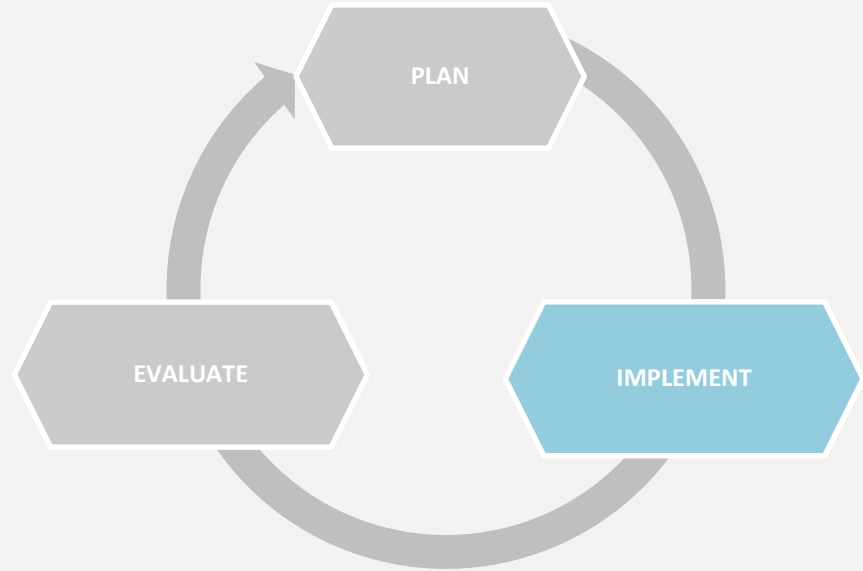


Benefits of AARP Network of Age-Friendly Communities:

- Guidance from National Experts
- Community improvements
- People can age in place
- Part of the WHO Network
- Partnership opportunities
- Economic Benefits
- Peer to peer learning/Social Engagement
- Access to Resources/Tools
- Public Recognition
- Breakdown of Generational barriers/stigmas
- Access to Volunteer Network

How To Join the AARP Network for Age-Friendly Communities:

- Step 1: Entering the Network
- Step 2: Planning Phase
- Step 3: Implementation and Evaluation
- Step 4: Continuous Cycle of Improvements



LAURA CANTWELL

LCANTWELL@AARP.ORG

727-592-8020

AARP.ORG/LIVABLE

Contact Information

Tracey Aittama, MSW
Communities For A Lifetime
Program Manager
4040 Esplanade Way
Tallahassee, Florida 32399
(850) 414-2343
aittamat@elderaffairs.org



**AGENDA ITEM
NUMBER
3f**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Special Presentations – Waste Management				
For the Meeting of:	September 13, 2018				
Submitted by:	City Manager				
Date Submitted:	September 5, 2018				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:					
Description of Items:	Check Presentation – proposed Parks and Recreation Community Center				
Action to be Taken:	None.				
Staff's Recommendation:	None.				
Additional Comments:					

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor



**AGENDA ITEM
NUMBER
4**

CONSENT AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Draft Minutes		
For the Meeting of:	September 13, 2018		
Submitted by:	City Clerk		
Date Submitted:	August 20, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item:			
<p>Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.</p> <p>Approve the July 25, 2018 special minutes</p>			
Action to be Taken: Approval			
Staff's Recommendation: Approval, if there are no corrections or amendments.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the consent agenda: _____
Mayor

**FRUITLAND PARK CITY COMMISSION SPECIAL
MEETING MINUTES
July 25, 2018**

A special meeting of the City of Fruitland City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 25, 2018 at 6:00 p.m.

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

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; District 2 Candidate Fred Collins; Police Chief Mike Fewless, Captain Erik Luce, and Executive Secretary Karen McMillips, Police Department; Interim Fire Chief Don Gilpin, Deputy Chief Tim Yoder and Brandon Clutter, Fire Department; Parks and Recreation Department Director Michelle Yoder, Public Works Director Dale Bogle; Human Resources Director Diane Kolcun, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m., Captain Luce gave the invocation and Chief Fewless led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll, where a quorum was present, he announced the decorum for this evening's meeting.

**3. PRESENTATION – Lake County School District Superintendent
School Safety**

Dr. Diane Kornegay, Lake County School Board District Superintendent, recognized the presence of Fruitland Park Elementary School Principal Tammy Langley at this evening's meeting. She addressed the purpose of her presence this evening is to meet the Marjorie Stoneman Douglass High School Public Safety Act passed by the state legislature (due to the February 14, 2018 tragedy that took place at Marjory Stoneman Douglass High School in the City of Parkland) where all Florida public schools are required to have a security officer and each school district were given three options which involves:

- a certified trained school resource officer (SRO) or deputy;
- a safety officer employed by the district who would implement its own law enforcement agency (where she and the school board objects to same), or
- guardians who are current employees with various training and screenings conducted and certified by Lake County Sheriff's Office (LCSO) such as Ms. Langley or her assistant who does not have military or law enforcement background -- (where Ms. Langley or her assistant are not in favor; thus, noting the school board's policy restricting same).

Dr. Kornegay mentioned her awareness of state mandates placed upon the district with the expectation to fully fund the position; recognized the lack of funds required to perform what is best for the students by placing a certified law enforcement SRO on school campus which is the school board's goal; noted the existence of such personnel in all middle and high schools, and addressed the school board's decision to implement same for all public elementary schools.

Dr. Kornegay acknowledged the municipal managers and police chiefs advocating the partnership effort in the students' security by allowing a trained and certified SRO to be available in all the schools. She pointed out the agreement that the City of Mount Dora has, over the years, for the provision of SROs to its middle and high schools; reported that she has reached nearly all Lake County municipalities who have committed to partner with the district -- including the City of Minneola, who does not have a police department as they contract with LCSO, agreed to pay \$50,000 for a SRO as an option -- and expressed her appreciation to those involved in such partnership.

Dr. Kornegay questioned the City of Fruitland Park's partnership with the district for an impending one-time \$40,000 payment (a one-year request) towards an SRO from the city's police department at Fruitland Park Elementary School during regular class schedule and at the time students are on campus. Dr. Kornegay gave reasons why the school board adopted the placement of a referendum, directed through the Lake County Commission, on the ballot for the August 28, 2018 primary election to increase the ad valorem millage tax by 0.75 school safety reforms for all public schools. If the referendum passes, she relayed the school board's intent to request that the city commission fully fund the SRO in future years and conveyed Ms. Langley's previous discussions on the city's large presence and its effective partnership from its law enforcement personnel on the school's campus.

In response to several questions posed by Vice Mayor Gunter, Chief Fewless expressed preference for a fulltime law enforcement officer and how such services could be utilized elsewhere in the city; relayed the partiality towards the 12-hour working schedule and described how he would deal with the five-to-eight-hour shifts during non-school hours.

Dr. Kornegay explained, in answer to several questions posed by Commissioner Bell, how the one-time \$40,000 payment appropriated from the state for officers was calculated and divided.

In expressing concerns on the inadequate time for training which Commissioner Ranize indicated that he shared with Chief Fewless and the previous conversations he had with Lake County Sheriff Peyton C. Grinnell and City of Mount Dora Police Chief John O'Grady, he gave reasons why he is in favor of Dr. Kornegay's request.

Commissioner Lewis explained that he is not against the district's request -- to be predicated upon the outcome of the truth-in-millage (TRIM) rate and whether the city commission would be holding future discussions as the SRO not included in the established FY 2018-19 budget -- he acknowledged growth in the police department which would not be an additional hiring.

After Mayor Cheshire addressed his intent to vote for the .75 millage rate referendum as the schools need to be protected and following Dr. Kornegay's description of the district's plans to enhance the school safety act to be submitted to the state by December 1, 2018 for additional funds, he voiced concerns on the state passing the financial responsibility to the various levels of local governments which should be funded; thus the difficulty in implementing same.

After Chief Fewless addressed, in response to Mayor Cheshire's inquiry, the need to retain the police department's law enforcement officer as the SRO at the Fruitland Park Elementary School, Mayor Cheshire voiced his agreement with Commissioner Lewis' statement for the city commission to review and determine the funding of an SRO for the first year (nine months) in the FY 2018-19 budget.

After discussion and following Mayor Cheshire's question on the city commission agreeing to assist with the district's request, she explained that a response from the city was required a month ago due to school commencing on August 13, 2018 to which Chief Fewless interjected giving reasons on the need to implement same sooner as the SRO officer needs training.

Following further discussion and in answer to a question posed by Commissioner Ranize that if funding does not allow for a position in the police department, Ms. Geraci-Carver explained that an SRO contract can be available for a limited period.

Chief Fewless estimated the actual initial cost to retain an SRO, close to LCSO, to be approximately \$100,000 which would include a new vehicle and equipment expenses in the first year.

Ms. Geraci-Carver confirmed in the affirmative to Mayor Cheshire's question that impact fees can be utilized for the purposes of growth, if officers are retained.

Commissioner Lewis voiced his disagreement with Chief Fewless' explanation on the problems he has to retain a guardian and the need for a vehicle for an SRO, recognizing the proximity of the school, and indicated that he is vacillating in that regard.

Following further discussion and Mayor Cheshire's acknowledgement of the city commission's position to address Dr. Kornegay's request identifying \$80,000 in FY 2018-19 budget, Mr. La Venia identified available funds in the budget, without the vehicle, to adequately fund a fulltime SRO position for nine months to which Ms. Racine concurred in the affirmative and Ms. Geraci-Carver later explained that the city's personnel policy would determine same.

After much discussion, and **on motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission accepted the Lake County School District Superintendent's request and agreed to identify in its**

FY 2018-19 budget the funding of the School Resource Officer at Fruitland Park Elementary School.

Due to the timeline, Dr. Kornegay requested that the city commission continue its conversations on the subject issue; allow Mr. La Venia to inform her of the outcome as soon as a decision is made, and she thanked the commission.

4. CONSENT AGENDA

On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the following:

- a. Renewal of a motion as amended which approved the October 27, 2016 regular minutes,**
- b. the May 22, 2018 workshop minutes and**
- c. the May 24, 2018 regular minutes**

5. SPECIAL AGENDA

(a) Resolution 2018-044 – FY 2018-019 Proposed Millage Rate 4.3680

Ms. Geraci-Carver read into the record proposed Resolution 2018-044, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 4.3680 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2018-2019 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

In response to Mayor Cheshire's inquiry, Ms. Racine identified the maximum allowed with a three-to-two (3-2) vote lower than 3.97 mils; four-to-one (4-1) vote for the rate over 3.97 and up to 4.3680, and a unanimous vote for over 4.3680 mils.

Ms. Racine agreed with Mr. La Venia's explanation that the city commission is establishing a number to be included in the TRIM notice as the proposed rate where the final rate will be established at the budget public hearing.

After discussion, **a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2018-044 as previously cited adopting a not to exceed millage rate of 4.5.**

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

PUBLIC HEARING

(b) First Reading Second Reading and Public Hearing – Ordinance 2018-014 2018-005 Golf Carts

Ms. Geraci-Carver read into the record the following proposed resolutions, the substances of which are as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018. The second reading will be held on August 9, 2018.)

Mayor Cheshire recognized the subject proposed ordinance to be the first reading as Golf Cart Ordinance 2018-005 was denied at the May 24, 2018 regular meeting and recalled his previous statements that if more golf cart signage was posted, he would be satisfied with CR 25 (Dixie Avenue).

In response, Ms. Geraci-Carver referred to the city commission's direction at its May 24, 2018 regular meeting for her to resubmit the subject proposed ordinance with Dixie Avenue removed and indicated that if the city commission wants to include said roadway, it would need to be included in the motion.

Commissioner Bell questioned whether a motion could be proffered to approve proposed Ordinance 2018-014 reverting to the Exhibit "A", Fruitland Park Golf Cart Community Map attached to Lake County's adopted Resolution 2012-111 Designating County Roads and Streets Within the City of Fruitland Park for Golf Cart Signage.

In answering, Commissioner Ranize explained that the map would need to be changed to include Poinsettia Avenue as it is no longer a county arterial and is now owned by city and signs reflecting a *golf cart community* cannot be erected on Dixie Avenue as approval and installation are required from the county.

A motion was made by Commissioner Bell that the city commission approve proposed Ordinance 2018-014 as previously cited and accept combining Exhibit "A", Fruitland Park Golf Cart Community Map attached to Lake County's adopted Resolution 2012-111 Designating County Roads and Streets Within the City of Fruitland Park for Golf Cart Signage and Golf Cart Community Map prepared by LPG Urban Planners Inc. reflected in green allowing for golf cart access.

Commissioner Bell explained, in response to Commissioner Ranize' inquiry, that areas on city arterials and county roadways reflected in green on the map demonstrate where golf carts access are allowed which would be permissible.

Commissioner Ranize gave reasons why the golf cart maps are inaccurate as Poinsettia Avenue -- allowing golf cart access reflected in green as a county arterial -- stops on the S-Curve and does not travel the entire way to Spring Lake Road to which Vice Mayor Gunter recognized previously was the end of the city limits.

Commissioner Ranize identified the current restrictions in driving golf carts in the city and voiced his concerns in using them on Dixie Avenue.

After discussion, Commissioner Bell suggested that the amendments could be considered after more residents are in the area.

Mayor Cheshire did not recognize the motion proffered by Commissioner Bell and ask that the subject item be considered.

A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve proposed Ordinance 2018-014 as previously cited.

There were no comments from the public at this time.

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

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

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

END OF PUBLIC HEARING

6. OFFICERS' REPORTS

(a) City Manager

i. Fruitland Park Library Construction – Furniture

Mr. La Venia gave a report on the allocation of \$245,000 down payment transferred from contingency to capital general fund for the Fruitland Park Library furniture for FY 2017-18.

After Commissioner Ranize recalled the use of county library impact fees for the Fruitland Park Library furniture which went towards construction

costs and in response to Mr. La Venia's suggestion for the city commission to decide on the subject issue, Mayor Cheshire suggested addressing same at the August 6 and 7, 2018 workshops on the FY 2018-19 budget.

ii. Community Development Department – Office Renovations

Mr. La Venia referred to Community Development Director Tracy Kelley's memorandum dated July 25, 2018 regarding the community development department's renovations; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia reported that funds have been set aside in the FY 2017-18 budget for the subject renovations; described the plans to implement same and recognized the total costs of \$11,062. He explained that the subject item was submitted for informational purposes.

iii. 2018 Hurricane Plan

Mr. La Venia referred to the Hurricane Plan he submitted to the city commission on June 14, 2018; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver concurred in the affirmative to Mr. La Venia's request that she will draft a resolution to support an adopted plan to be considered at a future meeting.

Mr. La Venia indicated that any issues that need to be addressed -- noting that Ms. Coulson has addendum to said plan -- can be amended continuing forward. He agreed with Commissioner Lewis' suggestion to incorporate the items to be addressed later in the meeting under the city attorney's report; (Item 6.(b)iii.3., State of Emergency Draft Declaration; 4., Designated Essential and Non-Essential Personnel and 5., Code Enforcement Suspension – Natural Disaster).

Later in the meeting, Mr. La Venia and Ms. Geraci-Carver agreed with Mayor Cheshire's suggestion to identify the hurricane plan as an emergency management plan to which Commissioner Lewis recommended that the hurricane plan can be included as a subsection.

Mr. La Venia referred to the submittal of The Hazard Mitigation Grant Program application with the State of Florida Division of Emergency Management for a 4337 (720), 100,000 kw Emergency Generator currently underway and due by August 6, 2018 for city hall capable to supply power to the other buildings including the fire department. (A copy of the application is filed with the supplemental papers to the minutes of this meeting.)

Additional Item

iv. Solartube – Solar Fans Permits and Requirements

Mr. La Venia pointed out emails that transpired between Ms. Kelley and Mr. Jeff Gerling, Building Official retained by the city, regarding Solartube Permits; recalled the city commission's discussions on same at its July 12, 2018 regular meeting, and reported on the procedures undertaken by other local governments that impact The Villages which Ms. Kelley sought identifying Sumter County as the only entity that have residences which do not require permits.

After Mr. La Venia relayed Mr. Gerling's statements that the city's current methods are acceptable, he conveyed Ms. Kelley's suggestion requesting that pictures be taken by the contractor on the work performed, the requirement for an issued affidavit, and the payment of \$79 where inspections would be \$139. He concurred with Mayor Cheshire's suggestion, to which Commissioner Lewis agreed, to implement same and the need for some of the contracts to be reviewed.

(b) City Attorney -

i. Notice of Claim – James Hartson

Ms. Geraci-Carver stated that that there is no action on the notices of claim for James Hartson.

ii. Notice of Claim – Larry Odum

Ms. Geraci-Carver stated that that there is no action on the notices of claim for Larry Odum.

iii. FCCMA Conference Report

1. Whistleblower Claim Ordinance

Ms. Geraci-Carver referred to 112.31895, FS regarding bringing a civil action within 180 days pertaining to the "Whistle Blower's Act", addressed at the recent 2018 Florida City and County Management Association (FCCMA) Conference she attended and relayed the recommendation that the city consider limiting the period to 60 days which reduces its exposure in such claims. She stated that if the city commission is interested, she would explore same.

2. Cybersecurity Breach Policy

With reference to the 282.318, FS, Ms. Geraci-Carver noted the development of a process on detecting, reporting and responding to on cybersecurity breaches; relayed FCCMA's belief on the benefits for employees to have it implemented by ordinance, and stated that same can be presented before the city commission if there is an interest.

In response to Mayor Cheshire's inquiry, Ms. Geraci-Carver recommended the drafting of ordinances adopting the whistle blower claim and cybersecurity breach policy, adopted by other municipalities. With respect to Commissioner Lewis' statement on the importance of the Cybersecurity Breach policy, as it relates to insurance, she concurred in the affirmative on the intent to draft same for the city commission's consideration at a future meeting.

3. State of Emergency Draft Declaration

Later in the meeting, Ms. Geraci-Carver indicated that the state of emergency could apply to other types of disasters noting that said issue originated from the City of Orlando which the city could include to which Mr. La Venia stated that he has no objection.

Mr. La Venia referred to the city's existing procedures allowing the mayor to declare an emergency which can be formalized after-the-fact.

4. Designated Essential and Non-Essential Personnel

Later in the meeting, Mr. La Venia indicated that he has no objections to Ms. Geraci-Carver's suggestion to incorporate the designated essential and non-essential personnel with the hurricane plan.

5. Code Enforcement Suspension – Natural Disaster

Later in the meeting, Mr. La Venia indicated that he has no objections to Ms. Geraci-Carver's suggestion to incorporate the code enforcement suspension during natural disasters with the hurricane plan.

Mr. La Venia addressed the city's ability to suspend code enforcement requirements during a natural disaster.

6. Underground Utilities Conversion Ordinance

Later in the meeting, Ms. Geraci-Carver reported on steps municipalities have taken, as part of their projects in portions of their older communities, to eliminate all utility lines and install underground utilities. She believed that the city's existing Land Development Regulations requires the implementation of underground utilities for new developments as well as its downtown areas and other parts of the city, if that is desired

Ms. Geraci-Carver relayed the electric company's statement on the likelihood of losing power in the event of weather-related emergencies to be costly and gave examples of other local governments with overhead utilities converting certain types of underground projects as communities in the older parts of their areas evolve.

Ms. Geraci-Carver concurred in the affirmative to Commissioner Bell's inquiry on the utility company's decision to require the replacement of outdated electric poles on the city's streets to be converted underground.

After Mr. La Venia questioned the city's responsibility on the difference for the expense, he agreed with Ms. Geraci-Carver's suggestion on the need to review the electric franchise agreement with the City of Leesburg.

Following much discussion and upon Mayor Cheshire's suggestion, **the city commission, by unanimous consent, directed the city clerk to provide the city attorney with the electric franchise agreement for review.**

iv. Certificate of Compliance – Edward Byrne Memorial Justice Assistance Grant

Earlier in the meeting, Ms. Geraci-Carver referred to the requirement for her to execute the Certificate of Compliance requesting funds from the Edward Byrne Memorial Justice Assistance Grant for the police department to be submitted by August 3, 2018

By unanimous consent, the city commission accepted the city attorney's request and granted her the authority to execute the Certificate of Compliance as previously cited with the direction to draft a resolution for adoption by the next meeting.

7. PUBLIC COMMENTS

There were no public comments at this time.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. FY 2018-19 Budget

Commissioner Ranize questioned the expenditures allocated to the water wastewater system; the capacity, flow rates and charges as it relates to the wastewater treatment plant capacity reservation and bulk treatment agreement with the Town of Lady Lake, and the monies from the Villages of Fruitland Park (VOFP) supplanted into the city's general fund which should have been earmarked towards public safety, fire and police.

Commissioner Ranize pointed out the city's Fire Services Advisory Committee's recommendations on the provision of fire services for the city; noted the city's initiation of the fire assessment and questioned the status of a plan.

In noting the disservice to the city's residents, Commissioner Ranize acknowledged the VOFP receiving 24 hours a day seven days a week with

advance life support service and the city's current basic life support. He believed the city's plan for hybrid did not happen (where the fire department volunteers were to have provided help when needed) and mentioned his unawareness of the retention of full time firefighters during the FY 2017-18 which depleted the city's funds for flexible staff where instead excess funds were utilized for the fire fee; thus, his previous discussions with Ms. Racine in that regard. He expressed concerns that no written communication was received on the matter.

Commissioner Ranize recommended that Mr. La Venia and the city commission decide on what to do with the fire department; noted the only resource to be the county, as referenced by Commissioner Lewis, and acknowledged the two new district commissioners taking office in November 2018. He suggested contacting Mr. Richard J. Bair, the new Villages Community Development District No 11 Manager, to determine if the VOFP would be interested in having an ILA with the city for the provision of fire services to which Mr. La Venia responded that he has already started that process.

Commissioner Ranize referred to the police department's budget and the monies from VOFP and the additional law enforcement staff where he believes more officers are needed. He described the provision of city-related services that The Villages do not receive and acknowledged the police and fire departments to be a large expense. Commissioner Ranize reiterated the lack of a plan from the fire department; questioned how the city commission intend to save the department and expressed gratitude to the police department on the process in solving a recent murder.

ii. WWTP

Noting that the water wastewater treatment plant (WWTP) funds increase annually, Commissioner Ranize addressed the need for the city to review seeking an engineer who specializes in the building of WWTP systems and the creation of a new plant on the old site. He voiced concerns on the city's continued payment on an old WWTP system planned to be demolished in September 2018. Commissioner Ranize questioned whether a study ought to be required if there is a water wastewater connection and questioned why individuals are not connected to same. He apologized for not being a better steward of the public's money; where the city's focus, as first priority, ought to be public safety and infrastructure second and acknowledged the city as being the lowest tax rate in the county by .01 mil.

Mr. La Venia voiced his concurrence with Commissioner Ranize's comments as it relates to the WWTP to the town and believed an ordinance

exists which addresses connection requirements within a period if individuals are not on the sewer system. He envisioned the costs decreasing in the future and identified the city as being the second lowest millage in the county.

**(b) Commissioner Lewis
FY 2018-19 Budget**

Commissioner Lewis gave an explanation on himself as being the cause for the decline in the millage rate and expressed his concerns with the fire department flex employees -- recognizing that coverage have currently been met -- complying with compensation and payroll guidelines. He questioned whether such communication had been relayed and the new human resources director being versed on the regulation of said employees' working hours permitted during one calendar year.

Commissioner Lewis indicated that he will follow Mr. La Venia's statements on said outcome resulting from the city's forthcoming budget workshops acknowledging that the budget be settled at that time.

**(c) Commissioner Bell
WWTP**

Commissioner Bell pointed out the remarks relating to the WWTP and the concept of reaching out to a company on US Highway 27/441 or Mirror Lake Manor to convert the property to a lift station and purchase the wastewater from the city to which Mr. La Venia answered in the affirmative where he indicated that as long as there is existing infrastructure to accommodate such arrangement and there is willingness to make improvements.

In response, Ms. Geraci-Carver addressed her plan to review the wastewater treatment plant capacity reservation and bulk treatment agreement with the town.

After Mr. La Venia acknowledged the rates as being the lowest in the area; he addressed the need to conduct a review rate and impact fee study; the WWTP requirements in the context of current costs and the community development director's current position in that regard.

(d) Vice Mayor Gunter, Jr.

Following Vice Mayor Gunter's remarks on the WWTP connection lines requirements from St. Johns River Water Management District, Ms. Geraci-Carver believes the connection responsibility requirements to a municipal system is outlined in the Florida Administrative Code to which Vice Mayor Gunter concurred.

After discussion, Ms. Geraci-Carver agreed with Commissioner Ranize' suggestion to improvise a base formula or assess a charge to an individual who does not receive water supplied by the city acknowledging that they are not obligated to connect to same to which Mr. La Venia indicated can be part of the rate study.

9. MAYOR'S COMMENTS

(a) FY 2018-19 Budget

Mayor Cheshire acknowledged that the water wastewater in the budget increases annually; recalled his questions to the former community development director who indicated in the affirmative that such water wastewater brought into the city would be covered which, based on the discussions earlier, is not the case. Mayor Cheshire anticipated receiving more utility customers through development and voiced his concurrence with Commissioner Ranize on the need for more water wastewater connections and not worry about a septic system.

(b) Dates to Remember

- August 2, 2018, City Commission Workshop (LDRs) at 6:00 p.m.;
- August 3, 2018 Take the Teacher to School Breakfast, FP Elementary School;
- August 6, 2018, City Commission Budget Workshop at 6:00 p.m.;
- August 7, 2018, City Commission Budget Workshop at 6:00 p.m.;
- August 9, 2018, City Commission Regular at 6:00 p.m.;
- August 10, 2018, LCLC *Four-Hour Ethics Training Session*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- August 10, 2018, Movie on the Lawn, *Freaky Friday*, City Hall, City Hall Lawn at 7:30 p.m.;
- August 13, 2018, Lake County Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- August 16-18, 2018, Florida League of Cities *92 Annual Conference*, The Diplomat Beach Resort, 3555 S Ocean Drive, Hollywood, Florida 33019 at 7:30 a.m.;
- August 22, 2018, Lake-Sumter Metropolitan Planning Organization Governing Board, 225 W Guava Street, Lady Lake, Florida 32159 at 2:00 p.m.
- August 23, 2018, City Commission Regular at 6:00 p.m. – CANCELLED
- August 28, 2018, Primary Election at 7:00 a.m.
This year, CUMC, The Baptist Church and The Villages;
- August 30, 2018, City Commission Special at 6:00 p.m., and
- September 3, 2018, Labor Day – City Hall Closed

10. ADJOURNMENT

On motion made and seconded, the meeting adjourned at 7:55 p.m.

The minutes were approved at the September 13, 2018 meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor



**AGENDA ITEM
NUMBER
5a**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Canvassing of Returns		
For the Meeting of:	September 13, 2018		
Submitted by:	City Clerk		
Date Submitted:	September 4, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: August 28, 2018 primary election returns and certification of official election results.			
Action to be Taken: Approval			
Staff's Recommendation:			
Additional Comments: Pursuant to Section 34.20 of the city's charter.			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

****OFFICIAL****

**CERTIFICATE OF THE CITY OF FRUITLAND PARK CANVASSING BOARD
STATE OF FLORIDA**

We, the undersigned, Chris Cheshire, Mayor; John L. Gunter Jr., Vice Mayor; Commissioners Chris Bell, Ray Lewis, and Rick Ranize, and Esther B. Coulson, City Clerk, constituting the City of Fruitland Park Canvassing Board (pursuant to Charter Section 8.04 and Code Chapter 34) met on the 13th day of September 2018 to publicly canvass the votes given for the seats and persons specified at the August 28, 2018 Primary Election. The total number of votes cast with percentages for the following were:

Fruitland Park City Commissioner District 2

Fred Collins	229	40.67%
August J. Kellerman	64	11.37%
John Mobilian	270	47.96%

We certify that the returns as previously cited, are on file in the Lake County Supervisors of Elections Office; pursuant to Section 102.112, Florida Statutes, that the Canvassing Board has reconciled the number of persons who voted with the number of ballots counted, and that the certification includes all valid votes cast in the election.

Chris Cheshire, Mayor

John L. Gunter Jr., Vice Mayor

Chris Bell, Commissioner

Ray Lewis, Commissioner

Rick Ranize, Commissioner

Esther Coulson, City Clerk

**OFFICIAL
CANVASSING BOARD CERTIFICATE**

STATE OF FLORIDA

LAKE COUNTY

We, the undersigned, Terry T. Neal, County Judge; Jennifer Hill, Representative of the Board of County Commissioners; and D. Alan Hays, DMD, Supervisor of Elections, constituting the County Canvassing Board for said City, do hereby certify that we met on the **31st day of August A.D., 2018**, and preceded publicly to canvass the votes for the **CITY OF FRUITLAND PARK** as shown on the returns on file at the Lake County Supervisor of Elections Office. We do hereby certify said returns:

**Fruitland Park City Commissioner
District 2**

	Votes
Fred Collins	229
August J. Kellerman	64
John Mobilian	270



Terry T. Neal, County Judge





Jennifer Hill, Representative of the Board of County Commissioners



D. Alan Hays, DMD, Supervisor of Elections

**School District Ad Valorem Tax - Nonpartisan
(With 102 out of 102 Precincts Counted)**

Votes Percent

Yes	Nonpartisan	56.51% 	35667	56.51 %
No	Nonpartisan	43.49% 	27452	43.49 %



**AGENDA ITEM
NUMBER
5b**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Charter Officer Appointments - Resolution 2018-054 City Treasurer		
For the Meeting of:	September 13, 2018		
Submitted by:	City Clerk		
Date Submitted:	September 6, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Section 4.03, of the City Charter requires an annual appointment of the city treasurer created under the charter at such compensation as is deemed necessary and proper, for terms of twelve (12) months to run concurrent with the fiscal year.			
Action to be Taken: Adopt Resolution 2018-054.			
Staff's Recommendation: N/A			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2018-054

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY TREASURER, PROVIDING FOR THE
TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Treasurer shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Treasurer shall coincide with the fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

1. Jeannine Racine is hereby appointed as the City Treasurer for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2018 and end September 30, 2019.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 13th day of September 2018, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

ATTEST:

Esther Coulson, CMC, City Clerk

Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER
5c**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Charter Officer Appointments - Resolution 2018-055 City Attorney			
For the Meeting of:	September 13, 2018			
Submitted by:	City Clerk			
Date Submitted:	September 6, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item: Section 4.03, of the City Charter requires an annual appointment of the city attorney created under the charter at such compensation as is deemed necessary and proper, for terms of twelve (12) months to run concurrent with the fiscal year.				
Action to be Taken: Adopt Resolution 2018-055				
Staff's Recommendation: N/A				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2018-055

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY ATTORNEY, PROVIDING FOR THE
TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Attorney shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Attorney shall coincide with the fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

1. Anita Geraci-Carver is hereby appointed as the City Attorney for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2018, and end September 30, 2019.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 13th day of September 2018, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, City Mayor

Attest:

Esther B. Coulson, CMC, City Clerk

Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER
5d**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Charter Officer Appointments - Resolution 2017-056 City Clerk			
For the Meeting of:	September 13, 2018			
Submitted by:	City Clerk			
Date Submitted:	September 6, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item: Section 4.03, of the City Charter requires an annual appointment of the city clerk created under the charter at such compensation as is deemed necessary and proper, for terms of twelve (12) months to run concurrent with the fiscal year.				
Action to be Taken: Adopt Resolution 2018-056.				
Staff's Recommendation: N/A				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2018-056

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF
OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Clerk shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Clerk shall coincide with the fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

1. Esther B. Coulson is hereby appointed as the City Clerk for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2018, and end September 30, 2019.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 13th day of September 2018 by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, City Mayor

Attest:

Esther B. Coulson, CMC, City Clerk

Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER**

5e

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-033 Budget Amendment BT2018-023 Deposit for Library Furniture Order		
For the Meeting of:	September 13, 2018		
Submitted by:	City Treasurer		
Date Submitted:	September 5, 2018		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:	See Attached		
Amount Required:	See Attached		
Balance Remaining:	See Attached		
Attachments:	Yes		
Description of Item: Budget Amendment BT2018-023 will transfer \$45,000 from Capital Improvement Plan to the general fund and will increase Library equipment - \$45,000, for deposit required to order new library furniture.			
Action to be Taken: Adopt Resolution 2018-033			
Staff's Recommendation: Approve Budget Amendment BT2018-023 and Resolution 2018-033			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-033

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017/2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER; TO INCREASE BUDGET REVENUES AND EXPENSES IN THE GENERAL FUND BUDGET AND INCREASE OR DECREASE EXPENDITURES IN THE CIP FUND; PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2017-2018 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2017-2018 budget of the City of Fruitland Park was adopted on September 28, 2017; and

WHEREAS, the realities of the 2017-2018 fiscal year have not matched exactly adopted budget; and;

WHEREAS, a deposit is required to order furniture for the new Library and;

WHEREAS, as a result \$45,000 in CIP fund will be transferred to the General Fund and Library equipment will be increased \$45,000;

WHEREAS, the City Commission desires to amend the 2017-2018 Fiscal Year budget as provided for herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1. The budget adopted on September 28, 2017; is amended as set forth in Exhibit "A" attached hereto.

Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 13th day of September, 2018, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:

Esther B. Coulson
City Clerk

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver
City Attorney

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2018-023

To: CITY MANAGER

Date: 21-Aug-2018

Prepared by: FINANCE DIRECTOR
Department Head

Approved: City Manager

REVENUES:

Table with 3 columns: Object name & #, Amount, Inc/Dec. Row 1: 01001-38300 Transfer in from CIP, 45,000, Inc/Dec.

EXPENDITURES:

Table with 3 columns: Object name & #, Amount, Inc/Dec. Row 1: 01571-60640 Library Equipment, 45,000, Inc/Dec. Row 2: 30522-60640 CIP Equipment Purchase, 45,000, Inc/Dec. Row 3: 30581-90916 Transfer to the General Fund, 45,000, Inc/Dec.

Explanation: DEPOSIT FOR LIBRARY FURNITURE, MUST HAVE DEPOSIT IN ORDER TO SUBMIT THE ORDER.

Approved by Commission: 9/13/2018 Date City Clerk
City Finance Director Mayor



LIBRARY INTERIORS OF FLORIDA, INC.

250 International Parkway, #134-12, Heathrow, FL 32746 ☎ ph:407.505.9273

Equipment Schedule

Customer: Fruitland Park Library
1985 Donnelly Street, Mount Dora, FL
Joann Glendinning

Date: February 22, 2017

Submitted By: *Tom Wickley*
Tom Wickley

Project: Fruitland Park Branch

Item	Qty	Catalog #	Item Description	Unit List Price	Total List Price	Unit Net Price	Total Net Price
Caté / FOL							
	3	F-042-B-M	Follo Round Table, Maple, 42"D	\$1,708.00	\$5,124.00	\$888.16	\$2,664.48
	12	TJ.S.WW.M.C	TJ Adult Side Chair, Wood back and seat, Maple, w casters (34-1/4"H x 19-7/8"W)	\$599.00	\$7,188.00	\$311.48	\$3,737.76
	10	WA41091	Esley Adjustable Base Shelving 36" H x 36"W (10" Base, 9" Shelves)	\$255.00	\$2,550.00	\$127.50	\$1,275.00
	4	F-4012-WF-M-1	Follo Single-Faced Wood Frame End Panel, Maple, 40"H x 12"D (Friends of Library)	\$872.00	\$3,488.00	\$453.44	\$1,813.76
	2	60-912	Tempus Single-Faced Laminated Canopy Top, HPL; Maple Bands, 108"L x 12"D	\$837.00	\$1,674.00	\$435.24	\$870.48
	2	60-612	Tempus Single-Faced Laminated Canopy Top, HPL; Maple Bands 72"L x 12"D	\$518.00	\$1,036.00	\$269.36	\$538.72
	10	CTIB095	Esley Canopy Brackets for Wood Tops, 9"	\$12.40	\$124.00	\$6.20	\$62.00
	2	PC-COV-R-1U-B-108	Power/Data Center 1 Power; 2 USB Charger, 108" Cord Black	\$392.00	\$784.00	\$203.84	\$407.68
Reference							
	2	7200C48-M	Academy Round Table, Maple, 48" Diameter x 29" H	\$2,236.00	\$4,472.00	\$1,162.72	\$2,325.44
	8	240-06-L	Academy Side Chair, Solid Maple Seat 33"H x 18-5/8"W x 22-3/8"D	\$1,849.00	\$13,192.00	\$657.48	\$8,659.84
	4	ACL1.M.1.RT.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps, Right Tablet Arm 33"H x 33"D x 21-3/4"W	\$3,578.00	\$14,312.00	\$1,860.56	\$7,442.24
	8	WA41091	Esley Adjustable Base Shelving 42" H x 36"W (10" Base, 9" Shelves)	\$255.00	\$2,040.00	\$127.50	\$1,020.00

8-14-18
Jannine,
This was the original 6 page
unduged invoice for
\$350,000. I am currently
working on the new furniture
shelving list for \$275,000 w/
Exp Hunt.

Item	Qty	Catalog #	Item Description	Unit List Price	Total List Price	Unit Net Price	Total Net Price
	2	WA42091	Esley Adjustable Base Double-Faced Shelving 42" H x 36"W (20" Base, 6" Shelves)	\$374.00	\$748.00	\$187.00	\$374.00
	1	4122-0024-L	4000 Series Occasional Table 22"H x 24" Diameter, Maple & Matching Top	\$1,310.00	\$1,310.00	\$681.20	\$681.20
	1	TMD-3172-M	Tiered Mobile Book Display, Maple, 72"D x 31"W x 43-3/4"H	\$6,864.00	\$6,864.00	\$3,569.28	\$3,569.28
	1	SKEA1221B-XX-01	Kesrel Task Chair, Casters, 23"W x 23"D x Adj H 31"-34" SH 15"-18"	\$548.00	\$548.00	\$411.00	\$411.00
	1	CRI/90/EC-FF-M	CRI 90° Extended Corner Unit/ Maple 30"D x 36-5/16"H	\$4,256.00	\$4,256.00	\$2,213.12	\$2,213.12
	2	CRI/3036/HD-1-M	CRI Cupboard Storage Unit w/ Top Drawer 34-1/2"W x 30"D x 39-5/16"H	\$2,517.00	\$5,034.00	\$1,308.84	\$2,617.68
	2	60-912	Tempus Single-Faced Canopy Top, HPL, Maple Tempus Bands 108" L x 12"D	\$837.00	\$1,674.00	\$435.24	\$870.48
	2	60-612	Tempus Single-Faced Canopy Top, HPL, Maple Tempus Bands 72" L x 12"D	\$518.00	\$1,036.00	\$289.36	\$538.72
	1	60-622D	Tempus Double-Faced Canopy Top, HPL, Maple Tempus Bands 72" L x 22"D	\$966.00	\$966.00	\$502.32	\$502.32
	4	CT1B16S	Esley Canopy Brackets for Wood Tops 18"	\$20.00	\$80.00	\$10.00	\$40.00
	8	CT1B08S	Esley Canopy Top Brackets for Wood Tops 8"	\$11.80	\$94.40	\$5.90	\$47.20
	3	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power, 2 USB Charger, 108" Cord Black	\$392.00	\$1,176.00	\$203.84	\$611.52
Community Room 1							
	12	TMV2-3060RETF-LP1R	Versteel TIM Tilt & Fold Table 30"x60"	\$1,398.00	\$16,776.00	\$602.54	\$7,230.46
	48	TJ.S.WW.M	TJ Adult Side Chair, Wood back and seat, Maple (34-1/4"H x 19-7/8"W)	\$547.00	\$26,256.00	\$284.44	\$13,653.12
Community Room 2							
	12	TMV2-3060RETF-LP1R	Versteel TIM Tilt & Fold Table 30"x60"	\$1,398.00	\$16,776.00	\$602.54	\$7,230.46
	48	TJ.S.WW.M	TJ Adult Side Chair, Wood back and seat, Maple (34-1/4"H x 19-7/8"W)	\$547.00	\$26,256.00	\$284.44	\$13,653.12
Bay Window 1							
	4	ACL.T.M.I.RT.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps, Right Tablet Arm 33"H x 33"D x 21-3/4"W	\$3,578.00	\$14,312.00	\$1,860.56	\$7,442.24
	1	4122-0024-L	4000 Series Occasional Table 22"H x 24" Diameter, Maple & Matching Top	\$1,310.00	\$1,310.00	\$681.20	\$681.20
	1	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power, 2 USB Charger, 108" Cord Black	\$392.00	\$392.00	\$203.84	\$203.84
Bay Window 2							
	4	ACL.T.M.I.RT.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps, Right Tablet Arm 33"H x 33"D x 21-3/4"W	\$3,578.00	\$14,312.00	\$1,860.56	\$7,442.24
	1	4122-0024-L	4000 Series Occasional Table 22"H x 24" Diameter, Maple & Matching Top	\$1,310.00	\$1,310.00	\$681.20	\$681.20
	1	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power, 2 USB Charger, 108" Cord Black	\$392.00	\$392.00	\$203.84	\$203.84

Item	Qty	Catalog #	Item Description	Unit List Price	Total List Price	Unit Net Price	Total Net Price
Main Hall							
	5	F-3672-3-M	Folio 3-Bar Table, Maple, 26"W x 60"L	\$3,148.00	\$16,730.00	\$1,635.92	\$8,179.60
	20	240-06-L	Academy Side Chair, Solid Maple Seat 35"H x 18-5/8"W x 22-3/8"D	\$1,649.00	\$32,980.00	\$657.48	\$17,149.60
	3	PDR/160	Single Faced Power and Data Raceway/ 10 Recept. & 2 Data Ports	\$464.00	\$1,392.00	\$241.28	\$723.84
Lounge							
	3	ACLT.M.1.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps 33"H x 33"D x 21-3/4"W	\$3,039.00	\$9,117.00	\$1,580.28	\$4,740.84
	1	ACCT.M.3636	American Classics Coffee Table	\$2,729.00	\$2,729.00	\$1,419.08	\$1,419.08
Computer Stations							
	9	MWS/4636/TRF-M	MWS Double Faced Front Module Worksurface/ Maple 48"D x 36"W x 29"H Laminate: TBD 2 power, one for each range	\$1,412.00	\$12,708.00	\$734.24	\$6,608.16
	4	MWS/2948/IM-EP-M	MWS Double Faced End Panel, Maple	\$684.00	\$2,338.00	\$303.68	\$1,214.72
	7	MWS-2948-IP-M	MWS Double Faced Intermediate Panel, Maple	\$684.00	\$4,088.00	\$303.68	\$2,125.76
	19	SKEA1221B-XX-01	Kesrel Task Chair, Casters, 23"W x 23"D x Adj H 31"-34" SH 15"-18"	\$548.00	\$10,412.00	\$411.00	\$7,809.00
	3	MWS/2436/TF-M	MWS Module Worksurface, Maple 24"D x 36"W x 29"H	\$669.00	\$2,007.00	\$451.88	\$1,355.64
	2	MWS/2924/IM-EP-M	MWS Single Faced End Panel, Maple	\$335.00	\$670.00	\$174.20	\$348.40
	2	MWS-2924-KP-M	MWS Single Faced, Kneespace Panel, Maple	\$464.00	\$928.00	\$241.28	\$482.56
	3	PPS2/39/JP-E-1	J-Channel Floor Entry Cord Connect, 21" Wire Manager, 39" Non Adjustable	\$418.00	\$1,254.00	\$217.36	\$652.08
	18	PPS/34/JC/JP	Power J-Channel 34", 1 Duplex, Data Duplex, Channel and Port	\$468.00	\$8,424.00	\$243.36	\$4,380.48
	18	E-R1	Duplex, 1 Circuit, Outlet	\$96.00	\$648.00	\$18.72	\$336.96
Teen							
	3	ACLT.M.1.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps	\$3,039.00	\$9,117.00	\$1,580.28	\$4,740.84
	1	6200/048	Tempus Round Table, Leg Style Maple, 48"D, Laminate TBD	\$3,084.00	\$3,084.00	\$1,603.68	\$1,603.68
	4	T.J.S.WW.M	TJ Adult Side Chair, Wood back and seat, Maple	\$547.00	\$2,188.00	\$284.44	\$1,137.76
	4	T.J.S.WW.M.C	TJ Adult Side Chair, Wood back and seat, Maple, with casters	\$699.00	\$2,396.00	\$311.48	\$1,245.92
	6	MWS/2436/TF-M	MWS Module Worksurface, Maple 24"D x 36"W x 29"H	\$669.00	\$5,214.00	\$451.88	\$2,711.28
	11	WA42091	Esley Double-Faced Adjustable Base Shelving, 42"H x 36"W, 9" Shelves 20" Base	\$374.00	\$4,114.00	\$187.00	\$2,057.00

Item	Qty	Catalog #	Item Description	Unit List Price	Total List Price	Unit Net Price	Total Net Price
	9	WP41120	Esley Periodical Display Shelf, 42" H, 3 Sloping Shelves	\$421.00	\$3,789.00	\$210.50	\$1,894.50
	2	MWS/2924/IM-EP-M	MWS Single Faced End Panel, Maple	\$335.00	\$670.00	\$174.20	\$348.40
	3	MWS-2924-IP-M	MWS Single Faced Intermediate Panel, Maple	\$335.00	\$1,005.00	\$174.20	\$522.60
	1	PPS2/39/JPE-1	J-Channel Floor Entry Cord Connect, 21" Wire Manager, 39" Non Adjustable	\$418.00	\$418.00	\$217.36	\$217.36
	5	PPS/34/JCO/P	Power J-Channel 34", 1 Duplex, Data Duplex, Channel and Port	\$468.00	\$2,340.00	\$243.36	\$1,216.80
	6	F-5024D-3-M	Folio Double-Faced 3-Bar End Panel, Maple, 60"H x 24"D (Teen Shelving)	\$1,457.00	\$8,742.00	\$757.84	\$4,545.84
	3	60-910	Tempus Single-Faced Laminate Canopy Top, HPL, Maple Bands 105"L x 10"D (Magazines)	\$785.00	\$2,355.00	\$408.20	\$1,224.60
	2	F-5010-WF-M-1	Folio Single-Faced Wood Frame End Panel 50"H x 10"D (Magazine)	\$949.00	\$1,898.00	\$493.48	\$986.96
	1	60-924D	Tempus Double-Faced Laminate Canopy Top, HPL, Maple Bands, 105"L x 24"D (Teen Shelving)	\$1,501.00	\$1,501.00	\$760.52	\$760.52
	3	60-1232D	Tempus Double-Faced Laminate Canopy Top, HPL, Maple Bands, 144"L x 24"D (Teen Shelving)	\$1,924.00	\$5,772.00	\$1,000.48	\$3,001.44
	1	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power; 2 USB Charger, 108" Cord Black	\$392.00	\$392.00	\$203.84	\$203.84
	22	CT1B18S	Esley Canopy Brackets for Wood Tops 18"	\$20.00	\$440.00	\$10.00	\$220.00
	9	CT1B09S	Esley Canopy Brackets for Wood Tops, 9"	\$12.40	\$111.60	\$6.20	\$55.80
	6	E-R1	Duplex, 1 Circuit, Outlet	\$39.00	\$234.00	\$18.72	\$112.32
Children							
	3	DTA04900070-M	Diamond Round Occasional Children's Table, 36"D, HPL Top	\$2,234.00	\$6,702.00	\$1,161.68	\$3,485.04
	12	TJ.S.VWM.M.Y	TJ Youth Side Chair 14" SH Color-TBD	\$547.00	\$6,564.00	\$284.44	\$3,413.28
	4	MWS/3060/TF-M	MWS Module Worksurface, Maple, 30"D x 60"W x 29"H	\$1,374.00	\$5,496.00	\$714.48	\$2,857.92
	2	MWS/2930/IM-EP-M	MWS End Panel Single Face, Maple 31"W	\$399.00	\$798.00	\$207.48	\$414.96
	3	MWS-2930-IP-M	MWS Intermediate Panel, Maple 30-1/4"W	\$395.00	\$1,197.00	\$207.48	\$622.44
	1	PPS2/39/JPE-1	J-Channel Floor Entry Cord Connect, 21" Wire Manager, 39" Non Adjustable	\$418.00	\$418.00	\$217.36	\$217.36
	4	PPS/34/JCO/P	Power J-Channel 34", 1 Duplex, Data Duplex, Channel and Port	\$468.00	\$1,872.00	\$243.36	\$973.44
	4	SKEC12214-C-01	Kestrel Task Chair, Child w/ Cut-Out Tier C	\$677.00	\$2,708.00	\$432.75	\$1,731.00
	4	SZETC21714	Zety Cubes 14"W x 14"D x 14"SH	\$572.00	\$2,288.00	\$429.00	\$1,716.00
	4	BL.ST.M.GR3	Blumen Steel 18"D	\$1,173.00	\$4,692.00	\$609.96	\$2,439.84
	20	WBD442133	Esley Double-Faced Divider Shelving, 42"H, 3 Levels, 13" Shelves, 32" Base ADD CASTERS (4 per section)	\$890.00	\$13,800.00	\$345.00	\$6,900.00
	6	WBD441133	Esley Single-Faced Divider Shelving, 42"H, 3 Levels, 13" Shelves, 16" Base	\$407.00	\$2,442.00	\$203.50	\$1,221.00

Item	Qty	Catalog #	Item Description	Unit List Price	Total List Price	Unit Net Price	Total Net Price
	1	SKEA1221B-XX-01	Kesirel Task Chair, Casters, 23"W x 23"D x Adj H 31"-34" SH 15"-18"	\$548.00	\$548.00	\$411.00	\$411.00
	1	CRI/90/EC-J-W	CRI 90" Extended Corner Unit, Juvenile Height, Maple 30"D x 33"H	\$4,161.00	\$4,161.00	\$2,163.72	\$2,163.72
	1	CRI/3038/DE-J-M	CRI Desk Unit, Juvenile Height, Maple, 34-1/2" W x 30"D x 33"H	\$1,293.00	\$1,293.00	\$672.36	\$672.36
	1	CRI/3038/HD-1-J-M	CRI Cupboard Storage Unit, Maple, 34-1/2"W x 30"D x 33"H	\$1,896.00	\$1,896.00	\$965.92	\$965.92
	1	CRI/3038/HD-3-J-M	CRI Cupboard Storage Unit, Maple, 1 Box, 2 Drawers 34-1/2"W x 30"D x 33"H	\$2,998.00	\$2,998.00	\$1,568.96	\$1,568.96
	6	F-5032D-3-M	Folio Double-Faced 3-Bar End Panel, Maple, 60"H x 32"D (Childrens)	\$1,559.00	\$9,234.00	\$800.28	\$4,801.68
	20	60-332D	Tempus Double-Faced Laminate Canopy Top 36"L x 32"D	\$695.00	\$13,900.00	\$361.40	\$7,228.00
	3	60-316	Tempus Single-Faced Laminate Canopy Top 36"L x 16"D	\$350.00	\$1,050.00	\$182.00	\$546.00
	1	60-916	Tempus Single-Faced Laminate Canopy Top 108"L x 16"D	\$945.00	\$945.00	\$491.40	\$491.40
	2	CRI/32/EP-M	CRI Finished End Panel 33-1/8"H, Maple	\$411.00	\$822.00	\$213.72	\$427.44
	1	CRI/32/IP-M	CRI Intermediate Panel, Maple, 33-1/8"H	\$411.00	\$411.00	\$213.72	\$213.72
	2	CRI/32/KS-M	CRI Kneespace Support 33-1/8"H	\$636.00	\$1,276.00	\$331.76	\$663.52
	40	CT1B8S	Estey Canopy Brackets for Wood Tops 18"	\$20.00	\$800.00	\$10.00	\$400.00
	4	E-R1	Duplex, 1 Circuit, Outlet	\$36.00	\$144.00	\$16.72	\$74.88
Shelving							
	50	WA182091	Estey Double-Faced Adjustable Base Shelving, 60"H, 9" Shelves, 20" Base	\$666.00	\$43,300.00	\$433.00	\$21,650.00
	104	CT1B09S	Estey Canopy Brackets for Wood Tops, 9"	\$12.40	\$1,289.60	\$6.20	\$644.80
	18	WA61080	Estey Single-Face Adjustable Base Shelving 8" Shelves, 8" Base (DVD, Newspaper), 66"H	\$325.00	\$5,850.00	\$162.50	\$2,925.00
	-48	BL3609A	REMOVE Estey 36"W 8"D Adjustable Shelves	\$31.00	-\$1,488.00	\$15.50	-\$744.00
	36	VCS3608A	ADD Estey 36"W 7"D Video Cassette/Paperback Book Shelves for DVD's	\$69.00	\$2,484.00	\$34.50	\$1,242.00
	-9	WA3608A	REMOVE Estey 36"W 8"D Closed Base Shelves for Adjustable Base (DVD)	\$85.00	-\$765.00	\$42.50	-\$382.50
	9	WSB3609A	ADD Estey Sloping Based Shelves 36"W Single-Face (DVD)	\$93.00	\$837.00	\$46.50	\$418.50
	12	PDSCA	ADD Estey Hinged Periodical Display Shelving with plexiglass cover (Newspaper)	\$191.00	\$2,292.00	\$95.50	\$1,146.00
	12	F-9024D-3-M	Folio Double-Faced 3-Bar End Panel, Maple, 90"H x 24"D (Main Collection)	\$2,008.00	\$24,072.00	\$1,043.12	\$12,517.44
	6	F-7010-WF-M-1	Folio Single-Faced End Panel, Maple, 70"H x 10"D (DVD Shelving, Newspaper)	\$1,104.00	\$6,624.00	\$574.08	\$3,444.48
	1	F-1824-OC-3-M	Folio 3-Bar Door Front OPAC, Maple 18"D x 24"W	\$2,015.00	\$2,015.00	\$1,047.80	\$1,047.80
	6	60-1230D	Tempus Double-Faced-Laminate Canopy Top, HPL, Maple Bands 144"L x 30"D (Main Collection)	\$2,163.00	\$13,098.00	\$1,135.16	\$6,810.96
	6	60-930D	Tempus Double-Faced-Laminate Canopy Top, HPL, Maple Bands 108"L x 30"D (Main Collection)	\$1,152.00	\$6,912.00	\$699.04	\$3,594.24

8	CTIB06S	Esley Canopy Top Brackets for Wood Tops 8"	\$11.80	\$94.40	\$5.90	\$47.20
3	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power; 2 USB Charger, 108" Cord Black	\$392.00	\$1,176.00	\$203.84	\$611.52
Community Room 1						
12	TMV2-3060RETF-LP1R	Versiteel TIM Tilt & Fold Table 30"x60"	\$1,398.00	\$16,776.00	\$602.54	\$7,230.46
48	T.J.S.WW.M	TJ Adult Side Chair, Wood back and seat, Maple (34-1/4"H x 19-7/8"W)	\$547.00	\$25,256.00	\$284.44	\$13,653.12
Community Room 2						
12	TMV2-3060RETF-LP1R	Versiteel TIM Tilt & Fold Table 30"x60"	\$1,398.00	\$16,776.00	\$602.54	\$7,230.46
48	T.J.S.WW.M	TJ Adult Side Chair, Wood back and seat, Maple (34-1/4"H x 19-7/8"W)	\$547.00	\$25,256.00	\$284.44	\$13,653.12
Bay Window 1						
4	ACL.T.M.1.RT.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps, Right Tablet Arm 33"H x 33"D x 21-3/4"W	\$3,578.00	\$14,312.00	\$1,860.56	\$7,442.24
1	4122-0024-L	4000 Series Occasional Table 22"H x 24" Diameter, Maple & Matching Top	\$1,310.00	\$1,310.00	\$681.20	\$681.20
1	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power; 2 USB Charger, 108" Cord Black	\$392.00	\$392.00	\$203.84	\$203.84
Bay Window 2						
4	ACL.T.M.1.RT.GR3	American Classics Tapered Lounge Chair, Maple Feet and Caps, Right Tablet Arm 33"H x 33"D x 21-3/4"W	\$3,578.00	\$14,312.00	\$1,860.56	\$7,442.24
1	4122-0024-L	4000 Series Occasional Table 22"H x 24" Diameter, Maple & Matching Top	\$1,310.00	\$1,310.00	\$681.20	\$681.20
1	PC-COV-R-1U-B-108	Power/Data Center/ 1 Power; 2 USB Charger, 108" Cord Black	\$392.00	\$392.00	\$203.84	\$203.84

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Total List	\$86,284.60	Total List	\$33,552.00
Total Discount (50%)	\$43,142.30	Total Discount (for 50%)	\$19,091.09
Total Net	\$43,142.30	Total Net	\$14,460.91
Total Project		\$319,465.89	

Pricing does not include tax or installation



**AGENDA ITEM
NUMBER
5f**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-057 Utility Rate Study Agreement – BESH		
For the Meeting of:	August 30, 2018		
Submitted by:	City Manager		
Date Submitted:	August 30, 2018		
Are Funds Required:		Yes	No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Agreement forthcoming.		
Description of Items:	Utility rate study to be conducted by Booth Ern Straughan and Hiott Inc.		
Action to be Taken:	Adopt Resolution 2018-057		
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the special agenda: _____
Mayor

RESOLUTION 2018-057

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING SERVICES PROPOSAL/AGREEMENT OR UTILITY RATE STUDY BETWEEN BESH AND THE CITY OF FRUITLAND PARK RELATING TO WATER, WASTEWATER AND STORMWATER UTILITY RATE STUDIES AND PROJECT ADMINISTRATIVE SERVICES CONCERNING TO SAME; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, utility rates should be set at a level to cover at a minimum expenses relating to operations, maintenance, regulatory compliance, debt service, renewals and replacements; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds the agreement is beneficial to the CITY and its residents to conduct a utility rate study to examine existing rates and recommend updated rates supported by data and analysis; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to enter into the Agreement between the City and BESH for BESH to conduct a utility rate study and provide administrative services relating to the study.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Civil Engineering Proposal/Agreement or Utility Rate Study between Booth, Ern, Straughn & Hiott, Inc. (BESH) and the City of Fruitland Park (the "Agreement"), a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the Mayor to execute the agreement.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 13TH day of September, 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Commissioner Bell ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Vice Mayor Gunter ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Lewis ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Ranize ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Mayor Cheshire ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

CIVIL ENGINEERING SERVICES AGREEMENT

OR

**UTILITY RATE STUDY
FRUITLAND PARK, FLORIDA, LAKE COUNTY**

ENGINEER:

Duane K. Booth, P.E.
Principal
Booth, Ern, Straughan & Hiott, Inc.
902 N. Sinclair Avenue
Tavares, FL 32778
(352) 343-8481 – Phone
(352) 343-8495 – Fax
duanebooth@besandh.com

CLIENT:

Gary LaVenía
City Manager
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731
(352) 308-5579 – Cell
glavenia@fruitlandpark.org

CIVIL ENGINEERING SERVICES AGREEMENT

SCOPE OF SERVICES:

Booth, Ern, Straughan & Hiott, Inc., is pleased to submit this proposal for the updating of the City's Standard Utility, Stormwater and Roadway details. Required tasks are as outlined below.

SCOPE OF WORK:

TASK 001 UTILITY RATE STUDY (GovRates, Inc.)

BESH will prepare a Utility Rate Study. This analysis shall general include the following information.

DATA COMPILATION AND REVIEW

A. Data Compilation and Review

To perform the utility rate study as efficiently as possible, GovRates will collect as much information as possible at the beginning of the study process. A detailed data request will be prepared for the City to compile information pertaining to the operation of each utility system. Information to be requested will include:

- Utility system operating budgets.
- Historical operating results.
- Multi-year capital improvement program (and estimated funding sources if already prepared).
- Estimates of minor capital outlay (e.g., departmental capital such as vehicles and equipment).
- Master plan reports.
- Debt service schedules and agreements.
- Employee information.
- Additional personnel projections.
- Anticipated changes in operating costs (e.g., due to the construction of master plan projects).
- Cash balances by fund.
- Rate schedules and applicable rate resolutions and ordinances.
- Financial policies.
- Fixed asset details / resource inventory.
- Development activity.

- Assumptions for salary and benefits (e.g., health insurance) increases.
- Projected transfers to the City's General Fund.
- Detailed customer statistics, including statistics for the top ten customers in terms of revenue or usage.
- Level of service standards.
- Liabilities associated with Other Post-Employment Benefits (OPEB).
- Water and wastewater treatment plant capacities and monthly operating reports.
- Water and wastewater line inventories.
- Wholesale service agreements and agreements with other local governments.

GovRates anticipates that follow-up data requests may be required during the course of the study. We have recognized a kickoff meeting to initiate the project; obtain background information; review data requirements; establish management goals and objectives as well as financial policies and targets; recognize key issues to be addressed during the analyses; and identify primary staff members as part of the rate evaluations.

WATER AND WASTEWATER RATE ANALYSIS

B. Historical Customer Statistical Compilation / Bill Frequency Analyses

GovRates will compile historical customer statistics based on reports generated from the City's billing system for up to five (5) years for the water and wastewater systems to evaluate trends in customer growth, billed water sales and wastewater flow, and the average use per customer. GovRates will prepare bill frequency analyses for the Fiscal Year 2017 customer statistics to identify water and billed wastewater flow characteristics in support of the determination of the existing and possible alternative customer billing and use attributes so that we can: i) identify and validate the City's rate structure billing determinants and more accurately project user fee revenues; and ii) evaluate potential or alternative changes in rate structures. GovRates will request from the City detailed individual customer billing data from the utility billing system and develop bill frequency analyses. These analyses will include an evaluation of billed water use for every customer by customer class, meter size, and rate structure component to identify water use profiles for each customer class. This analysis will provide GovRates with the ability to explore alternative rate structures. Usually, a "data dump" of customer statistics in Excel format for a recently completed fiscal year provides the necessary detail to perform the bill frequency analyses.

GovRates will apply the customer statistics and bill frequency information to the City's rates for the historical period to derive revenue totals. Ideally, a revenue total should reconcile within 2% of the City's reported totals. If the revenues reconcile within the acceptable limits, GovRates will have assurance that the detailed financial model would provide a reasonable platform from which to make customer and revenue projections.

C. Projected Customer Statistics, User Rate Revenues, Other Operating Revenues, and Impact Fee Collections

GovRates will prepare a forecast of customers and usage requirements by class for the individual water and wastewater utility systems. The forecast shall include the Fiscal Year 2018 (the current budget year) and extend through the Fiscal Year 2023 (collectively, the "Forecast Period"). This task will include a review of:

- Historical growth and usage trends.
- Development activity.
- Any utility service area growth estimates prepared by the City.
- Any published population projections for the City.

The bill frequency analyses previously described will be applied to historical and projected customer statistics to project user fee revenue.

Based on the detailed customer billing information and corresponding forecast of customer growth and use, GovRates will develop user rate revenue projections for the Forecast Period. The revenue forecast will also include projections of operating revenues other than user rate revenues (e.g., meter installation charges), capital charge / impact fee collections, and interest income (both unrestricted and restricted based on statutory and case law and as defined in any documents associated with the City's borrowings).

D. Development of Projected Revenue Requirements

GovRates will prepare a financial projection of the net revenue requirements for both the water and wastewater system that represent the funding requirements derived from the user fee revenues. GovRates will consider:

- Recent historical financial operations.
- Budgeted operations and maintenance expenses.
- Any expected cost trends or incremental operating expenses anticipated due to future plant additions, upgrades due to regulatory requirements, and other investments included in the multi-year capital improvement plan.
- Multi-year capital improvement program and projected funding sources.
- Any other funding criteria as provided by the City and its consulting engineers.
- Other non-operating revenue requirements such as interfund transfers, debt service, renewal and replacement funding requirements, and any developer contributions.

GovRates will work with the City staff to evaluate and recommend minimum reserve fund balances and policies related to financial performance.

Development of Operating Expense Projections – Operating expense projections will be prepared for both the water and wastewater systems and will be performed in sufficient detail to capture the driving factors behind each expenditure and to recognize any incremental operating expenses as mentioned previously. The operating expenses are anticipated to be projected in budgetary format. Major cost categories include personnel salaries and benefits; utilities; chemicals; wholesale service charges; and sludge disposal.

Capital Improvement Program Funding Analysis – This analysis involves: i) reviewing in detail the multi-year capital improvement program and other engineering planning documents for the water and wastewater system; and ii) performing a funding analysis to identify available sources of funds for financing of the capital improvement program and the estimated level of utility rate revenues needed throughout the Forecast Period. The analysis will also include the development of a flow of funds analysis to evaluate cash flow balances in each specific fund of the water and wastewater system and to estimate interest income earned on unrestricted and restricted fund balances.

A component of the capital improvement program funding analysis will be the identification of a renewal and replacement funding policy or funding plan for the Forecast Period which will be included as: i) a component of the revenue requirements to be recovered from rates; and ii) a source of funds for the capital improvement program funding analysis. The ultimate funding level reflected in revenue sufficiency analysis will depend on a variety of factors, including but not limited to: i) compliance with the rate covenants pursuant to the bond resolution / loan documents; ii) rate impacts; iii) overall capital program needs; and iv) current asset service lives.

Other Revenue Requirement Identification – In order to meet the financial obligations of the City's water and wastewater systems, GovRates will review the financial aspects of each utility system to potentially recognize other revenue requirements that may need to be allocated or included in the rate analysis. We will assist in the identification of fiscal benchmarks and policies / practices in terms of:

- Working capital maintenance.
- Funding of deposits to the renewal and replacement fund (or capital fund equivalent).
- Compliance with the rate covenants as defined in bond resolution.
- Funding of departmental capital for items such as vehicles and equipment.
- Any General Fund or other transfer requirements that may be associated with the respective utility systems.
- Developer subsidization and payments as applicable.

E. Net Revenue Requirements / Revenue Sufficiency Analysis

Based on the preceding tasks, GovRates will prepare for the City's consideration a summary of the total net revenue requirements of the water and wastewater systems and

the associated revenue levels and recommended adjustments – expressed as a percentage above the revenues produced from the existing rates – needed for each year of the Forecast Period.

GovRates will prepare a management dashboard as part of the financial model development to allow the City to analyze the forecasted financial position of each system to evaluate funding and rate scenarios to determine potential risks and business strategies for each system. The management dashboard will graphically represent financial and operational metrics that add value to the presentation of the utility rate analysis results.

A meeting will be held with the City staff to present the results of the initial study findings and results.

F. Rate Covenant Compliance Review

This task will be conducted to satisfy the rate covenant requirements and the flow of fund requirements as defined in any borrowing documents associated with outstanding and anticipated / projected system debt. The compliance analyses will be performed for the Forecast Period to promote the financial integrity of the utility systems.

G. Water and Wastewater User Rate Design and Customer Impact Analysis

GovRates recognizes that ratemaking involves designing rates that balance potentially conflicting objectives (e.g., revenue stability vs. low income affordability) in a manner that reflects community values. The GovRates team will work with the City to determine and develop an appropriate schedule of rates and charges while ensuring that any rates and charges are "just and equitable" in accordance with statutory and case law.

For each applicable year of rate design, GovRates will classify the various revenue requirements among the fixed (base / extra capacity method), volumetric, customer, and other specific cost categories to assist in the evaluation of cost-based rates and overall cost recovery strategies. Cost allocation factors may be based on:

- Peaking relationships of customer usage or treated flows.
- Classification or functionalization of system assets.
- Revenue classifications.
- Employee salaries and functions.
- Line inventories (e.g., transmission vs. distribution or collection).
- Customer usage by class.
- Functionalization of projects financed with existing and projected debt issues.
- Other factors.

GovRates will design rates for service based on:

- Bill frequency and cost classification analyses.
- Consideration of historical rate form.
- Customer impact (based on frequency of bills rendered / customers served).

Issues such as water conservation and application of the water conservation surcharge, wastewater billing caps on individually-metered residential service, customer capacity relationships (base facility charges by meter size), City general rate policy, and other identified issues will be considered in the rate design process. Revenue stability, affordability, competitiveness, and avoiding "rate shock" will also be key considerations for the rate design.

H. Water and Wastewater Rate Comparisons

GovRates will work with the City staff to finalize a list of comparable utilities to include in the rate comparisons. We will also collect other information that might be useful for comparison purposes (e.g., level of service standards, sources of supply and treatment processes, asset base, number of customers, etc.).

I. Review of Water and Wastewater Capital Charges / Impact Fees

A review of the water and wastewater capital charges / impact fees will be conducted to ensure that such charges are reasonable representations of the proportionate capital costs of providing capacity to growth. The capital costs of existing facilities with capacity available to serve growth, as well as the costs of any new facilities that provide additional capacity or system upgrades, will be identified. In addition, the level of service standards and the method of applying the charges will be reviewed to ensure that the City's water and wastewater capital charges

/ impact fees meet the rational nexus criteria established by Florida case law as well as the statutory requirements of Section 163.31801 of the Florida Statutes, known as the "Florida Impact Fee Act."

J. Review of Miscellaneous Service Charges

A review of miscellaneous service charges will be conducted to determine whether such charges recover the cost of providing service. The review of the miscellaneous service charges will include charges such as meter connection fees, activation fees, customer deposits, turn-on/off fees, etc. The cost analysis will include labor, supplies / materials, vehicles and equipment charges, and allowances for direct and indirect overhead. GovRates will work with the City staff to identify revenue enhancement opportunities and possibly develop additional fees and charges.

STORMWATER UTILITY FEE ANALYSIS

K. Review of Stormwater Utility Fee

In accordance with Section 99.120 of the City's Code of Ordinances, the City started charging a monthly stormwater fee to each developed property on October 1, 2011. GovRates will work with the City staff to determine City goals and objectives pertaining to this fee and develop recommendations on the fee amount. GovRates will prepare a comparison of how this fee compares to fees of other stormwater utilities. A total of 14 hours of time for GovRates professionals has been budgeted for this task.

REPORT, BRIEFING DOCUMENT, AND RESOLUTION / ORDINANCE ASSISTANCE

L. Report and Presentation

GovRates will prepare: i) a comprehensive report documenting our assumptions, analyses, and primary data sources; and ii) a briefing document (PowerPoint presentation) to summarize the study results for presentation to the City Commission.

M. Rate Resolution / Ordinance and Executive Summary Review

GovRates will review the rate resolutions or ordinances prepared by the City attorney in association with the utility rate analysis as well as the executive summaries prepared by City staff for consistency with the recommendations.

FEE: \$22,000.00

TASK 002 PROJECT ADMINISTRATION AND MEETINGS

BESH will oversee the administration of the project and coordinate the development of the rate study document, including working with the City on the development of the Capital Improvement Plan and associated impact fees.

FEE: \$5,000.00

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
CLIENT: City of Fruitland Park
DATE: September 13, 2018

**HOURLY RATE SCHEDULE
(2018)**

Professional Services shall be charged at the following rate schedule:

ENGINEERING

PROFESSIONAL ENGINEER (PRINCIPAL)	\$175.00/HOUR
PROFESSIONAL ENGINEER	\$145.00/HOUR
PROJECT ENGINEER	\$115.00/HOUR
ENGINEER TECHNICIAN I	\$105.00/HOUR
ENGINEER TECHNICIAN II	\$80.00/HOUR
BUILDING INSPECTOR	\$70.00/HOUR
CONSTRUCTION ENGINEER	\$90.00/HOUR
EXPERT TESTIMONY PROFESSIONAL ENGINEER	\$300.00/HOUR

SURVEYING

PROFESSIONAL SURVEYOR (PRINCIPAL)	\$160.00/HOUR
PROFESSIONAL SURVEYOR	\$125.00/HOUR
3 MAN FIELD CREW	\$150.00/HOUR
2 MAN FIELD CREW	\$130.00/HOUR
SURVEY TECHNICIAN I	\$100.00/HOUR
SURVEY TECHNICIAN II	\$80.00/HOUR
EXPERT TESTIMONY PROFESSIONAL SURVEYOR	\$300.00/HOUR

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
CLIENT: City of Fruitland Park
DATE: September 13, 2018

All printing for this project shall be billed out at the following rate schedule, plus sales tax:
(Outside Copying Services will be billed at cost)

Engineering Bond Copies

Black & White

11 x 17.....\$1.25
24 x 36.....\$2.50

Color Copies

11 x 17.....\$2.00
24 x 36.....\$6.00

Black & White Copies

8 ½ x 11.....\$0.10
8 ½ x 14.....\$0.10
11 x 17.....\$0.20

Color Copies

8 ½ x 11.....\$0.25
8 ½ x 14.....\$0.25
11 x 17.....\$0.45

Other Printing Services

24 x 36 Mylar.....\$12.00
24 x 36 Photo Paper, Color..... \$36.00
24 x 36 Foam Board.....\$30.00

Other Services

Fax/Scan.....\$0.05/Page
Postage (Fed-Ex, Certified Mail, Etc)... @ cost
Concrete Monuments..... \$11.00
Rebar..... \$2.00
Mileage (T/M Projects Only)..... \$0.59

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
CLIENT: City of Fruitland Park
DATE: May 8, 2018

TERMS AND CONDITIONS

I. GENERAL CONDITIONS

A. AGREEMENT:

These terms and conditions are attached to and made part of the proposal for services (the "Proposal for Services") by which Booth, Ern, Straughan & Hiott, Inc. ("BESH") has agreed to perform certain professional engineering and/or surveying services for and on behalf of **City of Fruitland Park** ("Client"). The Proposal for Services, these terms and conditions, the hourly rate schedule, and the executed authorization to proceed attached to these terms and conditions shall constitute a contract (hereinafter referred to as the "Agreement") for the provision of services by BESH to and on behalf of Client.

B. TERMINATION:

This Agreement may be terminated by either party by furnishing written notice to the other party at least thirty (30) days prior to the effective date of termination. In the event that this Agreement is terminated by either party, Client shall pay BESH for all services performed and expenses incurred through the date of termination.

C. DOCUMENTS:

ENGINEERING DOCUMENTS

All original drawings, computations, details, design calculations, and electronic media that result from engineering services performed by BESH pursuant to this Agreement are and at all times shall remain the property of BESH. Signed and sealed construction plans, pdf files and AutoCad files will be issued to the Client as needed for permitting, bidding and construction. In doing so, Client agrees that no additions, deletions, changes or revisions shall be made to any of said documents without the express written approval of BESH. If payment for services is not received in accordance with Section II.(C)(Payment) of this Agreement, BESH reserves the right not to release any documents until payment is made current.

SURVEYING DOCUMENTS

All original drawings, computations, details, design calculations, field notes, and electronic media that result from surveying services performed by BESH pursuant to this Agreement are and at all times shall remain the property of BESH. Signed and sealed surveys may be obtained for a period of time up to ninety (90) days after issuance of the survey, and certifications may be revised during that same period of time for a fee of \$50.00 for each revision. Upon payment in full for services completed, and within the same period of ninety (90) days, Client, at Client's expense, may obtain copies of any documents or reproducible copies of drawings. In doing so, Client agrees that no additions, deletions, changes or revisions shall be made to any of said documents without the express written approval of BESH. After ninety (90) days and within one hundred eighty (180) days following issuance of the survey, BESH will revise certifications and will visually inspect the subject property for the purpose of reissuing a signed and sealed survey, charging its then-current hourly rates for performing said services and reissuing the survey.

D. FEE RENEGOTIATION:

The Proposal for Services describes the specific services to be performed and tasks to be undertaken by BESH for and on behalf of Client, and states the fee (the contract price) for each

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
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DATE: May 8, 2018

service and task. Except as otherwise provided in this Agreement, the contract prices quoted in the Proposal for Services shall remain in effect for a period of two (2) years from the date of execution of this Agreement. After the expiration of two (2) years from the date hereof, the contract prices stated in the Proposal for Services shall be renegotiated between BESH and Client with respect to all services and tasks that have not been completed by that date. The hourly rates set forth in the hourly rate schedule that is part of this Agreement shall apply to all **additional services** requested by Client outside the scope of the services and tasks described in the Proposal for Services. Said hourly rates are applicable through December 31st of the year in which this Agreement was executed, and are subject to renegotiation on January 1 of each year thereafter.

E. REGULATORY REQUIREMENTS:

The contract prices and hourly rates set forth in this Agreement have been quoted based on all federal, state and local regulations in effect as of the date that the authorization to proceed work is signed by the latter of BESH and Client. If any of said regulations change during the permitting and design phase of this project, BESH reserves the right to increase fees for services that may be affected by regulatory changes upon written notice to the Client.

F. PERMIT ACQUISITION

BESH cannot guarantee the acquisition of any or all of the permits and/or approvals that shall be required for Client's project. BESH agrees that it shall exercise its best efforts try to obtain all of the necessary permits and/or approvals. Nevertheless, Client shall be responsible for payment of all consulting fees due BESH regardless of agency/governmental actions, including without limitation the failure of one or more governmental agencies to give the necessary approval for the project.

II. COMPENSATION

A. ADDITIONAL SERVICES:

BESH shall be fully compensated by Client for all additional services performed by BESH, including, without limitation, the following:

1. Changes made at Client's request to the scope of services defined in this Agreement.
2. Revisions made necessary as a result of changes to local, state or federal governmental requirements after the date of this Agreement.
3. Redesign per Client after preliminary design has been submitted to the relevant approving agency.

Client must sign a separate authorization to proceed form (a "Change Order") for each change in scope of services requested by Client before BESH is obligated to perform the revised scope of services.

B. OUT-OF-POCKET EXPENSES:

In addition to the fee schedule set forth in the Proposal for Services and the hourly rates to be charge for all additional services performed by BESH, BESH shall be reimbursed for all out-of-pocket expenses incurred by BESH, including, without limitation: blueprints, copies, plots, aerials, express deliveries, specialized postage, overnight courier services (such as Federal Express and UPS) and travel outside of the Central Florida area (greater than 25 miles from

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BESH's office located in Tavares, Florida). Printing and mileage expenses are set forth on the hourly rate schedule that is part of this Agreement. All other charges shall be billed to and paid by Client based on the actual costs incurred by BESH.

C. PAYMENT:

BESH shall submit invoices to Client on a semi-monthly (twice per month) basis. On each invoice, BESH will bill for its services in accordance with the hourly rate schedule included as part of this Agreement. The invoice also will identify the task or the tasks from the Proposal for Services on which BESH performed services during the billing period. If the Proposal for Services states a lump sum dollar figure for any particular task, the lump sum amount will represent a "not to exceed" figure for the task in question, and BESH will continue to bill by the hour for its services on that task until the "not to exceed" figure has been billed in full. Thereafter, unless the scope of services to be performed by BESH pursuant to said task has been changed and the compensation to be paid to BESH has been modified pursuant to Section II.A. of these Terms and Conditions, BESH will continue to perform its services under that task without additional charges for its services until BESH has performed all work required by that task. Client shall notify BESH in writing within ten (10) days from the date of the invoice if Client has any questions about the services performed or the charges for those services as reflected on the invoice. Client waives any and all challenges to the services performed and the charges for those services not raised within said ten (10) day timeframe. All invoices shall be due and payable in full within fourteen (14) days from the date of the invoice. All unpaid balances that remain unpaid after fourteen (14) days from the date of the invoice shall be subject to interest on the unpaid balance at the rate of 1.5% per month.

All outstanding invoices shall be paid in full by Client prior to plan submittal to any permitting agency, preparation of Final Plans for building purposes, Final Recording of Record Plat, and/or Final Certification of Completion to state and local agencies. BESH shall have no obligation under this Agreement to submit or prepare any of the foregoing materials unless and until Client complies with this requirement. In addition, in the event that any balance remains unpaid for at least 45 days from the date of the invoice which included the unpaid balance, BESH shall have the right to terminate any and all further work on the project until Client has paid said balance in full.

III. MISCELLANEOUS

A. FORCE MAJEURE:

BESH shall not be liable for any delays or failure in performance due to contingencies beyond BESH's reasonable control including, without limitation, acts of God, war, fire, explosion, flood, epidemic, severe weather, earthquake, rainstorm, riots, theft, accidents, strike, work stoppage, acts or regulations of a governmental entity, shortages of vehicles, fuel, power, labor or material, delays of other companies or contractors, or any other causes whatsoever whether similar or dissimilar to those previously enumerated. In the event of delay caused by any of the foregoing, BESH's time for performance shall be extended for such time as may be reasonably necessary to enable BESH to perform.

B. LIMITATION OF LIABILITY:

UNDER NO CIRCUMSTANCES SHALL BESH BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING WITHOUT LIMITATION LOST PROFITS, LIQUIDATED DAMAGES, DELAYS, LOSS OF PRODUCTIVITY, INEFFICIENCY, LOSS OF GOOD WILL, OR ANY OTHER DAMAGES WHICH ARE SPECIAL, INCIDENTAL,

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INDIRECT OR CONSEQUENTIAL. THE LIABILITY OF BESH TO CLIENT, FOR ANY CAUSE OR COMBINATION OF CAUSES ARISING OUT OF OR RELATED TO THIS AGREEMENT, SHALL BE LIMITED TO THE TOTAL AMOUNT OF THE COMPENSATION PAID BY CLIENT TO BESH PURSUANT TO THIS AGREEMENT.

C. ENTIRE AGREEMENT:

This Agreement constitutes the entire agreement between BESH and Client and supersedes any and all prior or contemporaneous understandings, representations and agreements, oral or written. No amendment, modification or waiver hereof will be binding on BESH unless made in writing and duly executed by an authorized representative of BESH.

D. WAIVER:

The failure of BESH to enforce any provision of this Agreement or to exercise any right accruing through the default of the Client hereunder, shall not constitute a waiver of any other rights of BESH with respect to this Agreement.

E. COSTS AND ATTORNEY'S FEES:

In the event of any litigation to enforce the terms of this Agreement, BESH shall be entitled to recover court costs and reasonable attorney's fees for all proceedings, including at the trial court level, on appeal, and in connection with bankruptcy court proceedings. In the event that BESH retains the services of an attorney to collect from Client any sums due hereunder, BESH shall be entitled to recover from Client all fees and costs incurred with said attorney, whether suit is brought or not.

F. GOVERNING LAW; VENUE:

This Agreement shall be governed by and construed under the laws of the State of Florida. Venue for any proceeding based upon this Agreement shall lie exclusively in the state court of competent jurisdiction in Lake County, Florida.

G. SEVERABILITY:

If any provision of this Agreement is held invalid or otherwise unenforceable, the enforceability of the remaining provisions shall not be impaired thereby but rather this Agreement shall be construed as if not containing the particular invalid or unenforceable provision or provisions and the rights and obligations of the parties shall be construed and enforced accordingly.

H. STATEMENT REGARDING DESIGN PROFESSIONALS (ABSENCE OF LIABILITY).

THIS AGREEMENT HAS BEEN ENTERED INTO BETWEEN CLIENT AND BESH. CLIENT ACKNOWLEDGES AND AGREES THAT THE INDIVIDUAL EMPLOYEES AND AGENTS OF BESH, INCLUDING WITHOUT LIMITATION THE DESIGN PROFESSIONALS WHO ARE EMPLOYEES OR AGENTS OF BESH, ARE NOT PARTIES TO THIS AGREEMENT. PURSUANT TO SECTION 558.0035, FLORIDA STATUTES,

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THE INDIVIDUAL EMPLOYEES OR AGENTS OF BESH (INCLUDING WITHOUT LIMITATION ALL ENGINEERS, SURVEYORS, AND OTHER DESIGN PROFESSIONALS WHO ARE EMPLOYEES OR AGENTS OF BESH), SHALL NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF OR RELATED TO ANY WORK PERFORMED BY SAID EMPLOYEES OR AGENTS PURSUANT TO THIS AGREEMENT.

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
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DATE: May 8, 2018

AUTHORIZATION TO PROCEED

**PROPOSAL FOR CIVIL ENGINEERING SERVICES
AS DESCRIBED IN THE ATTACHED PROPOSAL**


To acknowledge your agreement with the terms and conditions set forth in this Agreement (consisting of the Proposal for Services, the Terms and Conditions, the Hourly Rate Schedule and this Authorization to Proceed), and to provide Booth, Ern, Straughan & Hiott, Inc. (BESH) with Client's authorization to proceed with the work described in the Agreement, please fill out and sign the Authorization to Proceed below and return it to our office. We will schedule the work upon receipt of the executed Authorization to Proceed. The contract prices, hourly rates, and costs for printing and similar expenses set forth in this Agreement shall be valid for ninety (90) days from the date of this proposal. If this Agreement is not accepted by Client within said period of ninety (90) days, BESH reserves the right to modify any and all of the contract prices, hourly rates and cost figures set forth herein.

Retainer Amount: \$ _____

THIS PROPOSAL/AGREEMENT ACCEPTED THIS _____ DAY OF _____, 2018.

Booth, Ern, Straughan & Hiott, Inc.

Client

Signature 

By: Duane K. Booth, P.E.

Title: Principal

Signature _____

By: _____

Title: _____

PROJECT NAME: Utility Rate Study, Fruitland Park, Florida, Lake County
CLIENT: City of Fruitland Park
DATE: May 8, 2018

CLIENT INFORMATION FORM

To assist Booth, Ern, Straughan & Hiott, Inc., to prepare the requested proposal, please complete the information below:

PRINT NAME & TITLE: _____

COMPANY NAME: _____

BILLING ADDRESS: _____

PHONE: _____

FAX: _____

E-MAIL: _____

DATE: _____

CLIENT REPRESENTATIVE: _____

IS CLIENT THE OWNER OF THE SUBJECT PROPERTY?: _____

YES: _____

NO: _____

(If no, Booth, Ern, Straughan & Hiott, Inc., reserves the right to require a retainer prior to commencing services.)

Is the property accessible? If gated/locked, who shall BESH contact to gain access to the property?

NAME AND PHONE NUMBER: _____

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____

April 25, 2018

Mr. Robert A. Ern, Jr., P.E.
Principal
Booth, Ern, Straughan & Hiott, Inc.
902 North Sinclair Avenue
Tavares, FL 32778**Subject: Agreement to Provide Assistance with Utility Rate Study for City of Fruitland Park, Florida**

Dear Mr. Ern:

GovRates, Inc. (GovRates) greatly appreciates the opportunity to submit this agreement to provide assistance with a utility rate study for the City of Fruitland Park, Florida (the "City") as a subconsultant to Booth, Ern, Straughan & Hiott, Inc. (BESH). As you are aware, GovRates is a certified minority-owned business and woman-owned business (MBE / WBE), and we are committed to helping build the best teams for clients.

In accordance with Federal law regarding rate consultants and financial feasibility consultants, GovRates is registered with both the Securities and Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB) as a Municipal Advisor. All GovRates project managers have passed the Municipal Advisor Representative Qualification Examination (Series 50) and, as such, can legally provide recommendations and advice on the structure, timing, and terms of various financing options available to local governments.

Project Manager and Billing Rates

On behalf of GovRates, Bryan Mantz, CMC, CGFM will serve as the Principal-in-Charge and Project Manager for this engagement, and will be the primary contact for GovRates. Mr. Mantz will be responsible for ensuring that the financial and rate work is performed as efficiently as possible, that all project deadlines are met, that all scope of services requirements are fulfilled, and that client expectations are met or exceeded. GovRates anticipates that other employees of the firm will be utilized during the project. The proposed schedule of hourly labor rates for GovRates professionals is shown in the following table:

SCHEDULE OF PROPOSED HOURLY BILLING RATES [*]	
<u>Project Team Member</u>	<u>Hourly Billing Rate</u>
Principal-in-Charge / Project Manager	\$110.00
Senior Consultant	\$70.00
Consultant	\$50.00

[*] Rates are applied to the actual hours worked on the project subject to the not-to-exceed budget.



GovRates considers the project task being performed for clients when determining an appropriate billing rate. For example, all hours spent incorporating budgetary information into a financial model would be billed at the lowest billing rate of \$50.00 per hour regardless of which project team member performed the work.

Travel expenses will be the primary reimbursable direct costs for this project and will be billed based on the currently published Internal Revenue Service (IRS) mileage reimbursement rate (2018 rate = \$0.545 per mile).

Scope of Services

The following is a detailed overview of the major tasks to be performed for the utility rate study. Many of the tasks are interrelated and will be performed concurrently.

DATA COMPILATION AND REVIEW

Task 1: Data Compilation and Review

To perform the utility rate study as efficiently as possible, GovRates will collect as much information as possible at the beginning of the study process. A detailed data request will be prepared for the City to compile information pertaining to the operation of each utility system. Information to be requested will include:

- Utility system operating budgets.
- Historical operating results.
- Multi-year capital improvement program (and estimated funding sources if already prepared).
- Estimates of minor capital outlay (e.g., departmental capital such as vehicles and equipment).
- Master plan reports.
- Debt service schedules and agreements.
- Employee information.
- Additional personnel projections.
- Anticipated changes in operating costs (e.g., due to the construction of master plan projects).
- Cash balances by fund.
- Rate schedules and applicable rate resolutions and ordinances.
- Financial policies.
- Fixed asset details / resource inventory.
- Development activity.
- Assumptions for salary and benefits (e.g., health insurance) increases.
- Projected transfers to the City's General Fund.
- Detailed customer statistics, including statistics for the top ten customers in terms of revenue or usage.
- Level of service standards.
- Liabilities associated with Other Post-Employment Benefits (OPEB).
- Water and wastewater treatment plant capacities and monthly operating reports.
- Water and wastewater line inventories.
- Wholesale service agreements and agreements with other local governments.



GovRates anticipates that follow-up data requests may be required during the course of the study. We have recognized a kickoff meeting to initiate the project; obtain background information; review data requirements; establish management goals and objectives as well as financial policies and targets; recognize key issues to be addressed during the analyses; and identify primary staff members as part of the rate evaluations.

WATER AND WASTEWATER RATE ANALYSIS

Task 2: Historical Customer Statistical Compilation / Bill Frequency Analyses

GovRates will compile historical customer statistics based on reports generated from the City's billing system for up to five (5) years for the water and wastewater systems to evaluate trends in customer growth, billed water sales and wastewater flow, and the average use per customer. GovRates will prepare bill frequency analyses for the Fiscal Year 2017 customer statistics to identify water and billed wastewater flow characteristics in support of the determination of the existing and possible alternative customer billing and use attributes so that we can: i) identify and validate the City's rate structure billing determinants and more accurately project user fee revenues; and ii) evaluate potential or alternative changes in rate structures. GovRates will request from the City detailed individual customer billing data from the utility billing system and develop bill frequency analyses. These analyses will include an evaluation of billed water use for every customer by customer class, meter size, and rate structure component to identify water use profiles for each customer class. This analysis will provide GovRates with the ability to explore alternative rate structures. Usually, a "data dump" of customer statistics in Excel format for a recently completed fiscal year provides the necessary detail to perform the bill frequency analyses.

GovRates will apply the customer statistics and bill frequency information to the City's rates for the historical period to derive revenue totals. Ideally, a revenue total should reconcile within 2% of the City's reported totals. If the revenues reconcile within the acceptable limits, GovRates will have assurance that the detailed financial model would provide a reasonable platform from which to make customer and revenue projections.

Task 3: Projected Customer Statistics, User Rate Revenues, Other Operating Revenues, and Impact Fee Collections

GovRates will prepare a forecast of customers and usage requirements by class for the individual water and wastewater utility systems. The forecast shall include the Fiscal Year 2018 (the current budget year) and extend through the Fiscal Year 2023 (collectively, the "Forecast Period"). This task will include a review of:

- Historical growth and usage trends.
- Development activity.
- Any utility service area growth estimates prepared by the City.
- Any published population projections for the City.

The bill frequency analyses previously described will be applied to historical and projected customer statistics to project user fee revenue.



Based on the detailed customer billing information and corresponding forecast of customer growth and use, GovRates will develop user rate revenue projections for the Forecast Period. The revenue forecast will also include projections of operating revenues other than user rate revenues (e.g., meter installation charges), capital charge / impact fee collections, and interest income (both unrestricted and restricted based on statutory and case law and as defined in any documents associated with the City's borrowings).

Task 4: Development of Projected Revenue Requirements

GovRates will prepare a financial projection of the net revenue requirements for both the water and wastewater system that represent the funding requirements derived from the user fee revenues. GovRates will consider:

- Recent historical financial operations.
- Budgeted operations and maintenance expenses.
- Any expected cost trends or incremental operating expenses anticipated due to future plant additions, upgrades due to regulatory requirements, and other investments included in the multi-year capital improvement plan.
- Multi-year capital improvement program and projected funding sources.
- Any other funding criteria as provided by the City and its consulting engineers.
- Other non-operating revenue requirements such as interfund transfers, debt service, renewal and replacement funding requirements, and any developer contributions.

GovRates will work with the City staff to evaluate and recommend minimum reserve fund balances and policies related to financial performance.

Development of Operating Expense Projections – Operating expense projections will be prepared for both the water and wastewater systems and will be performed in sufficient detail to capture the driving factors behind each expenditure and to recognize any incremental operating expenses as mentioned previously. The operating expenses are anticipated to be projected in budgetary format. Major cost categories include personnel salaries and benefits; utilities; chemicals; wholesale service charges; and sludge disposal.

Capital Improvement Program Funding Analysis – This analysis involves: i) reviewing in detail the multi-year capital improvement program and other engineering planning documents for the water and wastewater system; and ii) performing a funding analysis to identify available sources of funds for financing of the capital improvement program and the estimated level of utility rate revenues needed throughout the Forecast Period. The analysis will also include the development of a flow of funds analysis to evaluate cash flow balances in each specific fund of the water and wastewater system and to estimate interest income earned on unrestricted and restricted fund balances.

A component of the capital improvement program funding analysis will be the identification of a renewal and replacement funding policy or funding plan for the Forecast Period which will be included as: i) a component of the revenue requirements to be recovered from rates; and ii) a source of funds for the capital improvement program funding analysis. The ultimate funding level reflected in revenue sufficiency analysis will depend on a variety of factors, including but not limited to: i) compliance with the rate covenants pursuant to the bond resolution / loan documents; ii) rate impacts; iii) overall capital program needs; and iv) current asset service lives.



Other Revenue Requirement Identification – In order to meet the financial obligations of the City's water and wastewater systems, GovRates will review the financial aspects of each utility system to potentially recognize other revenue requirements that may need to be allocated or included in the rate analysis. We will assist in the identification of fiscal benchmarks and policies / practices in terms of:

- Working capital maintenance.
- Funding of deposits to the renewal and replacement fund (or capital fund equivalent).
- Compliance with the rate covenants as defined in bond resolution.
- Funding of departmental capital for items such as vehicles and equipment.
- Any General Fund or other transfer requirements that may be associated with the respective utility systems.
- Developer subsidization and payments as applicable.

Task 5: Net Revenue Requirements / Revenue Sufficiency Analysis

Based on the preceding tasks, GovRates will prepare for the City's consideration a summary of the total net revenue requirements of the water and wastewater systems and the associated revenue levels and recommended adjustments – expressed as a percentage above the revenues produced from the existing rates – needed for each year of the Forecast Period.

GovRates will prepare a management dashboard as part of the financial model development to allow the City to analyze the forecasted financial position of each system to evaluate funding and rate scenarios to determine potential risks and business strategies for each system. The management dashboard will graphically represent financial and operational metrics that add value to the presentation of the utility rate analysis results.

A meeting will be held with the City staff to present the results of the initial study findings and results.

Task 6: Rate Covenant Compliance Review

This task will be conducted to satisfy the rate covenant requirements and the flow of fund requirements as defined in any borrowing documents associated with outstanding and anticipated / projected system debt. The compliance analyses will be performed for the Forecast Period to promote the financial integrity of the utility systems.

Task 7: Water and Wastewater User Rate Design and Customer Impact Analysis

GovRates recognizes that ratemaking involves designing rates that balance potentially conflicting objectives (e.g., revenue stability vs. low income affordability) in a manner that reflects community values. The GovRates team will work with the City to determine and develop an appropriate schedule of rates and charges while ensuring that any rates and charges are "just and equitable" in accordance with statutory and case law.

For each applicable year of rate design, GovRates will classify the various revenue requirements among the fixed (base / extra capacity method), volumetric, customer, and other specific cost categories to assist in the evaluation of cost-based rates and overall cost recovery strategies. Cost allocation factors may be based on:

- Peaking relationships of customer usage or treated flows.
- Classification or functionalization of system assets.



- Revenue classifications.
- Employee salaries and functions.
- Line inventories (e.g., transmission vs. distribution or collection).
- Customer usage by class.
- Functionalization of projects financed with existing and projected debt issues.
- Other factors.

GovRates will design rates for service based on:

- Bill frequency and cost classification analyses.
- Consideration of historical rate form.
- Customer impact (based on frequency of bills rendered / customers served).

Issues such as water conservation and application of the water conservation surcharge, wastewater billing caps on individually-metered residential service, customer capacity relationships (base facility charges by meter size), City general rate policy, and other identified issues will be considered in the rate design process. Revenue stability, affordability, competitiveness, and avoiding "rate shock" will also be key considerations for the rate design.

Task 8: Water and Wastewater Rate Comparisons

GovRates will work with the City staff to finalize a list of comparable utilities to include in the rate comparisons. We will also collect other information that might be useful for comparison purposes (e.g., level of service standards, sources of supply and treatment processes, asset base, number of customers, etc.).

Task 9: Review of Water and Wastewater Capital Charges / Impact Fees

A review of the water and wastewater capital charges / impact fees will be conducted to ensure that such charges are reasonable representations of the proportionate capital costs of providing capacity to growth. The capital costs of existing facilities with capacity available to serve growth, as well as the costs of any new facilities that provide additional capacity or system upgrades, will be identified. In addition, the level of service standards and the method of applying the charges will be reviewed to ensure that the City's water and wastewater capital charges / impact fees meet the rational nexus criteria established by Florida case law as well as the statutory requirements of Section 163.31801 of the Florida Statutes, known as the "Florida Impact Fee Act."

Task 10: Review of Miscellaneous Service Charges

A review of miscellaneous service charges will be conducted to determine whether such charges recover the cost of providing service. The review of the miscellaneous service charges will include charges such as meter connection fees, activation fees, customer deposits, turn-on/off fees, etc. The cost analysis will include labor, supplies / materials, vehicles and equipment charges, and allowances for direct and indirect overhead. GovRates will work with the City staff to identify revenue enhancement opportunities and possibly develop additional fees and charges.



STORMWATER UTILITY FEE ANALYSIS

Task 11: Review of Stormwater Utility Fee

In accordance with Section 99.120 of the City's Code of Ordinances, the City started charging a monthly stormwater fee to each developed property on October 1, 2011. GovRates will work with the City staff to determine City goals and objectives pertaining to this fee and develop recommendations on the fee amount. GovRates will prepare a comparison of how this fee compares to fees of other stormwater utilities. A total of 14 hours of time for GovRates professionals has been budgeted for this task.

REPORT, BRIEFING DOCUMENT, AND RESOLUTION / ORDINANCE ASSISTANCE

Task 12: Report and Presentation

GovRates will prepare: i) a comprehensive report documenting our assumptions, analyses, and primary data sources; and ii) a briefing document (PowerPoint presentation) to summarize the study results for presentation to the City Commission.

Task 13: Rate Resolution / Ordinance and Executive Summary Review

GovRates will review the rate resolutions or ordinances prepared by the City attorney in association with the utility rate analysis as well as the executive summaries prepared by City staff for consistency with the recommendations.

MEETINGS

All Tasks: Onsite Meetings

During project activities, it is recognized in this scope of services and cost estimate that representatives of GovRates will attend up to five (5) onsite meetings with the City that may include presentation of study results to the City Commission. The following table summarizes the onsite meetings anticipated under this scope of services.

Description	Number of Meetings
Project Kickoff / Data Collection Meeting	1
Review Meetings	2
Presentations to City Commission	2
 Total Number of Onsite Meetings	 <u>5</u>

GovRates has assumed that additional meetings will be conducted via WebEx or GoToMeeting to review study assumptions, progress, and results.



LIST OF DELIVERABLES

The anticipated deliverables to be provided to the City during the course of the utility rate study include the following items:

- Initial data request for information compilation.
- Summaries of study results for City staff review, including revenue requirements analysis and proposed utility rates.
- Rate comparison of existing and proposed rates and fees with those of other jurisdictions.
- Comprehensive report providing the assumptions, findings, and conclusions of the analysis – drafts and final.
- Briefing document for presentation of analysis results to the City Commission.

City Staff Assistance

As with any major study performed for a public enterprise, GovRates would request that the City staff provide assistance to GovRates to enable us to complete the utility rate study on a timely basis. The following is a list of the tasks anticipated to be performed by the staff of the City:

1. Gathering customer, operational, and facility data and information relative to the utility rate study as contained in the initial data request and any follow-up data requests.
2. Performing certain analyses relative to the compiling of data if not in a usable format in general records and reports of the City. Sometimes customized reports must be generated from the City's billing system.
3. Providing assistance in the formulation of policy or strategy decisions relative to the development of the financial forecast, revenue sufficiency analysis, and rate alternatives. Rate phasing alternatives and capital project prioritization may need to be considered.
4. Reviewing GovRates analyses, reports, and other deliverables provided to the City during the utility rate study.



Additional Services

During the course of the study, BESH and the City may request additional services from GovRates related to the performance of this project. Such services will not be conducted unless authorized by BESH and the City. All invoices for additional services will be billed to BESH and the City based on the hourly rate schedule of GovRates professionals as identified in this agreement. Although no additional services are anticipated for this engagement, examples of additional services are as follows:

1. Attendance of additional onsite meetings above what is contemplated in this agreement.
2. Delays in the project schedule that are not the fault of GovRates that may require additional work beyond the scope of services planned.

To the extent additional services are performed by GovRates for this project but the total cost of the study, including the additional services, does not exceed the budgeted cost of the study, no additional services will be billed.

Proposed Not-to-Exceed Budget and Level of Service

GovRates proposes to establish a not-to-exceed budget for providing assistance the City's utility rate study of \$19,800, which includes five (5) onsite meetings and travel expenses. This cost estimate was derived by applying the estimated hours for each project task to our proposed hourly billing rates. The project cost estimate assumes a level of service of 257 total hours to complete the project at an average hourly rate of \$75.76 per hour. The detailed cost estimate is attached to this agreement as Attachment A.

Project Term

The term of this agreement and associated billing rates for GovRates professionals shall be in effect through December 31, 2018. If the City and BESH could provide the data we need on a timely basis, GovRates should be able to provide a quick turnaround for the utility rate study. We will work with the City and BESH to formalize the project tasks that need to be accomplished and the corresponding milestones and deadlines.

Liability Insurance

Copies of the GovRates ACORD liability insurance forms are included with this agreement.



Acceptance of Agreement

Authorized signatures for both parties:

GovRates, Inc.

Jenny Mantz
Chief Executive Officer

Booth, Ern, Straughan & Hiott, Inc.

Authorized Signature

Title

Date

Attachments:

1. Attachment A: Project Cost Estimate.
2. GovRates ACORD liability forms.



Attachment A

City of Fruitland Park, Florida

Project Cost Estimate for Providing Assistance with Utility Rate Study



Line No.	Description	Principal-in-Charge / Project Manager	Senior Consultant	Consultant	Totals
1	Project Billing Rates (\$/Hour)	\$110.00	\$70.00	\$50.00	
Data Compilation and Review					
2	Task 1: Data Compilation and Review	2	4	8	14
Water and Wastewater Rate Analysis					
3	Task 2: Historical Customer Statistical Compilation / Bill Frequency Analyses	4	8	16	28
4	Task 3: Projected Customer Statistics, User Rate Revenues, Other Rate Revenues, and Impact Fee Collection	4	4	8	16
5	Task 4: Development of Projected Revenue Requirements	4	8	8	20
6	Task 5: Net Revenue Requirements / Revenue Sufficiency Allowance	4	8	8	20
7	Task 6: Rate Covenant Compliance Review	1	2	0	3
8	Task 7: Water and Wastewater User Rate Design and Customer Impact Analysis	2	4	8	14
9	Task 8: Water and Wastewater Rate Comparisons	2	2	8	12
10	Task 9: Review of Water and Wastewater Capital Charges / Impact Fees	4	8	12	24
11	Task 10: Review of Miscellaneous Service Charges	4	8	16	28
Stormwater Utility Fee Analysis					
12	Task 11: Review of Stormwater Utility Fee	2	4	8	14
Report, Briefing Document, and Resolution / Ordinance Assistance					
13	Task 12: Report and Presentation	24	4	4	32
14	Task 13: Rate Resolution / Ordinance and Executive Summary Review	2	0	0	2
Onsite Meetings (All Tasks)					
15	Project Kickoff / Data Collection Meeting	6	0	0	6
16	Review Meetings (2 Meetings)	12	0	0	12
17	Presentation to City Commission (2 Meetings)	12	0	0	12
18	Total Hours	89	64	104	257
19	Direct Labor Cost	\$9,790	\$4,480	\$5,200	\$19,470
20	Travel - Five (5) Onsite Meetings; 105 Miles Roundtrip; IRS 2018 Mileage Reimbursement Rate of \$0.545 Per Mile				\$286
21	Total Project Cost (Rounded)				\$19,800
22	Total Direct Labor Cost				\$19,470
23	Total Direct Labor Hours				257
24	Average Hourly Billing Rate				\$75.76

Scope of Services

Provided herein is a detailed description of the scope of work anticipated to complete the Water and Wastewater Rate Study. The proposed scope of work is intended to develop a 5-year rate and capital planning model that will include estimated rate impacts, and provide a review process that will allow the City to accomplish the changes in rates and policies necessary to recover costs equitably, and remain financially strong.

Phase 1 – Data Collection and Review

Task 1.1 – Data Collection. The City will be provided with an initial list of basic data needed to conduct the study. The data request may include, but not be limited to, items such as financial and operating data, customer account and billing data, reports prepared by others, budgets, audits, capital improvement programs, official bond statements, debt service schedules, ordinances, previous rate studies, City codes and policies.

Task 1.2 – Data Review. The data will be reviewed for completeness and to ensure a sufficient understanding of historical utility operations. The data collection and review process will be ongoing throughout the process as the need for additional information arises.

Phase 2 – Revenue Requirements and Rate Determinants

Task 2.1 – Historical Billing Data Analysis. The data request document will provide instructions for the development of historical customer billing information. It is anticipated that the billing information will be provided in a format necessary to summarize the water and wastewater system accounts and billable flows by customer class for a recent historical period for which audited revenues exist. The customers and flows provide the basis on which operating revenues are derived and are therefore the primary factors utilized in reviewing the user rates and charges. As such, the historical billing data provides an important basis for analyses that will be used to develop assumptions for projecting revenues under existing and/or proposed rates. Given the critical nature of this task, the Project Team will work closely with assigned staff members to ensure that the customer and flow data is as accurate as possible.

Task 2.2 – Customer and Flow Projections. The water and wastewater system accounts and respective billable flows will be forecasted for a 5-year planning period. Such projections will be developed by considering historical growth trends, peak demands, climatological patterns, local economic conditions, potential for adding/losing major utility customers, changes in customer class usage patterns over time, and experienced judgment. The billable flow projections will be based on the projected number of utility accounts and a usage per account analysis to differentiate the historical effects of account growth and increased (decreased) average usage by customer class.

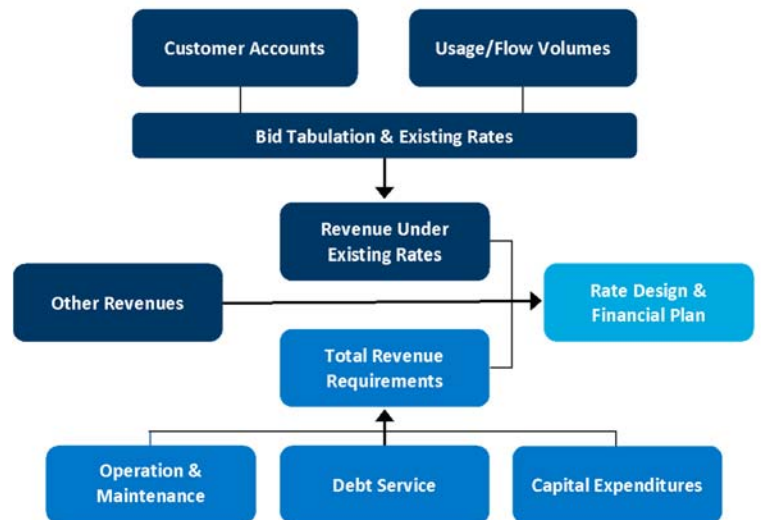
Task 2.3 – Projected Revenues Under Existing Rates. Projections of utility system revenues under existing rates for the five-year planning period will be developed separately for water and wastewater, recognizing projected accounts, flow volumes, and usage patterns by customer class (as determined in the billing analysis under the previous tasks). Such revenue projections will assume that the existing user rates and rate structures remain constant at the existing levels.

Task 2.4 – Miscellaneous Revenue Projections. The revenues to be generated from other existing sources, including such items as connection fees, late fees, interest earnings, plan reviews, service shut-offs and other miscellaneous service charges, will be projected for the planning period. It should be noted that prior to projection, each ancillary revenue source will be reviewed for a general level of reasonableness based on standard cost-of-service principles and concepts. Such other revenue sources are important for determining the net level of future revenues to be generated from user rates and charges. If the analysis identifies other potential areas for service and system charges, such information will be communicated to staff.

Task 2.5 – Projected Revenue Requirements. Revenue requirements (i.e. system expenditures) will be developed separately for the water and wastewater systems based on an analysis of historical, currently budgeted, and anticipated operating and capital expenditures. The revenue requirements will be projected on a fiscal year cash flow basis, taking into account expected operational changes, changes in staffing or operating expenditures for new facilities, system growth occurring from new development, anticipated extraordinary expenses, and allowances for inflation. The projections will include, but not be limited to, the following:

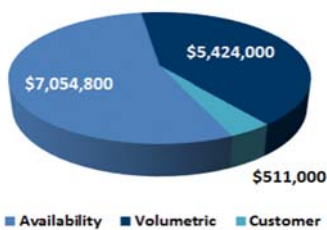
- Operation and maintenance expenses;
- Evaluation of the cost of wholesale water purchases from Lincolnton;
- Outlay for annual capital additions and replacements;
- Debt service and reserve requirements on existing and anticipated debt instruments;
- Transfers to fund major capital improvements; and
- Other expenditures and transfers.

Task 2.6 – Projected Operating Results Based on Existing Rates. The projected revenues and revenue requirements will be summarized into a 5-year cash flow statement providing the projected operating results of the water and wastewater systems under the existing rates. The cash flow statement will be used to estimate annual adjustments in utility revenues necessary to fund operating and capital expenditure requirements, meet bond covenant requirements, and maintain prudent utility management practices. The estimated timing and magnitude of future debt issues required, if any, to finance proposed capital improvements will also be shown. Concurrent with the development of the projected operating results, the study will review the general financial health of the utility operations and, as necessary, make recommendations for changes in fund balances, reserves, and debt service coverage ratios to maintain financial integrity and a stable bond rating. The graphic that follows demonstrates the general rate study methodology and major components of the rate process.



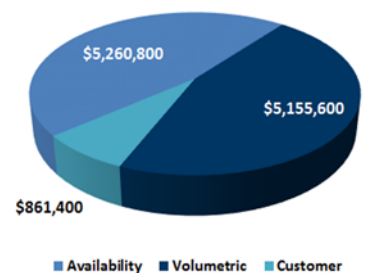
Task 3.1 – Functional Cost Allocations. The analysis will allocate the Test Year revenue requirement (i.e. costs of providing service) to the various cost/rate components that constitute functional classifications of the types of service provided. The functional cost allocations will evaluate such aspects as fixed costs, customer related costs and volumetric/usage related costs. The evaluation of allocation factors associated with applicable costs will be based on existing rate structures applied by the City, meter size, rate structures applied

Allocation of Revenue Requirements Wastewater System



by other comparable utility systems in the region, common industry practice and standard rate-making principals.

Allocation of Revenue Requirements Water System



Task 3.2 – Determination of Revenue Adequacy. Comparisons of revenues under the existing water and wastewater rates with the allocated costs of service will be evaluated in order to determine the degree of cost recovery by the various cost components, and to identify areas that may possibly require adjustments to align the revenues from each rate component with the allocated costs.

Phase 4 – Rate Analysis and Design

Task 4.1 – Evaluation of Existing Rate Structure. The existing rate structure will be further evaluated for its effectiveness in equitably recovering costs of utility service from each customer class. The City's current rate tier structure will be evaluated and recommendations will be made for potential improvements to the current rate blockings. The City's current base fees will also be evaluated for appropriateness. As part of the rate design process, the Project Team will discuss with departmental staff the current trends and philosophies in utility rate-making. Based on these discussions, the analysis will develop and recommend a rate design and philosophy that best meets the objectives of the City. The analysis model will be developed in a dynamic manner allowing the City to compare alternative "lump sum/one-time" rate increases versus annual incremental/phasing adjustments to achieve the same funding goals. Basic standards for rate design accepted by the industry are:

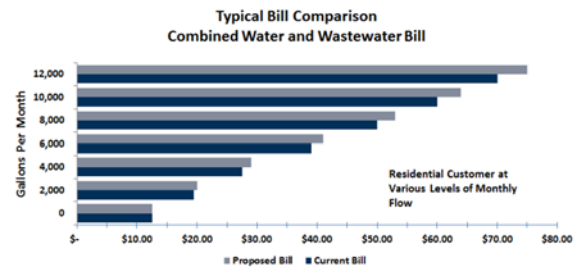
- **Full Cost Recovery** – rate revenue should provide sufficient income so that, when combined with other sources of funds, covers all the funding requirements for the system including, all current long-term liabilities, debt obligations and future expansion-related and R&R-related capital needed to replace aging and infrastructure.
- **Fairness and Equity** – based on cost responsibility as reflected in cost-of-service allocations, in accordance with industry standards.
- **Technically Defensible** – apply industry proven standards and methodologies to help shield the City from potential legal challenges associated with the proposed utility rates.
- **Resource Conservation** – under conditions of scarcity, the pricing of water as a commodity should promote voluntary conservation, discourage unnecessary service use and extend the availability of supply.
- **Administrative Efficiency** – rates should be understandable to customers and efficiently administered by staff.
- **Customer Acceptance** – customers understand the rates, view them as fair, and consider them to be reasonable compared to other costs and other utilities.
- **Public Health and Welfare** – rates are structured so that essential service usage is encouraged through affordability.

Task 4.2 – Rate Structure Alternatives. The rate model spreadsheet will be developed in a dynamic manner such that the Project Team and City staff will be able to analyze "what if" scenarios detailing the financial impacts under each scenario utilizing an iterative dashboard view. Baseline rate structures will be recommended as required to fund water and wastewater systems, and consider annual inflationary, indexed adjustments to rates as needed to maintain each utility. Alternative rate structure scenarios will also be identified and the financial impacts associated with fluctuations in customer growth, planned capital expenditures and/or implementation of mandated regulatory requirements will be estimated. The rate structure alternatives will include both "base and volumetric charges" and will be developed to recover the projected revenues needed to fund utility operations, recognizing equitable cost recovery by customer class, establishing reasonable recovery of costs from existing and new utility customers, and complying with applicable regulations and policies. Any alternative rate structures will be based on common

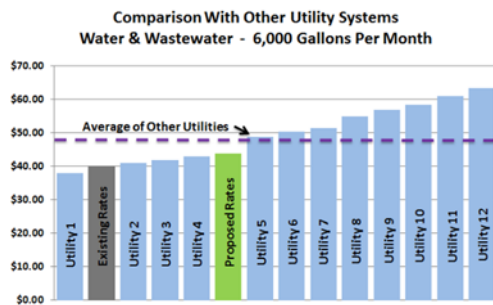
industry standards and will be consistent with the City's goals and objectives regarding the water and wastewater systems.

Task 4.3 – Projected Operating Results Based on Proposed Rates. The proposed user rates and/or rate structures will be applied to the projected customers and flows in order to estimate the revenues to be generated from the proposed rates for the Test Year and the subsequent years of the projection period. The projected revenues will consider possible elasticity effects associated with changes in usage characteristics that may occur from revising the rate structure. In addition, similar to the process described in Phase 2, the 5-year forecast will identify annual adjustments in utility system revenues necessary to meet bond covenant requirements, prudent management practices, and/or sound capital financing considerations.

Task 4.4 – Typical Bill Comparison. Comparisons of typical utility bills under the existing and proposed rates will be developed for each customer class under various levels of usage. The selected customer class usage levels will reflect the results of the billing analysis so as to better demonstrate rate impacts on typical customer accounts in each class.



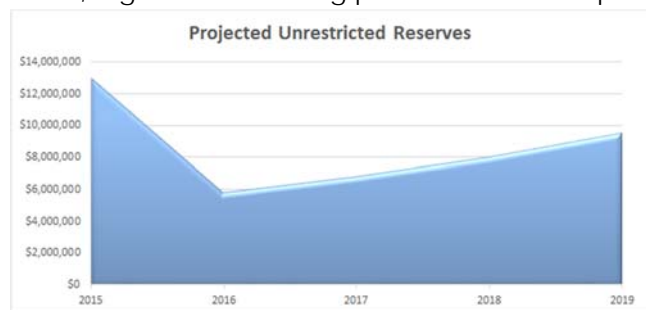
Task 4.5 – Neighboring Utility Comparison. A comparison will be prepared to assess the difference between the existing and proposed rates of the City with those of other comparable municipal utility systems in the same geographic region.



Phase 5 – Capital Financing Analysis

Task 5.1 – Review Capital Improvement Program (CIP). The City's existing utility system five-year CIP will be reviewed in conjunction with conversations with City staff. The objective of such a review is to gain an understanding of the types of projects scheduled; the timing associated with such projects, associated expenditure requirements and the sources of funding each project. The results of the financial plan will also help the City to prioritize projects identified within the CIP.

Task 5.2 – Develop Capital Financing Plan. Based on the findings made in the previous task and the Projected Operating Results described in Task 4.3, a general financing plan will be developed to provide for the anticipated capital expenditure activities, including debt issuances, relative to the CIP. Such a financing plan will include consideration for the use of restricted and unrestricted funds, surplus operating reserves, capital recovery fees, and future rate adjustments. The analysis will also develop a projection of reserve fund balances and level of liquidity.



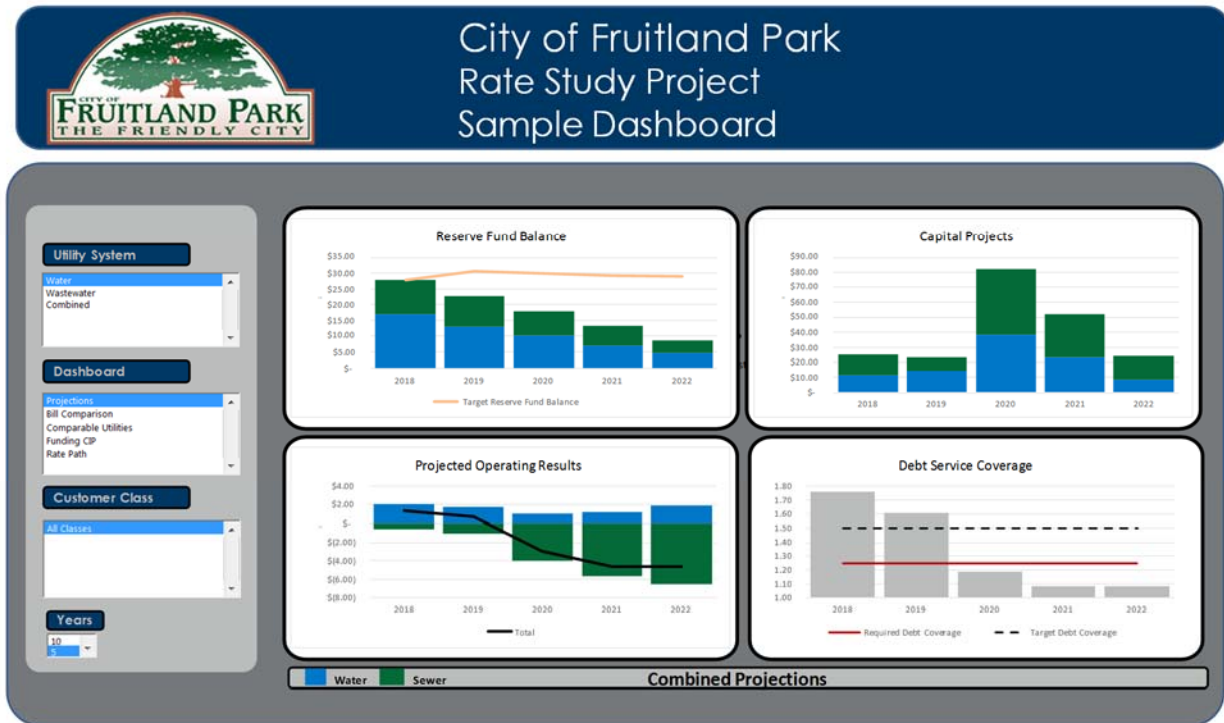
Task 5.3 – Capital Funding Model. The CIP will drive the future funding options and will directly impact rates. Therefore, the rate analysis will incorporate the City’s current five-year CIP. The rate model will have the ability to run various CIP funding scenarios and quickly show the estimated impact on utility rates.

Phase 6 – Reports and Deliverables

Task 6.1 – Preliminary Draft Report. A draft report will be developed to address the study findings and the proposed recommendations. Contents will also include assumptions relied upon for the projection of customers and usage characteristics, revenue requirements, revenues, operating results, the cost recovery profile for each class, the results of the fully allocated cost of service analyses and any proposed adjustments to the utility rates. Upon completion, an electronic PDF copy of the draft report will be provided to staff for review.

Task 6.2 – Final Report. Based on comments received from staff and other participants during the presentation of the Preliminary Draft Report, the Final Report will be revised to incorporate the agreed upon changes. Upon completion, an electronic PDF copy of the Final Rate Study Report, as well as the Dashboard Model spreadsheet will be provided to the City.

Task 6.3 – Rate Model Dashboard. The study will include the development of a spreadsheet model in Microsoft Excel and will be developed in such a way as to project cash flows over the 5-year projection period by allowing “what-if” scenarios by varying rates, target reserve fund balances, debt service coverage targets, operating expense and capital cost assumptions. The model will have a user-friendly dashboard with interactive graphics that automatically produce a suite of reports and graphs as inputs or assumptions are changed.



Phase 7 – Meetings and Presentations

Task 7.1 – Project Kick-Off Meeting. An initial kick-off meeting will be scheduled with City staff at the start of the project to discuss project requirements, finalize project scheduling/milestones and reporting requirements, and receive overall project direction. This meeting will provide the

opportunity to review current water and wastewater rates, fees, charges, issues and deficiencies with staff. The meeting is part of the Phase 1 activities and will help ensure that the project objectives are clearly defined and understood by all parties.

Task 7.2 – Project Progress Web Conferences. During the course of the project, and prior to meetings with the City Commission, team web conferences will be scheduled to present the progression of the analysis to staff in order to obtain input and feedback associated with any rate adjustments that may be presented. These web-meetings will assist in the completion of rate design for the utility systems and guide the development of the draft report.

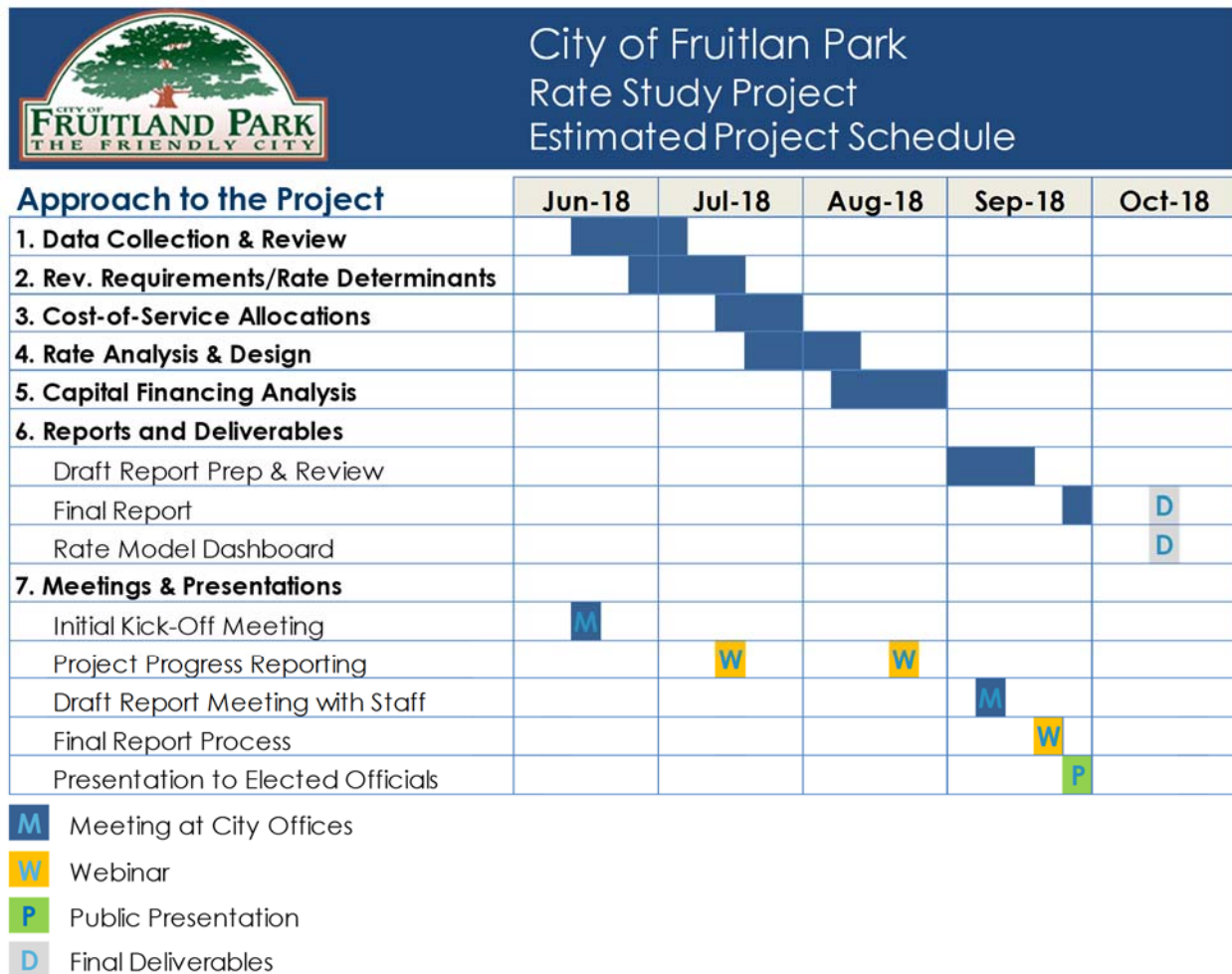
Task 7.3 – Draft Report Meeting. The results of the Preliminary Draft Report will be presented to City Staff and/or committee for comments.

Task 7.4 – Final Report Meeting/Public Hearing. The results of the Final Report will be presented to the City’s elected officials during a public hearing where the recommended water and wastewater rates/structures are to be considered. The Project Manager, Mr. Daryll Parker will be present to address any questions or concerns raised during the public hearing.

Schedule

Anticipated Timeline for Completion of Study

The project schedule below shows the estimated timeline for completion of the Rate Study project. It is anticipated the project will begin in June 2018 and will conclude in October 2018. The actual timeline may be altered and/or finalized during the initial kick-off meeting based on the needs of the City.



Proposed Project Fees

The fees proposed are reflective of our belief and commitment of providing high quality, cost-effective consulting services to our clients. This is accomplished by utilizing a fixed fee approach based on a defined scope of services, and not requesting change orders or budget amendments unless additional services are requested by the client. Based on the general work plan described in the Scope of Services, the firm proposes **a fixed fee of \$35,000**. However, this fee may be increased or decreased depending on the finalization of the scope and the number of meetings.

Esther Coulson

From: Gary La Venia
Sent: Thursday, September 13, 2018 8:36 AM
To: Esther Coulson
Subject: FW: Fruitland Park Rate Study
Attachments: BESH Proposal - executed.pdf; Wildan Financial Services Proposal.pdf; DRAFT GovRates BESH Fruitland Park Agreement 04_25_2018.pdf

Please see attached

From: Dale Bogle
Sent: Thursday, September 13, 2018 6:08 AM
To: Gary La Venia <glavenia@fruitlandpark.org>
Subject: FW: Fruitland Park Rate Study

Is this all Esther needs?

From: Duane Booth [<mailto:duanebooth@besandh.com>]
Sent: Wednesday, September 12, 2018 3:40 PM
To: Dale Bogle; Gary La Venia
Subject: FW: Fruitland Park Rate Study

Gary,

Here is the executed proposal for the Rate study for your records, I am going to send you a new one with language about stormwater rates are included.

As you can see most of the work is by the Financial consultant, BESH supports the financial study by coordinating with the city on the information gathering, Estimating costs, and short term improvements that may add to the operating costs.

We did get 2 proposals from 2 firms we have worked with in the past, GovRates was significantly less expensive so we selected them as our sub consultant.

You have their experience resume already. We have worked with Mount Dora, Tavares, Umatilla and Minneola in the past assisting with Rate Studies, as I stated, the rate study is performed by a Financial Company such as GovRates, BESH only provides engineering assistance.

Another item I would like to note, whether we start the Capital improvement plan updates now or later, we will need to identify capital improvements that are planned short term that will add to the operating budget of Utilities. Usually rate studies are done in conjunction with the Capital improvement plan updates so short term and long term improvements are identified. Long term improvements programmed over 5 years are typically not included in a rate study.

Duane K Booth, PE

Booth Ern Straughan & Hiott, Inc.

902 N Sinclair Ave

Tavares, Florida 32778

352-343-8481 (office) 352-267-4435 (cell)

duanebooth@besandh.com

Good...Better...**BESH!**

From: Mike Scullion
Sent: Monday, September 10, 2018 10:22 AM
To: Duane Booth <duanebooth@besandh.com>
Subject: Fruitland Park Rate Study

Duane,

Attached is the executed proposal, the proposal from Willdan Financial Services, and the proposal from GovRates. We have worked with Bryan Mantz of Gov Rates in Umatilla and Mount Dora. Please let me know if you need additional information.

Thanks,
Mike

From: Amy Malone
Sent: Monday, September 10, 2018 10:14 AM
To: Mike Scullion <msscullion@besandh.com>
Subject: COFP proposal

Amy S. Malone
Administrative Assistant
Booth, Ern, Straughan & Hiott, Inc.
902 N. Sinclair Avenue
Tavares, FL 32778
352-343-8481 Phone
352-343-8495 Fax

Good...Better...**BESH!**





**AGENDA ITEM
NUMBER**
5g

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2018-020 Parking Violations Traffic Rules		
For the Meeting of:	September 13, 2018		
Submitted by:	City Attorney		
Date Submitted:	September 7, 2018		
Are Funds Required:		Yes	X No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	Yes		
<p>Description of Item: The Police Department requested revisions to the City’s Traffic Code to provide for hearings in County Court and to more closely resemble provisions from the Town of Lady Lake Code. A lot of language about citations and traffic court that was desired was already contained in the City’s Code. I reviewed some other codes from cities and added some additional prohibitions. Former Chief Fewless approved of the changes and made Interim Chief Luce aware of the ordinance. Interim Chief Luce is working with the Clerk of Court to establish the process to carry out the provisions of the ordinance.</p> <p>At second reading a resolution adopting fines, if necessary, will be presented for the Commission’s consideration.</p>			
Action to be Taken			
Staff’s Recommendation:			
Additional Comments:			

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

ORDINANCE 2018-020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTERS 70 AND 71 OF THE CODE OF ORDINANCES RELATING TO TRAFFIC CONTROL AND TRAFFIC RULES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has certain responsibilities for the public health, safety and welfare within the municipal limits; and

WHEREAS, Chapter 166, Florida Statutes, authorizes municipalities to adopt ordinances to protect the citizen's health, safety and welfare, in exercise of the City's police power; and

WHEREAS, the City is further authorized to adopt regulations supplemental to and not in conflict with Chapters 316, and 318, Florida Statutes, also known as the "Florida Uniform Traffic Control Law" and "Florida Uniform Disposition of Traffic Infractions Act."

WHEREAS, the City Commission has determined that it is in the best interests of the City to regulate traffic within the City; and

WHEREAS, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance; and

WHEREAS, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Amendment to Chapter 70. Chapter 70 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

CHAPTER 70. - GENERAL PROVISIONS

Sec. 70.01. - Florida Uniform Traffic Law adopted by reference.

~~Chapter 316 of the Florida Statutes, same being the "Florida Uniform Traffic Law," is hereby adopted by the city. Each and every provision of the "Florida Uniform Traffic Law" is hereby included by reference and adopted for and to apply within the city. However, whenever a provision of this code of ordinances is inconsistent with state law, the provisions of state law shall prevail. This chapter is enacted pursuant to the authority granted by Sections 316.008, and 318.325, Florida Statutes, and shall be deemed supplemental to and not in conflict with Chapters~~

316, and 318, Florida Statutes, also known as the “Florida Uniform Traffic Control Law” and “Florida Uniform Disposition of Traffic Infractions Act.”

~~(1969 Code, § 23-~~

Sec. 70.02. – Authority to enforce.

It is the duty of the officers of the police department under the direction of the chief of police, to enforce all traffic ordinances of this city and traffic laws of the State of Florida.

~~Chief of police to be traffic engineer.~~

~~The Traffic Engineer shall be the chief of police unless another person is designated by the mayor.~~

~~(1969 Code, § 23-3)~~

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~~Sec. 70.03.— Powers and duties of chief of police.~~

~~(A) The provisions of this chapter shall not be deemed to prevent the chief of police, by and with the consent of the mayor, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:~~

- ~~(1) Regulating or prohibiting stopping, standing, or parking;~~
- ~~(2) Regulating traffic by means of police officers or official traffic control devices;~~
- ~~(3) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within the boundaries of the city.~~
- ~~(4) Designating particular highways or roadways for use by traffic moving in one direction;~~
- ~~(5) Establishing speed limits for vehicles in public parks;~~
- ~~(6) Designating any street as a through street or designating any intersection as a stop or yield intersection;~~
- ~~(7) Restricting the use of streets;~~
- ~~(8) Regulating the operation of bicycles;~~
- ~~(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;~~
- ~~(10) Altering or establishing speed limits within the provisions of F.S. Ch. 316;~~
- ~~(11) Requiring written accident reports;~~
- ~~(12) Designating no-passing zones;~~
- ~~(13) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic;~~
- ~~(14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;~~
- ~~(15) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the state department of transportation;~~
- ~~(16) Designating and regulating traffic on play streets;~~
- ~~(17) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk;~~
- ~~(18) Regulating pedestrian crossings at unmarked crosswalks;~~
- ~~(19) Regulating persons upon skates, coasters, and other toy vehicles;~~
- ~~(20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;~~
- ~~(21) Enacting ordinances or erecting signs in the rights of way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within the boundaries of the city; and~~

- (22) ~~Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of F.S. Chs. 316 and 318.~~
- (B) ~~The city, through its duly authorized officers, shall have nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of F.S. Ch. 316 when a violation occurs within the city and the person so charged is charged by a police officer of the city. The disposition of such matters in the city shall be in accordance with this city's charter.~~
- (C) ~~The city shall not erect or maintain any official traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the state department of transportation.~~
- (D) ~~The city may enact an ordinance providing a fine for the violation of F.S. § 316.1955 or 316.1956 in excess of the fine specified by F.S. § 318.18(7), except that such fine may not exceed \$250.00. Any such ordinance may provide for the deposit of such fines in a separate city account to be used in the following manner:~~
- ~~(1) One third to be used to defray expenses for the administration of this division.~~
 - ~~(2) Two thirds to be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons in the city and to provide funds to conduct public awareness programs in the city concerning physically disabled persons.~~
- (E) ~~The city may enact an ordinance providing a fine for the violation of F.S. § 316.1945(1)(b)2. or 5. in excess of the fine specified by F.S. § 318.18(7), except that such fine may not exceed the fine specified in F.S. § 318.18(7) by more than \$3.00. However, such ordinance shall provide that the fines collected pursuant to this division in excess of the fines which would be collected pursuant to F.S. § 318.18(7) for such violations shall be used by the city for the purpose of funding a firefighter education program. The amount of the fines collected pursuant to this division in excess of the fines which would be collected pursuant to F.S. § 318.18(7) for such violations shall be reported on a monthly basis by the Clerk of the Court to the city. The city may enact an ordinance which dedicates a portion of any fine collected for a violation of such ordinance for the purpose of funding a firefighter education program, if such ordinance is limited to the regulation of parking within a fire safety zone.~~
- (F) ~~The city may enact an ordinance providing for the establishment of a "combat automobile theft" program, and may charge a fee for the administration of the program and the cost of the decal. Such a program shall include:~~
- ~~(1) Consent forms for motor vehicle owners who wish to enroll their vehicles.~~
 - ~~(2) Bright yellow decals indicating a vehicle's enrollment in the "combat automobile theft" program. A consent form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1:00 a.m. and 5:00 a.m., provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the "combat automobile theft" program. The owner of the motor vehicle is responsible for removing the decal when terminating participation in the program, or when selling or otherwise transferring ownership of the vehicle. No civil liabilities will arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal~~

~~evidencing enrollment in the program when the driver is not enrolled in the program provided that the stop is made in accordance with the requirements of the "combat automobile theft" program.~~

~~(F.S. § 316.008)~~

~~Sec. 70.99.—General penalty.~~

~~Any person violating any of the provisions of the "Florida Uniform Traffic Law" or this Title VII for which a specific penalty is not provided shall, upon conviction thereof, be punished by a fine not exceeding the sum of \$500.00, or by imprisonment for a period not exceeding 60 days, or by both such fine and imprisonment within the discretion of the court; except that if the penalties imposed specifically by the terms of the "Florida Uniform Traffic Law" for the violation of any of the provisions thereof are less than those hereinabove stated, then the lesser shall control and be the maximum fine, imprisonment, or both for any violations of such section or sections.~~

Section 3. Amendment to Chapter 71. Chapter 71 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

CHAPTER 71. - TRAFFIC RULES

FOOTNOTE(S):

~~—(1)—~~

Editor's note—Ord. 96-005, passed April 11, 1996, repealed Ch. 71 in its entirety and added new provisions herein set out. Former Ch. 71 contained §§ 71.01, 71.02, and 71.99; pertained to similar subject matter; and derived from '69 Code, § 23-9; Ord. 91, passed Sept. 10, 1959; and Ord. 92, passed Sept. 10, 1959.

Cross reference—Vehicle regulations in parks and recreation areas, see § 95.28 ([Back](#))

Sec. 71.10. - Speed limits.

- (A) Having conducted an investigation and determined that such a limit is reasonable, unless otherwise posted, the maximum permissible speed upon the streets within residential districts of the city shall be 25 miles per hour.
- (B) Unless otherwise posted, the maximum permissible speed upon the streets within all other districts of the city shall be 30 miles per hour.
- (C) Unless otherwise posted, the maximum permissible speed upon the alleys within the city shall be five miles per hour.
- (D) The city, after conducting an investigation and determining that such a change is reasonable and in conformity with criteria promulgated by the department of transportation, shall have the authority to establish speed zones altering the speed limits set forth above, both as to increasing the maximum, not to exceed 60 miles per hour, and establishing minimum speeds, except no changes shall be made on state highways or connecting links or extensions thereof.
 - ~~The chief of police, after investigating and determining that such a change is reasonable and in conformity with criteria promulgated by the department of transportation, shall have the authority to establish speed zones altering the speed limits set forth above both as to increasing maximum, not to exceed 55 miles per hour, and establishing minimum speeds.~~

State law reference— Authority to regulate speed, see F.S. § 316.189.

Sec. 71.20. - Parking for disabled persons.

- (a) It is unlawful for any person to stop, stand or park a vehicle within a parking space designated and marked for disabled persons who have been issued either a disabled parking permit under F.S. § 316.1958 or 320.0848 or a license plate under F.S. § 320.084, 320.0842, 320.0843 or 320.0845 unless such vehicle displays a disabled parking permit issued under Section 316.1958 or 320.0848, Florida Statutes, or a license plate issued under Section 320.084, 320.0842, 320.0843 or 320.0845, Florida Statutes, and such vehicle is transporting a person eligible for the parking permit. Whenever a law enforcement officer finds a vehicle in violation of this section, that officer shall charge the operator or other person in charge of the vehicle in violation with a parking infraction, punishable according to section 71-110. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.
- (b) Parking spaces designated for disabled persons who have been issued either a disabled parking permit under F.S. § 316.1958 or 320.0848 or a license plate under F.S. § 320.084, 320.0842, 320.0843 or 320.0845.

Permits for parades and processions.

No procession, or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or

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~~proceed along any street or roadway except in accordance with a permit issued by the chief of police and the city manager and such other regulations as are set forth in F.S. Ch. 316 which may apply.~~

~~(Ord. 96-005, passed 4-11-96)~~

Sec. 71.30. - Manner of parking.

~~(A) Every vehicle stopped or parked, in other than an angle space, upon any public street, avenue, alley, or other thoroughfare shall be parked or stopped with the right hand wheels parallel to and within 12 inches of the right hand curb or right hand edge of the public street, avenue, alley or other thoroughfare.~~

~~(B)~~(A) Every vehicle stopped or parked in an angle parking space shall be so stopped or parked with one front wheel within 12 inches of the curb.

~~(Ord. 96-005, passed 4-11-96)~~

Sec. 71.40. - Obedience to parking signs or markings.

(A) Upon those streets which have been signed or marked for parking, no person shall stop, stand, or park a vehicle in violation of such signs or markings.

(B) Any person who attempts to subvert posted time limits for parking by moving the parked vehicle in question to another parking space within the same block shall be subject to the penalties for overtime parking as if the vehicle was never moved.

~~(Ord. 96-005, passed 4-11-96)~~

Sec. 71.50. ~~— Prohibited parking in specified places~~Stopping, standing, or parking prohibited in specified places.

~~(A) No person shall stop a vehicle, stand a vehicle or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places~~Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

~~(1) Upon the unpaved portion of any city right of way, if the paved portion of the right of way is bordered by a curb;~~

~~(2) Upon any railroad track or right of way, or within 30 feet of any railroad track;~~

~~(3) So as to block access to a commercial refuse container or a city refuse container, when the location of the container has been designated or approved by the city;~~

~~(4) In a space designated for emergency vehicles only;~~

~~(5) Upon a two-way street in such a manner or under such conditions so as to prevent intermittent two-way traffic movement;~~

~~(6) Within an alley in a business district except for the expeditious loading or unloading of materials;~~

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- (7) Within an alley outside of a business district in a manner, or under such conditions so as to leave available less than ten feet of the width of the alley for the free movement of vehicular traffic;
- (8) Within any alley in such position as to block the driveway or ingress or egress of any abutting property;
- (9) When appropriate signs are erected prohibiting same, upon the left hand side of any one-way street in violation of such signs;
- (10) — In the event, a street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, upon the left hand side of such one-way roadway, unless signs are erected to permit such standing or parking;
- (11) — Within any place marked as a freight curb loading zone during the posted hours when the provisions applicable to such zones are in effect except for the expeditious loading or unloading of materials, and in no event for a period of more than 30 minutes. However, the driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone;
- (12) — Upon any public street, highway, right of way, public parking lot, public property, or private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of:
- (a) Displaying the vehicle for sale, hire, or rental (unless upon private property and the vehicle owner and the private property owner are the same);
 - (b) Painting, washing, servicing, greasing, or repairing such vehicle, unless the repairs are of an emergency nature;
 - (c) Displaying advertising thereon or therefrom;
 - (d) Selling merchandise therefrom, unless specifically authorized by the city; or
 - (e) Storing, junking, abandoning, or dead storing such vehicle; or
- (13) — Upon any sidewalk or other pedestrian walkway.
- (B) — No person shall move a vehicle not owned by or in charge of such person, into any such prohibited area, as enumerated in § 71.50(A).
- (C) — Nothing in this section shall be construed as prohibiting the chief of police and the city manager or the city council from designating loading and unloading zones, bus stops, taxicab stands, or other similar zones.
- (D) — This section shall not apply to vehicles involved in a traffic accident which causes the vehicles to be in violation of this section, unless the vehicle remains in violation of this section after a reasonable amount of time for correction as established by the officer investigating the accident.

Stop, stand, or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

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- (b) On a sidewalk.
- (c) Within an intersection.
- (d) On a crosswalk.
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (f) On a bicycle path.
- (g) Within a designated fire lane.
- (h) When left unattended upon any street where such vehicle constitutes an obstruction to traffic or a hazard.
- (i) At any place where official traffic control devices prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger(s):

- (a) In front of a public or private driveway.
- (b) Within 15 feet of a fire hydrant.
- (c) Within 20 feet of a crosswalk at an intersection.
- (d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.
- (e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when property signposted).
- (f) On an exclusive bicycle lane.
- (g) At any place where official traffic control devices prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers at any place where official signs prohibit parking.

(4) No person shall move a vehicle not owned by or in charge of such person into any such prohibited area, as enumerated in this section, or away from a curb such a distance as is unlawful.

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State law reference— Authority to regulate parking, see F.S. § 316.008.

Sec. 71.60. - Restricted access ingress and egress.

When signs are erected giving notice thereof, no person shall drive a vehicle onto or from any controlled-access roadway except at those entrances and exists which are indicated by said signs, or park in violation thereof.

~~(Ord. 96-005, passed 4-11-96)~~

Sec. 71.70. — Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so marked by designation of the city.

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Sec. 71.80. — Schools, parking adjacent to.

When official signs are erected giving notice thereof, no person shall park upon either or both sides of any street adjacent to any school.

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Sec. 71.90. — Narrow streets, parking on.

When official signs are erected prohibiting parking upon narrow streets, no person shall park a vehicle upon any such street in violation of any such sign.

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Sec. 71-100. — Valid vehicle license plate.

All vehicles parked upon streets in the city shall have visible a valid license plate.

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Sec. 71-110 Authority to impound vehicles.

~~(A) Whenever any police officer finds a vehicle standing upon a street, highway, alley, or right of way in violation of any of the foregoing provisions of this chapter, such officer is hereby authorized to move such vehicle, or require the driver or person in charge of the vehicle to move the vehicle, so as to correct the violation. Police officers shall only be empowered to move vehicles in accordance with subsection (B) below.~~

~~(B) Police officers are hereby authorized to remove and impound a vehicle from a street, highway, alley, or right of way to the nearest garage, tow service storage facility, or other place of safety, or to a garage designated or maintained by the police department, under the circumstances hereinafter enumerated:~~

- ~~(1) When any vehicle is left unattended and constitutes an obstruction to traffic;~~
- ~~(2) When the owner or person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal;~~
- ~~(3) When any vehicle is left unattended and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, in violation of this chapter;~~

- ~~(4) When any vehicle is left unattended continuously for more than 48 hours and may be presumed to be abandoned;~~
- ~~(5) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended;~~
- ~~(6) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency;~~
- ~~(7) When a vehicle is found to have equipment which is so defective that the vehicle is unsafe or improper to drive;~~
- ~~(8) When a vehicle is subject to seizure under the Florida Contraband Forfeiture Act;~~
- ~~(9) When an apparently abandoned vehicle has been parked or stored for a period exceeding 48 hours, in other than a designated parking area or within 30 feet of the pavement edge;~~
- ~~(10) When a vehicle is found upon any railroad track or right of way, or within 30 feet of any railroad track and the safety of the train or the vehicle is suspect;~~
- ~~(11) When the vehicle is one which is illegal to drive.~~

~~(C) No vehicle impounded as herein provided shall be released therefrom until:~~

- ~~(1) The charges for towing such vehicle into the garage and storage charges have been paid;~~
- ~~(2) Proper proof of ownership has been exhibited; and,~~
- ~~(3) Any hold which has been placed upon the vehicle by the police department has been removed by the police department.~~

~~(D) Whenever an officer moves a vehicle in accordance with this section, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall make a reasonable effort to notify, or cause notification to be given to, such owner of the fact of such removal, and the reasons therefor, and of the place to which such vehicle has been moved.~~

~~(Ord. 96-005, passed 4-11-96)~~

Sec. 71.80.—Violations and enforcement.

(A) Any person violating any parking provision of this chapter shall pay the fine designated on the citation, as established by resolution of the City Commission, ~~the following schedule,~~ which may be amended from time to time ~~by resolution adopted by the city council:~~

- ~~(1) Handicap Parking\$100.00~~
- ~~(2) Fire hydrant and fire zone violations25.00~~
- ~~(3) All other violations15.00~~
- ~~(4) Late payment10.00~~

(B) An officer who has probable cause to believe that a person has committed an act in violation any parking provision of this chapter or F.S. Ch. 316, may issue a municipal citation therefor.

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(C) Municipal citations issued pursuant to this section shall include the following information:

- (1) Date, time, and location of issuance;
- (2) Vehicle license number and state;
- (3) Vehicle make and color;
- (4) Violation charged;
- (5) Amount of fine;
- (6) Department case number;
- (7) Issuing officer's signature;
- (8) Name and address of issuing agency;
- (9) Number of days allowed to pay the fine;
- (10) Instructions for contesting the citation; and,
- (11) Instructions for paying the fine.

(D) Any person issued a municipal citation pursuant to this section may, within ten days of issuance of the citation:

- (1) Pay the civil penalty, either by mail or in person; or,
- (2) Contest the citation in county court.

Payments postmarked and mailed within the 10-day period shall be considered timely.

(E) Any person electing to contest the citation and choosing to appear in county court shall be deemed to have waived the limitations on the civil penalty specified in ~~subsection 71.80(A)~~ [the resolution adopted by the city commission](#). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.00.

(F) Any person failing to pay the civil penalty, or contest the citation in county court, either by mail or in person, within ten days of receiving the citation shall be deemed to have waived any right to contest the citation. The owner of the vehicle in question shall be promptly notified, by certified mail, return receipt requested, by the department, of such failure. The notice shall advise the owner that failure to pay the fine plus the late payment charge of \$10.00 within 14 days of the receipt of the notice shall result in the matter being transferred to the county court for further proceedings. The notice shall also advise the owner that any right to contest the citation has been waived and that failure to pay the amount due may result in the imposition of a fine by the court not to exceed \$500.00, and in a hold being put on the further issuances of driver's licenses and registrations to the owner.

(G) If the owner does not pay the fine and the late payment charge within the prescribed 14-day time limit, the citation shall be forwarded to the clerk of the Circuit Court for placement upon the county court docket. Notice of the transfer and the hearing date thereon shall be promptly provided by the department to the owner of the vehicle in question by certified mail, return receipt requested.

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(H) The clerk of the Circuit Court shall submit to the Florida Department of Safety and Motor Vehicles a list of all owners who have three or more outstanding municipal citations issued by the city, for which fines have not been paid directly to the city or through the county court. Upon receipt of this list, the Florida Department of Safety and Motor Vehicles shall make the appropriate annotations to the records of the owner in question so as to prevent the owner from receiving a driver's license or vehicle registrations until the fines for the citations are paid.

(I) Any person issued a citation for a violation of section 71.20, above may provide proof to the police department that they have a valid parking permit or license plat issued pursuant to §§§§316.1958, 320.0848, 320.084, 320.0842, 320.0843 or 320.0845, Florida Statutes, and present a signed affidavit from the owner of the disabled parking permit stating that the owner of the disabled parking permit or license plat was present at the time the violation occurred, and such parking permit or license plat was valid at the time the violation occurred. Upon provision of proof of such a valid parking permit or license plate, and payment of a \$5.00 dismissal fee to the police department, the police department shall dismiss the violation.

(Ord. _____ 96-005, _____ passed _____ 4-11-96)

CHAPTER 72. DANGEROUS INTERSECTION SAFETY

Sec. 72.01. Intent.

The purpose of this chapter is to authorize the use of an unmanned cameras/monitoring system to promote compliance with red light signal indicators as described by this chapter, and to adopt a civil enforcement system for red light signal violations. Failing to stop at steady red light signals places the offending vehicle in violation of the City of Fruitland Park intersection safety ordinance. This chapter, to be known as the "Intersection Safety Ordinance" prohibits vehicles from obstructing, occupying or passing into an intersection when a steady red light is projected from a traffic control device. This chapter will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit county, state or local law enforcement officers from issuing a citation for a red light signal violation in accordance with normal statutory traffic enforcement techniques.

(Ord. _____ 2009-011, _____ passed _____ 12-10-09)

Sec. 72.02. Use of the image capture technologies.

City shall utilize image capture technologies as a supplemental means of monitoring compliance with state laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Lake County to install and maintain traffic signal devices. The City of Fruitland Park shall utilize image capture technologies as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations to drivers of all states who legally traverse the roadways within the City of Fruitland Park. This ordinance pertains to the safety of pedestrians as well as those

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drivers who use the roadways within the City of Fruitland Park in vehicles. The use of image capturing of the offending motor vehicle only relates to the area the vehicle occupies, contrary to a steady red indication of a traffic control signal, and the associated roadway markings that are used in conjunction with the signal.

~~(Ord. 2009-011, passed 12-10-09)~~

~~Sec. 72.03. Definitions:~~

~~The following definitions shall apply to this chapter:~~

~~*Intersection.*~~

- ~~(1) The area embraced within the prolongation or connection of the lateral curb lines; or, if none, then the lateral boundary lines of the roadways of two roads or highways which join or intersect one another at, or approximately at right angles; or the area within which vehicles traveling upon different roads or highways joining at any other angle may come in conflict.~~
- ~~(1) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.~~

~~*Motor vehicle or vehicle.* Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. The term shall include, but not be limited to, boats mounted on trailers, recreational vehicles and motor homes.~~

~~*Owner.* A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner, for the purposes of this chapter.~~

~~*Red zone infraction.* A traffic offense whereby a traffic control signal monitoring system established that a vehicle entered an intersection controlled by a traffic control device at a time when the traffic control signal was emitting a steady red signal for such vehicle's direction of travel.~~

~~*Traffic control infraction review officer, or designee.* The City of Fruitland Park Police Department employee designated as provided herein to review recorded images and issue red zone infractions based upon those images.~~

~~*Traffic control signal.* A device exhibiting different colored lights or colored lighted arrows, successively, one at a time, or in combination, using only the colors green, yellow, or red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.~~

~~*Traffic control signal monitoring system/device.* An electronic system consisting of one or more vehicle sensors, working in conjunction with a traffic control signal, still camera and video~~

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~~recording device, to capture and produce recorded images of motor vehicles obstructing, occupying, or passing into an intersection against a steady red light signal indication.~~

~~Recorded images. Images recorded by a traffic control signal monitoring system/device:~~

- ~~(1) On;
 - a. Two or more photographs;
 - b. Two or more electronic images;
 - c. Two or more digital images;
 - d. Digital or video movies; or
 - e. Any other medium that can display a violation; and~~
- ~~(2) Showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle. This image must clearly identify that offending vehicle was in violation of this chapter.~~

~~(Ord. _____ 2009-011, _____ passed _____ 12-10-09)~~

~~Sec. 72.04. Adherence to red light traffic control signals.~~

~~Whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used.~~

- ~~(1) Steady red indication:
 - a. Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; provided, however:
 - 1. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right of way to pedestrians and other traffic proceedings as directed by the signal at said intersection, except that municipal and county authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at said intersection.
 - 2. The driver of a vehicle on a one way street which intersects another one way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one way street, but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and county authorities may prohibit any such left turn as described, which prohibition shall be effective~~

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~~when a sign giving notice thereof is attached to the traffic control signal device at the intersection.~~

~~(2) In the event an official traffic control signal is created and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.~~

~~(3) a. No traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal.~~

~~b. No traffic control signal device shall display other than the color red at the top of the vertical signal, nor shall it display other than the color red at the extreme left of the horizontal signal.~~

~~(Ord. _____ 2009 011, _____ passed _____ 12 10 09)~~

~~Sec. 72.05. Violation.~~

~~A violation of this chapter, known as the "Intersection Safety Ordinance," shall occur when a vehicle does not comply with the requirements of § 72.04. Violations shall be enforced as set forth herein.~~

~~(Ord. _____ 2009 011, _____ passed _____ 12 10 09)~~

~~Sec. 72.06. Thirty day notice; introductory period.~~

~~For the first 30 days from the date city issues a notice to proceed to the company with which city enforces the terms of this ordinance, unless the driver of a vehicle received a citation from a police officer in accordance with normal traffic enforcement techniques, the vehicle owner shall receive a courtesy notice of the violation. Commencing 30 days after the date of city's notice to proceed referenced in this § 72.06, the vehicle owner is subject to the enforcement provision as provided herein.~~

~~(Ord. _____ 2009 011, _____ passed _____ 12 10 09)~~

~~Sec. 72.07. Review of recorded images.~~

~~(A) The owner of the vehicle, regardless of who the driver is at the time of the infraction which is observed by recorded images committing an Intersection Safety Ordinance violation, shall be issued a City of Fruitland Park notice of violation or notice of infraction (the "notice"). The recorded image shall be sufficient grounds to issue a notice.~~

~~(B) The City of Fruitland Park shall designate a traffic control infraction review officer, or designee, within the police department who shall meet the qualifications set forth in F.S. §~~

~~316.640(5)(a), or any other relevant statute. The traffic control infraction review officer, or designee, shall review recorded images prior to the issuance of a notice to ensure accuracy and the integrity of the recorded images. The traffic control infraction review officer, or designee, shall also verify that the traffic control monitoring system/devices which captured the recorded images was functioning properly at the time the recorded images were captured.~~

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~~(C) Once the traffic control infraction review officer, or designee, has verified the accuracy of the recorded images and functionality of the traffic control monitoring system/devices, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or any other state vehicle registration office.~~

~~(Ord. _____ 2009-011, _____ passed _____ 12-10-09)~~

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~~Sec. 72.08. Notice of violation/infraction.~~

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~~The notice of violation/infraction shall include:~~

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- ~~(A) The name and address of the motor vehicle owner;~~
- ~~(B) The license plate number and registration number of the motor vehicle;~~
- ~~(C) The make, model, and year of the motor vehicle;~~
- ~~(D) Notice that the violation charged is pursuant to this chapter;~~
- ~~(E) The location of the intersection where the violation occurred;~~
- ~~(F) The date and time of the Intersection Safety Ordinance infraction;~~
- ~~(G) Notice that the recorded images relating to the vehicle and a statement that the recorded images are evidence of an Intersection Safety Ordinance infraction;~~
- ~~(H) The civil penalty imposed;~~
- ~~(I) Images depicting violation;~~
- ~~(J) The procedures for payment of the civil penalty and contesting the notice;~~
- ~~(K) A signed statement by the traffic control infraction review officer, or designee that based on inspection of recorded images, the motor vehicle was involved in an Intersection Safety Ordinance infraction;~~
- ~~(L) Information advising the person alleged to be liable under this section, the manner and time in which liability as alleged in the notice may be appealed and warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability, and in such case, an order may be entered against the violator for an amount up to the maximum civil penalty plus administrative costs.~~

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~~(Ord. _____ 2009-011, _____ passed _____ 12-10-09)~~

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~~Sec. 72.09. Vehicle owner responsibilities.~~

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~~(A) A vehicle owner receiving a notice may, within 21 days of the date of the notice:~~

- ~~(1) Pay the assessed civil penalty pursuant to instructions on the notice; or~~

~~(2) Request an appeal pursuant with procedures as outlined in this chapter.~~

~~(B) The failure to comply with the provisions of this section within 21 days from the date of the notice shall constitute a waiver of the right to contest the notice and will be considered an admission of liability.~~

~~(Ord. _____ 2009-011, _____ passed _____ 12-10-09)~~

~~Sec. 72.10. Appeal to code enforcement board.~~

~~(A) The city's code enforcement board is authorized to consider appeals under this chapter, as set forth in Chapter 35 of the City Code. A hearing shall be scheduled for all notices for which the vehicle owner timely requests an administrative hearing.~~

~~(B) Upon receipt of the named violator's timely request for an administrative hearing, the city shall schedule a hearing before the code enforcement board pursuant to the City Code. Notice of hearing shall be provided to the vehicle owner pursuant to the notice provisions contained in the City Code.~~

~~(C) The following shall be permissible grounds for an appeal:~~

~~(1) At the time of the infraction, the motor vehicle was not under the care, custody, or control of the motor vehicle owner or an individual with owner's consent, established pursuant to affidavit as provided in § 72.11~~

~~(2) The motor vehicle driver was issued a citation by a law enforcement officer, which was separate and distinct from the civil violation issued under this section for violating the steady red traffic control signal;~~

~~(3) The motor vehicle driver was required to violate the steady red traffic control signal in order to comply with other governing laws;~~

~~(4) The motor vehicle driver was required to violate the steady red traffic control signal in order to reasonably protect the property or person of another;~~

~~(5) The steady red traffic control signal was inoperable or malfunctioning; or~~

~~(6) Any other reason the code enforcement board deems appropriate.~~

~~(D) The traffic control infraction review officer, or designee, may testify at the appeal. Then the motor vehicle owner may present testimony and evidence.~~

~~(E) Recorded images indicating an Intersection Safety Ordinance infraction, verified by the traffic control infraction review officer, or designee, are admissible in any proceeding before the city's code enforcement board to enforce the provisions of this chapter, and shall constitute prima facie evidence of the violation.~~

~~(F) Unless an affidavit is provided pursuant to § 72.11, it is presumed the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of an Intersection Safety Ordinance infraction.~~

~~(G) Formal rules of evidence shall not apply at the hearing on the appeal and any relevant evidence may be admitted. Hearsay evidence may be admitted, but shall not form the sole basis upon which the code enforcement board's decision is made. Irrelevant and unduly~~

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~~repetitious evidence may be excluded. The hearing shall be conducted in a manner to ensure fundamental fairness and procedural and substantive due process is afforded the owner.~~

~~(H) The code enforcement board shall issue a written order either granting or denying the appeal. If the appeal is denied, the owner shall pay the originally assessed civil fine and any assessed costs within 30 days of the date of the written order.~~

~~(Ord. 2009-011, passed 12-10-09)~~

~~Sec. 72.11. Vehicle owner affidavit of nonresponsibility.~~

~~(A) In order for the vehicle owner to establish that the motor vehicle was at the time of the Intersection Safety Ordinance infraction, in the care, custody, or control of another person without the consent of the registered owner, the vehicle owner is required, within 21 days from the date listed on the notice, to furnish to the City of Fruitland Park, an affidavit setting forth the circumstances demonstrating that the motor vehicle was not in the vehicle owner's care, custody, or control, or that of a person with vehicle owner's consent. The affidavit must be executed in the presence of a notary, and include:~~

- ~~(1) If known to the motor vehicle owner, the name, address, and the driver license number of the person who leased, rented or otherwise had care, custody, or control of the motor vehicle at the time of the alleged Intersection Safety Ordinance infraction; or~~
- ~~(2) If the vehicle was stolen, the police report indicating the vehicle was stolen at the time of the alleged Intersection Safety Ordinance infraction.~~
- ~~(3) The following language immediately above the signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true."~~

~~(B) Upon timely receipt of an affidavit pursuant to this section, any civil action of the notice issued to the vehicle owner shall be terminated. Proceedings may be commenced by city against the responsible person identified in the affidavit, and in such event, the responsible person shall be subject to the same process and procedures which are applicable to vehicle owners.~~

~~(Ord. 2009-011, passed 12-10-09)~~

~~Sec. 72.12. Exceptions.~~

~~This chapter shall not apply to Intersection Safety Ordinance infractions involving vehicle collisions or to any authorized emergency vehicle responding to a bona fide emergency; nor shall a notice be issued in any case where the operator of the vehicle was issued a citation for violating the state statute regarding the failure to stop at a red light indication for the same event or incident.~~

~~(Ord. 2009-011, passed 12-10-09)~~

~~Sec. 72.13. Penalty.~~

~~A violation of this chapter shall be deemed a noncriminal, nonmoving violation for which a civil penalty, as proscribed in this chapter, shall be assessed in the amounts set forth in § 35.11 of the City Code of Ordinances. As the violation relates to this chapter and not the state statutes, no~~

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points as provided in F.S. § 322.27, shall be recorded on the driving record of the motor vehicle owner or responsible party.

(Ord. ~~2009-011, passed 12-10-09~~)

Sec. 72.14. Enforcement:

~~This chapter may be enforced by any other means available to city.~~

(Ord. ~~2009-011, passed 12-10-09~~)

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Sec. 71-120. – Authority to impound vehicles.

(A) Whenever any police officer finds a vehicle parked upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by city regulation and the person is in compliance with all city regulations, such officer is authorized to tow the vehicle in accordance with subsection (B) of this section, as well as issue a citation as provided for in Sec. 71-110 of this chapter. The owner of any motor vehicle towed shall be subject to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine.

(B) A vehicle towed under this section shall be removed and impounded by a city contracted tow service storage facility.

(C) Subsection (A) does not prohibit a person from parking his or her own vehicle as provided in §316.1951(2) or (3), Florida Statutes.

(D) Whenever a police officer has a vehicle towed in accordance with this section, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall make a reasonable effort to notify the owner and the place to which the vehicle has been moved.

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Section 4. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 5. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein.

Section 6. Conflicts. That all resolutions, parts of resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective immediately upon final adoption.

PASSED and ORDAINED this _____ day of _____, 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Mayor Cheshire	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Vice Mayor Gunter	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Bell	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Lewis	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Ranize	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

RESOLUTION 2018-035

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2018-034 and other applicable provisions of law.

SECTION 2. PURPOSE. This Resolution constitutes the Fire Service Assessment Rate Resolution (hereafter may be referred to as the “Rate Resolution”) as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located with the City of Fruitland Park, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and

programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT. The Fire Service Assessment shall be imposed against all Tax Parcels within the City of Fruitland Park subject to the assessment as set forth in this Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

(A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.

(B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- a. The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.

(C) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(D) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.

(E) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES.

(A) The Cost Apportionment and Parcel Apportionment methodologies for the City Benefit Area as set forth herein are adopted.

- a. The City has identified the full cost of providing fire services through the development and determination of the assessable costs of providing such services.
- b. The City analyzed the service delivery data and segregated to property use categories, and found the following.

Calendar Year 2015 Call Data Analysis

Fixed Property Use	Total Calls	Percentage of Calls
Residential	427	80.41%
Non-Residential	104	19.50%
TOTAL	531	100%

- c. A comprehensive analysis of all property use categories within the City was conducted and the Commission has determined the following parcels receive a special benefit from the provision of fire services, residential and non-residential (including commercial, industrial/warehouse and institutional).
- d. The following parcel apportionment shall be utilized:

Parcel Apportionment

Category	Parcel Apportionment
Residential	Dwelling Unit
Non-Residential Includes Commercial, Industrial/Warehouse and Institutional	Square Footage (capped at 17,400 sq. ft.)

- (B) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.
 - a. The fire services in the Village Benefit Area are provided through an interlocal agreement with the Village Center Community Development District based on

the number of single family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

SECTION 7. DETERMINATION OF FIRE SERVICES COST; ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2018, is the amount determined in the Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Fire Service Assessment Rate Schedule by the adoption of this Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The Fire Service Assessments specified in the Fire Service Assessment Rate Schedule are hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2018. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The Fire Service Assessment established in this Rate Resolution shall be the assessment rates applied by the City Manager to the Fire Assessment Roll for the Fiscal Year commencing October 1, 2018 as provided in Section 8 of this Rate Resolution.

SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.

(A) The City Manager shall apportion Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Rate Resolution.

(B) A copy of this Rate Resolution, Ordinance 2016-007, Resolution 2018-034, documentation related to the amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll for the Fiscal Year beginning October 1, 2018 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Rate Resolution is a fair and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the City of Fruitland Park.

SECTION 9. NOTICE BY PUBLICATION. The City Manager has published a notice of the public hearing in the manner and time provided in the Uniform Assessment Collection Act. A copy is on file with the City Clerk.

SECTION 10. NOTICE BY TRIM. The City Commission utilizing the Lake County Property Appraiser's services, provided through the TRIM by first class mail, a notice of public hearing in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, 2018.

SECTION 11. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the City of Fruitland Park.

SECTION 12. EFFECTIVE DATE. This Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this 13th day of September, 2018.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2018, is \$918,434.00.
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2018, are hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2018-19 Preliminary Fire Assessment Rates – City of Fruitland Park Benefit Area

<u>Category</u>	<u>Rate Per Dwelling Unit</u>
Residential	\$256.00
	<u>Rate Per Square Foot</u>
Non-Residential	\$0.097
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Total Estimated Gross Revenue	\$552,938.00
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Total Estimated Government Buy-down	\$15,310.00
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Total Estimated Institutional Tax Exempt Buy Down	\$10,461.00
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Total Estimated Net Revenue	\$479,722.00

FY 2018-19 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

Residential \$194.00 per Dwelling Unit

Total Estimated Gross Revenue	\$365,496.00
-------------------------------	--------------

TC	2%	\$7,310
PA	2%	\$7,310
Stat. Dis.	5%	\$18,275
<u>Total Collection Costs</u>		<u>\$32,895</u>
Realized Revenue		\$332,601

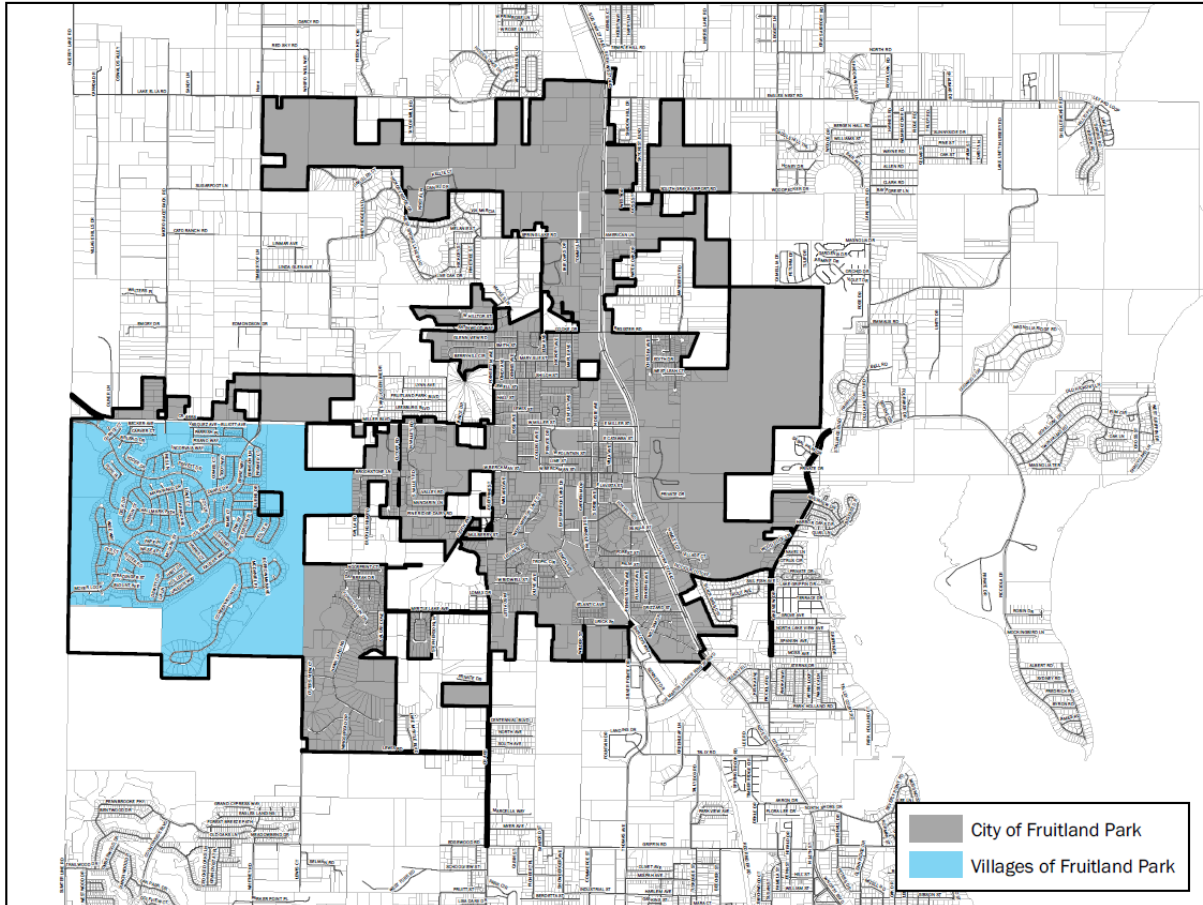
- A. No Fire Services Assessment shall be imposed upon a parcel of Government Property, or Institutional wholly Tax Exempt Properties; except Government Property that is

owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.

- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds, or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

APPENDIX B

MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND VILLAGE OF FRUITLAND PARK BENEFIT AREA



- Scenario 3 – \$552,938

Scenario 1

Fire Dept. (General Fund)	\$467,454
Fire CIP	\$35,720
Total Scenario 1	\$503,174
Collection Costs	
5% Statutory Discount	\$27,647
2% TC Costs	\$11,059
2% PA Costs	\$11,059
Total Collection Costs	\$49,764
Total Assessable Costs - Scenario 1	\$552,938

FY 2018-19 Fire Assessment Rates – Scenario 3

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$256.00
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.097

Estimated Realized Revenues

Gross Revenue	\$552,938	
Government Buy-down	\$15,310	
Inst. Tax Exempt Buy-down	\$10,461	
Certified Revenue	\$527,167	
TC	2%	\$10,543
PA	2%	\$10,543
Stat. Dis.	5%	\$26,358
Total Collection Costs	\$47,445	
Realized Revenue	\$479,722	

Villages of Fruitland Park Rates – \$194.00 per dwelling unit

- Approximately 1,884 residential parcels

Gross/Certified Revenue		\$365,496
TC	2%	\$7,310
PA	2%	\$7,310
Stat. Dis.	5%	\$18,275
Total Collection Costs		\$32,895
Realized Revenue		\$332,601



**AGENDA ITEM
NUMBER
5i**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	First Budget Public Hearing – Resolution 2018-052 Tentative Millage FY2019		
For the Meeting of:	September 13, 2018		
Submitted by:	City Treasurer		
Date Submitted:	September 5, 2018		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Resolution 2018-052 adopting the tentative millage rate for FY2018-19. The adoption of the millage rate and the budget resolution must be by separate votes. The governing body must adopt the tentative millage before adopting the tentative budget. The City of Fruitland Park is prepared to set the tentative millage rate of 3.9863 which is 1.86% increase to the Roll Back Rate of 3.9134. This is the same millage rate as the last two years. The gross taxable value has been certified as \$682,178,355 which is 38.76% increase over FY2018 gross taxable value.			
Action to be Taken: Adopt Resolution 2018-052 setting the tentative millage rate.			
Staff's Recommendation: Approve Resolution 2018-052 setting the tentative millage rate at 3.9863 mills, which is 1.86% increase over the RBR of 3.9134			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9863 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice, a public hearing was held at the City of Fruitland Park, Lake County, Florida, on September 13, 2018 at 6:00 p.m., at which time the general public was given an opportunity to comment and ask questions pertaining to the tentative budget and millage rate; and

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice a second public hearing will be held at the City of Fruitland Park on September 27, 2018, at 6:00 p.m. at which time the general public will be given an opportunity to comment and ask questions pertaining to the proposed final budget and millage rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the Lake County Property Appraiser to the City of Fruitland Park as \$682,178,355.

WHEREAS, after public hearings pursuant to section 200.065, Florida Statutes, the City of Fruitland Park is prepared to set a tentative millage rate of 3.9863 mills; and

WHEREAS, the Fiscal Year 2018 operating tentative millage rate of 3.9863 is an 1.86% increase to the current year rolled-back rate of 3.9134.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA that:

1. The City Commission of the City of Fruitland Park, Florida does hereby ratify and set the tentative ad valorem millage rate for the City of Fruitland Park, Lake County, Florida, for the fiscal year 2018-2019 at 3.9863 mills, which is greater than the rolled back of 3.9134 mills by 1.86%.
2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED at a public hearing this 13th day of September, 2018, at 6:00 p.m., or as soon thereafter, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Christopher Cheshire, Mayor

Attest:

Esther B. Coulson, CMC, City Clerk

Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney

Lake County Notice of Proposed Property Taxes

The taxing authorities which levy property taxes against your property will soon hold **Public Hearings** to adopt budgets and tax rates for the next year. The purpose of these **Public Hearings** is to receive opinions from the general public and to answer questions on the proposed tax change and budget **Prior To Taking Final Action**. Each taxing authority may **Amend** or **Alter** its proposals at the hearing.

TAXING AUTHORITY HEARING INFORMATION

TAXING AUTHORITY	PUBLIC HEARING DATE, LOCATION AND TIME		
Lake County BCC General Fund	September 11, 2018 5:05 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778
Lake County MSTU Ambulance	September 11, 2018 5:05 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778
Public Schools	September 10, 2018 5:30 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778
City of Fruitland Park	September 13, 2018 6:00 PM	City Hall, 506 W Berckman St	Fruitland Park, FL 34731
St Johns Water Mgt Dist	September 11, 2018 5:05 PM	Hwy 100 West, 4049 Reid St	Palatka, FL 32177
Lake County BCC	September 11, 2018 5:05 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778
Lake County Water Authority	September 12, 2018 5:05 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778
North Lake Hospital Dist	September 13, 2018 5:30 PM	BCC Chambers, 315 W Main St	Tavares, FL 32778

YOUR FINAL TAX BILL MAY CONTAIN NON-AD VALOREM ASSESSMENTS WHICH MAY NOT BE REFLECTED ON THIS NOTICE SUCH AS ASSESSMENTS FOR ROADS, FIRE, GARBAGE, LIGHTING, DRAINAGE, WATER, SEWAGE, OR OTHER GOVERNMENTAL SERVICES AND FACILITIES WHICH MAY BE LEVIED BY YOUR COUNTY, CITY, SPECIAL DISTRICTS OR OTHER TAXING AUTHORITY.

NOTE: Non-ad valorem assessments are placed on this notice at the request of the respective local governing boards. Your tax collector will be including them on the November tax notice. For details on particular non-ad valorem assessments contact the levying local governing boards.

NOTE: Amounts shown on this form do not reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form).

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	PURPOSE OF ASSESSMENT HEARING DATE, TIME, LOCATION, CONTACT	UNITS	RATE	ASSESSMENT
Fruitland Park	Fire Rescue Residential Units Sept 13, 6:00 PM 506 W Berckman St (352)360-6727	1.00	256.00	256.00
TOTAL ASSESSMENTS				256.00

EXPLANATION OF 'TAXING AUTHORITY TAX INFORMATION' SECTION

COLUMN 1 - "PRIOR TAXABLE VALUE"

This column shows the prior assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority.

COLUMNS 2 & 3 - "YOUR FINAL TAX RATE AND TAXES LAST YEAR"

These columns show the tax rate and taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

COLUMN 4 - "CURRENT TAXABLE VALUE"

This column shows the current assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority. Various taxable values in this column may indicate the impact of Limited Income Senior or the Additional Homestead Exemption. Current year taxable values are as of January 1, 2018.

COLUMNS 5 & 6 - "YOUR TAX RATE AND TAXES IF NO BUDGET CHANGE IS MADE"

These columns show what your tax rate and taxes will be IF EACH TAXING AUTHORITY MAKES NO CHANGE TO ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

COLUMNS 7 & 8 - "YOUR TAX RATE AND TAXES IF PROPOSED BUDGET CHANGE IS MADE"

These columns show what your tax rate and taxes will be this year under the BUDGET ACTUALLY PROPOSED by each taxing authority. The proposal is NOT final and may be amended at the public hearings shown at the top of this notice. The difference between columns 6 and 8 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

EXPLANATION OF 'PROPERTY APPRAISER VALUE INFORMATION' SECTION

MARKET (JUST) VALUE: The most probable sale price for a property in a competitive, open market involving a willing buyer and a willing seller.

ASSESSED VALUE: The value of your property after any "assessment reductions" have been applied. This value may also reflect an agricultural classification. If "assessment reductions" are applied or an agricultural classification is granted, the assessed value may be different for School versus Non-School taxing authorities and for the purpose of calculating tax levies.

ASSESSMENT REDUCTION: Properties can receive an assessment reduction for a number of reasons including the Save Our Homes Benefit and the 10% non-homestead property assessment limitation. Agricultural Classification is not an assessment reduction. It is an assessment determined per Florida Statute 193.461.

EXEMPTIONS: Any exemption that impacts your property is listed in this section along with its corresponding exemption value. Specific dollar or percentage reductions in assessed value may be applicable to a property based upon certain qualifications of the property or property owner. In some cases, an exemption's value may vary depending on the taxing authority. The tax impact of an exemption value may also vary for the same taxing authority, depending on the levy (i.e. operating millage vs. debt service millage).

TAXABLE VALUE: Taxable value is the value used to calculate the tax due on your property. Taxable value is assessed value minus the value of your exemptions.



**AGENDA ITEM
NUMBER**
5j

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	First Budget Public Hearing – Resolution 2018-053 Tentative Budget FY2019		
For the Meeting of:	September 13, 2018		
Submitted by:	City Treasurer		
Date Submitted:	September 5, 2018		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Resolution 2018-053 adopting the tentative budget for FY2018-2019. The adoption of the millage rate and the budget resolution must be by separate votes. The governing body has adopted the tentative millage and will now adopt the tentative budget. The City of Fruitland Park set the tentative millage rate of 3.9863 which is 1.86% increase to the Roll Back Rate of 3.9134. This is the same millage rate as the last two years. The total appropriations for the Budget for Fiscal Year 2018-201 is \$10,948,402. Please see Summary of Funds for the breakdown of each fund.			
Action to be Taken: Adopt Resolution 2018-053 setting the tentative budget.			
Staff's Recommendation: Approve Resolution 2018-053 setting the tentative budget at \$10,948,402.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice, a public hearing was held at the City of Fruitland Park, Lake County, Florida, on September 13, 2018 at 6:00 p.m., at which time the general public was given an opportunity to comment and ask questions pertaining to the tentative budget and millage rate; and
fa

WHEREAS, the City Commission adopted a tentative millage rate by Resolution 2018-052; and

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice a second public hearing will be held at the City of Fruitland Park on September 27, 2018, at 6:00 p.m. at which time the general public will be given an opportunity to comment and ask questions pertaining to the proposed final budget and millage rate; and

WHEREAS, the City of Fruitland Park of Lake County, Florida set forth the appropriations and revenue estimate for the budget for Fiscal Year 2018-2019 in the amount of \$10,948,402.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA that:

1. The City Commission for the City of Fruitland Park, Florida does hereby ratify and adopt the tentative budget for the 2018-2019 fiscal year for the City of Fruitland Park, Lake County, Florida.
2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED at a public hearing this 13th day of September, 2018 at 6:00 p.m. or as soon thereafter, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Christopher Cheshire, Mayor

Attest:

Esther B. Coulson, CMC, City Clerk

Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney

**CITY OF FRUITLAND PARK
FISCAL YEAR 2019 BUDGET**

The budget was prepared using a millage rate of
3.9863 (same as last two years)

**SUMMARY OF FUNDS
REVENUES AND EXPENSES**

	Revenues	Expenses
General Fund	\$ 7,803,673	\$ 7,803,673
Redevelopment Fund	\$ 330,665	\$ 330,665
Capital Projects Fund	\$ 769,414	\$ 769,414
Utility Fund	\$ 1,922,987	\$ 1,922,987
Fire Pension Fund	\$ 30,369	\$ 30,369
Recreation Fund	\$ 91,294	\$ 91,294
Total - All Funds	\$ 10,948,402	\$ 10,948,402



**AGENDA ITEM
NUMBER
6b**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	City Attorney Report		
For the Meeting of:	September 13, 2018		
Submitted by:	City Attorney		
Date Submitted:	September 7, 2018		
Are Funds Required:		Yes	X No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:			
Description of Item: Please find below items to report to the City Commission.			
<u>Notice of Claim – James Hartson:</u> No developments to report.			
<u>Notice of Claim – Larry Odum:</u> No developments to report.			
<u>Electric Franchise Agreement with City of Leesburg:</u> In 2013 the City Commission approved a First Amendment to Electric Franchise Agreement between the City of Leesburg and City of Fruitland Park. The Amendment provides the rights set forth in Section 1 of the Electric Franchise Agreement is extended so the term expires December 31, 2018. The expiration “shall act as an automatic exercise of Fruitland Park’s option to purchase those certain assets described in Section 6 of the Electric Franchise Agreement and the valuation and payments terms contained therein shall be applicable and binding on the Parties.” I will be reviewing the Electric Franchise Agreement and at the meeting will present you with pertinent information relating to Section 6 as well as whether or not there is language in the Electric Franchise Agreement that would affect an ordinance for retroactive underground utilities in developed areas of the City.			
Action to be Taken			
Staff’s Recommendation:			
Additional Comments:			

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor



**AGENDA ITEM
NUMBER
7**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Comments			
For the Meeting of:	September 13, 2018			
Submitted by:	City Clerk			
Date Submitted:	September 6, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item:	<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>			
Action to be Taken:	None.			
Staff's Recommendation:				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor¹

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

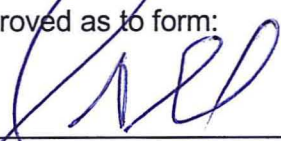
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney