

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
July 28, 2016**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 28, 2016 at 7:00 p.m.

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

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer Jeannine Michaud-Racine; Fire Chief Michael Laming; Assistant Fire Chief Don Gilpin; Fire Department Lieutenant Tim Yoder, Kevin Ducharme, Chase Roddenberry, Sean Parker, Madison Leary, Christopher Lewis, Fire Department; Community Development Director Charlie Rector, Public Works Director Dale Bogle; Parks and Recreation Director Michelle Yoder, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Bell called the meeting to order at 7:00 p.m., Reverend Seth Mulford, Grace Bible Baptist Church, gave the invocation and Chief Fewless led in the Pledge of Allegiance to the flag.

2. ROLL CALL

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

3. INTRODUCTION

After Chief Fewless introduced Ms. Karen A. McKillps, Administrative Assistant, Police Department, the city commission welcomed her to the city.

4. PUBLIC COMMENTS

Mr. Michael Warren, City of Fruitland Park resident, referred to the city commission's discussions at the special meeting earlier this evening regarding funding priorities and expressed his dismay in learning that the Fruitland Park Library receives more funding than the fire department. He suggested that the city commission review the budget to reallocate the funds.

5. CONSENT AGENDA

On motion of, seconded by and unanimously carried, the city commission approved the following consent agenda items:

(a) Approval of Minutes

the July 14, 2016 regular meeting minutes

the July 12, 2016 budget workshop was not available and was not approved

- (b) **Recording System Support Agreement Renewal - BIS Digital Inc.**
the annual renewal of Contract 17-09-A-69244R between Business Information Systems Inc. and the City of Fruitland Park for recording system support for \$2,388.40 for the term September 3, 2016 to September 2, 2017.

and

- (c) **Amendment to FDOT's Traffic Signal Maintenance and Compensation Agreement**
the amendment to the State of Florida Department of Transportation's Traffic Signal Maintenance and Compensation Agreement dated September 17, 2015 as shown in Attachment "1", revised terms and conditions and authorize execution of same.

6. **REGULAR AGENDA**

- (a) **Resolution 2016-024 - Municipal Firefighters Pension Trust Fund Board Appointment**

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Resolution 2016-024, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

On motion of Commissioner Cheshire, seconded by Commissioner Lewis and unanimously carried, the city commission adopted Resolution 2016-024 as previously cited.

- (b) **June 2016 EOM Financial Report**

Ms. Michaud-Racine reviewed the June 2016 year-to-date budget report reflecting revenues and expenses through June 30, 2016.

In response to a question posed by Mayor Bell, Ms. Michaud-Racine confirmed that although she has not heard from Mr. W. Chet Ross, Shumacker, Johnston & Ross, P.A., Certified Public Accountant (CPA) retained by the city, he is working on said report; pointed out previous conversations she had with him, and indicated that she does not know when the financial statements would be received in order for her to conduct the analysis, complete the portion of the Comprehensive Annual Financial Report (CAFR), and produce the budget book.

Ms. Michaud-Racine explained that The Government Finance Officers' Association (GFOA) Award of Financial Reporting Achievement was not awarded to the city last year and the city will not be receiving same this year 2015-16 as GFOA's eligibility requirements on the submittal of the CAFRs and application by March 31, 2016 were not met.

After Mayor Bell agreed with Vice Mayor Gunter's suggestion to seek a new CPA -- noting Ms. Michaud-Racine's announcement of individuals currently waiting for copies of CAFR; the city not receiving fire insurance funds due to the state June 30, 2016, and Lake County Library System's anticipation of receiving the certification of local operating expenditures for FY 2016-17 -- he referred to the city commission's actions taken at the July 14, 2016 regular meeting in this regard.

(c) Resolution 2016-025 - Budget Amendment BT 2016-28 - Mid-Year Budget

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Resolution 2016-025, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2015/2016 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE THE GENERAL FUND BUDGET \$885,145 AND MOVE VARIOUS BUDGET LINE ITEM AMOUNTS TO COVER OVERAGES AND SHORTAGES FOR THE MID-YEAR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2016-025 as previously cited.

After discussion, **Mayor Bell called for a vote on the motion and declared it carried unanimously.**

(d) Resolution 2016-026 - Tentative Millage Rate

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Resolution 2016-026, 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 4.7371 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2016-2017 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2016-2017; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell addressed the city's preparedness to establish a proposed millage rate of 4.7371, the same as last year; however, with the population increase from The

Villages, mostly, it would be a 45.17% increase over the roll back rate of 3.2632 mills where it is required to have more income coming in for such growing city.

A motion was made by Commissioner Cheshire and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2016-026 as previously cited.

Mayor Bell called for interested participants to be heard.

In response to a question posed by Mr. Warren, Ms. Geraci-Carver explained that if the city commission increased the millage over the current or roll back rate, a supermajority vote would be required. She accepted Ms. Michaud Racine's statements confirming that anything over the maximum majority would be 3.9863 which requires a unanimous vote.

Ms. Michaud Racine described how the millage rates were applied and referred to the vote required on FY 2016-17 Taxable Values Table and addressed the need for a unanimous vote when setting the real rate as the TRIM notice. (A copy of table is filed with the supplemental papers to the minutes of this meeting.)

In response, Ms. Geraci-Carver explained that the city commission would be setting the tentative not to exceed rate which requires three votes.

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

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

The motion was declared carried on a four-to-one (4-1) vote.

Following Ms. Geraci-Carver's explanation, when adopting the final FY 2016-17 budget, on the requirement for a unanimous vote when setting the millage rate of 4.7371, Mr. La Venia addressed the need to hold a budget workshop for the final budget hearing to establish the rate back to 3.9863 mills.

After Commissioner Lewis voiced reasons why he cannot support the FY 2016-17 budget at 4.7371, Mayor Bell concurred with Mr. La Venia's earlier suggestion on the need to hold a budget workshop.

Ms. Geraci-Carver described the procedures to set the millage rate and then adopt the FY 2016-17 budget and noted that Commissioner Lewis could conceivably

vote for the 4.7321 with the unanimous millage rate but not approve the budget if it does not meet with his earlier statements to which Mr. La Venia confirmed in the affirmative.

Following further discussions, Mayor Bell concurred with Commissioner Cheshire's statement that he does not want a hybrid fire department and his suggestion to utilize the funds, available from the police and fire fees lawsuit, during mid-year 2016-17 budget (similar to the police department) and the funds from the fire service special assessment to fund the fire department staff recognizing that more revenue would be anticipated to the water wastewater loan; thus, lowering the millage rate.

Ms. Geraci-Carver referred to the order granting unopposed motion to close the common fund (police and fire lawsuit) for approximately \$113,000 which did not have any restrictions.

Vice Mayor Cheshire concurred with Commissioner Ranize' earlier remarks; however, he agreed on the fire department being managed by the county fiscally but not on a service level and voiced his concerns on safety. He addressed the need for a unanimous vote on the rate of 4.7371, amounting to an increase in income of \$424,773 from ad valorem funds, a portion of which would be utilized for salaries where a unanimous vote would be needed at that level.

Mr. La Venia agreed to determine the fire department's schedule and start them during mid-year FY 2016-17 -- similar to the police department -- and commence and commence every department at that time for the 4.7371 rate to which Commissioner Lewis indicated that he is anticipating that Mr. La Venia and department heads address their service needs.

After discussion and in response to Mayor Bell's suggestion that order to adjust the budget of 3.9863 mills, Mr. La Venia's concerns are addressed, he indicated that \$103,000 ought to support the two firefighter positions and grant the millage rate, to which Ms. Michaud Racine agreed.

Following much discussion and **by unanimous consent, the city commission agreed to proceed with the direction as previously cited.**

(e) Wastewater Rates Increases Discussion

Ms. Michaud Racine discussed updating the city's code of ordinances regarding rate increases for water and wastewater for FY 2016-17 with summary of rate comparison; reviewed same, and explained that said rates have not been changed by ten cents since October 2010.

Following extensive deliberations, Mr. La Venia indicated that an ordinance will be drafted -- similar to the water rate which is automatic with the annual consumer price index -- and that staff will provide the Wastewater Treatment

Plant Capacity Reservation and Bulk Treatment Agreement with the Town of Lady Lake outlining the service fees.

(f) Resolution 2016-023 - Shiloh Cemetery Rules and Regulations

At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Resolution 2016-023, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING SHILOH CEMETERY RULES AND REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to Commissioner Ranize' comments on the utilization of a bench as a monument by a graveside and indicated that there is nothing in the rules and regulations that precludes same.

After much discussion a motion was made by **Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2016-023 as amended and directed the city attorney to include an addendum precluding graveside benches and other similar items.**

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

(g) First Reading - Ordinance 2016-015 - Amending Chapter 89 Cemeteries At Mayor Bell's request, Ms. Geraci-Carver read into the record proposed Ordinance 2016-015, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 89 – CEMETERIES TO INCLUDE DEFINITIONS; PROVIDE FOR SALE OR TRANSFER OF INTERMENT RIGHTS; DELETING LANGUAGE WHICH IS OBSOLETE; TRANSFERRING RESPONSIBILITY FROM THE CITY CLERK TO THE CITY MANAGER OR DESIGNEE; REPEALING PHASE IN PROVISION; AUTHORIZING THE CITY COMMISSION TO ADOPT RULES AND REGULATIONS FOR CITY CEMETERIES BY RESOLUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on August 11, 2016.)

After discussion and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved proposed Ordinance 2016-015 as previously cited.**

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

By unanimous consent, Mayor Bell opened the public hearing scheduled for this evening's meeting.

PUBLIC HEARING

(h) Second Reading and Public Hearing - Ordinance 2016-007 - Ad Valorem Taxation

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2016-007, after Ms. Geraci-Carver read into the record the following title, the substance of which is as follows, Mayor Bell called for interested participants to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, REPEALING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "AD VALOREM TAXATION" AND APPENDIX THERETO ENTITLED "AUTHORITY TO HAVE COUNTY ACCESS, COLLECT TAXES" BOTH IN ITS ENTIRETY; CREATING A NEW CHAPTER 90 TO BE ENTITLED "ASSESSMENTS"; PROVIDING DEFINITIONS; PROVIDING APPLICABILITY; MAKING FINDINGS; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPLEMENTATION OF A FIRE SERVICE ASSESSMENT; PROVIDING FOR ADOPTION OF FIRE SERVICE ASSESSMENT RATE BY RESOLUTION AND AUTHORIZING EXEMPTIONS; PROVIDING COLLECTION METHODS AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; INCLUDING AN ALTERNATIVE METHOD; PROVIDING FOR SEVERABILITY, CONFLICT AND CODIFICATION; PROVIDING AN EFFECTIVE DATE.
(The first reading was held on July 14, 2016.)

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

A motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2016-007 as previously cited to become effective immediately as provided by law.

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

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

The motion was declared carried on a four to one (4-1) vote.

END OF PUBLIC HEARING

- (i) **Resolution 2016-021 - Fire Services Provision - Estimated Assessment Rate**
Ms. Geraci-Carver read into the record proposed Resolution 2016-021, the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Sandi Melgarejo, Government Services Group Inc., described the procedures involved outlined in the previously cited resolution. She pointed out the city commission's previous discussions and addressed the ability to provide the different rate scenarios for the various positions to which Mayor Bell believed Mr. La Venia may be interested in acquiring same at a later date.

A motion was made by Commissioner Cheshire that the city commission postpone indefinitely the adoption of Resolution 2016-021 as previously cited.

After Ms. Melgarejo noted the statutory deadlines to implement the special fire assessment in 2016, **Vice Mayor Gunter seconded the motion on the floor.**

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

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

Mayor Bell called for a vote on the motion and it was declared carried on a four to one (4-1) vote. (The action taken by the city commission establishing the estimated assessment rate will not be placed on the 2016 tax bill.)

In response to Commissioner Lewis' inquiry, Ms. Geraci-Carver explained that the city commission members on the prevailing side can reconsider the motion at any time; however anyone can bring the matter up if it is a different commission makeup.

- (j) Public Hearing - Resolution 2016-022 - Establishing Assessment Rate**
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, 2016; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon Mayor Bell's suggestion and by unanimous consent, the city commission withdrew from consideration its action to consider Resolution 2016-022 as previously cited.

By unanimous consent, Mayor Bell opened the public hearing scheduled for this evening's meeting.

PUBLIC HEARING

- (k) Second Reading and Public Hearing - Ordinance 2016-014 - Purchase and Use of Niche for Two Cremains**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2016-014 and after Ms. Geraci-Carver read into the record the following title, the substance of which is as follows, Mayor Bell called for interested participants to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.50 TO ALLOW TWO CREMAINS IN ONE NICHE AND TO INCLUDE FEES FOR THE PURCHASE AND USE OF A NICHE FOR TWO CREMAINS; PROVIDING FOR FEES FOR REOPENING NICHE AND SUBSEQUENT ENGRAVING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 14, 2016.)

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

A motion was made by Commissioner Cheshire and seconded by Commissioner Ranize that the city commission enact Ordinance 2016-007 as previously cited to become effective immediately as provided by law.

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

END OF PUBLIC HEARING

7. NEW BUSINESS

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

8. OFFICERS' REPORTS

(a) City Manager

i. Post Lift

Mr. La Venia referred to the quotation from Advance Auto Parts for a post lift and installation for \$5,199 for the public works department; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia explained that said lift would support a 15,000 vehicle as the previous equipment malfunctioned with a public works department staff utilizing same escaped unarmed.

After discussion a motion was made by Commissioner Cheshire and seconded by Commissioner Ranize that the city commission approve the city manager's request to purchase and install a post lift for the public works department utilizing capital improvement project funds from the operating budget .

After Mr. La Venia responded in the affirmative to Commissioner Ranize' inquiry that the old equipment would be decommissioned and discarded, Commissioner Ranize voiced his objection to Mr. Bogle's suggestion that he would keep the equipment which would assist in repairing vehicles.

Following further discussion, the motion was restated to approve the city manager's recommendation to purchase and install a post lift for the public works department utilizing capital improvement project funds from the operating budget and discard the old equipment.

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

ii. Police Vehicle Equipments

Mr. La Venia pointed out the order quote from Chief Law Enforcement Supply for equipment to be installed in the police department's vehicles totalling total \$9,057 **utilizing capital improvement project funds**; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion and **on motion of Commissioner Ranize, seconded by Commissioner Cheshire and unanimously carried, the city commission approved staff's recommendation to accept the quote as previously cited for the police department.**

(b) City Attorney - FY 2016-17 Budget Public Hearings

With reference to the adoption of Resolution 2016-026, Item 6.(d), earlier in the meeting, Ms. Geraci-Carver announced that the budget public hearing FY 2016-17 on the tentative millage rate will be held on September 8, 2016 and the final budget public hearing setting the millage rate will be held on September 22, 2016 and both meetings will be held at the City of Fruitland Park Commission Chambers at 7:00 p.m.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize - Fire Department - Workshop

Commissioner Ranize explained that he is putting his faith in the city commission to take care of the residents and fire department correctly and conduct a future workshop to address same and work with a plan.

(b) Commissioner Cheshire - Fire Department

Commissioner Cheshire stated that he believes, with respect to the fire department, that the city commission is off to a good start.

(c) Commissioner Lewis - Minutes

Commended and thanked Ms. Coulson on the filtering of the July 14, 2016 regular meeting minutes.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he has nothing to report at this time.

10. MAYOR'S COMMENTS

(a) Workshop and the Meeting

Thank you for the workshop and the meeting, and working together we will try to come up with solutions and you did a great job.

(b) Dates to Remember

Mayor Bell noted the following events:

August 11, 2016, Regular City Commission Meeting at 7:00 p.m.

- **August 12, 2016, Lake County League of Cities – "Ethics Training Class"**
In response to Commissioner Lewis' inquiry, Ms. Geraci-Carver explained that she will inform the city commission if a fine is imposed for violating the Code of Ethics for Public Officers.
- **August 18-20, 2016, Florida League of Cities' 2016 90th Annual Conference in Hollywood, Florida and**
- **August 25, 2016, Regular City Commission Meeting at 7:00 p.m.**

At Mayor Bell's request, Mr. La Venia noted the "Ribbon Cutting" ceremonies to take place on August 26, 2016 at Pine Hills Postal and Neighborhood Recreation Center, 3422 Moyer Loop, The Villages, FL 32163 and September 2, 2016, at Moyer Village Recreation Center, 3000 Moyer Loop, The Villages, FL 32163 both at 10:00 a.m.

11. ADJOURNMENT

Mayor Bell announced the following dates:

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 8:48 p.m.

The minutes were approved at the August 11, 2016 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Christopher Bell, Mayor