



## **FRUITLAND PARK CITY COMMISSION REGUAR MEETING AGENDA**

**May 11, 2017**

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 – Sharon Burris, Heritage Community Church

Pledge of Allegiance - Police Chief Michael A. Fewless

**2. ROLL CALL**

**3. PROCLAMATION - “Stamp Out Hunger” National Food Drive Day  
Proclamation – May 13, 2017** (city clerk)

**4. PRESENTATIONS**

**(a) Water Safety Day** (city clerk)  
Mr. Jim Harrison

**(b) Fruitland Park Elementary School** (city manager)  
Dr. Kristi Burns, Lake County School Board Member District 2

**5. 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)

April 27, 2017 regular

**6. REGULAR AGENDA**

**(a) Fire Department – Windows Server - MMD Computer Center Inc.** (city manager)

Request to approve an estimate from MMD Computer Center Inc. for the installation and connection of the fire department’s Windows Server 2016 to city hall.

- (b) **First Reading - Ordinance 2017-016 - Personnel Policies and Procedures Manual - Family Employment-Nepotism and Personal Relationships** (city manager/city attorney)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 2.4 IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL LAST REVISED IN ORDINANCE 2014-018; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)
- (c) **First Reading - Ordinance 2017-017 Repealing Local Traffic Movement Regulation Ordinance 2017-011** (city attorney)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REPEALING ORDINANCE 2017-011 WHICH CONTROLS AND REGULATES TRUCK TRAFFIC ON CERTAIN STREETS IN THE CITY OF FRUITLAND PARK; PROVIDING FOR DIRECTIONS; SETTING AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)
- (d) **First Reading - Ordinance 2017-018 Parks and Recreation Fees, Section 99.90** (city manager/parks and recreation director/city attorney)  
AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE RECREATION DIRECTOR TO SET CERTAIN RECREATION FEES AND TO DELETE FEES FOR THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)
- (e) **First Reading - Ordinance 2017-019 Curfew** (city manager/police chief/city attorney/  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING SEC. 132.07 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK TO INCORPORATE THE JUVENILE CURFEW PROVISIONS SET FORTH IN FLORIDA STATUTES; ESTABLISHING GEOGRAPHIC APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 8, 2017.)

**7. NEW BUSINESS**

**8. OFFICERS' REPORTS**

- (a) **City Manager**

**(b) City Attorney  
Lawsuits and Notices of Claims**

**9. 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.

**10. COMMISSIONERS' COMMENTS**

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

**11. MAYOR'S COMMENTS**

**12. ADJOURNMENT**

**DATES TO REMEMBER**

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

May 12, 2017- Lake County League of Cities (LCLC) Dr. Stanley Sidor, Lake Sumter State College Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon

May 20, 2017 – Water Safety Day, Gardenia Park, 201 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.

May 24, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.

May 25, 2017 - Regular Commission Meeting at 6:00 p.m. – Cancelled

May 29, 2017 – City Offices Closed – Memorial Day

June 8, 2017 - Regular Commission Meeting at 6:00 p.m.

June 9, 2017 – LCLC Carey Baker/Mike Prestridge, Lake County Property Appraiser's Office Preliminary Tax Roll 2016 Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon

June 20, 2017 – Workshop Commission Meeting at 6:00 p.m.

June 22, 2017 - Regular Commission Meeting at 6:00 p.m.

June 28, 2017– Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m., and

July 4, 2017 – City Offices Closed – Independence Day

July 12, 2017 - Budget Workshop at 6:00 p.m.

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May 11, 2017 Regular Agenda

July 13, 2017 - Budget Workshop at 6:00 p.m.

July 14, 2017 – LCLC 2017 Legislative Session Update – Lake Legislative Delegation, FY 2017-18 Budget and Dues Approval, Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon

July 27, 2017 - Regular Commission Meeting at 6:00 p.m.

July 28, 2017 - Special Commission Meeting at 6:00 p.m.

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  
3**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Proclamations		
<b>For the Meeting of:</b>	May 11, 2017		
<b>Submitted by:</b>	City Clerk		
<b>Date Submitted:</b>	April 14, 2017		
<b>Are Funds Required:</b>		Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>	<i>"Stamp Out Hunger", National Food Drive Day – May 13, 2017</i>		
<b>Action to be Taken:</b>			
<b>Staff's Recommendation:</b>			
<b>Additional Comments:</b>			

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor



# Proclamation

WHEREAS, National Association of Letter Carriers' (NALC's) branches across the country, as well as its local Central Florida Branch 1091, are preparing for the 25th Anniversary of its *"Stamp Out Hunger" Food Drive* to be held on Saturday, May 13, 2017;

WHEREAS, the Stamp Out Hunger Food Drive is the nation's largest one-day event effort to combat hunger; and

WHEREAS, an estimated 50 million people face hunger daily in America, including millions of children, senior citizens and military veterans; and

WHEREAS, since the pilot drive was held in 1991 and every year on the second Saturday in May, letter carriers represented by the NALC --with the help of rural letter carriers, other postal employees and numerous other volunteers – has resulted in the delivery of more than 1.5 billion pounds of donations to community food banks and pantries over the past 24 years; and

WHEREAS, locally Florida has collected 12 million pounds and the Central Florida Branch 1091 has collected over 1,000,000 pounds of food last year; and

WHEREAS, all of the food collected in our community stays in our community and we support carriers' efforts to help those in need in our community.

NOW, THEREFORE BE IT PROCLAIMED that I “Chris Cheshire, Mayor of the City of Fruitland Park, Florida”, on behalf of the city commissioners, and by the authority vested in us, do hereby proclaim Saturday, May 13, 2017 as *NALC "Stamp Out Hunger" National Food Drive Day* for the City of Fruitland Park and encourage all citizens of our community to support the food drive by placing a bag or can of non-perishable food next to their mailbox prior to their letter carrier's arrival on food drive day who will pick it up while delivering the mail—and together, we can all help to feed our hungry.

DATED this 27<sup>th</sup> day of April 2017.

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Chris Cheshire, Mayor

Attest:

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Esther Coulson, City Clerk



**AGENDA ITEM  
NUMBER  
4a&b**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Presentations		
<b>For the Meeting of:</b>	May 11, 2017		
<b>Submitted by:</b>	City Clerk		
<b>Date Submitted:</b>	April 25, 2017		
<b>Are Funds Required:</b>		Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>	<p>(a) Water Safety Day presentation – Mr. Jim Harrison</p> <p>(b) Fruitland Park Elementary School – Dr. Kristi Burns, Lake County School Board Member District 2</p>		
<b>Action to be Taken:</b>			
<b>Staff's Recommendation:</b>			
<b>Additional Comments:</b>			

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor

# WATER SAFETY MONTH

Do Your Part. Be Water Smart

Lake County public safety entities and various public and private partners have joined together to host Water Safety Month during May, with free swimming demonstrations, tips and information for making time spent in the water safe and fun for all.



**MAY 20, 10 A.M. – 1 P.M.**

**CLERMONT ARTS & REC CENTER**

3700 S. U.S. Highway 27, Clermont  
*(Sponsored by Swimming for Life)*

**GARDENIA PARK**

201 W. Berckman St. Fruitland Park

**UMATILLA CITY POOL**

16 Lone Star St., Umatilla

**VENETIAN GARDENS**

Dozier Circle, Leesburg

**GOLDEN TRIANGLE YMCA**

1465 David Walker Drive, Tavares

**MAY 27, 10 A.M. – 1 P.M.**

**MOUNT DORA CITY POOL**

1200 N. Unser St., Mount Dora

Each day in the U.S., 10 people die from drowning and two of these are children under the age of 14, according to the U.S. Centers for Disease Control. Florida has the highest drowning rate in the nation for children under 14, according to the Florida Department of Health.

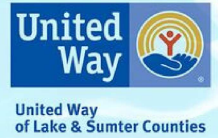
**FREE Water Safety Event Activities:**

- CPR and 'Reach or Throw, But Don't Go' demonstrations
- Life jacket education
- Mock drowning exercise
- Water safety movie by Safer 3
- Swimming lesson registrations
- Safety vendors and exhibits
- Open swim
- Tips for keeping kids safe at home

Water Safety Month is hosted by the Water Safety Advisory Committee, in partnership with the Lake County Board of County Commissioners, Lake County Schools, Lake EMS, Florida Department of Health in Lake County, Swimming for Life, Coast Guard Auxiliary, Department of Children and Families, Golden Triangle YMCA, and the cities of Tavares, Umatilla, Clermont, Leesburg and Fruitland Park.

FOR MORE INFORMATION, CONTACT MEGAN MILANESE AT 352-431-0565.





# SUMMER SWIM FOR SAFETY

Swim Scholarships available for residents that qualify in the following cities:

**Clermont • Groveland • Mascotte  
Montverde • Leesburg • Fruitland Park • Umatilla**

Qualifications (one of the following):

**Free / Reduced Lunch Letter  
SNAP Card • WIC card • Medicaid Card**

**APPLICATIONS ONLINE: [WWW.SWIMMINGFORLIFE.COM](http://WWW.SWIMMINGFORLIFE.COM)**



**MAY**

**20**

## WATER SAFETY DAY | FREE ADMISSION

**Saturday, May 20th from 10am - 1pm in the following cities:**

Clermont (Arts & Recreation Center), Leesburg (Venetian Gardens), Fruitland Park, City of Umatilla  
May 27 Only - Mount Dora

**Wear bathing suit and bring a towel. Interactive water safety demonstrations.  
Learn how to be safe in, on, and around the water!**

**From:** Jim Harrison  
**To:** [Esther Coulson](#)  
**Subject:** topics for speaking  
**Date:** Monday, May 01, 2017 8:31:22 PM  
**Attachments:** [image.png](#)

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Ms Coulson

Thank you for the opportunity to speak. My name is Jim Harrison and my wife Virginia (Ginny) Harrison and I co-founded Straight Forward Ministries, Inc./Swimming For Life a 501c3 Florida Corporation dedicated to water safety education and drowning prevention in 2011.

- Your commitment to water safety education was evident when you sent your swim instructors to be certified by the American Red Cross Water Safety Instructor class taught by Ginny in February.
- Water Safety Day is scheduled for May 20<sup>th</sup> a free event to educate parents and children on how to be safer in, on and around water
- Our scholarship program for families in Lake County, how they can go on line at [www.swimmingforlife.com](http://www.swimmingforlife.com) and apply for it. There are minimum requirements because our vision is that every child have an opportunity to attend learn to swim classes.
- Last year we were only able to reach 8 families in your area. This year with your help in getting the word out to your communities we hope to reach many more.
- And lastly to thank your city for being one of 4 cities in Lake County that are participating with us to make it happen by accepting our vouchers from folks in and around your city.

We also want you to know that we are available to speak at any organization or function that would like to hear about us and what is taking place in Lake county as to drowning prevention and water safety education.

--

**Jim Harrison**  
Straight Forward Ministries, Inc./swimming For Life  
[www.swimmingforlife.com](http://www.swimmingforlife.com)  
352-201-8454



## Esther Coulson

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**From:** Glass, Stephanie <SGlass@lakecountyfl.gov>  
**Sent:** Thursday, May 04, 2017 8:49 AM  
**To:** Glass, Stephanie  
**Subject:** FW: Scholarships for Summer Swim for Safety  
**Attachments:** Swimming for Life Flyer.pdf

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**From:** Humphrey, Lori A [mailto:HumphreyL@lake.k12.fl.us]  
**Sent:** Thursday, May 4, 2017 7:45 AM  
**Subject:** Scholarships for Summer Swim for Safety

We are just about through the month of April and our scholarship program is lagging way behind what we had anticipated. We are distributing flyers to the title one schools and posting as much as possible on social media. We can accommodate up to 450 plus children in Clermont, plus we offer scholarships to Leesburg, Fruitland Park and Umatilla. We need your help to get the word out to the people in your circle of influence. We also need any recommendations you might have to fill these spots.

**Jim and Ginny Harrison**

**Straight Forward Ministries, Inc.**

**DBA Swimming for Life**  
[straight.forward@aol.com](mailto:straight.forward@aol.com)  
**352-201-8454 (Jim)**

**[407-234-9921](tel:407-234-9921) (Ginny)**

Under Florida's "Public Records" law, absent a specific exclusion, written communications to or from Lake School District employees are considered public records. E-mail communication with this correspondent may be subject to public and media disclosure upon request.



**AGENDA ITEM  
NUMBER  
5**

## CONSENT AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Draft Minutes			
<b>For the Meeting of:</b>	May 11, 2017			
<b>Submitted by:</b>	City Clerk/City Manager			
<b>Date Submitted:</b>	May 5, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes.			
<p><b>Description of Item:</b> 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 April 27, 2017 regular meeting minutes</p>				
<b>Action to be Taken: Approval</b>				
<b>Staff's Recommendation:</b> Approval, if there are no changes, corrections, or deletions.				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the consent agenda: \_\_\_\_\_  
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
April 27, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 27, 2017 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-Michaud; Police Chief Michael Fewless; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, Fruitland Park Library Director Jo-Ann Glendinning, Human Resources Marie Azzolino, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

After Mayor Cheshire called the meeting to order, Pastor Jim Keegan, New Life Church, gave the invocation and Police Chief Michael A. Fewless led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

**3. PROCLAMATIONS**

**(a) "Stamp Out Hunger" National Food Drive Day Proclamation – May 13, 2017**

**By unanimous consent, the city commission postponed the "Stamp Out Hunger" National Food Drive Day Proclamation to the May 11, 2017 regular meeting at the city clerk's request.**

**(b) NOASH Week, May 7-13, 2017 and Occupational Safety and Health Professional Day, May 10, 2017**

On behalf of the city commission, Mayor Cheshire proclaimed May 7 to 13, 2017 as *North American Occupational Safety and Health Week* and Wednesday May 10, 2017 to be *Occupational Safety and Health Professional Day*. He encouraged all industries, organizations, community leaders, employers and employees to support activities designed to increase awareness of the importance of safe workplaces for all.

Mr. Lee J. Claycomb, Orange County Sheriff's Office Safety Coordinator representing the Central Florida Chapter American Society of Safety Engineers accepted the proclamation with thanks.

**4. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the April 13, 2017 regular meeting minutes as submitted.**

**5. REGULAR AGENDA**

**(a) Fruitland Park Library Construction Update**

Mr. James P. Senatore, Senatore Inc., updated the city commission on the status of the Fruitland Park Library construction architectural design plans, reviewed by Mr. Rector, which are near completion; addressed the need to coordinate with the engineers later this month on the site plan and foundation, and indicated that Mr. Rector has the timeline for same.

In response to a question posed by Commissioner Ranize, Mr. Senatore explained that the over-budget costs has been brought to his attention; recognized the price increases since he submitted his estimate more than a year ago, and outlined efforts made to reduce expenses. He mentioned his commitment to make a determination, upon reviewing the estimate, to modify the plans and implement the costs back into the budget, if the bids exceed the budget.

Messrs. Senatore and Rector described the approximate timelines between May and August 2017 to formulate the library construction bid project and procurement on the site plan work (expected from Boot, Ern, Straughan & Hoitt Inc., engineers retained by the city; to be reviewed by St. John's River Water Management District (SJRWMD), and finalized by Mr. Senatore, and the commencement of the procurement process to include: advertising, pre-bid meeting with proposed questions, answers and site tour; bid opening, and the selection committee review and recommendations, prior to the city commission's decision.

Following further discussion, Mr. Lewis acknowledged Ms. Glendinning's concerns that after the bid is awarded and contractor selected, a date certain will be established for the new library's ground-breaking ceremony.

In response to Mr. La Venia's comments on the need for Mr. Senatore to commence work on the public works building, Mr. Rector confirmed that Mr. Bogle will be meeting with him on his plans to implement same before providing it to Mr. Senatore.

**By unanimous consent, the city commission authorized staff to proceed with Senatore Inc. to prepare conceptual plans towards the design of the public works building.**

Mr. Senatore explained that due to the library plans, the whole site including the public safety building will be eventually reviewed.

(b) **Resolution 2017-016 – Public Works Department Sale Surplus FY 2017-18 Budget Amendment**

Ms. Geraci-Carver read into the record, the adoption of proposed Resolution 2017-016, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2016/2017 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO TRANSFER FUNDS FROM GENERAL FUND SURPLUS TO THE GENERAL FUND ROAD AND STREETS BUDGET FOR EXPENDITURES IN THE PUBLIC WORKS DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, the city commission voiced no objections to Mr. Bogle's plans to earmark said funding towards safety equipment for city-related events.

**A motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-016 as previously cited.**

Following further discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(c) **Resolution 2017-017 – Landscaping Improvements – SR 500 (US 441) FDOT Five-Year Work Program - JPA**

After discussion and **by unanimous consent, the city commission withdrew its action to adopt Resolution 2017-017 at staff's request.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION AND THE CITY OF FRUITLAND PARK FOR LANDSCAPE IMPROVEMENTS ON SR 500 (US 441); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Later in the meeting and at Mayor Cheshire's request, **the city commission, by unanimous consent, reconsidered the item and the Mayor Cheshire called for a motion.**

**On motion of Vice Mayor Gunter, seconded Commissioner Lewis and unanimously carried, the city commission postponed its action on Resolution 2017-017 at staff's request.**



**(d) First Reading - Ordinance 2017-016 – Personnel Policies and Procedures Manual – Family Employment-Nepotism and Personal Relationships**

The city commission considered its action to approve proposed Ordinance 2017-016, the title of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 2.4 IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL LAST REVISED IN ORDINANCE 2014-018; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading will be held on May 11, 2017.)

Ms. Geraci-Carver inquired the readiness of the proposed ordinance to be considered as first-reading as a result of questions posed at the April 13, 2017 regular meeting and conversations with Ms. Dorothy "Dottie" F. Green, Latham, Shuker, Eden and Beaudine LLP (law firm retained by the city) on the issue in question. Ms. Geraci-Carver relayed Ms. Green's recommendations to remove the provisions pertaining to commissioners under Family Employment and Nepotism and Personal Relationships as the commissioners are not governed by the city's personnel policies and procedures manual and the implementation of a separate policy addressing commissioners would be required, if the city commission wanted to be included.

**On motion of Commissioner Ranize, seconded by Bell and unanimously carried, the city commission postponed its action to consider proposed Ordinance 2017-016 as previously cited; directed the city attorney to revise said ordinance removing provisions pertaining to commissioners under Family Employment and Nepotism and Personal Relationships under Section 1 of proposed Ordinance 2017-016 and Policy 2.4(a) and (b) of Exhibit A, and accepted the city attorney's request that the ordinance be considered as first reading on the next agenda.**

**6. NEW BUSINESS**

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

**7. OFFICERS' REPORTS**

**(a) City Manager**

**- Local Truck Traffic Movement Regulation Ordinance 2017-011 Update**

Upon Mr. La Venia's request, Chief Fewless relayed the business owners' concerns after the local truck traffic signs were erected and the commencement of law enforcement officers' issuance of citations for traffic violations. He relayed the concerns expressed by business owners on the problem of trucks returning back to the owners' place of business in the afternoons; explained the school children's safety as reasons why he

rejected the business owners' recommendation to divide traffic on the affected streets, and conveyed the business owners' acceptance to the alternative method of limiting truck traffic on the roadways during school zone hours.

Chief Fewless recalled the complaints voiced by residents, during the Walking Wednesdays Program (promoted by the police department), on the likelihood of children being involved with truck-related incidents when heading to their bus stops.

Ms. Laurel Connell, City of Fruitland Park property owner, referred to previous conversations with Chief Fewless who she stated that he saw the concerns and she agreed with his suggestions.

Mr. Jay Connell, City of Fruitland Park property owner, explained that the issue relates to regular pickup or three-quarters of a ton trucks. He expressed his willingness to work with the city.

Following further discussion and after Chief Fewless explained why he would like to remove the liability from the city, Commissioner Ranize pointed out the city commission's initial discussion on the subject issue believing that all property owners were contacted to elicit their ideas, which he later found out was not true. He mentioned the mistake made as a result; working with the property owners as he does not have a problem with the school zone hours only, and indicated that he is in favor of limiting truck traffic.

Commissioner Lewis addressed the problems in determining school zone hours in comparison with the Fruitland Park Elementary school not in session; recognized existing laws to correct traffic violations, and noted the burden of commercial traffic deteriorating local roads. He referred to Commissioner Ranize' concerns petitioning safer streets and sidewalks.

After the city commission questioned the need for Ordinance 2017-011; the availability of safe routes to school grants; the utilization of same to install sidewalks, and the erection of warning signs, **by unanimous consent, the city commission directed the city attorney to draft an ordinance repealing Local Traffic Movement Regulation Ordinance 2017-011 for the city commission's consideration.**

Mayor Cheshire agreed with Chief Fewless' suggestion to remove the existing signs after the ordinance is repealed.

- **Recreation Fees, \$99.90, Code of Ordinances**

At Mr. La Venia's request, Ms. Yoder addressed the major problem on the dollar differences charged to residents and nonresidents to use city property and services provided by the parks and recreation department.

After much discussion, Ms. Rita Ranize, City of Fruitland Park resident, mentioned her previous employment with the City of Leesburg for approximately 30 years; compared the surrounding municipalities that do not distinguish residents and nonresidents, and suggested establishing a flat fee.

Following further deliberations, Ms. Ranize mentioned the City of Leesburg's plans to close the operation of its swimming pools to rebuild in the future; addressed the City of Fruitland Park's opportunity to host high school students who would have no access to a swimming pool to practice and compete, and mentioned the city's the ability to attract businesses.

After Commissioner Lewis recalled previous discussions regarding the size of City of Fruitland Park Gardenia Park's pool, Ms. Yoder confirmed -- with the exception of not having pool painted lines and backstroke flags -- it meeting the standards of an Olympic-size swimming pool and explained that she has been working with the City of Leesburg on its likelihood of purchasing swimming pool heaters and blankets for Gardenia Park Swimming Pool, if the City of Fruitland Park pays the bill and keeps the pool open year-round.

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission authorized the parks and recreation director to establish fees for the use of city property and services and directed the city attorney to draft an ordinance for city commission consideration.**

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

<b>Commissioner Bell</b>	<b>No</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**Mayor Cheshire declared the motion carried.**

**(b) City Attorney - Pennsylvania Avenue – Terry Ross Duplex Project**

Ms. Geraci-Carver referred to the request for her to review the previous approvals made on the Terry Ross Duplex project on Pennsylvania Avenue and provide

recommendations to resolve same. She noted two methods of resolving the approvals: apply for a special exception (if the R-2 designated use with the request for duplex before construction is to be followed); abide by the procedures before the city's Planning and Zoning (P&Z) Board and then the city commission to approve same (which was not carried out), or follow through the condominium process as single family attached residential dwelling units.

Ms. Geraci-Carver referred to her conversations regarding the subject issue with Mr. Greg Beliveau, LPG Urban & Regional Planners Inc., earlier this day, and Mr. Charles "Chuck" Johnston, representing the developer, on April 26, 2017. She gave her understanding on the intent to proceed with the condominium process to be recorded as a plat with Lake County records and file it with the State of Florida Department of Business and Professional Regulation, Division of Condominiums, Timeshares and Mobile Homes. She explained that such process -- as single family attached dwelling units -- does not require city approval and recognized the permitted use under the city's R-2 zoning code to be subject to separate ownership where such dwellings can be rented or occupied by the owner.

After the state's approval cycle, Ms. Geraci-Carver indicated that the condominium process does not come back to the city for design approvals; however, she noted the need to meet the city's land development regulations (LDRs). She explained that the city can address and change its zoning districts and permissible uses going forward.

After discussion, Ms. Geraci-Carver noted the issue relating to the lack of lot split; the situation of the single family attached residential dwelling units, under the LDR definition, to be subject to separate ownership; thus, the minimum lot size would meet the city's requirements for a lot split, and noted that the matter of the condo process to be the next best solution.

Ms. "Cynthia "Cindy" Burch, City of Fruitland Park resident, questioned the next best solution for Mr. Ross or the residents in the area; inquired how the existing newly constructed duplexes -- which were built without special permission and cannot be found in the record -- were developed, and noted that the properties are yet to be developed.

After discussion, Ms. Geraci-Carver gave her understanding on Mr. Ross' desire to include the vacant lots that they also own as proposed development of condos as single family attached residential dwelling units.

After Mayor Cheshire suggested expediting the procedures to approve the LDRs to avoid the passage of condo units, Ms. Geraci-Carver suggested that the city could change what is permissible under the R2 zoning designation and not permit any other use other than single family residential dwellings. She voiced her concurrence on the city commission's ability to resolve same using the proper process; mentioned the property owner's option to apply for a lot split at staff level

for the single family attached residential dwelling units as they do not meet the minimum lot size requirements, and noted that the city's code does not address condominiums. She cited from Chapter 154, Zoning Regulations the city's minimum building setback requirements for Residential 2 District (front 30 feet, side 10 feet, and rear 20 feet, different for condominiums and duplexes which have to meet same and requires a variance) and explained that she is continuing her research on the two existing structures which have not yet been concluded.

After the city commission noted that lot 18, Pennsylvania Street and Forest Avenue, does not meet compliance, needs a variance and is currently being built, Ms. Burch questioned how Mr. Rector obtained permission to proceed with the work.

In response, Mr. Rector acknowledged his issuance of the two permits relating to lots 18 and 18 (Pennsylvania Avenue) duplexes and indicated that said properties were zoned according to Chapter 154.030, The Establishment of Zoning Districts and Official Zoning Map allowing for single family homes. He explained that Mr. Ross met with his attorney and relayed their decision to proceed with filing the condominium application with Lake County and Tallahassee (which have not yet occurred), without consideration by the P&Z Board and the city commission.

Mr. Rector quoted Florida Statutes Part IV, Subsection 718.403(8), Phase condominiums, Special Types of Condominiums, *Upon recording the declaration of condominium . . . pursuant to this section, the developer shall file the recording information with the division within 120 calendar days . . . .*

Before recording with the county and after Mr. Rector explained the requirement for the developer to conduct a survey, Commissioner Ranize pointed out:

- page two of Zoning District Regulations Ordinance 2005-020 enacted on August 11, 2005 on the LDR amendment for R-2 "Single-Family Medium Density Residential (which was revised the following year and prior to the selling of the lots);
- the permit applications dated earlier this year were submitted for lots 18 and 19 both of which described the projects as duplexes and not condominiums, and
- subsection 1.1)B) of Ordinance 2005-020, *uses permitted as special exception use upon approval of the city commission.*

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

In response Mr. Rector disclosed that a new application was since submitted as Mr. Ross changed his mind.

After discussion and in answer to Commissioner Lewis' inquiry, Ms. Geraci-Carver addressed the definition of single family attached residential dwelling units which is subject to separate ownership; thus, the reason for the lack of lot split initially, and noted that the size does not meet the minimum requirements to which Mr. Rector interjected only to the time of issuing the certificate of occupancy and not at the time of permitting.

After Mr. La Venia gave his opinion on why he is opposed to duplexes in the city and recommended expeditious action on precluding it from happening wherever legally possible, Ms. Geraci-Carver concurred with his statements that duplexes, single family attached residential dwelling units, or condominiums would yield the same results and explained that she will review the matter as to whether it can be legally prevented recognizing that it is permissible under the city's R2 zoning designation.

In response to questions posed by Ms. Geraci-Carver and Mr. La Venia, on whether the property owner applied for and received permits, Mr. Rector indicated that staff received a preliminary plat on the subject issue from Farner, Barley and Associates Inc.

Mayor Cheshire requested that Ms. Geraci-Carver expeditiously review the issue in order to determine whether a special city commission meeting would be necessary to prevent duplex-type properties within the city.

Mr. Rector referred to his April 26, 2017 conversation with Mr. Beliveau; relayed his suggestions on the need for the city commission to change the LDRs where R2 zoning does not allow single family attached homes which would eliminate condominiums, and suggested that it be reworded to permit single family attached dwelling units that are not qualified as a possible condominium to which Ms. Geraci-Carver concurred. She addressed her need to meet with the respective individuals to determine the status of the applications received; report back to the city commission regarding the vacant lots, and communicate with Mr. La Venia in case there is a need to hold a special city commission meeting.

Mr. Carlisle Burch, City of Fruitland Park resident, voiced his displeasure regarding the subject issue and recalled instances where property owners appeared over the years before the city commission on the permission to build properties (namely, on Sunset Way/Forest Street during the 1970's which was denied by the commission; and the plan to divide Sunset Way to permit low income properties on Forest Street and Dixie Avenue in the 1990's which did not take place). He questioned the city's efforts in assisting those outside the city instead of its citizens.

## **8. PUBLIC COMMENTS**

Mr. Peter J. Hurtt, City of Fruitland Park resident, thank the city commission for their service and stated that he will hold his questions to the next meeting.

Mr. Paul Frost, City of Fruitland Park resident, relayed a resident's request posted on a previous Facebook™ platform for a dog park in the city; referred to the current signs displayed at the parks prohibiting such animals, and relayed the request for him to question the city commission as to whether such a reserved area exists.

Mayor Cheshire indicated that he is favorable of the idea; questioned the feasibility and costs of implementation, and noted that a vacant land is expected to become available from public works.

In response to Commissioner Lewis' statements recognizing the number of existing dogs in the city; his thoughts on the Spring Lake subdivision, and the residents' comparison of The Villages' dogs park and none in the city; the city commission agreed with his remarks that he was favorable of its placement and maintenance of same in the city.

## 9. COMMISSIONERS' COMMENTS

### (a) Commissioner Ranize

#### i. Fire Department Records/Reports

In response to Commissioner Ranize' question on the status and the need for the fire department's records management as well as timesheets of staff, Mr. La Venia explained that he received prior to this evening's meeting, a USB flash drive from the State of Florida Department of Law Enforcement consisting of electronic records that were previously erased. Mr. La Venia gave his assurance that Chief Gilpin will be forwarding the fire department's records to Ms. Coulson.

After Mr. Gilpin confirmed in the affirmative that the fire department's electronic records are not maintained within and the city's hard drive and connected to the city server, Commissioner Ranize gave his opinion on the need for same to be prioritized.

With respect to documents relating to the volunteer firefighters, Ms. Geraci-Carver gave her understanding that staff has re-signed the necessary paperwork identifying them as volunteers.

#### ii. Pennsylvania Avenue – Terry Ross Duplex Project

Commissioner Ranize referred to a telephone call received from Mr. Dwight Dodd, former City of Fruitland Park resident, and recalled his appearance before the city commission at a previous meeting requesting the paving of Sunset Way. Commissioner Ranize pointed out the city commission's action in early 2007 granting the variance of a 10-foot easement near Sunset Way and Forest Street to pave the roadway for vehicular access.

Commissioner Ranize recognized this day's date where nothing has taken place noting that the city has duplexes in the area; believed that the city owes it to its residents, and noted that Mr. Dodd has since relocated to

another state. Commissioner Ranize stated that he expressed his sentiments to Mr. La Venia addressing the need to rectify the problem; recollected the city commission's previous discussion on rental units on CR 466A, and referred to Mr. Rector's reassurance at that time on protecting the city which did not take place.

Commissioner Ranize referred to Mr. Ross' permit application for properties in lot 18 with a setback of five feet from the property line and described the dimensions to which he stressed the need to obtain an answer to the problem and place it on a schedule.

After discussion, Mr. Burch described the intended plan for the property in question; its current condition, and the proposition that was made for the city to purchase same.

**(b) Commissioner Lewis - Pennsylvania Avenue – Terry Ross Duplex Project**

Commissioner Lewis referred to the Burch's concerns that was also brought to his attention. He questioned the personnel management issue that has repeatedly appeared frequently of which he is concerned.

Commissioner Lewis relayed the municipal elected officials' positions taken at the April 26, 2017 Lake~Sumter Metropolitan Planning Organization Governing Board meeting on the funding and implementation of the Transportation Management System for the creation and management of a fund for non-grant eligible expenses and the concerns voiced by Commissioner Ranize on same at the city commission's April 13, 2017 regular meeting. He conveyed the MPO's actions taken at its April 26, 2017 meeting approving a corrective action plan on management concerns with its executive director for six months probationary period.

With reference to Commissioner Ranize' comments regarding the residents' concerns expressed to him on the Pennsylvania Avenue (Terry Ross Duplex Project), Commissioner Lewis reported that he was also, similarly, approached by individuals in that regard; pointed out his conversations with Mr. Rector, upon Mr. La Venia's suggestion, where he believed he received a satisfactory answer and mentioned his unawareness of the term *single family attached dwelling units* until Commissioner Ranize drew the matter to Ms. Geraci-Carver's attention.

Commissioner Lewis pointed out Mr. Burch's comments on preventing the situation from happening again and believed that the city commission would get to the bottom of the matter.



(c) **Commissioner Bell**

i. **Pennsylvania Avenue – Terry Ross Duplex Project**

Commissioner Bell gave reasons why he believed the zoning district regulations was updated on November 17, 2006. He stated that he felt the city's LDRs are subject to different interpretations which he stated that Ms. Geraci-Carver would be reviewing and the city commission considering the update of same.

ii. **CR 466A Roadway Improvement**

Commissioner Bell explained that the CR 466A roadway improvement project did not pass the approval stage due to the dip in roadway; indicated that change orders are undergoing negotiations and nearing settlement, and relayed the assurance he received that construction work would return back on schedule within a few days.

In response, Commissioner Ranize conveyed his communication with Mr. Fred Schneider, Lake County Public Works Department, County Engineer, who informed him that the subject project is back on schedule and relayed his disappointment to Mr. Schneider that the approximate \$3.3 million contract would not be due until May 20, 2017.

Commissioner Bell explained that the possibility of requesting an additional ten days has not yet been approved to which Commissioner Lewis briefly reported on a previous roadway incident as a result of the delayed project.

(d) **Vice Mayor Gunter, Jr. - Pennsylvania Avenue – Terry Ross Duplex Project**

Vice Mayor Gunter gave an example of policies established by previous and future boards; indicated the city commission's current awareness of the R2 zoning, and addressed the need for the city commission to address and resolve to which Mr. La Venia concurred.

10. **MAYOR'S COMMENTS**

(a) **Pennsylvania Avenue – Terry Ross Duplex Project**

Mayor Cheshire voiced his concurrence with Vice Mayor Gunter's remarks on the subject issue.

(b) **Dates to Remember**

Mayor Cheshire announced the following events:

- May 6, 2017 - *Employee Picnic*, Veterans Park at 11:00 a.m.,
- May 8, 2017 – Lake County Trails, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.,
- May 10, 2017 – *2017 Lake County Community Service Awards*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon,
- May 11, 2017 - Regular Commission Meeting at 6:00 p.m.,

- May 12, 2017- Dr. Stanley Sidor, Lake Sumter State College Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon,
- May 20, 2017 – Water Safety Day, Gardenia Park, 201 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.,
- May 24, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.,
- May 25, 2017 - Regular Commission Meeting at 6:00 p.m. – Cancelled, and
- May 29, 2017 – City Offices Closed –Memorial Day and not Labor Day

**11. ADJOURNMENT**

**There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:45: p.m.**

The minutes were approved at the May 11, 2017 regular meeting.

Signed \_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed \_\_\_\_\_  
Chris Cheshire, Mayor



**AGENDA ITEM  
NUMBER  
6a**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Fire Department Computer Server		
<b>For the Meeting of:</b>	May 11, 2017		
<b>Submitted by:</b>	City Manager/Fire Chief		
<b>Date Submitted:</b>	April 14, 2017		
<b>Are Funds Required:</b>		Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>	Request to authorize the approval of a computer server connection from the fire department to city hall.		
<b>Action to be Taken:</b>	City commission discretion.		
<b>Staff's Recommendation:</b>			
<b>Additional Comments:</b>			

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor



Leesburg - 595 S. 14th Street, Leesburg, FL 34748  
352-315-0485

Lady Lake - 109 S. US Hwy 27/441 Lady Lake, FL  
32159  
352-750-3707

# Estimate

Date	Estimate #
5/3/2017	16138

Name / Address

**Contract \$80/Half 5@\$500**  
**City of Fruitland Park**  
**506 West Berckman Street**  
**Fruitland Park, FL 34731**  
**CONTRACT CLIENT**

**Monday to Friday 9:00am - 6:00pm**  
**Saturday 9:00 a.m. - 1:00 pm**  
**Both Stores are CLOSED the LAST Saturday of every month.**

352-360-6727

Phone

Description	Qty	Rate	Total
Windows Server 2016, 16GB RAM, 256GB Mirror SSD, Adaptec RAID Controller	1	3,661.37	3,661.37
Intel Xeon E3-1220 v5 SkyLake 3.0 GHz 8MB L3 Cache LGA 1151 80W BX80662E31220V5 Server Processor	0	0.00	0.00
SUPERMICRO MBD-X11SSL-O Micro ATX Server Motherboard LGA 1151 Intel C232	1	0.00	0.00
iStarUSA D-230HB-T-RED 2U Compact 3x 3.5-Inch Bay Hotswap microATX Chassis	1	0.00	0.00
Seasonic Power Supply SSR-360GP ATX 12 v.2.31 360W 80PLUS Gold PFC Retail	1	0.00	0.00
8GB DDR4 2400 ECC UDIMM	2	0.00	0.00
SAMSUNG 850 PRO 2.5" 256GB SATA III 3-D Vertical Internal Solid State Drive (SSD) MZ-7KE256BW	2	0.00	0.00
Adaptec RAID 6805E Storage Controller 2270900-R	1	0.00	0.00
Windows Server 2016 R2 Standard	1	0.00	0.00
1 Year Limited Parts and Labor Warranty.	1	0.00	0.00
Warranty does not cover power surges due to the power company, nature, or any other cause of surges. Viruses/Malware infection and software issues are not covered. All warranty work is to be performed in shop. (ONSITE incurs Service Charges)			
***Please bring original receipt with computer for warranty repairs.			
Microsoft Windows Server 2012 - License - 5 User CAL - OEM - PC - English DSP OEI 5 CLT USER CAL KIT	1	200.00	200.00
Microsoft Office 2016 Standard - License - 1 PC - Local Government - MOLP: Open License for Government - English - PC	1	360.976	360.98
-Install Server -Install Software -Configure Profile Security -Configure Backups	1	800.00	800.00
1TB External Hard Drive	2	120.00	240.00

PLEASE NOTE:  
THIS ESTIMATE IS ONLY GOOD FOR 14 DAYS FROM ABOVE DATE.  
Due to availability of parts some substitutions may have to be made.

**Subtotal**

**Sales Tax (7.0%)**

**Total**

Signature: \_\_\_\_\_



Leesburg - 595 S. 14th Street, Leesburg, FL 34748  
352-315-0485

# Estimate

Lady Lake - 109 S. US Hwy 27/441 Lady Lake, FL  
32159  
352-750-3707

Date	Estimate #
5/3/2017	16138

Name / Address

**Contract \$80/Half 5@\$500**  
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**Saturday 9:00 a.m. - 1:00 pm**  
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352-360-6727	Phone
--------------	-------

Description	Qty	Rate	Total
Wyse 3000 3010 Thin Client - Marvell ARMADA PXA510 1 GHz - 1 GB RAM DDR3 SDRAM - Gigabit Ethernet - Wyse Thin OS 8.1 - DVI - 4 Total USB Port(s) - 4 USB 2.0 Port(s) T10	1	344.498	344.50

PLEASE NOTE:  
 THIS ESTIMATE IS ONLY GOOD FOR 14 DAYS FROM ABOVE DATE.  
 Due to availability of parts some substitutions may have to be made.

Signature: \_\_\_\_\_

<b>Subtotal</b>	\$5,606.85
<b>Sales Tax (7.0%)</b>	\$0.00
<b>Total</b>	\$5,606.85



Leesburg - 595 S. 14th Street, Leesburg, FL 34748  
352-315-0485

# Estimate

Lady Lake - 109 S. US Hwy 27/441 Lady Lake, FL  
32159  
352-750-3707

Date	Estimate #
5/3/2017	16140

Name / Address

**Contract \$80/Half 5@\$500**  
**City of Fruitland Park**  
**506 West Berckman Street**  
**Fruitland Park, FL 34731**  
**CONTRACT CLIENT**

**Monday to Friday 9:00am - 6:00pm**  
**Saturday 9:00 a.m. - 1:00 pm**  
**Both Stores are CLOSED the LAST Saturday of every month.**

352-360-6727	Phone
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Description	Qty	Rate	Total
SONICWALL TZ300 TOTALSECURE 1YR - 5 Port - 10/100/1000Base-T Gigabit Ethernet - DES, 3DES, MD5, SHA-1, AES (128-bit), AES (192-bit), AES (256-bit) - USB - 5 x RJ-45 - Manageable - 1 Year - Desktop TOTALSECURE	2	150.00	300.00
Installation and Configuration of the Bridge, time estimated, at contracted rate	6	80.00	480.00

PLEASE NOTE:  
 THIS ESTIMATE IS ONLY GOOD FOR 14 DAYS FROM ABOVE DATE.  
 Due to availability of parts some substitutions may have to be made.

Signature: \_\_\_\_\_

<b>Subtotal</b>	\$780.00
<b>Sales Tax (7.0%)</b>	\$0.00
<b>Total</b>	\$780.00



Leesburg - 595 S. 14th Street, Leesburg, FL 34748  
352-315-0485

# Estimate

Lady Lake - 109 S. US Hwy 27/441 Lady Lake, FL  
32159  
352-750-3707

Date	Estimate #
5/3/2017	16139

Name / Address

**Contract \$80/Half 5@\$500**  
**City of Fruitland Park**  
**506 West Berckman Street**  
**Fruitland Park, FL 34731**  
**CONTRACT CLIENT**

**Monday to Friday 9:00am - 6:00pm**  
**Saturday 9:00 a.m. - 1:00 pm**  
**Both Stores are CLOSED the LAST Saturday of every month.**

352-360-6727	Phone
--------------	-------

Description	Qty	Rate	Total
Ubiquiti LiteBeam LBE-5AC-16-120 Antenna/Radio Combo - 5.15 GHz to 5.88 GHz - 16 dBi - Outdoor, Wireless Data Network Pole AC AP 16DBI 120	2	150.00	300.00
CAT5/CAT6/Cable Drop	2	140.00	280.00
Installation and Configuration of the Bridge, time estimated, at contracted rate	6	80.00	480.00

PLEASE NOTE:  
 THIS ESTIMATE IS ONLY GOOD FOR 14 DAYS FROM ABOVE DATE.  
 Due to availability of parts some substitutions may have to be made.

<b>Subtotal</b>	\$1,060.00
<b>Sales Tax (7.0%)</b>	\$0.00
<b>Total</b>	\$1,060.00

Signature: \_\_\_\_\_



**AGENDA ITEM  
NUMBER  
6b**

## REGULAR AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	First Reading – Ordinance 2017-016 – Personnel Policies and Procedures Manual			
<b>For the Meeting of:</b>	May 11, 2017			
<b>Submitted by:</b>	City Manager/city attorney			
<b>Date Submitted:</b>	April 19, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Ordinance 2017-016, Personnel Policies and Procedures Manual – Family Employment Nepotism and Personal Relationships. (The second reading will be held on June 8, 2017.)				
<b>Action to be Taken:</b> Approve Ordinance 2017-016				
<b>Staff's Recommendation:</b> Approval				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor



**ORDINANCE 2017-016**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 2.4 IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL LAST REVISED IN ORDINANCE 2014-018; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park adopted a Personnel Policies and Procedures Manual in Ordinance 1992-018, which has subsequently been amended; and

**WHEREAS**, the City desires to further amend its policies and procedures for the benefit of the City and its operations.

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

Section 1. Policy 2.4 entitled Restriction on Employment of Relatives is repealed. A new Policy 2.4 entitled Family Employment and Nepotism and Personal Relationships attached hereto as **Exhibit A** is hereby ADOPTED.

Section 2. The City Manager is directed to replace the repealed policy with the new policy 2.4 adopted herein into the City's Personnel Policies and Procedures Manual, and update the title page of the manual to reflect the last revision.

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

PASSED and ORDAINED this \_\_\_\_\_ day of June 2017, by the 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 Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

## **EXHIBIT A**

### **2.4 Family Employment and Nepotism and Personal Relationships**

The City wants to ensure that employment practices do not create situations such as conflict of interest or favoritism and problems with employee morale. This extends to practices that involve employee hiring, promotion and transfer.

- (a) Relatives of the City Manager, City Clerk, Department Managers, or any other City employee, shall not be employed by the City of Fruitland Park.
- (b) Relatives of City Manager, City Clerk, Department Managers, or any other City employee who are employed by the City of Fruitland Park on the date this policy is adopted may continue employment with the City of Fruitland Park; however, no relative of an employee shall be in a position to supervise or review another relative's job performance nor shall any related employees be allowed to work in the same department.
- (c) Those in a dating relationship or are partners or members of the same household shall not be employed by the City of Fruitland Park.
- (d) Employees in a dating relationship or are partners or members of the same household on the date this policy is adopted may continue employment with the City of Fruitland Park; however, the concerned employees shall not be in a position to supervise or review the other concerned employees job performance nor be allowed to work in the same department.
- (e) Employees who begin a dating relationship or become relatives, partners or members of the same household and if one party is in a supervisory position, the person in the supervisory position is required to immediately inform the City Manager and Human Resources of the relationship. The employees concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 7 calendar days, the City Manager will decide who is to be transferred or, if necessary terminated from employment.
- (f) Employees who begin a dating relationship or become relatives, partners or members of the same household will be permitted to continue to work for the City of Fruitland Park as long as there are no substantial conflicts. Reasonable accommodations will be made when possible in the event a conflict arises. However, if a conflict arises and no reasonable accommodation can be made, the employee hired last will be terminated.
- (g) For purposes of this policy, relative means an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.



**AGENDA ITEM  
NUMBER  
6c**

## REGULAR AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	First Reading – Ordinance 2017-017 – Repealing Local Truck Traffic Ordinance 2017-011			
<b>For the Meeting of:</b>	May 11, 2017			
<b>Submitted by:</b>	City Manager/Police Chief/City Attorney			
<b>Date Submitted:</b>	May 4, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Ordinance 2017-017, Repealing Local Truck Traffic Ordinance 2017-011. (The second reading will be held on June 8, 2017.)				
<b>Action to be Taken:</b> Approve Ordinance 2017-017				
<b>Staff's Recommendation:</b> Approval				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor

**ORDINANCE 2017-017**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REPEALING ORDINANCE 2017-011 WHICH CONTROLS AND REGULATES TRUCK TRAFFIC ON CERTAIN STREETS IN THE CITY OF FRUITLAND PARK; PROVIDING FOR DIRECTIONS; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized by §316.002 and §316.008, *Florida Statutes* to regulate traffic by means of police officers, or official traffic control devices, designate any intersection as a stop or yield intersection, and take other actions within the reasonable exercise of their police power; and

**WHEREAS**, the City of Fruitland Park has determined restricting truck traffic on certain local streets as designated in 2017-011 is not necessary.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA as follows:

**Section 1. Recitals.** The above recitals are true and correct.

**Section 2. Repeal.** Ordinance 2017-011 of the City of Fruitland Park is hereby repealed.

**Section 3. Directions.** The City Manager or his designee is directed to remove all signage restricting truck traffic on HICKORY AVENUE, OAK STREET, AND ELM AVENUE.

**Section 4. Effective Date.** This ordinance shall be effective immediately upon adoption by the City Commission of the City of Fruitland Park.

PASSED and ORDAINED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of June, 2017.

\_\_\_\_\_  
Christopher Cheshire, Mayor

[SEAL]

City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk  
(SEAL)

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

Commissioner Bell  
Commissioner Ranize  
Commissioner Lewis  
Vice Mayor Gunter  
Mayor Cheshire

\_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
\_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
\_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
\_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
\_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_



**AGENDA ITEM  
NUMBER  
6d**

## REGULAR AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	First Reading – Ordinance 2017-018 – Chapter 99.90 Recreation Fees			
<b>For the Meeting of:</b>	May 11, 2017			
<b>Submitted by:</b>	City Manager/Parks and Recreation Director/City Attorney			
<b>Date Submitted:</b>	May 4, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Ordinance 2017-018, Parks and Recreation Fees. (The second reading will be held on June 8, 2017.)				
<b>Action to be Taken:</b> Approve Ordinance 2017-016				
<b>Staff's Recommendation:</b> Approval				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor

**ORDINANCE 2017-018**

**AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE RECREATION DIRECTOR TO SET CERTAIN RECREATION FEES AND TO DELETE FEES FOR THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized pursuant to Chapter 166, Florida Statutes to establish fees for use of its facilities and services offered; and

**WHEREAS**, it is necessary to remove fees relating to use of the Casino; and

**WHEREAS**, the City Commission finds it beneficial to the City for the recreations director to have the authority to set fees for recreation programs, participation in recreation activities and participation and sponsorships for such programs and activities.

**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.** Section 99.90 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

**Sec. 99.90. – Recreation fees.**

(A) The city is authorized to charge a fee for each of the uses of city property and each of the services set forth in ~~division (B)~~ subsections (B) and (C) below.

(B) The uses of city property ~~and services~~ for which the city shall charge a fee and the amount of the fee for each use ~~or service~~ are as follows:

*Use ~~or~~ Service Fee*

Concession trailer rental, per day.....\$25.00

Key deposit.....20.00

Stand-alone concession space rental, per day.....10.00

Calles Field concession rental, per day.....20.00

Key deposit.....20.00



Veterans Field concession rental, per day.....20.00

Key deposit.....20.00

~~Casino building rental, per day, from 7:00 a.m.—11:00 p.m., Friday, Saturday, or Sunday (including kitchen).....100.00~~

~~Key, cleaning and electric deposit.....50.00~~

~~Casino building rental, half day, from either 7:00 a.m.—3:00 p.m. or 4:00 p.m.—11:00 p.m., Monday through Thursday (including kitchen).....50.00~~

~~Key, cleaning, and electric deposit.....50.00~~

Special events (FP Day, Arts & Craft Show, etc.)

Booth space, no electric.....20.00

Booth space, electric.....40.00

Park pavilion reservation fee

Gardenia Pavilion, full day.....20.00

Veterans Pavilion, full day.....20.00

Field rental

Per daytime hour.....10.00

Per nighttime hour.....20.00

Private pool rental, per hour, 2-hour minimum.....60.00

(C) The city shall charge a fee for each service listed below. The recreation director shall set the fees. The fee schedule will be available at City Hall.

~~Summer sports camp program, per day, per person .....10.00~~

~~Aerobics, user fee, per person~~

~~4 weeks, 8 classes, per person.....40.00~~

~~4 weeks, 4 classes, per person.....20.00~~

League—Sports programs

User fee, per person

*Baseball*

First player

Resident.....30.00

Nonresident.....35.00

Each additional player

Resident.....25.00

Nonresident.....30.00

*T-ball*

First player

Resident.....30.00

Nonresident.....35.00

Each additional player

Resident.....25.00

Nonresident.....30.00

*Football*

First player

Resident.....30.00

Nonresident.....35.00

Each additional player

Resident.....25.00

Nonresident.....30.00

*Tennis*

First player

Resident.....30.00

Nonresident.....35.00

Each additional player

Resident.....25.00

Nonresident.....30.00

~~4' x 8' fence sign, per sign.....200.00~~  
~~Additional years, per year.....100.00~~  
 Men's softball league  
     League player fee  
         Resident.....30.00  
         Nonresident.....35.00  
 Softball sponsor ~~per team.....250.00~~  
 Tournament fee (~~7-day max event, plus cost~~).....125.00  
 City sponsored dances, ~~per person~~  
     Parents' Night Out  
         Resident.....15.00  
         Each additional member.....10.00  
 Horseshoe courts/tournament fee (~~3-day max~~), ~~per day.....20.00~~  
 Decamp (~~6 hours per day for 2-week session~~), ~~per person, per session..... 100.00~~  
 Car show  
     Sponsorship.....100.00  
     Entry fee, ~~per car.....No fee~~  
 5K race  
     Entry fee, ~~per person.....25.00~~  
     Early entry fee, ~~per person.....20.00~~  
     Sponsorship, ~~per year.....200.00~~  
 Pool  
     General admission  
         Resident  
             Per visit.....2.50  
             Per 20 visit card.....45.00  
             Per 30 visit card.....70.00

~~Nonresident~~  
~~Per visit.....3.50~~  
~~Per 20 visit card.....65.00~~  
~~Per 30 visit card.....100.00~~  
~~Daycares, organized groups, per person (groups of 12 or more).....3.00~~  
~~Water safety instruction.....75.00~~  
~~Outside instructor.....15.00~~  
Swim lessons  
~~Resident, per person.....30.00~~  
~~Nonresident, per person.....40.00~~  
Exercise class—~~Two days per week, per month~~  
~~Resident.....30.00~~  
~~Nonresident.....50.00~~  
Exercise class—~~Three days per week, per month~~  
~~Resident.....40.00~~  
~~Nonresident.....60.00~~  
Lap swim  
~~Resident.....2.00~~  
~~Nonresident.....3.00~~

**Section 3. 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 4. 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 5. Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective immediately upon final adoption.

PASSED and ORDAINED this \_\_\_\_\_ day of June, 2017, by the City Commission of the City of Fruitland Park, Florida.

\_\_\_\_\_  
Chris Cheshire, Mayor

Attest:

\_\_\_\_\_  
Esther B. Coulson, 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)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney



**AGENDA ITEM  
NUMBER**

**6e**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Ordinance 2017-019 – Juvenile Curfew		
<b>For the Meeting of:</b>	May 11, 2017 and June 8, 2017		
<b>Submitted by:</b>	City Attorney		
<b>Date Submitted:</b>	May 4, 2017		
<b>Are Funds Required:</b>		Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>			
<b>Amount Required:</b>			
<b>Balance Remaining:</b>			
<b>Attachments:</b>	Ordinance 2017-019; Florida Statutes		
<p><b>Description of Item:</b> The City Commission requests an ordinance imposing a juvenile curfew to address juveniles in its parks late at night and early in the morning. Florida Statutes 877.20 – 877.25, authorize a local government to adopt the curfew provisions as set forth in statute, or adopt a separate curfew; however, care has to be taken to not infringe upon a juveniles federal and constitutional rights to privacy and freedom of movement. The City must have a compelling governmental interest in regulating the activities of minors during the hours of the curfew and narrowly tailored to accomplish its goals by the least intrusive means available. To adopt such a curfew the City will need to analyze its juvenile incident/criminal reports. Therefore, rather than move forward with a study, it is recommended the City adopt the curfew set out in Florida Statutes.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>• Persons under 16 years of age may not be or remain in a public place or establishment between 11:00 p.m. and 5:00 a.m. Sunday – Thursday, except in the case of a legal holiday.</li> <li>• Persons under 16 years of age may not be or remain in a public place or establishment between 12:01 a.m. and 6:00 a.m. Saturday, Sundays and legal holidays.</li> <li>• Persons under 16 years of age suspended or expelled from school cannot be or remain in a public place, in an establishment, or within 1000 feet of a school from 9:00 a.m. to 2:00 p.m. during any school day.</li> </ul> <p>Public place is defined to be a place to which the public has access, including but not limited to streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.</p> <p>Establishment is defined to be a privately-owned place of business to which the public is invited, including but not limited to, a fire, a natural disaster, or an automobile accident.</p> <p>Curfew is not applicable to a minor who is:</p> <ul style="list-style-type: none"> <li>• With a parent or another adult authorized by the minor’s parent</li> <li>• Involved in an emergency or engage, with parent’s permission, in an emergency errand.</li> <li>• Attending or traveling directly to or from an activity involving exercise of rights under 1<sup>st</sup> amendment.</li> <li>• Going directly to or returning directly from lawful employment, or working.</li> </ul>			

- Returning directly home from a school-sponsored function, religious function, or function sponsored by civil organization.
- On the property of, or on the sidewalk of, the place where the minor lives, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.
- Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.
- Attending an organized event held at or sponsored by a theme park or entertainment complex.

Penalties – A minor in violation:

- 1<sup>st</sup> time violation - receives a written warning.
- 2<sup>nd</sup> time and thereafter violation – civil infraction, pays fine of \$50.00 for each violation

Parent has a legal duty as well. If a parent knowingly permits a minor to violate, receives a written warning, and thereafter it is a civil infraction and pays a \$50.00 fine for each violation.

**Action to be Taken: Motion**

**Staff's Recommendation: Approval**

**Additional Comments:**

Reviewed by: \_\_\_\_\_

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor

**ORDINANCE 2017-019**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING SEC. 132.07 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK TO INCORPORATE THE JUVENILE CURFEW PROVISIONS SET FORTH IN FLORIDA STATUTES; ESTABLISHING GEOGRAPHIC APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to protect minors in its city from harm and victimization, and to reduce the crime and violence committed by minors in the City of Fruitland Park; and

**WHEREAS**, the City has experienced minors in public parks late at night and early in the mornings; and

**WHEREAS**, the City Commission is authorized by §877.20 and §877.25, Florida Statutes, to adopt this ordinance incorporating by reference the provisions of ss. 877-20-877.24, Florida Statutes.

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

Section 1. Juvenile curfew.

Section 132.07 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby created to read as follows:

**Sec. 132.07 Juvenile curfew.**

The provisions of Sections 877.20 through 877.25, Florida Statutes (2016), as may hereafter be amended, are adopted as the City of Fruitland Park's juvenile curfew code, and are incorporated herein by reference.

Section 2. The provisions of this ordinance shall apply to all areas within the municipal boundaries of the City of Fruitland Park, Florida.

Section 3. 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 Ordinance.



Section 4. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or reentered, and the word “Ordinance” may be changed to “Section”, “Article”, or other appropriate designation.

Section 5. All ordinances or parts of ordinances, resolutions or parts of resolutions, which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

Section 6. This Ordinance shall take effect immediately upon final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED and ORDAINED this \_\_\_\_\_ day of June 2017, by the 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 Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

Select Year:  

## The 2016 Florida Statutes

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[Title XLVI](#)  
CRIMES

[Chapter 877](#)  
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

**877.20**    **Local juvenile curfew ordinances; legislative intent.**—It is the intent of the Legislature to protect minors in this state from harm and victimization, to promote the safety and well-being of minors in this state, to reduce the crime and violence committed by minors in this state, and to provide counties and municipalities with the option of adopting a local juvenile curfew ordinance by incorporating by reference the provisions of ss. [877.20-877.25](#).

History.—s. 82, ch. 94-209.

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## The 2016 Florida Statutes

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[Title XLVI](#)  
CRIMES

[Chapter 877](#)  
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

**877.21** Definitions; ss. [877.20-877.25](#).—As used in ss. [877.20-877.25](#), the term:

(1) “Emergency” means an unforeseen combination of circumstances which results in a situation that requires immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident.

(2) “Establishment” means a privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

(3) “Minor” means any person under 16 years of age.

(4) “Parent” means a person who has legal custody of a minor as a:

(a) Natural or adoptive parent.

(b) Legal guardian.

(c) Person who stands in loco parentis to the minor.

(d) Person who has legal custody of the minor by order of the court.

(5) “Public place” means a place to which the public has access, including, but not limited to, streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(6) “Remain” means to stay unnecessarily in a particular place.

History.—s. 83, ch. 94-209.

Select Year:  

## The 2016 Florida Statutes

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Title XLVI  
CRIMES

Chapter 877  
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

**877.22** Minors prohibited in public places and establishments during certain hours; penalty; procedure.—

(1)(a) A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.

(b) A minor may not be or remain in a public place or establishment between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays.

(2) A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

(3) A minor who violates this section shall receive a written warning for her or his first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to her or his residence or proceed as authorized under part IV of chapter 39.

History.—s. 84, ch. 94-209; s. 1432, ch. 97-102; s. 52, ch. 98-280; s. 17, ch. 2010-117; s. 51, ch. 2011-213.

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## The 2016 Florida Statutes

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[Title XLVI](#)  
CRIMES

[Chapter 877](#)  
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

**877.23**    **Legal duty of parent; penalty.—**

(1) The parent of a minor has a legal duty and responsibility to ensure that the minor does not violate s. [877.22\(1\)](#).

(2) The parent of a minor has a legal duty and responsibility to personally supervise, or arrange for a responsible adult to supervise, the minor so that the minor does not violate s. [877.22\(2\)](#).

(3) The parent of a minor who knowingly permits the minor to violate s. [877.22\(1\)](#) or (2) shall receive a written warning for a first violation. A parent who knowingly permits the minor to violate s. [877.22\(1\)](#) or (2) after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

History.—s. 85, ch. 94-209.

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[Title XLVI](#)  
CRIMES

[Chapter 877](#)  
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[View Entire Chapter](#)

**877.24 Nonapplication of s. 877.22.**—Section [877.22](#) does not apply to a minor who is:

- (1) Accompanied by his or her parent or by another adult authorized by the minor's parent to have custody of the minor.
- (2) Involved in an emergency or engaged, with his or her parent's permission, in an emergency errand.
- (3) Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.
- (4) Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.
- (5) Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.
- (6) On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.
- (7) Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.
- (8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. [509.013\(9\)](#).

**History.**—s. 86, ch. 94-209; s. 1433, ch. 97-102.

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## The 2016 Florida Statutes

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[Title XLVI](#)  
CRIMES

[Chapter 877](#)  
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

**877.25**    **Local ordinance required; effect.**—Sections [877.20-877.24](#) do not apply in a county or municipality unless the governing body of the county or municipality adopts an ordinance that incorporates by reference the provisions of ss. [877.20-877.24](#). Sections [877.20-877.24](#) do not preclude county or municipal ordinances regulating the presence of minors in public places and establishments which provide restrictions more stringent or less stringent than the curfew imposed under s. [877.22](#).  
**History.**—s. 87, ch. 94-209.

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Day of the Week	Beginning Time	Day of the Week	Ending Time
Sunday	11:00 P.M.	Monday	5:00 A.M
Monday	11:00 P.M.	Tuesday	5:00 A.M
Tuesday	11:00 P.M.	Wednesday	5:00 A.M
Wednesday	11:00 P.M.	Thursday	5:00 A.M
Thursday	11:00 P.M.	Friday	5:00 A.M
Saturday	12:01 A.M	Saturday	6:00 A.M
Sunday	12:01 A.M	Sunday	6:00 A.M.





<b>AGENDA ITEM NUMBER</b>  <b>9</b>
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## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Public Comments				
<b>For the Meeting of:</b>	May 11, 2017				
<b>Submitted by:</b>	City Clerk				
<b>Date Submitted:</b>	May 1, 2017				
<b>Are Funds Required:</b>			Yes	X	No
<b>Account Number:</b>	N/A				
<b>Amount Required:</b>	N/A				
<b>Balance Remaining:</b>	N/A				
<b>Attachments:</b>	Yes				
<b>Description of Item:</b>					
<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>					
<b>Action to be Taken:</b> None.					
<b>Staff's Recommendation:</b>					
<b>Additional Comments:</b>					

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the agenda: \_\_\_\_\_  
Mayor

**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