

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
September 14, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 14, 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; Captain Eric Luce; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Madison Leary, Fire Department; Community Development Director Charlie Rector; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

After Mayor Cheshire called the meeting to order at 6:00 p.m., Reverend Daryl W. Allen, Community United Methodist Church (CUMC), gave the invocation and Chief 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 present.

**By unanimous consent, and upon Mayor Cheshire's suggestion, the city commission accepted the following method of business by taking the items out of order on this evening's agenda.**

**4. PRESENTATIONS**

**(a) Proclamation – September 17, 2017 *Fay Umble Day***

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming Sunday September 17, 2017 as "*Faye Umble Day*" in *Fruitland Park* and asked that the citizens join together in celebrating Faye and her gifts to the community that day.

The proclamation was accepted by Reverends Daryl W. and Deborah L. "Debbie" Allen, CUMC, with gratitude. Pastor Daryl Allen indicated that the proclamation would be presented to Ms. Umble as a surprise in celebrating her 10 years on September 17, 2017 and noted her assets which involve the church, the community and families.

Pastor Daryl Allen conveyed the request to invite the first responders (namely; the police, fire, and public works department) to the *First Responders Appreciation Luncheon* on Tuesday, September 19, 2017 at noon at CUMC's Family Life Center to thank them for taking care of the City of Fruitland Park citizens during and after Hurricane Irma.

**(b) Special Presentation –September 17-23, 2017 Constitution Week**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the week of September 17 through 23, 2017 as *Constitution Week* and asked the citizens to reaffirm the ideals of the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to all through this guardian of ones' liberties and remembering that lost rights may never be regained.

Mses. Linda Haag, Peggy Billings, and Claudia Jacques, the Daughters of the American Revolution (DAR) John Bartram Chapter in The Villages, accepted the proclamation with honor who.

Ms. Jaquez explained that part of the DAR is to honor the history of the United States and mentioned that DAR has been donating books to various schools and libraries. She anticipated that Fruitland Park Library Director JoAnn Glendinning would be present at this evening's meeting to accept the following *Adventures of Charlie Pierce* children's books by Harvey E. Foyer III, based on Florida's history, for the future of the new Fruitland Park Library in hopes that the children will have an opportunity to enjoy them:

- *The American Jungle,*
- *The Barefoot Mailman,*
- *Charlie and the Tycoon,*
- *The Last Calusa,* and
- *The Last Egret*

Ms. Coulson will present the books to Ms. Glendinning at a later date.

The city commission thanked Mses. Haag, Billings and Jacques for their support.

**3. COMMUNITY REDEVELOPMENT AGENCY – Recess as Soon as Practical at 6:15 p.m.**

**By unanimous consent, the city commission recessed its meeting at 6:09 p.m.; convened the Community Redevelopment Agency at 6:10 p.m., and reconvened at 6:19 p.m.**

**5. CONSENT AGENDA**

**Approval of Minutes**

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

- (a) August 24, 2017 regular meeting minutes, as submitted;**
- (b) the adoption of Resolution 2017-024 – P&Z Board Appointment – C. Bame,  
A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FRUITLAND PARK, REAPPOINTING A  
MEMBER TO THE CITY OF FRUITLAND PARK**



**PLANNING AND ZONING BOARD AND PROVIDING FOR AN EFFECTIVE DATE.**

and

- (c) **the adoption of Resolution 2071-025 – P&Z Board Appointment P. Purlee**  
**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REAPPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD AND PROVIDING FOR AN EFFECTIVE DATE.**

**6. REGULAR AGENDA**

- (a) **Resolution 2017-026 – City Treasurer Appointment**

Ms. Geraci-Carver read into the record proposed Resolution 2017-026, the substance of which is as follows:

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

Commissioner Ranize' requested that the city commission consider items 6. (a), (b), and (c) on this evening's agenda and postpone same to a future meeting for the city commission's review and completion of the respective officers' job evaluations.

- (b) **Resolution 2017-027 – City Attorney Appointment**

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

- (c) **Resolution 2017-028 – City Clerk Appointment**

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

In response to Commissioner Ranize' inquiry on the time restraint, Ms. Geraci-Carver recommended that the officers' appointments be considered at the September 28, 2017 regular meeting to be in place by October 1, 2017.

After discussion and **by unanimous consent, the city commission considered its action on Regular Agenda Items 6. (a), (b), and (c).**

**A motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission postpone its actions to adopt Resolution 2017-026, City Treasurer Appointment; Resolution 2017-027, City Attorney Appointment, and Resolution 2017-028, City Clerk Appointment to the September 28, 2017 regular meeting.**

**Whereupon, 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 on a four to one (4-1) vote.**

After Commissioner Lewis recognized the recent receipt of the officers' performance evaluations, Mayor Cheshire confirmed the city commission's commitment to complete same.

In response to Mayor Cheshire's inquiry on the process, Ms. Geraci-Carver suggested that the city commission complete; provide the job evaluations, with the exception of the city attorney's to her, and complete and provide the city attorney's job evaluation to the city manager for compilation; thus, addressed her method in compiling the total questions and scores in this regard.

**By unanimous consent, the city commission accepted the attorney's suggestion on the process of compiling the respective officers' performance evaluation and submit same to the city commission for consideration at the next meeting.**

**(d) FY 2016 CAFR  
2016 Financial Audit Presentation – McDirmit Davis & Co, Certified Public Accountants**

Ms. Racine recognized the presence of Ms. Kelly D. Leary, McDirmit Davis & Co, Certified Public Accountants, at this evening's meeting who gave a power-point presentation on the Year Ended September 30, 2016 Financial Audit Report and reviewed the Fiscal Year 2016 Comprehensive Annual Financial Report; copies of which are filed with the supplemental papers to the minutes of this meeting.

Following some discussion and in response to Commissioner Lewis' concerns on the Florida Retirement System, Mayor Cheshire suggested that discussions ought to be held with Mr. Fewless at a future date to determine the need.



(e) **Resolution 2017-031 – Texting While Driving a Primary Offense**

Ms. Geraci-Carver read into the record proposed Resolution 2017-031, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE.

At Mayor Cheshire's request, Chief Fewless explained the purpose of the proposed resolution on this evening's agenda and outlined examples on impaired driving while texting and driving.

After discussion, a motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2017-031 as previously cited.

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

(f) **Resolution 2017-032 – Fruitland Park Library and Fire Department Donations – FY 2016-17 Budget Amendment 2017-020**

Ms. Geraci-Carver read into the record proposed Resolution 2017-032, 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 DONATIONS TO THE GENERAL FUND LIBRARY DVDS AND FIRE DEPARTMENT EQUIPMENT BUDGET FOR EXPENDITURES IN THE LIBRARY AND FIRE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2017-032 as previously cited.

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

(g) **Change Order #1 - COFP Force Main Lift Station - Contract**

The city commission considered its action to approve Change Order 1 to the City of Fruitland Park's Force Main Lift Station contract with McDonough Development Services.

Mr. La Venia noted the change order relating to The Villages of Lake-Sumter Inc.'s contract dated May 8, 2014 for the water plant improvements and water and wastewater lines construction; pointed out the first amendment to the construction of the water plant improvements and extension of water and wastewater lines with The Villages of Lake-Sumter Inc. approved on October 27, 2016, and described the subject issue as the second phase (an extension to the Town of Lady Lake). He explained that the increased costs are more than anticipated; mentioned the amount paid to date, and noted the credit received from The Villages and the grant from the state. Mr. La Venia referred to the recent emails between Mses. Geraci-Carver and Coulson in this regard; copies of which are filed with the supplemental papers to the minutes of this meeting.

At Mr. La Venia's request, Ms. Geraci-Carver noted the similar action taken by the city commission at its October 27, 2016 regular meeting; addressed the need for a second amendment to The Villages agreement reflecting the city's willingness to pay on the proposal amount from McDonough -- who has a direct contract with The Villages -- and indicated that a change order would be considered by resolution. She requested that the city commission approve the amount of \$1,951,340 at this evening's meeting, if time sensitive, with the understanding that a resolution to be adopted and the contract amendment approving the fund expenditure would be considered at the next meeting.

Responding to concerns raised by Commissioner Ranize regarding the funding source, Mr. La Venia described the increasing costs in materials and labor and voiced his concurrence with Mr. Rector' on staff's findings to utilize an alternative route for the wastewater treatment plant (WWTP) connection at less cost instead of the \$77,000 property (adjacent to CSX right-of-way (ROW)). He noted the clearing and grubbing costs that were not included in the estimate as referenced by Commissioner Ranize and anticipated the completion of the subject project to be the beginning of FY 2018-19.

In agreement with Commissioner Ranize' statements, Ms. Racine addressed her intent to earmark and place the grant funds into the restricted funds for the subject project.

Mr. La Venia confirmed, in response to an inquiry posed by Vice Mayor Gutner, the increased costs in polyvinyl chloride pipes which can be implemented by September 30, 2017; however, he gave the assurance that the price will be secured if contact is made on September 15, 2017.

After discussion, a motion was made by Commissioner Ranize that the city commission approve Change Order 1 to the City of Fruitland Park Force Main Lift Station contract with McDonough Development Services.



At this time, Mayor Cheshire did not recognize the motion proffered by Commissioner Ranize and requested a motion to accept Ms. Geraci-Carver's recommendation to approve the amount of \$1,951,340 with the direction that a resolution and contract amendment approving the fund expenditure would be considered at the next meeting.

Following further discussion, Mr. La Venia explained why it would be worthwhile to procure the subject project; indicated that arrangements would be made for Messrs. Rector and Duane K. Booth, Ern, Straughan, Hoitt, Inc. (BESH) -- engineers, surveyors, and land planners retained by the city -- to work with the figures. He recommended continuing with the modified contract which would be based on the city commission's decision. Mr. La Venia relayed The Villages' decision to not proceed with the next phase, if the project in question is procured; explained why they are deciding to complete the project, and conveyed The Villages' request to reconsider which staff denied as they want to be "locked-in".

After Commissioner Lewis noted that the other contracts reviewed by BESH to be different from the contract in question, Mr. Rector identified the major changes in increased costs and described the different designs and products to reduce the cost, to which Mr. Bogle depicted the procedures involved with the WWTP work and TOLL sites to the town for approximately \$1.3 million.

After discussion, Mr. La Venia addressed his preference to accept the \$150,000 in reduced cost to which Mr. Bogle, in concurrence, noted his current discussions with Rainey Construction Company in this regard.

**On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the expenditure in the amount of \$1,951,340 for the Villages of Lake-Sumter Inc's contract for the water plant improvements and water and wastewater lines construction.**

Ms. Geraci-Carver explained that an amendment to The Villages' contract, to be executed by them, would be considered with the resolution by the next meeting.

**(h) First Reading – Ordinance 2017-027 - Wastewater Rates Increase**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-027, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99, SECTION 99.60 (B) OF THE CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN WASTERWATER RATES; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 12, 2017.)

After discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission approve Ordinance 2017-027 as previously cited.

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

(i) **First Reading – Ordinance 2017-028 – Waster Rate Increase**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-028, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA ADJUSTING THE WATER UTILITY RATES BASED ON THE CIP IN ACCORDANCE WITH SECTION 50.30(N) IN CHAPTER 50 OF THE CODE OF ORDINANCES; TO BE EFFECTIVE OCTOBER 1, 2017; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 12, 2017.)

After discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission approve Ordinance 2017-028 as previously cited.

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

#### FIRST BUDGET PUBLIC HEARING

By unanimous consent, Mayor Cheshire recognized the public hearings at this evening's meeting.

(j) **Resolution 2017-029 Tentative Millage Rate FY 2017-18**

Mayor Cheshire announced that the city is prepared to set the tentative rate roll-back rate of 3.9863 which is an 8.63% increase over the roll back rate of 3.6696; indicated that the ad valorem increase is due to an increase in the taxable value generated by The Villages, and that the final public hearing is scheduled for September 28, 2017 at 6:00 p.m. at the city commission chambers.

After Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-029, the substance of which is as follows, Mayor Cheshire called for the public to be heard:



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9863 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY FOR FISCAL YEAR 2017-2018; PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 28, 2017.)

**A motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission adopt Resolution 2017-029 as previously cited.**

**There being no comments from the public and by unanimous consent, Mayor Cheshire closed the public hearing.**

Commissioner Ranize explained that he will vote in opposition if he does not receive assurance to change the capital and general fund expenditures towards the purchase of equipment for staff's daily and emergency use.

Ms. Geraci-Carver confirmed in response to the Mayor Cheshire's inquiry that an affirmative vote of four-to one (4-1) is required to approve the budget under the current millage rate.

Mayor Cheshire believed that a workshop would be necessary to address the need for a generator for city hall and the lift stations, dump trucks, and whatever equipment is required after an emergency. He stated that if a decision is made by the city commission, there would be a need for budget amendments.

Commissioner Ranize recalled discussions, approximately a year ago on the need for a generator, in response to the last storm (Hurricane Matthew), which was delayed and recognized \$400,000 in Capital Improvement Program funds.

After discussion, Mayor Cheshire noted the majority of the city commission's agreement with Commissioner Ranize's suggestion to revisit the issue on the need to obtain estimates for a generator.

Mr. La Venia addressed the plan for Chief Fewless, Interim Chief Gilpin, Mr. Bogle and himself to give a report, later on this evening's agenda; believed it behooves staff to immediately acquire Gen X Natural Gas Generator, and in agreeing with Commissioner Ranize' request, he addressed the difficulty for the city to operate efficiently as an emergency operations center (EOC).

After Mayor Cheshire, suggested obtaining estimates and generator numbers, Commissioner Ranize stated that he will address same further in his report later in this evening's meeting.

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

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

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

**(k) Resolution 2017-030 Adopting Tentative Budget FY 2017-18**

After Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-030, the substance of which is as follows, Mayor Cheshire called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2017-2018; PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on September 28, 2017.)

**A motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission adopt Resolution 2017-030 as previously cited.**

There being no comments from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

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

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

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

In response to Commissioner Lewis' concerns, Ms. Geraci-Carver gave an explanation on attaining a majority vote for the FY 2017-17 millage rate at the tentative budget public hearing where an error was made when recognizing the importance of the final number (millage rate) which was reported.



**PUBLIC HEARING**

**(l) Resolution 2017-019 – FY 2017-18 Final Fire Assessment Rates Adoption**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2017-019, Ms. Geraci-Carver read into the record the title, the substance of which is as follows, and Mayor Cheshire called for the public to be heard:

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, 2017; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

After Mayor Cheshire recognized the presence of Ms. Sandi Walker, Governmental Services Group Inc., at this evening's meeting a **motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-019 as previously cited,**

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

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

After Vice Mayor Gunter cited reasons in voting against the motion, **Mayor Cheshire declared the motion carried on a three to two (3-2) vote.**

**(m) Second Reading and Public Hearing – Ordinance 2017-022 – Imposing Second Moratorium – Marijuana**

It now being the time advertised to hold a public hearing to consider the adoption of Ordinance 2017-022, Ms. Geraci-Carver read into the record the title, the substance of which is as follows, and Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE CORPORATE LIMITS OF THE CITY OF FRUITLAND PARK PROHIBITING MEDICAL CANNABIS ACTIVITIES

DURING THE MORATORIUM PERIOD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 24, 2017.)

At Commissioner Lewis' request, Chief Fewless gave reasons why he is recommending approval on the proposed ordinance until the state places proper guidelines on enforcing same.

Ms. Geraci-Carver stated that she will find out the answer to Commissioner Ranize' inquiry as to whether dispensing marijuana by the pharmaceutical industry or the layperson has been resolved by the court of law.

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission enact Ordinance 2017-022 as previously cited to become effective as provided by law.**

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

#### END OF PUBLIC HEARING

### 7. OFFICERS' REPORTS

#### (a) City Manager

##### i. Proposed Personnel Policy Revisions

Mr. La Venia mentioned his plan to address at the September 28, 2017 regular meeting, the proposed personnel policy revisions that was provided to the city commission at its August 22, 2017 workshop meeting for review and that he would appreciate receiving, in the meantime, any comments from the city commission.

##### ii. Soccer Field

Mr. La Venia reported that rough ball field grading was completed on the football soccer field complex at Cales Park (Northlake Community Park project) by Rainey Construction at no cost to the city; referred to their invoice for \$62,430.00, and relayed his conversations with the county that when the field was cleared, the city would be reimbursed \$50,000 together with in-kind expenses

Mr. La Venia referred to the quotes received from Logan Sitework Contractors Inc. for \$32,000 regarding the soccer field grading and Paquette Company for \$35,675 for Cales Park Expansion, Grading/Sod; explained that grant funds would be utilized to perform the work, and noted the ability, in light of the recent hurricane, to obtain another quote. (Copies of the



respective proposals are filed with the supplemental papers to the minutes of this meeting.)

A motion was made by Commissioner Bell that the city commission approve the city manager's recommendation to award the contract to the lowest bidder Logan Sitework Contractors Inc. for \$32,000 for grading site work for the new soccer football soccer field complex (Northlake Community Park project) at the corner of Shiloh Street and North Dixie Avenue.

Mr. La Venia addressed the motion proffered as the next step before upgrading; recognized the quotations received to be valid for approximately two weeks, and relayed Logan Sitework Contractors' commitment to the city and the ability for any other contractor to perform the work. He reported on Lake County's consideration of sending \$50,000 which is anticipated to be considered on the county commission's future agenda where the city would implement the fine grading.

In response to Commissioner Lewis' inquiry, Mr. Bogle referred to the quotation received from Cottom's A-1 Sod & Total Lawn Care for installation and irrigation on the fields in question and relayed Hancock Farm and Seed Company's communication with him on the delays that they are experiencing whereby he would need an additional bid. (A copy of the quotation is filed with the supplemental papers to the minutes of this meeting.

After Mayor Cheshire addressed the need to be ready with the seed and irrigation and upon Commissioner Ranize' suggestion to obtain a price from Lake Jem Farms Inc. on a pallet, Ms. Geraci-Carver noted the requirement to seek three proposals if the amount exceeds \$35,000.

After discussion, Mayor Bell requested information on the fine grading and irrigation for individual soccer fields -- the sod on the main field and sprigging on the other field -- for city commission review and Mr. La Venia confirmed, in answer to Mayor Cheshire's request, that he will contact Mr. Roberto "Bobby" Bonilla, Public Works Department Parks and Trails Division Director, to determine whether the city could piggyback on sodding companies.

After Mayor Cheshire called for a motion, **a motion was made by Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the city manager's recommendation to award the contract to the lowest bidder Logan Sitework Contractors Inc. as previously cited.**

In response to Mr. Bogle's inquiry, Mr. La Venia confirmed that he will communicate with Mr. "Jim" James P. Logan, Logan Sitework Contractors Inc., regarding the scheduling of the subject project.

**iii. Hurricane Irma Status Update**

Mr. La Venia reported that Chief Fewless, Interim Fire Chief Gilpin, and Mr. Bogle have holding meetings since September 6, 2017 regarding preparation efforts and the after-math of Hurricane Irma.

o Police Department

Chief Fewless gave a detailed report on the police department's hurricane preparedness and post-evaluation activities.

Chief Fewless announced that the mobile home of Ms. Hilda Biggerstaff, Police Department's School Crossing Guard, was damaged during her absence away from the hurricane. He addressed the plan to promote fund raising efforts and his communication with The Reverend Dr. George A. Mulford III, Grace Bible Baptist Church, and Pastor "Sid" Sidney Brock, Heritage Community Church, to support her.

Chief Fewless noted the constant check on Ms. Hoffman, an elderly resident, who has no power.

Chief Fewless highlighted the following needs for the next storm:

- a generator for the city hall building (previously addressed by the city commission);
- an EOC -- anticipated for the new public safety or public works building; however, in the meantime the conference room (equipped with televisions, computer lines) could be utilized;
- reviewing better sleeping arrangements for employees who remain at city hall;
- portable stop signs to place at intersections to be better coordinated with the State of Florida Department of Transportation;
- a drone to fly over during an emergency or in vulnerable areas;
- better accommodations for staff's family and pets and working with churches and other organizations, and
- earlier and consistent curfew notification times where he will be meeting with the Lake County Sheriff on violations and improvements in the citation process of same.

A copy of the hurricane preparedness report was filed with the supplemental papers to the minutes of this meeting.



- Public Works Department

Mr. Bogle gave a report on the public works department's timeline in preparing for the hurricane and recognized the cooperation received in the cleanup from the community and vendors during the aftermath. Referred to the current generators utilized by public works, expressed preference to have one generator situated at Spring Lake Cove, and commended the public works department staff for their hard work.

- Fire Department

Interim Fire Chief Gilpin highlighted the fire department's preparedness before Hurricane Irma; the activities that were undertaken during the hurricane, and the efforts made after the storm.

Interim Chief Gilpin described the location of the two existing generators and explained that the fire department was uninhabitable for the number of individuals that remained which included Lake Emergency Medical Services, Inc. and the two fire protection districts. He concurred with the remarks made by Chief Fewless and Mr. Bogle on the need for better facilities and addressed the services provided throughout the hurricane.

Interim Chief Gilpin reported on the assessed damages after the storm subsided; namely, the observation of sinkholes at residences and the possession of an airboat from the State of Florida Search and Rescue team in case it was required. In addition to the existing fire department generator, he stressed the operational needs in the aftermath of the storm. Interim Chief Gilpin acknowledged and thanked Chief Fewless; Messrs. La Venia and Bogle for their work in ensuring the smooth operations of the city.

Mr. La Venia gave the following report on activities leading up to, during and after Hurricane Irma:

- staff's activities in identifying the dangerous areas in the city;
- statistical information on the percentage of residents who received power;
- assistance with the City of Leesburg (Leesburg Electric) in repairing faulty transformers and downed electric wires;
- city employees' efforts in clearing the roadways on CR 466A and Dixie Avenue, and
- staff and citizens assisting each other including Commissioner Ranize obtaining the Kubota for which he is thankful.

Mr. La Venia identified the need to replace the existing 1989 front end loader, and a dump truck, a 25-year old chipper and stressed the requirement for a permanent generator on-site to pump the lift stations.

Mr. La Venia reported on Logan Sitework Contractors' clearance activities on September 11 and 12 and Diversified Trees assistance in the removal of trees on September 12, 2017. He suggested the need for another company to provide assistance due to the Mr. Logan's commitments.

Mr. La Venia addressed staff's diligence in working on the recovery cleanup process which will take some time. He referred to the Federal Emergency Management Agency's individuals and households program disaster assistance notifications which includes Lake County.

**(b) City Attorney**

**i. Lawsuits**

Ms. Geraci-Carver stated that there are no updates on litigation matters.

**ii. Notice of Claims**

Ms. Geraci-Carver announced that there have been no developments to report on the notices of claims received.

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

Ms. Geraci-Carver referred to the August 24, 2017 regular meeting regarding the issue on the city commission's policy on communicating with developers (ex-parte communications). She explained that she will have more information to help the city commission as they proceed, and will make a note to remind the commission when the issue is applicable to the items on the agenda.

At Mayor Cheshire's request, Ms. Geraci-Carver gave the definition of ex-parte communications -- verbal or written dialogue among commission or board members and citizens, applicants, or experts outside the public meeting on pending land use matters being considered and decision to be made -- which should not occur where, according to the law is presumed prejudicial. She indicated that such prejudice can be removed by a process and referred to Quasi-Judicial Proceedings Resolution 2004-014 (also included in the city's code) which allows for members to divulge same in a public forum.

Ms. Geraci-Carver identified the two types of actions:

- quasi legislative -- which is setting a policy no how the city ought to be developed such as adopting land development regulations (LDRs) and the comprehensive plan whereby disclosure does not apply, and
- quasi-judicial hearing -- when implementing the adopted policy; namely, applying the adopted comprehensive plan or LDRs to a specific property and noting that there are more due process rights for such



hearings with the provision of notice requirements, an opportunity to be heard whereby at the quasi-judicial hearing, the applicant would have the right to present evidence; cross examine witnesses, and to be informed of ex-parte communications (all the facts upon which the body would take action).

Ms. Geraci-Carver highlighted the procedures for quasi-judicial hearings and the disclosure of ex-parte communications under subsection 1.(c) of Resolution 2004-14.

Mayor Cheshire cited reasons in questioning the Pennsylvania Avenue/Terry Ross Duplex Project single family detached single residence. He referred to the appearance of Messrs. Carlisle Burke and Terry Ross, City of Fruitland Park residents, before the city commission at its August 24, 2017 regular meeting; the communication amongst the city commission members and the respective residents, and the correctness in divulging same.

After Commissioner Lewis recollected his disclosure made on August 24, 2017 regarding his meeting with Mr. Ross, Ms. Geraci-Carver confirmed that a quasi-judicial matter in this regard was not before the city commission at that time and verified that Commissioner Lewis was not required to divulge same with the exception of pending lawsuits, threats of litigation or other liability issues.

**iv. Legislative Items**

○ **CS/CS/HB 1021 Construction**

Ms. Geraci-Carver explained that the subject bill prohibits the ability for local governments to regulate certain types of construction activities whereby ordinances cannot be enacted on aesthetic requirements or construction conditions which impair a corporate logo or a trade or service mark, if regulated by the Federal Trade Commission, or liquid petroleum. She indicated that said legislation also deals with signage for gasoline retail price.

Additionally, Ms. Geraci-Carver indicated that the respective bill prohibits local governments from requiring an owner of a residence to obtain a permit to paint their homes.

○ **HJR 7105 – Increased Homestead Property Tax Exemption**

Ms. Geraci-Carver referred to the city commission's discussion at its August 24, 2017 regular meeting on the new homestead exemption and reported that the subject bill, if it passes, would apply to homestead properties valued between \$100,000 and \$125,000 or school district taxes.

Ms. Geraci-Carver concurred with Mr. La Venia's statements that the city will be losing approximately \$89,000 in revenues which will take effect on January 1, 2019.

○ **CS/CS/HB 687 – Utilities**

Ms. Geraci-Carver referred to the Advanced Wireless Infrastructure Deployment Act (the collection of small wireless facilities on an authority utility pole) and the city's jurisdiction and control of public roads ROW. She explained that the city would need to abide by deadlines and notification requirements, after receiving a permit application, to notify the applicant on what can be charged.

Ms. Geraci-Carver advised that she be informed, if the city receives the respective application, where she would provide assistance on the process.

○ **CS/HB 221 – Transportation Network Companies (TNC)**

Ms. Geraci-Carver defined the TNCs ((Uber Transport Company and Lyft Company); indicated that local governments are not allowed to regulate the companies which are preempted to the state, and explained that local governments cannot impose licenses, taxes, and other restrictions on them.

○ **CS/SB 312 – Eyewitness Identification**

Ms. Geraci-Carver recognized the new legislation pertaining to eyewitness identification suspect lineups in criminal cases which takes effect on October 1, 2017

**8. PUBLIC COMMENTS**

Mr. Peter Hurt, City of Fruitland Park resident, congratulated the police, fire and public works departments on dealing with the recent weather crisis.

Mr. Hurtt explained that his 12-year-old granddaughter is a 7<sup>th</sup> grader at The Villages Charter Middle School and indicated that her course of advance study relates to government. After he questioned the possibility of allowing her to attend one of the city commission meetings to see how government operates, the city commissioners concurred with his request to which Mayor Cheshire indicated is an open public meeting allowing participation by anyone.

At Mayor Cheshire's request, Ms. Coulson explained the Florida League of Cities' *Florida City Government Week* which takes place annually in October and allows local governments to interact with schools so that they can understand how government functions to which Mr. Hurtt confirmed is also helpful.

Mr. Hurtt commended the city commission for their job in managing the city's business, their support, and comments in responding to the public's concerns.



In responding to Mr. Hurtt's earlier inquiry, Vice Mayor Gunter referred to the city commission's previous meetings where boys' and girls' scouts in attendance received merit badges for sitting through city commission meetings.

Ms. Rita Ranize, City of Fruitland Park resident, voiced concerns at the August 24, 2017 regular city commission meeting regarding the conflicts raised among the residents and the developer relating to the Pennsylvania Avenue – Terry Ross Duplex Project. She anticipated the matter has been put in place whereby such occurrence would not happen again, and recognized that the resident and builder remain disappointed.

Ms. Ranize recognized the loss of power and lack of communication during and after Hurricane Irma; acknowledged the community's familiarity with Facebook, and referred to the postings by Mr. Howard, City of Fruitland Park resident, alleging the city's lack of response. She mentioned the public's unawareness on the information disseminated by the city, and relayed her response to Mr. Howard citing her objections to his remarks who subsequently removed his post and made an apology. Ms. Ranize suggested how the city could improve how it provides information in the future to the public.

Ms. Ranize reported that the Ranize family took care of the trees that were damaged on Valley Road until arrangements are made by staff to clear the roadways.

## 9. COMMISSIONERS' COMMENTS

### (a) Commissioner Ranize

#### i. Hurricane Irma

Commissioner Ranize expressed his gratitude to the city residents and city employees involved who provided assistance in the community during and after Hurricane Irma. He voiced his appreciation to Mr. La Venia for the continued updates to the city commission in that regard.

Commissioner Ranize relayed communication he received from various individuals who work for the city, employers and employees at his work who reside in the city, and residents who live in the community and expressed concerns (which he previously shared with Mr. La Venia) on the lack of equipment; namely, gasoline fuel tanks; a functioning tractor (currently being repaired where he had to borrow a Kubota tractor), and a front-end articulated loader with a lift, for city employees to perform their daily duties.

Commissioner Ranize noted the worn-out case-loaders; disagreed with the request for a chipper, considered in the FY 2017-18 budget, and referred to the city's contract with Waste Management Inc. for solid waste collection where he later questioned whether its future contract with the city could include the clearance of larger items. He recognized the generator that operates the water wastewater treatment plant and lift station – noting Spring Lake Cove's that they owned, paid the city to process same which

was purchased by the city, currently needs to be maintained, and requires a generator –questioned the likelihood of the generator no longer being operational, and addressed the need to conduct a survey on the number of lift stations and the percentage of need.

Commissioner Ranize referred to Mr. La Venia’s previous communication regarding existing contractors’ preparedness to provide assistance in the aftermath of the storm; expressed gratitude received on the immediate assistance received from an individual on damaged roofs and tree trimming as well as the Logans who provided help, and questioned whether the city could enter into a contract with companies and pay them in advance to haul off brush from the city’s roadways.

In recognizing the sleeping arrangements at the fire department, Commissioner Ranize pointed out his previous request at the regular city commission meeting on the need for a generator.

In response to Commissioner Ranize’ concerns, Mr. La Venia referred to his conversations on September 13, 2017 with Mr. Doug McCoy, Waste Management Inc, regarding waste removal and their willingness to have an ancillary contract with the city to collect waste outside the specifications of its current contract, and addressed his desire for the contractor to pick up as much brush possible.

**(b) Commissioner Lewis**

Commissioner Lewis pointed out Mr. La Venia’s communications post-storm reflecting the retaining of companies charging up to \$300 per hour as opposed to the normal costs of about \$100 per hour and indicated that with the use of a number of existing equipment, the city could implement same.

After discussion, Commissioner Lewis expressed gratitude to staff on their performance and appreciation to Mr. La Venia for the telephone calls when he was unable to receive emails or text messages, and believed the city was kept apprised of the plans.

Commissioner Lewis questioned the use of equipment the city has to assist the Logans; voiced his disagreement with Ms. Ranize’ suggestion regarding the community’s social media platform citing reasons to not connect same with the city’s Facebook page, and commended City of Leesburg Commissioner Dan Robuck III who provided an excellent means of communicating with the residents regarding power outages during the aftermath of the storm.

Later in the meeting and after Commissioner Lewis questioned identifying an area for residents to bring brush debris on their own if they wanted to dispose or burn same and Mr. La Venia’s response on staff’s review of an alternative drop-off site for residents, he suggested placing such information on the city’s Facebook page.



Commissioner Lewis referred to Lake County's News Release dated September 13, 2017 regarding storm-related vegetative debris, regular yard waste, and non-storm related bulk pickup and Waste Management Inc.'s information distinguishing debris removal; copies of which are filed with the supplemental papers to the minutes of this meeting.

(c) **Commissioner Bell**

Commissioner Bell commended the public works and police departments for their work; recognized Mr. La Venia's communications and personal visits after the storm, acknowledged the local contractors' diligent efforts, and referred to the community's support and assistance in clearing the streets. He mentioned his reasons in avoiding the social media network in the community; compared the city's preparedness in comparison to the storm in 2004, and anticipated in the future getting exactly what is needed to take care of the citizens.

(d) **Vice Mayor Gunter, Jr.**

Vice Mayor Gunter expressed appreciation to the public works, police, and fire departments in performing an excellent job; mentioned his attendance to the staff storm-related briefing meetings, and commended the fine job the citizens underwent in helping their neighbors.

With respect to the city equipment, Vice Mayor Gunter addressed the city commission's purpose to ensure that the matter will be accomplished.

10. **MAYOR'S COMMENTS**

(a) **Hurricane Irma**

Mayor Cheshire recalled Mr. Bogle's request to include a five-ton dump truck for \$65,000 in the FY 2017-18 budget; commended the public works, police and fire departments for their performance, and voiced his his satisfaction with the fire department's presence being at ease with the remaining staff.

Mayor Cheshire addressed the opportunity to establish a workshop to address the issue of generators and consider the funding of same. He voiced his concurrence with Commissioners Ranize, Lewis, Bell, and Vice Mayor Gunter where the city's needs would be determined.

(c) **Dates to Remember**

Mayor Cheshire recognized the following events:

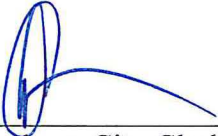
- September 15, 2017 – Back to School Movie Night *Smurf*, Outside 506 W Berckman Street, Fruitland Park, FL 34731 at 8:00 p.m.;
- September 27, 2017 – Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, at 2:00 p.m. whereby Mr. La Venia recognized Commissioner Ranize' official appointment on said board;


- September 28, 2017 – Regular Commission Meeting (Second Budget Public Hearing) at 6:00 p.m.;
- October 4, 2017 – Lake County League of Cities (LCLC) Sponsors Night, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m., whereby, later in the meeting, Commissioner Bell encouraged the city commission to attend;
- October 12, 2017 - Regular Commission Meeting at 6:00 p.m.;
- October 13, 2017 – LCLC Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 14, 2017 – *Trick or Trot 5k Family Fun Run*, Fruitland Park Elementary School, 304 W Fountain Street, Fruitland Park, Florida 34731 at 8:00 a.m.;
- October 25, 2017 – MPO Governing Board at 2:00 p.m., and
- October 26, 2017 - Regular Commission Meeting at 6:00 p.m.

**11. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:00 p.m.

The minutes were approved at the September 28, 2017 regular meeting.

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

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