

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

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 4, 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; Police Chief Michael A. Fewless and Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Community Development Director Charlie Rector; Parks and Recreation Department Director Michelle Yoder; 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 Kenneth L. Wells First United Pentecostal Church of Fruitland Park Inc., 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.

**3. SPECIAL PRESENTATIONS**

**(a) Proclamations – Former Commissioner Reverend Robert D. Harden**

Mayor Cheshire read into the record a proclamation expressing, on behalf of the city commission and citizens, sincere condolences to the late Commissioner Reverend Robert D, Harden's family and loved ones as well as to those who knew him who passed away on October 8, 2017.

Mayor Cheshire announced that the proclamation will be delivered to his family at a future date.

**(b) Proclamation – Wreaths Across America**

Mayor Cheshire read into the record a proclamation declaring Saturday, December 16, 2017 as the official *Wreaths Across America Day in Fruitland Park*. On behalf of the City of Fruitland Park Commission and citizens, recognition was given to the mission to 'Remember our fallen veterans, Honor those who serve, and Teach our children the value of freedom' and the American Legion Family of 219 was commended for this patriotic tribute to America's veterans.

Ms. Lucy McCann, President Unit 219, John Gella Memorial American Legion Auxiliary, accepted the proclamation with gratitude.

Mayor Cheshire announced that he will be unable to attend the ceremony and thanked Commissioner Bell who volunteered to make a presentation on his behalf. He welcomed those present to attend the December 16, 2017 ceremony; recognized the improvements made at Shiloh Cemetery, and thanked the public works department staff for their efforts in that regard.

**(c) Proclamation - Reverend Kenneth L. Wells - First United Pentecostal Church of Fruitland Park Inc.**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Senior Pastor Reverend Kenneth L. Wells for his extraordinary years of continuous and tireless service devoted to all at the Lake County School Board District; his lasting dedication to the community, and his prolonged devotion to the congregation of the First United Pentecostal Church of Fruitland Park. The city commission asked that the citizens express their heartfelt appreciation for Reverend Wells' many years of hard work and celebrate with him as he continues to serve the community.

Reverend Wells accepted the proclamation with honor.

Ms. Charlotte M. Rooney, Lake County School District, and Reverend Wells' manager, recognized -- in the short time she worked with him -- his remarkable inspiration towards other Lake County bus drivers and students; his calm demeanor helping in every aspect; the large role he played with several studies conducted on safety, and his label as the 'go to man' devoted to the staff. She acknowledged that it has been a privilege for her to work with him noting that his legacy began 30 years ago. Ms. Rooney announced that he will be greatly missed as God has a better plan for him; hoped that he will remember the staff fondly, and presented Pastor Wells with a plaque where he accepted it with much appreciation.

**4. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission took the following action on the meeting minutes as submitted.**

- (a) Amended the approved August 8, 2017 workshop meeting minutes**
- (b) Approved the July 12, 2017 workshop meeting minutes**
- (c) Approved the July 13, 2017 workshop meeting minutes, and**
- (d) Approved the November 9, 2017 regular meeting minutes.**

**4. REGULAR AGENDA**

**(a) McDirmit Davis, Auditor Discussion**

After Ms. Racine recognized the presence of Ms. Tammy Campbell, Certified Public Accountant, McDirmit Davis, (retained by the city) at this evening's meeting, Commissioner Lewis referred to his previous telephone conversations



with her on the legality of spending to a negative fund balance -- an issue that arose at the September 28, 2017 regular meeting.

At Commissioner Lewis' request, Ms. Campbell defined the fund balance as the difference between the city's assets (what things are owed in cash and other assets) and liabilities (what is owed to the others) and the result reflecting the negative as the negative fund balance;

Ms. Campbell explained that the auditors are reviewing a negative unrestrictive fund balance; recognized that the city has a large total fund balance in general funds but specially the unrestricted portion expended as of September 30, 2017 which is very small, represents cash in the bank, and cannot be recognized yet as revenues. She explained that how a city spends to a negative unrestrictive at any date in time is the liability of what the city owes which is greater than the assets (cash receivables) and is related to the city's timing.

After discussion, Ms. Campbell noted the legal issues on borrowing against certain restrictive funds; recognized the city's committed funds earned and the internal restrictions made by the city commission which are easier to borrow against, and mentioned the external legally restrictive funds. She indicated that she will review whether the cemetery funds have internal restrictions.

In answering inquiries posed by Mayor Cheshire and Commissioner Lewis on the city's current unexpected budgetary situation that occurred since Hurricane Irma, Ms. Racine identified the availability of approximately \$450,000 pre-audit in unrestricted reserves at the end of September 30, 2017; thus, no requirement to secure a loan to which Commissioner Lewis addressed his concerns made after the September 28, 2017 regular meeting.

Upon Mayor Cheshire's recommendation and **by unanimous consent, the city commission agreed to proceed seeking reimbursement from the Federal Emergency Management Agency's earmarking its reimbursement funds for Hurricane Irma towards the city's reserves; otherwise, utilize the city's unrestrictive reserves of \$450,000 to pay the bills resulting from the hurricane.**

**(b) 2018 Election Discussion**

Ms. Coulson relayed the Lake County Supervisor of Elections' (SOE's) request, based on adopted Resolution 2016-019 Calling for Regular Election, on the city's plans to conduct a 2018 primary election on August 28, 2018. She explained that she cannot give SOE an answer as they need to schedule the 2018 elections with the State of Florida Division of Elections.

After Commissioner Bell referred to his earlier conversations with Ms. Coulson suggesting that the SOE proceed with the primary and noted the downside of the limited time, Ms. Geraci-Carver in concurring noted the likelihood of cancelling same if no more than two candidates qualify for a commission district.

Ms. Coulson referred to the SOE's email dated December 13, 2017 regarding the change in the law Rule IS-2.0001, Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy) to be effective January 2, 2018 which she will provide to Ms. Geraci-Carver. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

After discussion and in response to a question posed by Commissioner Ranize on the need to review the increased population in commission district 1, Ms. Geraci-Carver addressed the requirement to review the population in each commission district; pointed out the legal requirement on the number of days and target time required before the qualification period -- usually held in June -- unless the city commission make a decision on changing the districts, and mentioned her intent to review same and meet with Mr. La Venia in that regard.

**(c) Proposed Recreation Fees Discussion**

**By unanimous consent, the city commission removed from the table its November 9, 2017 discussion on the proposed recreation fees.**

Ms. Yoder distributed and reviewed the spreadsheet on the revised proposed recreational fees, the comparisons with other local municipalities' pool admission fees, and the sports chart; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**After extensive deliberations, and on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the changes to the recreation fees for non-resident private pool rental to \$75 per hour; level the recreation fees for residents and non-residents, and approve the remaining recreation fees as recommended by the parks and recreation director.**

Commissioner Ranize recalled, prior to becoming a city commissioner and before Ms. Yoder becoming the parks and recreation director, the city commission's decisions to fill with dirt or resurface the current swimming pool; recognized, during his short tenure, the tremendous upgrades, improvements and hardwork performed by Ms. Yoder, and relayed the citizens' comments to him on extending the operating hours at the pool and the parks.

Responding to a question posed by Mayor Cheshire, Ms. Yoder explained that she found out earlier this day on the plan to close the City of Leesburg's swimming pool in 2018 and for the Titan's Swim Team to utilize the City of Fruitland Park Gardenia Park swimming pool permanently. She conveyed one of the City of Leesburg's lack of interest towards building a new pool, the subject of which she believes may be removed from the City of Leesburg's meeting agenda.



Mayor Cheshire recalled Ms. Yoder's remarks at a previous meeting on the likelihood of purchasing swimming pool heaters for Gardenia Park Swimming Pool and suggested that staff pursue grants in that regard which would allow for more opening times; thus, give the residents an opportunity to utilize the parks which Commissioner Ranize acknowledged as a good partnership and recognized that the pool ought to be regularly maintained and included in the budget on an annual basis.

In response to Ms. Coulson's inquiry, Ms. Geraci-Carver explained that the changes to the recreation fees will be submitted by Ms. Yoder as a fee list and considered as a resolution at the next meeting.

After much discussion and **by unanimous consent, the city commissions agreed to changing the current admission fees per person to \$3.00.**

Commissioner Bell proposed, for the residents' benefit, the discount recreation fee of \$2.00.

Following continued discussions, **Mayor Cheshire cited the motion on the floor to approve the changes to the recreation fees as previously cited to include the direction for the city attorney to draft a resolution for consideration at the next meeting (accepted by the maker and seconder) and called for a roll call vote with members voting as follows:**

<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>Yes</b>
<b>Vice Mayor Gutner</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.**

**(d) Resolution 2017-052 Fire Services Assessment Program – Non-Ad Valorem Annual Special Assessment Scope of Service**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-052, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRE SERVICES ASSESSMENT PROGRAM ANNUAL MAINTENANCE SERVICES AGREEMENT FOR FISCAL YEAR 2018-19 BETWEEN THE CITY OF FRUITLAND PARK AND GOVERNMENT SERVICES GROUP, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. La Venia, upon Mayor Cheshire's request, explained the purpose of the subject proposed resolution, Ms. Geraci-Carver concurred in the affirmative to

Commissioner Lewis' explanation that said resolution should reflect *FY 2018-19* and not *2018-19* as she previously read.

With respect to including the study, Ms. Geraci-Carver stated that she will have to make an inquiry of Ms. Sandi Walker, Government Services Group Inc., as to whether such costs would be included in the maintenance services agreement.

**A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-052 as previously cited.**

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

**(e) Resolution 2017-048 Janitorial Cleaning Services - Ultimate Cleaning Inc. - Agreement**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-048, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE JANITORIAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND ULTIMATE CONTRACT CLEANING, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mayor Cheshire cited the note from Ms. Coulson that the motion may need to be amended to reflect the hours of work (shown on page three of the Janitorial Service Agreement) and contingent upon receiving the certificate of insurance, Mr. La Venia concurred in the affirmative and in addition stated that background checks will be required for any work to be carried out in the police department.

After discussion, Mr. La Venia confirmed, in response to Ms. Geraci-Carver's inquiry, that the city will be conducting background checks at the city's expense which needs to be included the contract and that language provision on the working hours will be based on a mutual agreement as directed by Mr. La Venia which will not need to be presented before the city commission for approval.

**A motion was made by Commissioner Lewis and seconded by that the city commission adopt Resolution 2017-048, as previously cited, subject to the city attorney's recommendation to incorporate changes reflecting the hours of work and background check and contingent upon receiving the certificate of insurance.**

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

**(f) Resolution 2017-046 CR 466A – Phase IIIA Improvements**



**By unanimous consent, the city commission removed from the table its consideration at the November 9, 2017 regular meeting of CR 466A Phase IIIA Improvements and considered its action to adopt Resolution 2017-046, the title of which is cited below:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND THE CITY OF FRUITLAND PARK FOR THE INSTALLATION OF THE CITY'S WATER AND SEWER LINES ALONG THE PROPOSED CR 466A PHASE IIIA ROAD PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to Commissioner Ranize' emails dated December 11, 2017 regarding CR 466A Phase III Improvement project and pointed out the discussions he had with Ms. Geraci-Carver in that regard. (Copies of the emails are filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia outlined the scope of work and timeline for the subject project and relayed Commissioner Ranize' concerns, of which he agrees, on the county's requirement for the city to advance payment before identifying the construction price that the county intends to procure on behalf of the city.

In response to Mr. La Venia's concerns, Ms. Geraci-Carver referred to her email dated December 13, 2017 which reflected changes in the interlocal agreement (ILA) -- relating to the county's obligations (on receiving the bids, the termination of the agreement, and the city proceeding with the project); the city's obligations (remittance within receipt of the bids), and the counterparts execution of the agreement); a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion and in response to Commissioner Bell's inquiry, Ms. Geraci-Carver conveyed the county attorney's office statements that the county does not have all the ROW acquired which they anticipate obtaining with the expectation that the subject project would be procured around February 2018; thus, the city would procure same simultaneously -- which would include the additional water line -- emulating the county's bid.

Following further deliberations and in answer to Commissioner Bell's inquiry, Mr. La Venia explained the costs involved by Booth Ern Straughan & Hoitt, Inc.'s (BESH's), engineer retained by the city, on the underground utility (easement) specifications/scope of work for the subject project and indicated that the advertising and request for proposals (RFPs) -- separate from the county's -- will be provided to the city commission.

In response, Commissioner Ranize requested that staff ensure that the respective plans are reviewed by staff to avoid the need for future change orders to which Mr. Bogle confirmed to be in order.

Mr. La Venia announced that he invited Lake County Engineering Director Mr. Fred Schnieder to appear before the city commission at this evening's meeting; however, he could not attend due to a previous engagement.

Ms. Geraci-Carver recognized that the CR 466A Phase IIIA Utility costs for the subject project from BESH -- separate from the county's -- will also include the advertisements and preparation of the RFPs.

Following further discussion, Mr. Bogle gave his reassurance that with respect to the December 11, 2017 email, staff reviewed and accepted the construction plans and drawings and all the documents provided by BESH and the county and recognized that changes are to be made on the waterlines connecting to The Villages.

In addition to Commissioner Lewis' remarks on the cost savings involved, Mr. Rector outlined the problems in coordinating with two different contractors on the same project; concurred with Mr. Bogle's statements, and noted the likely reduction in change orders.

Subsequent to further discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt the aforementioned Resolution 2017-046, as amended, previously cited by the city attorney.**

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

**(g) Resolution 2017-049 Florida Forest Service Grant – Fire Department FY 2017-18 Budget Amendment - BT 2018-001**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-049, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE BUDGET REVENUES AND EXPENDITURES IN THE GENERAL FUND BUDGET UTILIZING FUNDS FROM THE FLORIDA FOREST SERVICE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.



After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2071-049 as previously cited.

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

(h) **Resolution 2017-050 -- Public Works Building Department Removal – BT 2018-02 Budget Amendment**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-050, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO DECREASE THE AMOUNT OF REVENUES GENERATED FROM THE CIP FUND BALANCE TRANSFER FROM END OF FISCAL YEAR 2017 AND DECREASE EXPENDITURES IN CIP R&S BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-050 as previously cited.

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

(i) **Resolution 2017-051 - CRA Tax Payment Request – FY 2017-18 Redevelopment Taxes**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-051, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PAYMENT OF \$96,745 FROM THE GENERAL FUND TO THE COMMUNITY REDEVELOPMENT FUND GENERATED FROM AD VALOREM TAXES; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-051 as previously cited.

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

**(j) September 2017 – End-of-Year Financial Report**

Ms. Racine reviewed the unaudited September 2017 end-of-year financial budget report reflecting the revenues expenses.

After discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-049 as previously cited.**

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

**(k) First Reading - Ordinance 2017-031 Personnel Policy and Procedures - Education Reimbursement Program**

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 10.1 IN CHAPTER X IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL ADOPTED IN ORDINANCE 2017-016; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2017.)

After discussion, **a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve proposed Ordinance 2071-031 as previously cited.**

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

**(l) First Reading – Ordinance 2017-030 Solid Waste Increase**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-030, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY .2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2018; 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 January 11, 2017.)



After discussion, Vice Mayor Gunter recalled the \$10,000 donation agreed to previously by Waste Management Inc. towards new equipment for the proposed parks and recreation community center (currently the Fruitland Park Library property) and also the refurbished or new 96-gallon carts for the residents to which Ms. Yoder confirmed was not yet received at this time.

Mr. La Venia indicated that staff will communicate same to Mr. Doug McCoy, Waste Management Inc.

**A motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission approve proposed Ordinance 2071-030 as previously cited.**

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

## 6. OFFICERS' REPORTS

### (a) City Manager Fruitland Park Library Construction Status Update

Mr. La Venia referred to his previous discussions with the city commissioners. He announced that another impact fee grant fund of \$350,000 was received from the county for furniture; recognized the amounts for Invitation to Bid (ITB) 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction were in excess of what was anticipated, and questioned the funding of same.

Mr. La Venia relayed his recent conversations with Fruitland Park Library Director JoAnn Glendinning who would not be adverse to the concept in requesting that the county consider reprogramming and utilizing the impact fee for furniture as part of the construction funds.

After Ms. Racine confirmed that approximately \$454,000 is required, she noted that other funding sources would be sought to fund the remaining amount reducing it to about another \$84,000 of which an estimated amount of \$20,000 from impact fees was allocated towards the public safety building for dirt.

Mr. La Venia recognized \$150,000 in the capital improvement program (CIP) earmarked towards the Northwest Lake Community/Cales Park Multipurpose Soccer Field Complex which reverts to the ILA for the matching grant that was received for \$100,000 and recognized that said amount has not yet been expended which may not be needed. He mentioned the Lake County Board of County Commissioners' consideration on its December 19, 2017 regular agenda of:

- Northwest Lake Community Park Master Plan;
- the expansion of the park's development to one year;
- the review of the in-kind construction work that was implemented by the city which will be utilized as the value of the grant match;

- the additional in-kind work that was carried out for field and design work, and
- the county's direction for the county attorney's office to include same as part of the ILA amendment.

After discussion, Mr. La Venia addressed the need to proceed if there is an agreement to reprogram the grant and recognized that the aforementioned considerations would need to be addressed. He acknowledged Ms. Glendinning's plan to complete a project application for another grant for furniture due February 1, 2018 and for construction of \$350,000 due before March 2018.

Ms. Geraci-Carver confirmed, in response to Mayor Cheshire's statements, the possibility to utilize CIP for furniture as long as it exceeds \$100,000.

Mr. La Venia gave the definition on 'value engineering'; addressed the likelihood of cost savings involved which originated from James Senatore Inc. (the architect retained by the city), and confirmed Ms. Glendinning's satisfaction with staff proceeding in pursuing the \$300,000 grant from construction to furniture. He addressed the need for the city commission's actions to be made at this evening's meeting; recognized one of the candidates' willingness to extend the subject ITB to February 1, 2018, and acknowledged the 30-day deadline (January 25, 2018 regular meeting) to decide.

Commissioner Lewis recalled Vice Mayor Gunter's initial proposal on the new public library construction concept and the City of Fruitland Park Resident Carlisle Birch's questioning on the need for same. He mentioned the likelihood of converting the community building utilizing found money or other people's funds as a good decision to proceed and gave reasons why he opposes redirecting the CIP to restore the estimated \$454,000 and suggested reverting back to the architect who made the presentation.

Commissioner Lewis referred to Ms. Racine's email dated December 13, 2017 which accompanied the library expenses spreadsheet reflecting needed funds of \$454,000 of which he is not in favor; reiterated reasons on his preference to communicate back to Mr. Senatore to figure out same, and voiced his reluctance to award the bid and subsequently calculate the value cost engineering which he believed should have been implemented beforehand with adjustments in the plan to proceed.

After discussion and in concurring with Commissioner Lewis' comments, Commissioner Ranize relayed Ms. Glendinning's opinion on the reallocation of the \$300,000 -- thus, recognizing the previous grant funding she applied for -- recalled Mr. Senatore's previous presentation before the city commission on the ability to construct the subject building for \$1.3 million, and outlined the additional costs, as a result of the questionable issues raised at previous meetings, resulting in the project's estimate exceeding the city's budget.



In response, Mayor Cheshire recognized the reprogramming of funds due to the exclusion of the site work that was separate from the library.

Following further discussion, the city commission, **by unanimous consent, directed the city manager to reprogram the \$350,000 grant funding for construction.**

After discussion, Mr. Rector indicated, after having numerous discussions with Mr. Senatore, the ability to work on the value engineering with the successful vendor; gave reasons why he believes it would be adequate to change the type of materials for the proposed building, and outlined the following information on the “value sheet” for the cost of materials priced for a home which he requested from Mr. Senatore:

- April 2016 (when Senatore began with the continuing services as a consultant), average “model” price \$29,000;
- August 2017 (when the subject proposal was procured) average cost \$32,700 (reflecting 1.28% increase whereby \$1.5 million turned to \$1.74 million)

Mr. Rector stated that the prices did not reflect the architect’s and relayed Mr. Senatore’s willingness to implement whatever would be necessary to proceed.

Mr. Rector referred to the selection committee’s November 6, 2017 meeting on the review and ranking of the subject ITBs; noted its discussion on the local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013, and relayed reasons why it recommended the award of the new public library facility construction bid to Signature Construction Inc. as the most preferred local qualified bidder. Mr. Rector conveyed Signature Construction representative’s preference to receive the city’s decision by February 1, 2018 and relayed the company’s commitment to reserve materials for the subject project before prices increase. With respect to the site development of the new public library facility construction bid, Mr. Rector described the work requirements needed for the parking lot and requested the city commission’s direction in that regard.

After discussion and in response to Commissioner Ranize’s inquiry on the description of the stormwater connection from the site development to the retention pond, Mr. Rector identified the design, components and location; pointed out the commitment he received from Mr. Wayne A. Goodridge, City of Fruitland Park resident, to grant the right-of-way (ROW), and confirmed that there is no executed written agreement to which Commissioner Ranize suggested that it remain in the city’s ROW which ought to include the figures.

Mayor Cheshire questioned the city’s position in postponing the subject issue until the January 11, 2018 regular meeting when the respective procurements on the subject projects are reprogrammed; commitments are received from the proposed

vendors, and their guarantees confirmed to delay the respective bids to the same date (February 1, 2018).

In response, Ms. Geraci-Carver addressed her plan to review the city's construction grant agreement with the State of Florida Department of State, Division of Library and Information Services regarding the city's local preference provision and report back to the city commission as to whether there is a prohibition in awarding the subject contracts.

Ms. Geraci-Carver stressed the need for the city commission to treat all potential vendors for the projects in question the same and addressed the requirement to communicate with them as to whether they would want to delay their bids for a period, and if not, she would review the case law on the rejection of all bids or delay to the same date for a period.

After discussion, Mayor Cheshire addressed the possibility for the city commission to meet prior to the January 25, 2018 deadline to make another decision.

Commissioner Lewis disclosed that he is not permitted to enter into discussions and vote on the subject ITBs as he currently has clients who are procuring on said projects.

**By unanimous consent, the city commission directed the city manager to report back at the January 11, 2018 meeting on the reprogramming of funds for Invitation to Bid 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction and the Fruitland Park Library Director's pursuit in seeking additional grant funding towards the furniture, and accepted the city attorney's suggestion, as previously cited, to review and report back on the city's local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013 as well as the case law on the delay of awarding the bids.**

**(b) City Attorney**

Ms. Geraci-Carver referred to questions raised at the November 9, 2017 relaying residents' inquiries on their non-ad valorem assessment for fire services bills on each property. She pointed out the Government Services Group Inc.'s (GSG's) fire special assessment overview previously presented before the city commission which revealed calculations assessed on the number of dwelling units per resident on a piece of property which remains without conducting any further studies.

Ms. Geraci-Carver explained that Ms. Sandi Walker, Government Services Group Inc., did not give any indication on other alternatives calculated for residential dwellings and mentioned her unawareness, in response to Mayor Cheshire's question, on the options which would need to be implemented in future.



**i. Lawsuits**

• **Clarence Green, Jr. v. City of Fruitland Park and Officers Hunnewell, Isom and Isaacs**

Ms. Geraci-Carver recognized the summary in the report regarding the deposition results for Clarence Green Jr.; explained that she is not aware of the representing attorney's next step, and indicated that she did not recommend any type of settlement.

• **James Homonai and Rita Homonai v. The City of Fruitland Park, Steven Foster, and Jared Crenshaw**

With respect to James Rita Homonai and subject to the representing attorney reaching an agreement with the plaintiffs' counsel to settle, conditional upon the city commission's approval, Ms. Geraci-Carver reported that depositions in the case (5:16-cv-610-oc-30PRL) scheduled for December 12, 2017 was postponed,. In recognizing the claims, Ms. Geraci-Carver noted the Plaintiff's demand and the tentative agreement reached.

After Ms. Geraci-Carver explained that Ms. Stephanie J. Brionez, attorney retained by the city, could address the merits of the respective case and at Mayor Cheshire's request, Ms. Geraci-Carver indicated that she will coordinate an attorney-client session meeting in January 2018 or thereafter.

**ii. Notice of Claims**

Ms. Geraci-Carver explained that there were no notices of claims to report at this time.

**iii. Resolution 2017-053 Employment of Relatives**

Mayor Cheshire recalled the enactment of Employment Nepotism Personal Relationship Ordinance 2017-016; gave reasons on the consideration of proposed Employment of Relatives Resolution 2017-053 at this evening's meeting, and explained the purpose of being as transparent as possible); the substance of the resolution is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A POLICY APPLICABLE TO MAYOR AND COMMISSIONERS RELATING TO RELATIVES AND PERSONAL RELATIONSHIPS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cheshire gave a background overview of business practices as it relates to city services and staffing when he became mayor and noted the consequences of same. He voiced reasons why he believed that city commission family members should not be employed by the city; noted the

exception for existing members to be grand-parented in, and recognized the ability for a related employee who is a city resident with the intention to run for elected office being able to do so.

Following much discussion, Commissioner Lewis referred to his email dated December 12, 2017 to Mr. La Venia with a copy to Ms. Geraci-Carver regarding the subject issue referencing the second whereas clause in the proposed resolution . . . *as of the date this resolution is adopted no relative, member of household or personal relationship exists between members of the city commission and city employees . . . .*

After much discussion, Commissioner Ranize recognized the existing policy under Code of Ethics for City Commissioners Ordinance 2012-026.

Following extensive discussions and **upon Mayor Cheshire's request, the city commission, by unanimous consent, directed the city attorney to make the changes under the second whereas clause and the grand-parent provision as previously cited.**

7. **PUBLIC COMMENTS**

There were no public comments at this time.

8. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Ranize**

i. **Lake-Sumter MPO Governing Board**

Commissioner Ranize announced that that the Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board held its last official meeting on December 13, 2017 with MPO Executive Director T.J. Fish; noted the complexity of the board's functions, and voiced reasons why he believed that the city ought to be an at-large voting member representative.

Commissioner Ranize recognized the reduced ranking of the CR 466A Phase IIIB roadway improvement construction project on the State of Florida Department of Transportation District V 2017 priority list.

ii. **P&Z Board**

Commissioner Ranize gave a report of his attendance at the Planning and Zoning Board's (P&Z's) December 1, 2017 meeting; addressed its consideration of the rezoning request and development agreement by the petitioner: First Baptist Church of Leesburg Inc. He recognized the number of people in attendance that were over capacity and questioned the city commission's accommodation in this regard.



**iii. Stormwater – Urick Street to Mirror Lake Drive**

Commissioner Ranize noted the stormwater runoff problem from the Urick Street into Mirror Lake (Fruitland Estates property) and inquired on the status.

In response, Mr. Rector explained that he communicated with a representative at St. John's River Water Management District (SJRWMD) who permitted, inspected and authorized same; reported on the awareness of the subject matter by Mr. Keith Riddle, Riddle-Newman Engineering Inc., who also contacted SJRWMD as he performed the final stages of engineering following the change order from the property owners and noted the attempts to resolve same.

Commissioner Ranize addressed the need to rectify the situation.

After Commissioner Lewis referred to individuals contacting him on the subject issue, Mr. La Venia concurred in the affirmative to his suggestion that he would write a letter to SJRWMD's district manager with courtesy copies to the State of Florida Department of Environmental Protection and Lake County Water Authority.

**iv. City Hall Generator**

Commissioner Ranize stressed the need for a generator at city hall before the next storm season and questioned whether staff has pursued grant funding in that regard.

**v. Florida Medical Industries Inc.**

Commissioner Ranize referred to previous city commission meetings addressing the city's condemned buildings and with the type of funding source available and addressed the possibility of condemning same and placing a lien on the property.

Commissioner Ranize pointed out his communications with Ms. Racine where he learned that funds collected are not allocated into a regular fund but the general fund. He recognized the lack of funding to assist in the demolition of the derelict properties and questioned the process.

In response, Mr. La Venia relayed the conversations he had with Ms. Lori Davis, Code Enforcement Officer, who reported that the case of Florida Medical Industries Inc.'s, owner and respondent, was considered before the Special Magistrate/Code Enforcement Hearing held earlier this day; that neither the respondent (Mr. Stephen Anguilla) nor his representative were present, and that the Special Magistrate's order for the respondent to make the necessary corrective actions on the violations within 30 days at a rate of \$50 per day with additional costs which will continue to accrue.

After Mr. La Venia noted the likelihood of the respondent paying the city less to demolish the building in question than paying the fine, Commissioner Ranize referred to the Office of the Tax Collector's website noting that the property owner's tax bill remained unpaid for the past two years.

In response to Mr. La Venia's questions on whether the subject owner is paying mortgage, if there is lien holder, whether the building would be taken back, and if there are any environmental or liability issues, Ms. Geraci-Carver explained the city's opportunity to proceed with the foreclosure process, if the respondent does not take the necessary actions for the property to come into compliance. Ms. Geraci-Carver explained that she would not recommend such process if the property is found to be contaminated.

After Mr. La Venia referred to previous discussions with Ms. Geraci-Carver on the concept of making arrangements with the respondent for the city to pay the costs and be reimbursed by the property owner on a monthly basis, she referred to the documents and the draft agreement she prepared to which Mr. La Venia addressed the need for them to be re-examined and for the revenue source to be identified which he will need to discuss with her in that regard.

Commissioner Lewis relayed his discussions with a local real estate broker, an owner of a former thermometer manufacturing building, on evidence from the respondent contending that there is evidence the subject property has been decontaminated and is marketable.

After discussion, Ms. Geraci-Carver addressed the need for a report to demonstrate that contamination on the subject property was remedied and explained that the city's declaration of the subject property as a Brownfields site would open up many grant opportunities for cleanup funds which could be made in conjunction to the owners agreeing to same.

In response to Commissioner Bell's inquiry, Ms. Geraci-Carver addressed the ability to inquire whether the subject project was on the State of Florida Department of Environmental Protection's Comprehensive Environmental Response Compensation and Liability Act site assessment which revealed any confirmed or suspected contamination.

In response, Commissioner Lewis confirmed, in the affirmative, on his ability to inquire to the real estate broker requesting a copy of the report.

**vi. Police Vehicles**

Commissioner Ranize referred to the city commission's approval at its November 9, 2017 regular meeting of the purchase of two 2017 Ford



Interceptor Sports Utility vehicles earmarked in the FY 2017-18 budget and recognized the policies on authorization for expenditures which needs adhering to.

With respect to Hurricane Irma, Commissioner Ranize noted that the (bucket truck) for \$44,000 was not approved by the city commission and recognized Mr. La Venia's recommendation to delay its purchase but utilize funding earmarked for the Fruitland Park library construction and the hurricane cleanup. After he expressed concerns in that regard, he asked for an explanation and that such matters be presented before the city commission on a regular basis. Commissioner Ranize identified the large expenditures recently made for major projects where initial estimates received reflected ultimate increases in costs.

**(b) Commissioner Lewis**

**i. Consent Agenda**

Commissioner Lewis referred to the city commission's approval of the August 8, 2017 amended workshop minutes approved under the consent agenda earlier in this evening's meeting; mentioned his review of the verbatim excerpt, and addressed his intent to speak more concisely.

**ii. Social Media**

Commissioner Lewis pointed out the previous social media postings on *What's Happening Now* Facebook platform on the status of the City of Fruitland Park Library; relayed his comments at the September 14, 2017 regular meeting on his intent to avoid that forum, and mentioned his decision where he engaged in discussions on the bid amounts received and the city's expenditures in that regard.

**iii. Lake EMS**

Commissioner Lewis gave a report of his membership on Lake Emergency Management Services Inc. (EMS) Board Operations Committee; relayed the comments from Mr. Jerry Smith, Lake EMS Executive Director (noting the absence of Lake EMS Board Members District 2 Lake County Board of County Commissioner Sean Parks and City of Eustis Mayor Robert Morin) on his gratitude of the county's accommodations in providing fire services in the City of Clermont area.

Commissioner Lewis relayed the City of Clermont's recipient of the Staffing for Adequate Fire and Emergency Response grant award where it retained firefighters; Mr. Smith being informed of the county's requirement for the city to vacate its Medic (ambulance) station from the county's premises, and his search for another location to base his such services.

Commissioner Lewis conveyed the City of Fruitland Park's desire in retaining Lake's Medic 271, D2 stationed at the city's fire department or

wherever it may be and addressed his intent to coordinate future growth needs before plans are made for a new public safety building. Commissioner Lewis:

- pointed out Lake County Fire Rescue/Lake EMS Consolidation Study and the consultants' identification of Grays Airport Road and US Highway 27/441 intersection as the busiest service call location in Lake County;
- conveyed Commissioner Park's encouragement for him to present Lake EMS' position statement before the city commission on the need to work together;
- relayed Lake EMS Board Member and District 4 Lake County Board of County Commissioner Leslie Campione's statements on how the provision in the city's Interlocal Service Boundary Agreement (ISBA) -- as it pertains to life threatening events -- can be changed to include fire and rescue services automatic aid (immediate response of emergency personnel closest to the scene) recognizing the city's basic life support capabilities and the direction it is heading towards advance life support;
- reported on Lake County Fire Chief John Jolliff's approach to him, subsequent after Lake EMS' meeting, that no complaints have been received since the city's fire department has been staffing its own department to which Commissioner Lewis deemed to be positive, and
- identified Fire Chief Jolliff's support that the county can manage with two fire stations and does not need as many to manage that portion of Lake County; namely; Lake County Fire Stations (LCFSS) 59, 56, and 53, and that if the county were to take over, LCFS 53 would close whereby he believed that that the city residents would be paying for less protection.

**(c) Commissioner Bell**

**i. Lake-Sumter MPO**

Commissioner Bell gave his favorable opinion of Mr. Michael F. "Mike" Woods, the new interim MPO Executive Director, and expressed his disagreement with one of the problems when Mr. Fish joined the MPO on his intent to expand the MPO which he expressed to the city's district county commissioner.

**ii. City Commission Meeting Venue**

Commissioner Bell conveyed the request of Pastor "Sid" Sydney Brock, Heritage Community Church, to propose offering his church as an alternate meeting venue to host the city commission meeting.



**iii. CR 466A Roadway Improvements Project**

Commissioner Lewis, in response to Commissioner Bell's comments, indicated that District 1 Lake County Board of County Commissioner Timothy I. Sullivan was taking the lead in Tallahassee towards advocating the CR 466A roadway improvements project and confirmed, in response to Commissioner Ranize, that said project was moved and reallocated on the priority list.

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

**i. Hometown Christmas**

Vice Mayor Gunter congratulated Ms. Yoder on the December 8, 2017 Hometown Christmas event which was a success.

**ii. School Concurrency**

Vice Mayor Gunter referred to the December 14, 2017 School Concurrency Management Report which was considered earlier this day at the 2017 Annual School Concurrency meeting of which he is a member. He pointed out Lake County School Board District's commitment to school modernization and the shortage of student stations; gave a report on the ranked placement of Fruitland Park Elementary School, and referred to the anticipated funds for FY 2020-21 projected in 2021-22 to be more than \$17 million which is likely to increase and the expected completion date to be FY 2024-25.

Vice Mayor Gunter recognized the school district's registered lobbyist in Tallahassee who is advocating the appropriation of additional funds for the county and referred to the concurrency service area charts under the five-year capital plan (2018-22). (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

**9. MAYOR'S COMMENTS**

**(a) Coffee with the Mayor**

Mayor Cheshire reported on the number of people who were in attendance at the November 18, 2017 *Coffee with the Mayor* event that was held at the Moyer Village Recreation Center.

Mayor Cheshire noted the residents' initial perspective and misinformation received through social media and the media on the city budget; expressed his gratitude to Commissioner Ranize for pointing out statistical information relating to the city's lowest tax rate (apart from the Town of Lady Lake's) in comparison to other governmental entities in the area, and acknowledged the research conducted by Mr. La Venia and Ms. Racine on the city's taxes and franchise fees similar to elsewhere. He relayed the residents' desire to consider, when the existing electric franchise agreement expires, utilizing a more desirable corporation.

Mayor Cheshire addressed the biggest problem expressed by concerned city residents -- present at previous city commission meetings – on the gate between the Wingspread and The Glen Subdivisions; the situation that existed more than two years' ago which he relayed, and noted, after the agreement was reached (Resolution 2013-005) which is what the city commission is basing its determination and to the dissatisfaction of the residents, same was not addressed since.

Mayor Cheshire pointed out his previous encouragement in extending an invitation to residents to attend city commission meetings to obtain information; explained that the city does not need a community park recognizing The Villages as part of the city, and reinforced the need for volunteerism with the police and fire departments, and the Fruitland Park Library. Noting the age restrictions of children participating at most neighborhood pools at The Villages, Mayor Cheshire recognized the city's Gardenia Park Pool whereby the entire family can participate.

In referring to Commissioner Ranize' statements on the anticipated large attendance in the city commission chambers; Mayor Cheshire recognized existing parcels in the city that are already zoned where the city commissioners lack input; voiced his displeasure of self-storage units, used car lots, and recreational vehicles and addressed the opportunities to decide on what city residents would like the city to look like in certain areas which, although costs are involved, were addressed at previous city commission meetings.

**(b) Hometown Christmas**

Mayor Cheshire concurred with Vice Mayor Gunter's comments on the success of the December 8, 2017 Hometown Christmas event.

**(c) Dates to Remember**

Mayor Cheshire recognized the following events:

- December 15, 2017 – Movie on the Lawn “Elf” at 6:00 p.m.
- December 15, 2017 – LCLC Roundtable Discussion League of Cities Legislative Conference, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. and Mayor congratulated Bell on chairing same.
- December 16 ,2017 – Wreaths Across America, Shiloh Cemetery, Shiloh Street, Fruitland Park, Florida 34731 at 12:00 p.m., he thanked Commissioner Bell who offered to assist with the program and welcomed the public to attend.
- December 25, 2017 – Christmas Day - City Hall Closed  
December 26, 2017 – Day After Christmas - City Hall Closed
- January 1, 2018, New Year's Day – City Hall Closed
- January 11, 2018, City Commission Regular at 6:00 p.m.



- January 12, 2018 – LCLC Organizational Meeting and Let Cities Work Initiative, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- January 15, 2017 – City Hall Closed – Dr. Martin Luther King Jr., Holiday
- January 23, 2018, Lake Emergency Management Services Inc., TBD
- January 25, 2018, City Commission Regular at 6:00 p.m.

**10. ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:16 p.m.**

The minutes were approved at the January 28, 2018 regular meeting.

Signed \_\_\_\_\_

Esther B. Coulson, City Clerk

Signed \_\_\_\_\_

Chris Cheshire, Mayor