

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
September 13, 2018**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 13, 2018 at 6:00 p.m.

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

Also Present: District 2 Commissioner Candidate John Mobilian; City Manager Gary La Venia; City Treasurer Jeannine Racine; Interim Police Chief Erik Luce, Executive Assistant Karen McKillips, Officers Brad Heidt, Sergeants David Brown and Jose Ortiz-Gonzalez, Police Department; Interim Fire Chief Donald Gilpin, Deputy Fire Chief Tim Yoder, Fire Department; Parks and Recreation Director Michelle Yoder; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

Prior to the commencement of this evening's meeting, Mayor Cheshire announced that in order to accommodate the public and allow access, regular agenda items 5.(e), (h), (i) and (j) will be continued to the City of Fruitland Park City Commission's September 21, 2018 Special Meeting at 6:00 p.m. to be held at the Community United Methodist Church (CUMC), 309 College Avenue, Fruitland Park, Florida.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order at 6:23 p.m., Pastor Aaron Hornsby, Eagles Nest Bible Baptist Church, gave the invocation and Interim Police Chief Luce led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

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

Mayor Cheshire announced the decorum for the conduct of this evening's meeting.

**3. SPECIAL PRESENTATIONS - Florida Governor's Proclamation September 2018
*Intergenerational Month in Florida***

At this time, Mayor Cheshire recognized *September as Intergenerational Month in Florida*.

(a) September 22, 2018 National Centenarian Day Proclamations

i. Bessie Hoffman

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Saturday, September 22, 2018 as *National Centenarian Day* in Fruitland Park. He congratulated Ms. Bessie Hoffman who has reached the age of over 101 years; expressed admiration of her life-time accomplishments, inspiration and endurance that she represents and wished her good health.

After acknowledging the presence of Mr. Joe Moseley her companion, Ms. Hoffman expressed her heartfelt appreciation for such honor; recognized the city's tremendous growth and thanked the city commission and the community for their continued love and support.

ii. Mary Asbury

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Saturday, September 22, 2018 as *National Centenarian Day* in Fruitland Park and honored Ms. Mary Asbury for her long life and prosperity and wished her many more.

On Ms. Asbury's behalf, her daughters Meses. Mary Blevins and Sharon Klutz acknowledged the five generations present, including Ms. Asbury, at this evening's meeting and accepted the proclamation with much gratitude.

(b) September 9, 2018 National Grandparents Day Proclamation

On behalf of the city commission, Mayor Cheshire acknowledged the proclamation recognizing September 5, 2018 as *Grandparents Day*.

(c) September 6, 2018 National Read a Book Day Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing September 6, 2018 as *National Read-a-Book Day* in Fruitland Park where the Fruitland Park Library staff read to the kindergarten and first grade classes at Fruitland Park Elementary School and further encouraged citizens to continue to read to their children, parents, and grandparents or volunteer in reading programs at the school and library.

FP Elementary School – NEHS Students

At Mayor Cheshire's request, the Fruitland Park Elementary School National Elementary Honor Society (NEHS) Students introduced themselves at this evening's meeting.

Having acknowledged the presence of Meses. Tammy Langley, Fruitland Park Elementary School Principal and Connie Bame, NEHS Coordinator, and on behalf of the city commission, Mayor Cheshire congratulated the students on their achievements.

(d) September 11, 2018 National Day of Service and Remembrance Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the month of September 2018 as *Intergenerational Month* recognizing September 11 as *Patriot Day and National Day of Service and Remembrance*. He encouraged citizens to continue to take part in acts of charity, service and devotion in memory of those who paid the ultimate sacrifice for our country in the years that followed and carry forward the legacy by giving back.

The proclamation will be issued to Commander Nick Abling, John Gella Memorial Unit (FL American Legion Post) 219 Inc., at a future date.

By unanimous consent, Mayor Cheshire took the following items out of order on this evening's agenda.

(f) Waste Management Inc. – Proposed Parks and Recreation Community Center - Check Presentation

Mayor Cheshire recognized Vice Mayor Gunter who negotiated the donation towards new equipment for the proposed parks and recreation community center (currently the Fruitland Park Library property) and suggested that he accept, on behalf of the city commission, the check for \$100,000 from Waste Management Inc.

Mr. Doug McCoy, Waste Management Inc., expressed pleasure in providing the service to the city and recalled its commitment at the January 28, 2016 regular meeting to provide a donation, once the recreation community center is complete, for \$10,000. He acknowledged the presence of Ms. Amy Boyson and Mr. Jose Boscan, Waste Management Inc., at this evening's meeting.

On behalf of the city commission, Vice Mayor Gunter and Ms. Yoder accepted the donation with appreciation.

(e) Department of Elder Affairs and AARP Area Agency on Aging – Presentation

Ms. Tracey Aittama, Bureau of Elder Rights, Communities for a Lifetime (CFAL)s, gave a power-point presentation, recognizing the city as part of the initiative and identifying Lake County as the largest population in Florida with individuals over the age of 60. She gave a historical overview of CFAL and Affairs, American Association of Retired Persons (AARP) Liveable Communities on engaging various communities and addressed the goal to challenge all CFAL communities to learn more on what the network has to offer.

Mr. Jerome Williams, State of Florida Department of Elder Affairs, AARP Liveable Communities highlighted the power-point presentation on AARP's Network of Age-Friendly Communities which outlines the process involved. (Copies of these presentations are filed with the supplemental papers to the minutes of this meeting.)

Mr. Williams and Ms. Aittama referred to the letter of application and letter of intent to become a part of the AARP; addressed the ability to provide more information and recognized Dr. Kathy Black, University of South Florida, Sarasota-Manatee, Central Florida, who would provide assistance in accepting new communities through the survey application process.

4. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the July 25, 2018 regular meeting minutes as submitted.

5. REGULAR AGENDA

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

Ms. Coulson reviewed the following official results from the August 28, 2018 Primary Election Certification:

On motion of Commissioner Bell seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the following official canvassing board results for the August 28, 2018 primary election for Fruitland Park City Commissioner District 2:

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

(b) Resolution 2018-054 – City Treasurer Appointment

Ms. Geraci-Carver read into the record proposed Resolution 2018-054, 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 recalled the city commission's discussion at its September 14, 2017 regular meeting on the city officers' job evaluation sheets to be provided and recommended the implementation of same in the future.

In response, Mayor Cheshire suggested that for 2019 that the evaluation forms are provided to the city commission before considering the appointments.

A motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2018-054 as previously cited.

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

(c) Resolution 2018-055 – City Attorney Appointment

Ms. Geraci-Carver read into the record proposed Resolution 2018-055, the substance of which is as follows:

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

A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2018-055 as previously cited.

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

(d) Resolution 2018-056 – City Clerk Appointment

Ms. Geraci-Carver read into the record proposed Resolution 2018-056, the substance of which is as follows:

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

A motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission adopt Resolution 2018-056 as previously cited.

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

At Vice Mayor Gunter's request, and by unanimous consent, the city commission reconsidered Item (c) for discussion.

After discussion regarding Ms. Geraci-Carver's renewal of her legal contract, the city commission took no further action on the reconsidered item.

(e) Resolution 2018-033 Fruitland Park Library Furniture Deposit – FY 2017-18 Budget Amendment

After discussion and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed its action on the following proposed Resolution 2018-033 to the September 27, 2018 meeting.**

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

(f) **Resolution 2018-057 Utility Rate Study Agreement - BESH**

Ms. Geraci-Carver read into the record proposed Resolution 2018-057, the substance of which is as follows:

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

Mr. La Venia reviewed the proposal/agreement, a utility rate study for water, wastewater and stormwater and the proposed project fees for the economic portion: Wilden Financial Services at \$35,000 and GovRates at \$19,800; explained that staff is utilizing one of the firms for bids and relayed the recommendation from Booth, Ern Straughan & Hoitt Inc. (BESH) to select GovRates due to its experience with the satisfactory work conducted.

Commissioner Ranize questioned whether staff has conducted any research and communicated with the respective municipalities on their process for the subject project and their quality of work, experience and performance.

After discussion and in response to several inquiries posed by Commissioner Lewis on the advantages of selecting Gov.rates, Ms. Geraci-Carver outlined the respective municipalities contract where they work directly with staff to implement the financial portion and pay the consultants on the engineering operations and capital improvement. She noted the additional expenses anticipated from BESH and concurred with Mr. La Venia's suggestion to include a not-to-exceed \$27,000 (2,200 rate study and \$5,000 capital improvement) in BESH's portion on the capital and economic side or alternatively solicit same as request for proposals or request for qualifications to determine whether other companies could carry out the economic or rate study/

After Commissioner Lewis suggested that the subject civil engineering services be implemented immediately, Ms. Geraci-Carver and Mr. La Venia anticipated the completion to be by December 2018.

After Commissioner Lewis pointed out addressing Commissioner Ranize's concerns, Commissioner Ranize recalled the unsatisfactory work performed on the water and wastewater treatment plant by Wicks Engineering Services Inc., previously retained by the city, to which Mr. La Venia gave his assurance that staff will conduct reference checks with GovRate's work performance with the municipalities they previously worked with.

Following further discussion and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission postponed its action to adopt Resolution 2018-057 as previously cited to the next meeting for staff to report back with more information.**

PUBLIC HEARING

(g) First Reading and Public Hearing Ordinance 2018-020 Parking Violations - Traffic Rules, Title VII, Chapter 71

The city commission considered its action on Ordinance 2018-020, the substance of which is as follows:

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

On motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission continued its action on proposed Ordinance 2018-020 to a future meeting at staff's request.

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

The city commission considered its action on Resolution 2018-035, the substance of which is as follows:

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

On motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed its action on proposed Resolution 2018-035 as previously cited to the September 27, 2018 meeting.

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

The city commission considered its action on Resolution 2018-052, the substance of which is as follows:

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

On motion of Commissioner Ranize, seconded by Vice Mayor Gunter and unanimously carried, the city commission continued its action on proposed Resolution 2018-052 as previously cited to the September 27, 2018 meeting.

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

The city commission considered its action on Resolution 2018-052, the substance of which is as follows:

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

On motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the commission continued its action on proposed Resolution 2018-053 as previously cited to the September 27, 2018 meeting.

By unanimous consent, Mayor Cheshire opened the public hearings on Items 5.(i) and 5.(j) and there being no comments from the public, the public hearing was declared closed.

END OF PUBLIC HEARING

6. OFFICERS' REPORTS

(a) City Manager

Mr. La Venia relayed his recent contact with the City of Leesburg regarding the pool heater for Gardenia Park Swimming Pool and their remarks to him that there is no intention to sell same; however, they may reconsider.

(b) City Attorney

i. Notice of Claim – James Hartson

Ms. Geraci-Carver reported that there are no notices of claim for Mr. James Hartson.

ii. Notice of Claim – Larry Odum

Ms. Geraci-Carver reported that there are no notices of claim for Mr. Larry Odum.

iii. Electric Franchise Agreement – City of Leesburg

Ms. Geraci-Carver reported that the city's electric franchise agreement that was discussed before the city commission (at its July 25, 2018 special meeting) where some municipalities are enacting ordinances that require infill housing to install underground utilities; recognized that no language exists in the city's current agreement and noted the need to address same with the City of Leesburg who are required currently to install wire lines in the city.

Ms. Geraci-Carver noted that the city's purchase of the franchise system is supposed to take place in December 2018 and recognized that the agreement provided to Mr. La Venia was for an extension of an additional five-year period where the City of Leesburg is currently running wire lines in the City of Fruitland Park. She indicated that said issue will be presented before the city commission at a future meeting for consideration and agreed with Commissioner Bell's statements that it was a big concern .

iv. FRS

Ms. Geraci-Carver pointed out the September 11, 2018 telephone conversation she and Mr. La Venia had with Mr. Glenn Thomas -- Lewis Longman Walker, attorney who has been working with State of Florida Retirement System (FRS) – who plans to speak with FRS' Bureau Chief -- who is handling the case relating to former Police Chief Mike Fewless -- and communicate with the city's adjustors on September 18, 2018 on whether they would be able to provide coverage on the subject matter.

Mr. La Venia referred to his meetings during the week with Mr. Scott Hindman, Brown & Brown of Florida Inc., who spoke with the adjustor indicating that there is coverage and relayed Mr. Hindman's request for the city to directly communicate with the adjuster.

Ms. Geraci-Carver pointed out FRS' appeals process and the possibility of implementing a third-party contract previously addressed with Mr. Thomas who intends to explore same before the city commission makes a decision. She referred to documentation that Mr. Fewless recently provided to her that FRS previously approved for another jurisdiction and relayed Mr. Thomas' remarks that same was issued prior to the rule change which became more stringent with FRS.

Mayor Cheshire relayed Mr. Fewless' desire to be the city's police chief and addressed the possibility of him retaining a contract with an outside agency to continue work immediately. He conveyed his conversations with Mr. La Venia and Ms. Geraci-Carver recognizing his lack of income and addressed his wish to immediately resolve the subject issue recognizing that if the city is unable to do so, he would need to find another job. Mayor

Cheshire addressed the need to expedite and take care of the issue as best as possible in order that Mr. Fewless has direction.

Ms. Geraci-Carver explained how she has been in communications with Mr. Fewless where she has made him aware of the city's discussions with Mr. Thomas who is working on finding whether a third-party contract would be permissible before the city commission decides in that regard; his call to FRS' accounting department and the city's contact where he advised the city to acknowledge receipt of FRS' letters that monies are to be repaid which is being worked on and his plan to contact FRS' Bureau Chief and for the city to communicate with a particular person in FRS' accounting department.

Mayor Cheshire addressed concerns on different responses received from various individuals at FRS; acknowledged the mistakes made by both participants dealing with FRS and reiterated the need to settle the subject issue as soon as possible.

In response, Mr. La Venia indicated that after he spoke with someone at District 12 Florida State Senator Dennis K. Baxley's office earlier this day, they reached out to Mr. Fewless advising him to pursue FRS' appeals process.

Mayor Cheshire, in agreement, referred to the September 10, 2018 memorandum from the West Central Florida Police Chiefs Association regarding its support of Chief Mike Fewless; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia, in answering, relayed Mr. Thomas' advice for the city not to remit payment on bills received from FRS and that communication be made with FRS accounts department which he stated is staff's plan and verified conflicting information he recently received from FRS on the acceptance of Mr. Fewless' retirement.

Based on Commissioner Ranize' concerns raised at the August 30 special meeting, Commissioner Lewis gave his opinion on August 31, 2018 that Mr. Fewless would have to pay back funds to the FRS. He reported on his subsequent research online regarding available information related to seeking reemployment with participating employer with FRS which is discouraged and noted the consequences as a result. He believed that Mr. Fewless should never have applied for the city's police chief position or that the city should not have entertained the application. Commissioner Lewis expressed concerns that the city is jointly, is severable and liable for the August 15, 2018 letter from FRS that Mr. Fewless received and believed that Mr. Fewless' obligation is linked with and belongs to the city due to FRS' contract to which Ms. Geraci-Carver confirmed in the affirmative;

Commissioner Lewis voiced his agreement with Mayor Cheshire; however, he questioned the potential financial implications to the city.

With respect to Mayor Cheshire's statements relating Mr. La Venia's conversations with Mr. Hindman, Commissioner Lewis disclosed his connection with him. He pointed out his August 31, 2018 text message to Ms. Geraci-Carver; recognized the city's current employment practices liability insurance policy, and relayed Ms. Geraci-Carver's instructions for Mr. La Venia to report the claim on the subject issue. Commissioner Lewis referred to his subsequent call to Mr. Hindman on the day in question who confirmed that the claim was reported -- thus, Commissioner Lewis apprised him of the situation -- and relayed the meeting held with the adjuster. Commissioner Lewis shared his experience and knowledge in the insurance industry where agents admit that they are not an attorney or an adjuster which he confirmed was disclosed to Mr. La Venia.

In recognizing the process, Commissioner Lewis voiced concerns on FRS' existing invoice which is due; the respective insurance policies (contingent liability and employment practices).

Responding to Mayor Cheshire's request, Mr. La Venia addressed his plan to communicate with the adjuster on September 14, 2018 at 2:00 p.m. to which Ms. Geraci-Carver confirmed her planned participation at that time by telephone conference.

7. PUBLIC COMMENTS

Mr. Vance Jochim, Lake County resident and owner of Fiscal Rangers.com; mentioned his frequent attendance at Lake County Commission and Lake County School Board meetings and addressed his plan to attend the city commission's September 21, 2018 special meeting. He praised the city commission for its decision earlier at this evening's meeting to continue items on the agenda to be considered at a larger venue to accommodate the public.

Mr. Jochim gave reasons why he recommended that the city commission consider conducting its meetings by video similar to other local governments in the county. He pointed out the power-point presentation made earlier under Item 3.(e) on this evening's agenda; requested that the city commission review how the older community of Fruitland Park connects with The Villages and suggested that a study be conducted on the utilization of Community Development Block Grants as a requirement.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Late Mr. Peter J. Hurtt

Commissioner Ranize referred to a couple of emails he received regarding Mr. Peter J. Hurtt's passing which he expressed his appreciation.

ii. Workers' Compensation

Commissioner Ranize relayed his relative's recent visit to him at work and expressed concerns that on Wednesday, September 6, 2018, he transported Mr. Noel *Pete* Pierre, Public Works Department employee, to an Orlando hospital or medical facility to undergo surgery.

On September 7, 2018, Commissioner Ranize reported that he visited city hall and met Mr. Pierre in the parking lot; relayed his unawareness that Mr. Pierre had workers' compensation which resulted in the surgical procedure for injuries sustained during work hours and anticipated that the city is taking care of said situation recognizing that he is a 30-year employee. Commissioner Ranize recalled that at the beginning of his tenure, he requested that he be informed of employees who are hurt or injured and expressed disappointment on hearing about same through his brother.

iii. FRS

In thanking Mayor Cheshire for his support of Mr. Fewless, Commissioner Ranize addressed his consensus, if the city commission intends to implement the third-party contract. He pointed out Mr. Fewless' telephone call to him earlier this day recognizing his lack of income and the litigation he has with the architect and contractor to move into his new home. Commissioner Ranize anticipated that the city commission expedite the issue as a matter of priority.

Commissioner Ranize distributed FRS Participation Resolution 2014-015 adopted on November 20, 2014. He pointed out his conversations earlier this day with Ms. Geraci-Carver where he agreed that anyone in the city ought to communicate with the right assigned personnel in FRS; immediately follow-up the conversation by email to the respective individual and provide the city commission with a copy. Commissioner Ranize cited Section 2 of Resolution 2014-015 . . . *all general employees . . . shall participate in FRS . . .* and quoted from the accompanying February 17, 2015 letter . . . *Each employee filling a full-time or part-time regularly established position shall be a compulsory member of the FRS . . .*

Commissioner Ranize questioned the issue of excluding part-time employees' entitlement with FRS and inquired about procedures by which Mr. Fewless entered the city's pension plan as well as International City/County Management Association's (ICMA's) retirement security with the belief that he was not required to participate with FRS.

In answering, Mr. La Venia explained the availability of both pension plans; addressed Mr. Fewless' participation with ICMA and conveyed his explanation that he was not required to enter back into FRS' system where

it was in order for him to use a different plan which was offered, to which Commissioner Ranize relayed Mr. Fewless' response from the telephone conversations he had indicating same to which he believes is an issue for the city to overcome and for Ms. Geraci-Carver to find out.

Commissioner Ranize distributed copies of budget amendments BT2018-019 adopted by Resolution 2018-029; BT2018-011 adopted by Resolution 2018-014, and BT2018-007 adopted by Resolution 2018-010 revealing transfer of funds relating to retirement.

Commissioner Ranize relayed the response to his inquiries at the August 30 special meeting on staff's knowledge of costs for the part-time retirement matter to have been June 2018 with the statement that it 'was a minimal amount'. He voiced his concurrence with his statements that appeared in the August 30, 2018 The Villages-News.com article entitled: *Future of Fruitland Park Police Chief Appears to be in Limo – "I don't care if its \$10"*. Commissioner Ranize addressed his unawareness of the issue when he received the August 31, 2018 email from Ms. Racine regarding FRS' Findings where the total cost of the retroactive payments for part-time personnel was \$33,758 of which \$27,091 was the amount the city had to recover.

Commissioner Ranize referred to pages 12, 16, 22 and 28 of the year-to-date April 30 budget report and the financial statements approved at the June 28, 2018 regular meeting showing the appropriated amount of \$216,088 in the revised budget for retirement covering 18 employees which excluded the six part-time employees.

After much discussion and in addition to Commissioner Ranize' earlier concerns that the budget transfer was never considered before the city commission, he expressed his frustration on not been given the requested information, received partial information or provided with false information.

Following further discussion, Commissioner Ranize distributed a copy of the charter highlighting subsections 3.08, prohibitions and 6.07 amendments after adoption and cited said language. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

In response to Commissioner Ranize' revelations of the deficit, mistake and response provided on the individuals involved, Mr. La Venia admitted to same.

Commissioner Ranize referred to the motion he proffered at the August 30, 2018 special meeting which died for a lack of a second.

A motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission approve to terminate the city manager.

Mayor Cheshire called for a roll call vote on the motion.

At Commissioner Lewis' request and **by unanimous consent, Mayor Cheshire granted discussion on the motion on the floor.**

After discussion and **upon Vice Mayor Gunter's request, Mayor Cheshire call the motion on the floor.**

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

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

The motion failed to carry on a four to one (4-1) vote.

(b) Commissioner Lewis - FRS

Commissioner Lewis in agreeing with Commissioner Ranize' statements described the research he conducted and recognized the budget amendment BT2018-017 adopted at the May 10, 2018 regular meeting where he was absent. Commissioner Lewis, in recognizing that funds were transferred, explained that at no time a significant budget adjustment was considered before the city commission, believed that the identification of the issue in question should not have been handled in that manner and voiced in frustration in that regard where he believed that it would not be resolved quickly enough for the needs of Mr. Fewless.

(c) Commissioner Bell

i. FRS

Based on his experience, Commissioner Bell predicted why he believed the FRS investigations would be a lengthy process.

ii. LCLC

Commissioner Bell announced that Lake County Sheriff Peyton C. Grinnell will be making a presentation at the September 14, 2018 Lake County League of Cities' Meeting which include school resource officers' program in the schools. He encouraged anyone who is interested to attend.

iii. Sponsors Night

Commissioner Bell emphasized the date of Sponsors' Night on October 3, 2018.

(d) Vice Mayor Gunter, Jr.

i. FRS

With respect to Mr. Fewless, Vice Mayor Gunter indicated that the city would need to wait and see the outcome.

ii. City Manager

In referencing Commissioner Bell's comments, Vice Mayor Gunter recognized Commissioner Bell and his tenure and noted the number of city managers who were employed by the city. He acknowledged Mr. La Venia as one of the best city managers and agreed that he as well as anyone else can improve

9. MAYOR'S COMMENTS

(a) FRS

Mayor Cheshire recalled the budget amendment relating to the FRS issue and addressed his method of preparation before considering same. He believed the onset of the FRS began with the individual who was the city treasurer at that time; the contract Mr. Fewless had and the former city attorney where he would expect - - apart from Mr. La Venia who does not utilize the retirement system - them to handle same; thus, there is culpability on both sides where some of the individuals involved are no longer employed by the city.

Mayor Cheshire addressed the need to deal with the FRS as it relates to the part-time employees; the need to inform Mr. Fewless on the intent to retain him under the third-party contract for consideration before the city commission and expressed his desire for him to be employed with the city.

(b) Fruitland Park's Growth

Vice President – Florida Governor

Mayor Cheshire referred to the September 6, 2018 dinner he had with the United States Vice President Mike Pence and Florida Governor Rick Scott; recalled Governor Scott's recognition of Fruitland Park known as *the Fastest Growing City in Florida* and relayed his response to Governor Scot in the contrary that the city was the *Fastest City in the Country* where as a result, Vice President Pence' gestured on his back with the statement '*good job guys*'.

(c) Dates to Remember

Mayor Cheshire announced the following events:

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

- September 14, 2018, Movie on the Lawn, *Avengers – Infinity War*, City Hall Lawn at 7:00 p.m.
- September 21, 2018, City Commission Special Meeting, CUMC, 309 College Avenue, Fruitland Park, FL 34731 at 6:00 p.m.
After Mayor Cheshire later announced the special meeting, he agreed with Commissioner Ranize' request that staff make arrangements in advance for the police department electronic bill boards be situated on CR 466A close to the venue in order that the public be notified of the said meeting.
- September 25, 2018, Lake Emergency Medical Services Board Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.;
- September 26, 2018, Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board Meeting, 225 West Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;
- September 27, 2018, City Commission Regular Meeting at 6:00 p.m.
Earlier in the meeting, Commissioner Lewis inquired whether preparation for the subject meeting would be held on September 21, 2018 at CUMC.

In response to Mayor Cheshire's question on the continuation of same on making future meeting accommodations for larger audiences, Ms. Geraci-Carver recommended making audio, video and seating available in the city hall lobby and the overflow (conference room)

After Commissioner Lewis addressed his inability to attend the September 21, 2018 regular meeting due to a prior engagement, Ms. Geraci-Carver addressed the intent to verify with the Florida Department of Revenue whether the first reading of the proposed budget could be considered at that time without the full elected body present.

In response, Mayor Cheshire addressed the need to ensure that the public be alerted, besides the website and social media, if there are any meeting changes.

- October 3, 2018, Lake County League of Cities (LCLC) *Sponsor's Night*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.
- October 12, 2018, LCLC *Fertilizer Ordinance Presentation*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- October 12, 2018, LCLC *Fertilizer Ordinance Presentation*, Lake Receptions 4425 Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

- October 12, 2018, Movie on the Lawn, *Hod*, City Hall Lawn at 7:00 p.m.
- October 20, 2018, Trick or Trot 5k Family Fun Run, Fruitland Park Elementary School, 304 West Fountain Street, Fruitland Park, Florida 34731 at 8:00 a.m.
- October 24, 2018, Lake-Sumter MPO Governing Board Meeting, 225 West Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.
- October 25, 2018, City Commission Regular Meeting at 6:00 p.m., and
- October 31, 2018, Halloween at 6:00 p.m.

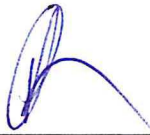
11. ADJOURNMENT

The meeting adjourned at 8:53 p.m.

The minutes were approved at the December 8, 2018 regular meeting

Signed _____

Esther B. Coulson, City Clerk



Signed _____

Chris Cheshire, Mayor

