



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

**July 27, 2017**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**6:00 p.m.**

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

Invocation – The Reverend Dr. George A. Mulford, III, Grace Bible Baptist Church

Pledge of Allegiance - Police Chief Michael A. Fewless

**2. ROLL CALL**

**3. CONSENT AGENDA**

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote .

**Approval of Minutes** (city clerk)

June 8, 2017 regular

June 20, 2017 workshop

June 22, 2017 regular

**4. REGULAR AGENDA**

**(a) CR 466A Landscape - Mowing Schedule** (City Manager/Public Works Department Director)  
Discussed at the April 13, 2017 Meeting

**(b) Fruitland Park Public Library – Roofing** (city manager/community development department director/Fruitland Park Library Director)  
Discussed at the January 26, 2017 meeting

### **PUBLIC HEARING**

**(c) Second Reading and Public Hearing – Ordinance 2017-020 Hybrid Fire Department** (city manager/fire chief/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR

AN EFFECTIVE DATE. (The first reading was held on June 8, 2017.)

**5. OFFICERS' REPORTS**

**(a) City Manager**

**i. Real Property Donation – Last Will and Testament – Annmarie Lewis Estate - Discussion**

**ii. Fruitland Park Library Director**

**iii. Code Enforcement Officer**

**(b) City Attorney**

**i. Lawsuits**

**ii. Notice of Claims**

**iii. Marijuana Moratorium**

**6. PUBLIC COMMENTS**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize**

**(b) Commissioner Lewis**

**(c) Commissioner Bell**

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

**8. MAYOR'S COMMENTS**

**9. ADJOURNMENT**

**DATES TO REMEMBER**

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

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

August 3, 2017 - Workshop at 6:00 p.m.

August 10, 2017 - Regular Commission Meeting at 6:00 p.m.

July 27, 2017 Regular Agenda

August 11, 2017 - LCLC Four-Hour Ethics Training, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 9:00 a.m.

August 17-19, 2017 - Florida League of Cities Conference, World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 7:30 a.m.

August 24 - Regular Commission Meeting at 6:00 p.m.

August 28 - 2017 Lake County Legislative Delegation Hearings, Lake Sumter State College, Paul C. Williams Fine Arts Center, 9501 US-441, Leesburg, FL 34788 at 1:30 p.m.

September 4, 2017 – Labor Day, City Offices Closed

September 8, 2017 – LCLC LYNX Presentation City Budget Discussion, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

September 14, 2017 – Regular Commission Meeting (First Budget Public Hearing) at 6:00 p.m.

September 15, 2017 – Back to School Movie Night *Smurfs: The Lost Village*

September 27, 2017 – Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m.

September 28, 2017 – Regular Commission Meeting (Second Budget Public Hearing) at 6:00 p.m.

October 4, 2017 – LCLC Sponsors Night, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 6:00 p.m.

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 26, 2017 - Regular Commission Meeting at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**



AGENDA ITEM NUMBER <p style="text-align: center;">3</p>
---

## CONSENT AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Draft Minutes		
<b>For the Meeting of:</b>	July 27, 2017		
<b>Submitted by:</b>	City Clerk		
<b>Date Submitted:</b>	July 20, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>			
<p>Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote</p> <p>Approve the June 8 regular, June 20 workshop, and June 22, regular draft minutes.</p>			
<b>Action to be Taken:</b> Approval			
<b>Staff's Recommendation:</b> Approval			
<b>Additional Comments:</b> The June 8, 2017 regular meeting minutes was postponed from the June 22, 2017 regular agenda.			

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

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

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
June 8, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 8, 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 Fewless; Captain Eric Luce; Sergeant David Brown, Detective Jennifer Hutchins, Officers Brad Heidt, Jerimiah Ricketts, Paul Sandbrakken, and Mike Whitaker, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; and Madison Leary, Fire Department; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order at 6:00 p.m. and due to the absence of Pastor Rick Welborne, Life Church Assembly of God; Chief Fewless gave the invocation and 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.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission agreed to resume parliamentary procedures when conducting its meetings by following Robert's Rules of Newly Revised (RONR) Order as the decorum of debate amongst the elected officials on the conduct of speakers, the public and staff and to be initially be recognized by the mayor during its proceedings.**

Mayor Cheshire referred to the RONR Cheat Sheet which distributed to the city commission; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**3. LOCAL PLANNING AGENCY Recess 6:00 p.m. or Thereafter**

**By unanimous consent, the city commission took a recess at 6:03 p.m. to convene the Local Planning Agency and reconvened its regular meeting at 6:14 p.m.**

**4. SPECIAL RECOGNITION**

**(a) 2017 "Service Above Self" Program Award and "Lake County Officer of the Year" - Officer Brad Heidt**

Chief Fewless introduced Officer Brad Heidt -- who was selected amongst other Lake County agencies -- as recipient of "*the Lake County Officer of the Year*" award; recalled the lifesaving techniques he administered around 2015 Memorial

Day to a four-year-old child who almost drowned, and noted Officer Heidt's continued contribution after the event. Chief Fewless announced that the "Service Above Self" Award plaque (presented previously to the city) will be displayed at city hall during the 2017 year.

After the city commission congratulated Officer Heidt, he expressed his gratitude.

**(c) Captain Erik Luce – Promotion**

Chief Fewless recalled his initial employment with the city; recognized the then Sergeant Luce' efforts over the past two years -- during which time he was promoted to the position of lieutenant -- and identified the impression he has made based on his assignments. Chief Fewless indicated that Captain Luce is well respected by the police department.

After Captain Luce introduced his wife, he was acknowledged by the city commission and accepted the recognition with honor.

**(b) Detective - Officer Jennifer Hutchins**

Chief Fewless recollected the performance of Jennifer Hutchins during his initial employment; relayed her desire to attend the Criminal Investigative Division training where she has proven herself, and announced reasons why she will become the next detective.

Following Detective Hutchin's introduction to her family, she expressed her appreciation for the recognition.

After Chief Fewless welcomed those present to join in celebrating staff's accomplishments at the police department, Mayor Cheshire, on behalf of the city commission, extended congratulations.

**5. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the May 11, 2017 regular city commission meeting minutes as submitted.**

**6. PRESENTATION**

**Lake County School District Superintendent**

Dr. Diane S. Kornegay, Lake County School District Superintendent, expressed her appreciation to Ms. Tammy Langley, Fruitland Park Elementary School Principal, who was present at this evening's meeting, for her support, and introduced herself to the city commission by highlighting her background and experience in the public educational sector.

Dr. Kornegay explained that being appointed in January 2017, she is nearing completion of her accomplishments of her first 100-day plan; addressed her intent to provide a summary of her experiences with regard to same, and highlighted the following:

- engaging with the community by building relationships and opening a dialogue in conducting teachers' focus groups;
- submitting a report on all the schools visited;
- meeting with local governmental and other organizational bodies on the district schools' needs, what can be implemented going forward with the next steps to support them, and what is working well with students and what needs to be changed, and
- collecting data and presenting same.

Dr. Kornegay noted the other goals to be focused on the budget as it relates to how funds are being spent; providing better programs to invest in children to better purpose the district's resources, and changing instructions to produce greater results for the children.

Dr. Kornegay reported on the district's current C-rating; its ranking as the 44<sup>th</sup> in the state, and how improvements are planned to be made. She addressed the intent to provide training in the summer with expectations established for teaching and learning and support to teachers in focusing on meeting children's individual needs.

Due to the lack of early learning programs for pre-kindergartners, Dr. Kornegay noted some proposed goals to consider are:

- focusing on involving more families with children with current programs with expanded early learning opportunities;
- redesigning and broadening the current technical educational programs known as "vocational ed" with the realization that not every pupil will attend college;
- preparing children for the workforce by increasing graduation rates, engaging children in relevant learning in the field of interest – recognizing Lake County's job well done in developing such programs to middle school –determining the children's needs in learning, and opening additional academies to acquire master skills and graduate with industry certifications for employment;
- working with business communities offering internships for children and externships for teachers; being a part of the district's advisory board in developing program growth, and providing accelerated opportunities for more advanced children, and
- due to the lack of prospects in earning college credits through dual-enrollment programs, transporting children to Lake-Sumter and bringing equitable opportunities closer to local high schools.

Dr. Kornegay believed that the initiatives for the 2017-18 school year, previously described, would focus on determining the issues and improving the quality of teaching and learning in the classroom which would ensure the children's success.

In response to a question posed by Vice Mayor Gunter, Dr. Kornegay described the 11-month school year program she proposed to the school board and mentioned the lack of

clarification that it was for all children which would require input from the schools and stakeholders to determine interest; thus, affordability would be an issue.

Dr. Kornegay noted that some children could utilize different instructional time where the learning process during the summer could use additional remediation; the achievement gap for struggling students would be prevented, and such programs would offer incentives which she is proposing for students and parents.

Dr. Kornegay referred to previous conversations which arose from a consultant's proposal who was working with the school board on successful schools and what was implemented recognizing the longer school years, school days, additional instruction time, and early intervention program. She relayed her response in the affirmative on her consideration of same; however, she described her clarification previously addressed before the media as she believes in parents' choices on children's extra instructional time to which Vice Mayor Gunter voiced his preference for the year-round program.

In answering Vice Mayor Gunter's question on school uniforms as a result of his travels outside of the country, Dr. Kornegay believed it is a parent-school-community decision; recognized nine district schools with uniform policies which she will leave at the local level as to whether it would be beneficial for the children; and addressed her intent to work with the schools on how to best help the students.

On behalf of the city commission, Mayor Cheshire thanked Dr. Kornegay for the presentation.

## 7. **REGULAR AGENDA**

### (a) **Site Plan Review – Commercial Building– Applicant: Sunshine Properties & Rentals Inc.**

The city commission considered its action on the site plan for a commercial building designated as General Commercial (C-2) zoning district.

Mr. Rector described the site plan review which is a commercial building for Sunshine Properties & Rentals Inc.

**After discussion, a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve the LPA's recommendation to adopt the site plan for a commercial building designated as Commercial 2 zoning district as submitted with the caveat requiring an eight-foot fence on the rear northern boundary of the property.**

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

### (b) **First Reading – Ordinance 2017-018 Recreation Fees**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-018, the substance of which is as follows:



AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE CITY COMMISSION TO SET RECREATION FEES BY RESOLUTION; REPEALING FEES FOR USE OF THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 22, 2017.)

After Mr. La Venia described the process, there was one from the public.

**A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2017-018 as previously cited.**

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

**(c) First Reading – Ordinance 2017-021 Establishing Park Hours**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 95.04 TO INCLUDE A DEFINITION OF PARK; CREATING SECTION 95.19 TO ESTABLISH PARK HOURS FOR THE CITY'S PARKS; CREATING EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE. (The second reading will be held on June 22, 2017.)

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission approve Ordinance 2017-021 as previously cited.**

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

**(d) First Reading – Ordinance 2017-020 Hybrid Fire Department**

Ms. Geraci-Carver read into the record proposed Ordinance 2017-020, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING PROVISIONS SET FORTH IN CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; ESTABLISHING A HYBRID FIRE DEPARTMENT CONSISTING OF PAID PERSONNEL AND VOLUNTEER PERSONNEL; AUTHORIZING THE CITY MANAGER TO APPOINTMENT A FIRE CHIEF AND PERSONNEL; DEFINING DUTIES AND POWERS OF FIRE CHIEF; PROVIDING FOR COMPENSATION AS AUTHORIZED BY THE CITY COMMISSION; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

In response to Vice Mayor Gunter's inquiry, Ms. Geraci-Carver referred to the city's code providing for a fire department to be inconsistent with its current operations and funding; addressed the need for the existing code provisions codified in the statute to be repealed or replaced, and noted, alternatively the commission including the fire department segment in the code. Based on many previous city commission and appointed-committee discussions, she opined that it would make sense to establish a hybrid fire department which is the city commission's discretion.

After Commissioner Bell voiced his concerns that the city commission has not yet reviewed the FY 2017-18 budgetary cycle to make a determination on a hybrid fire department, Ms. Geraci-Carver indicated that it could be changed during the budget process.

Mr. Jay Carnell, City of Fruitland Park resident, held a dialogue among Mr. La Venia and the city commissioners on the cost of providing hybrid fire rescue services.

After discussion, **Commissioner Bell raised a point of order on the exact figures not yet revealed by the city commission.**

Recognizing that the budget process has not yet started, Mr. La Venia explained that the costs to the citizens are preliminary. He described the process that took place regarding the consultant's calculations on a flex trained fire department personnel in conjunction with volunteers and county emergency medical services and addressed the plan to meet with Interim Chief Gilpin to discuss pay scales to ultimately provide a better service than the county's.

Mr. Larry Latsinhezer, Lake County resident, held a dialogue on why the numbers relating to fire rescue are not available for public viewing.

Mr. Carl Burch, City of Fruitland Park resident, gave his historical perspective of the fire department which he believes to be better than the county's; addressed his experience of the county's limited resources recognizing their dedicated quality of services scattered all over the county and the Fruitland Park area remaining uncovered, and noted the fire department volunteer's continued response rates. With respect to the budget, he believes the county's budget may increase but feels that the citizens would attempt to keep the costs down.

**Commissioner Ranize made a motion to approve Hybrid Ordinance 2017-020 as previously cited.**

Subsequent to continued discussions, the motion died for a lack of a second.

**A motion was made by Commissioner Lewis that the city commission direct the city attorney to draft an ordinance approving the fire department repealing and replacing the fire department within the existing code and bring it back before the city commission for consideration.**

Following extensive deliberations, **Vice Mayor Gunter seconded the motion on the floor.**

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

**By unanimous consent, Mayor Cheshire opened this evening's the public hearings.**

#### **PUBLIC HEARING**

**(e) Second Reading and Public Hearing - Ordinance 2017-016 – Personnel Policies and Procedures Manual – Family Employment-Nepotism and Personal Relationships**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-016, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

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

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

**A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission enact Ordinance 2017-016 as previously cited to become effective as provided by law.**

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

**(f) Second Reading and Public Hearing - Ordinance 2017-017 Repealing Local Traffic Movement Regulation Ordinance 2017-011**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-017, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REPEALING ORDINANCE 2017-011 WHICH CONTROLS AND REGULATES TRUCK TRAFFIC ON CERTAIN STREETS IN THE CITY OF FRUITLAND PARK; PROVIDING FOR DIRECTIONS; SETTING AN EFFECTIVE DATE. (The first reading was held on May 11, 2017.)

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

After discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission enact Ordinance 2017-011 as previously cited to become effective as provided by law.**

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

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

**8. NEW BUSINESS**

There was no new business at this time.

**9. OFFICERS' REPORTS**

**(a) City Manager**

**i. Fruitland Park Library**

Mr. La Venia reported that Fruitland Park Library Director JoAnn Glendinning will be present at the next meeting.

**ii. Project Status Update Report**

Mr. La Venia announced that a project status update report will be available at the next meeting.

**iii. Message Sign Board – Police Department**

Mr. La Venia indicated that he would like to propose another sign board for the police department which has not yet been purchased but is allocated in the budget under the capital improvement program. He noted, in the meantime, that more information will be forthcoming on the costs involved.

**iv. Fruitland Park Library Construction - Fire Suppression System**

Mr. La Venia referred to recent correspondence distributed to the city commission regarding the Fruitland Park Library fire sprinkler system; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia pointed out previous discussions he had with Commissioner Ranize on the necessity of a fire suppression system for the new Fruitland Park Library. He stated that although he feels it is not necessary, should the city commission decide to expand the building, it would be required under the Fire Building Code.

In response to Vice Mayor Gunter's statements, the city commission agreed to obtain bids and include a separate line item in the budget in that regard.

Commissioner Ranize relayed his response to previous inquiries brought to his attention on the need for a fire suppression system for the new library based on its current occupancy and size and mentioned the likelihood of exceeding same. He referred to comments made at a previous meeting by Mr. "Jamie" James P. Senatore, architect retained by the city, that such system would not be required; however, the design would be included for the system at an additional cost, if the city commission wanted to expand. Commissioner Ranize voiced concerns that such matter was not presented before the city commission for input; thus, the reason why he brought it to Mr. La Venia's attention for it to be discussed.

Mayor Cheshire, in concurring with Commissioner Ranize's comments, recognized the occupancy and size dimensions close to what is required; believed the commission ought to review including the system in the budget, and request that Senatore conform in that regard.

After discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission authorized Senatore Inc., in preparing the procurement of the Fruitland Park Library Construction project, to allow for contractors to bid on the fire suppression system as a separate line item.**

**(b) City Attorney**

**i. Lawsuits**

• **George Fernandez v. City of Fruitland Park**

Ms. Geraci-Carver referred to the United States District Court Middle District of Florida Ocala Division's recent order approving settlement funds for the George Fernandez case which she anticipated will be distributed and the matter closed.

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

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

Ms. Geraci-Carver announced that case management conferences are scheduled during this week for the James and Rita Homonai v. Foster, Crenshaw and Green v. City of Fruitland Park, Hunnewell, Isom and Issacs cases. She indicated that she will report back to the city commission at the next meeting on the trial dates to be scheduled.

**ii. Notice of Claims**

Ms. Geraci-Carver explained that no development has been made on the notice of claims.

**Dr. Sundeep Shah**

With respect to the traffic accident claim negotiated by the city's insurance company, Ms. Geraci-Carver referred to a recent letter sent to the claimant, Dr. Sundeep Shah, offering approximately \$7,000.

**iii. Public Records Law**

Ms. Geraci-Carver reported on the new public records law that went into effect on June 23, 2017 and gave her understanding that the city is currently in compliance. She indicated that posting of the records custodian is required whereby the city's ability to paying attorneys' fees would be avoided when the requester make a public records request in writing and receives a response.

Ms. Geraci-Carver explained that she will report back to the city commission on other new laws that has come into effect at the next meeting.

iv. **City Attorney - Pennsylvania Avenue/Forest Avenue – Terry Ross Duplex Project Status Update**

At Mayor Cheshire's request, Ms. Geraci-Carver referred to her email dated May 17, 2017 regarding the Ross Property which identified lots 18 and 19 that were currently under construction; where, after further review, do not meet the Land Development Regulations (LDRs) requirements for minimum dwelling unit size. She addressed the possibility of lot 18 meeting the required side setback requirements established on what was recorded in 1916, prior to the city's incorporation. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver referred to her telephone conversations with Mr. La Venia, earlier this day, on the unsuccessful attempts made by LPG Urban and Regional Planners Inc., retained by the city, to locate the period when the plat was recorded under the county.

Ms. Geraci-Carver identified the only remaining issue to be the units which are allowed to be constructed on the lots with the current zoning, where each needs to be minimum of 1,200 square feet. She mentioned her uncertainty of the city's ability to determine whether the setback requirements of five feet and the minimum size on the rear or side are appropriate.

Ms. Geraci-Carver gave her understanding that five more permits were applied for. She explained that future lots (provided the minimum size of the units are at least 1,200 square feet where they would be allowed) met the current Residential 2 (R-2) zoning designation setback since 1916 and that they are condominiums subject to separate ownership. Ms. Geraci-Carver indicated that the city would not be able to deny the permits.

In response to Mayor Cheshire's inquiry, Ms. Geraci-Carver recognized that such requirement is in the current adopted LDRs which are presently undergoing review and changes are being proposed, She identified a typical statement relating to meeting the setbacks or zoning requirements at the time the LDR changes and noted that if one met the LDRs, which were updated in the 1990s, there would be the ability to develop which was in effect at that time.

After Ms. Geraci-Caver explained that LPG is working on the LDR requirements to be presented before the city commission for some changes and Mr. La Venia anticipated that modifications would be available by the end of the year, she recognized that there would be no bearing on the comprehensive plan unless widespread changes were considered on what the city commission would want to be permitted in certain zoning districts.

In order to stop single family detached homes in the city other than enacting ordinances, Ms. Geraci-Carver explained that the comprehensive plan,

LDRs, and any vesting rights that may be in effect would need to be reviewed whereby one may not be able to prohibit all properties designated as R-2 zoning to be developed as they are currently allowed to be developed. She indicated that each issue would need to be reviewed on an individual basis, depending on the status in the approval process, and that the city commission would need to determine its policy on what would be allowable under the R-2 zoning.

Ms. Geraci-Carver explained that the city cannot prevent an application for permits under the existing code and noted that the city would need to allow the applicant to develop and construct existing structures, even if a part of the property was damaged, under the present LDR requirements. She explained how the city would review the efforts made by the applicant -- who owned a lot long term and decided to build a duplex or condo -- based on case law and vesting rights; thus, the owner relying on same to their detriment to establish the entitlement to develop under the city's current LDRs.

Commissioner Lewis placed emphasis on the lot of record platted in 1916 (50 foot-wide lots throughout the city); indicated that it was pointed out to him the state legislature's predictions and the passage of the Burt J. Harris Jr. Private Property Rights Protection Act 1995 that local government cannot change their ordinances to the financial detriment of those holding properties who want to develop.

After Commissioner Lewis explained the value of the lot if built upon, Ms. Geraci-Carver addressed the question the loss regarding the ability to build on every development and whether it is developable and if the city no longer allows attached units but permits detached units or single family residential properties or duplexes under special exceptional use, the city would not deprive the applicant the ability to develop same.

Commissioner Ranize referenced previous discussions on the subject issue whereby the plans which reflected duplexes, he believed, were built in the Cities of Tavares or Eustis instead of requiring the redrawing of same; noted at a subsequent commission meeting --Ms. Geraci-Carver's opinion on the square footage and so forth -- "duplex" reflected in print which should have been considered before the commission, and stated that if it was to have been a single-family attached residential dwelling unit, which is allowed, the commission was subsequently informed of the intent.

Ms. Geraci-Carver responded in the affirmative that the property owner would need to pay for the condo as it is after the fact. She relayed her recommendation previously made to Mr. La Venia describing the requirement of an internal process; otherwise, if the plan was approved as a



duplex, it would be required to be considered before the Planning and Zoning Board and the city commission.

After much discussion, Commissioner Ranize responded to Mayor Cheshire's inquiry on the need for the city commission to be informed on issues at such magnitude; acknowledged the discrepancy described by Ms. Geraci-Carver, and expressed unhappiness for the residents.

Following extensive deliberations, Ms. Geraci-Carver explained that she and Mr. Greg Beliveau, LPG, recommended that the city commission hold a workshop, after the budget workshops, on what is allowable in each zoning district; where he would review the changes on what is required in the zoning code and report back to the city commission.

**By unanimous consent, the city commission agreed with the city attorney's recommendation to hold a workshop with Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., to review the City of Fruitland Park's zoning districts.**

In response to Commissioner Lewis' inquiry, Ms. Geraci-Carver stated that she believed the city commission's position at its May 11, 2017 regular meeting was not to demolish the two existing single-family attached residential dwelling units in Residential 2 (R-2) and R-2A zoning districts even if they did not meet the requirements.

Commissioner Lewis confirmed that the city will not allow a variance; the property will require a certificate of occupancy with a nonconforming use designation, and the owner would be required to obtain an ordinance of law owner insurance coverage sufficient for the increase construction cost to bring the building up to current code.

After discussion and at Mayor Cheshire's request, Ms. Geraci-Carver indicated that the city commission would be making a decision to not require the Terry Ross Duplex Project located on Pennsylvania Avenue (Forest Avenue) to be demolished but allow the building to remain constructed "as is" as a nonconforming use.

Mr. Carlisle "Carl" Burch, City of Fruitland Park resident, believed that rating R-2 without approval where duplexes are not allowed and interpreted single-family attached residential dwelling units which was constructed later were not the initial plan. He recognized the discussions identifying said properties as small lots and voiced his concurrence with the statement made at the May 11, 2017 regular meeting that a recorded lot of record to be buildable lots under the old LDRs since 1960.

Mr. Burch gave historical examples of the approximate eight single family homes that were part of the first division in 1916; lot 20 (adjacent to 19) built in 1986, and lots 8, 10, 11, and 21 constructed in 2007. He mentioned the requirement for the builder, at that time and due to the lots' inadequate size and incorrect setbacks, to surrender up to 10 feet to increase the width of Sunset Lake in exchange of meeting the setbacks that were in effect.

Mr. Burch questioned the sudden attention given to Mr. Ross in having single family attached and believed the variable lots, when they were divided to allow dual ownership in case one would be sold, are not meeting the requirements of single family.

Mr. Burch pointed out Ms. Geraci-Carver's previous remarks regarding the five-foot setback requirements whereby Mr. Rector previously approved the variance situated further from the street. Mr. Burch stated that he believed that variances are approved to permit the builder to construct on the property and gave a definition of hardship for variance.

Mr. Burch felt that the community development department is making decisions at the city commission level; recognized the other lots were measured and designed by the tax appraiser to the nearness of lot approximately 29 to 30 feet wide to accommodate the setbacks enforced by the city, and acknowledged the public appearing before the city commission on separate occasions in previous years to address same. He stated that he believes that it is the municipalities' job to manage the community's growth and requested the need to stop the continued development of apartments encroaching single family homes.

**On motion of Commissioner Ranize, seconded by Vice Mayor Gunter and unanimously carried, the city commission accepted the city attorney's recommendation that the Terry Ross Duplex Project (the two existing single-family attached residential dwelling units in Residential 2 (R-2) and (R-2A) zoning districts on Pennsylvania Avenue (Forest Avenue)) not be demolished despite the approval received from the community development director as to whether it was correct or not and even if said properties did not meet the Land Development Regulations' requirements.**

Later in the meeting, and after Commissioner Ranize questioned the status of the investigation relating to the Terry Ross Development, Mr. La Venia mentioned his preparedness to conduct the investigation as it benefits the city by establishing transparency and putting the issue to rest. He mentioned the telephone call he has scheduled with the investigatory attorney/factfinder on June 9, 2017.

Commissioner Ranize indicated that the city commission were not initially being made privy to the information and varying accounts heard and relayed his request to Mr. La Venia on answers he outlined.

Vice Mayor Gunter agreed with Commissioner Lewis' explanation citing reasons to not expend \$15,000 for decisions made that need to be placed into context where he believed the commission had no facts.

After Mayor Cheshire explained why he felt there was nothing the city commission could do at this time, Commissioner Ranize voiced his belief that the city owes it to the residents to conduct an independent review and addressed the need for transparency.

After extensive discussions **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission not proceed with the investigation and not retain Andrew J. Hand Esq., Sheppard, Smith & Cassady PA, as an investigatory attorney/factfinder regarding the Terry Ross Development (construction of a duplex, single family, attached housing, condominium on Pennsylvania Avenue/Forest Avenue) at a cost not to exceed \$12,000.00.**

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

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

**The Mayor declared the motion carried on a three to two (3-2) vote.**

#### **10. PUBLIC COMMENTS**

Earlier in the meeting, Mr. Fred Clarke, City of Fruitland Park resident, addressed the ongoing problem of fireworks occurring around the neighborhood; cited Code Section 95.30, Fireworks (Ordinance 312 enacted on April 12, 1984) *It shall be unlawful for any person to have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park or recreation areas.* He mentioned law enforcements' involvement in this regard and expressed concerns as to whom would be paying for said permits.

Mr. Paul Frost, City of Fruitland Park resident, gave an eye-witness account of activities that took place on the evening of May 9, 2017 whereby the Lake Emergency Medical Services (EMS) were deployed with sirens and lights. He noted that Lake County Public Safety's Fire Rescue Station 53 located on Spring Lake Road, left without the use of sirens

and went to another location; reported that The City of Leesburg's Station 64 (3714 Rogers Industrial Park Road) responded to the service call instead, and requested that the city commission meet with the county to find out the status.

Ms. Cynthia Burch, City of Fruitland Park resident, referred to the top of a recent correspondence she received in the US Mail from the State of Florida Commission on Ethics with the slogan "In God We Trust". She expressed sadness that the public servants have disappointed the people of Fruitland Park.

## 11. COMMISSIONERS' COMMENTS

### (a) Commissioner Ranize

#### i. Agenda Items

After discussion, and at **Commissioner Ranize' request, the city commission, by unanimous consent, agreed to remove in future the "New Business" item listed under its regular agenda.**

#### ii. Fire Department

In response to Mr. Frost's concerns regarding Fire Rescue Station 53, Commissioner Ranize relayed his previous efforts in communicating with the county to no avail regarding the lack of response to a service call whilst employees from Station 53 were dining at Stavro's Fruitland Park Pizza Restaurant in November 2016.

### (b) Commissioner Lewis

#### (a) EMT

Commissioner Lewis expressed his heartfelt gratitude to the employees of Lake EMS, Interim Chief Gilpin and Lieutenant Josh Ranize who responded to a June 4, 2017 emergency which resulted in the saving of his wife's life.

#### (b) LSMPO

Commissioner Lewis referred to the actions taken by the Lake-Sumter Metropolitan Planning Organization (LSMPO) Governing Board at its May 24, 2017 meeting on retaining the position of Executive Director T. J. Fish. He outlined reasons why he believed Mr. Fish would not be in his job much longer based on the result of the vote and pointed out Sumter County Board of County Commissioners' petition to Governor Rick Scott to eliminate the LSMPO and incorporate into MetroPlan Orlando.

#### (c) Fire Department

In response to Mr. Carnell's previous inquiry who was absent from the meeting room, Commissioner Lewis gave reasons why the quality of care and services delivered by retaining the fire department in-house to be better. He referenced Mr. Frost's earlier remarks regarding Fire Rescue Station 53; pointed out the responding fire department from Okahumpka to a recent

incident on Maple Avenue, and mentioned his first-hand experience in times when residents receive responses to needed help during a crisis.

- (d) **Pennsylvania Avenue/Forest Avenue – Terry Ross Duplex Project**  
Commissioner Lewis cited reasons on his unwillingness to support expending funds to conduct an investigatory attorney/factfinder regarding the Terry Ross Development to which he believed Mr. La Venia could handle. He voiced concerns on Mr. Rector's statement made on the hierarchy when addressing the city commission at a previous meeting and encouraged Mr. La Venia to handle the decorum as it relates to directors.

- (e) **Special Magistrate**  
Commissioner Lewis referred to a recent meeting he had with Mr. Ashley Hunt, Special Magistrate Attorney retained by the city, regarding the lack of code enforcement cases before him for the city. He voiced concerns on the unsafe structure without a roof causing blight on the intersection of Dixie and Palm Avenues which is not reaching Mr. Hunt.

After Mayor Cheshire relayed his conversations with Ms. Lori Davis, Code Enforcement Officer, regarding similar areas and her intent to meet with Mr. Hunt, Ms. Geraci-Carver suggested that she meet with her as Mr. Hunt is the neutral participant in this matter.

- (c) **Commissioner Bell - Lake EMS**  
Commissioner Bell referred to the previous workshops held and the outpouring of accolades received for Lake EMS.
- (d) **Vice Mayor Gunter, Jr. – 2017 Annual Employee Picnic**  
Vice Mayor Gunter expressed appreciation to Ms. Yoder for her performance and the success of the May 6, 2017 Annual Picnic.

## 12. MAYOR'S COMMENTS

- (a) **Swim Events**  
Mayor Cheshire described the swim team program experienced recently by his family.
- (b) **Dates To Remember**  
Mayor Cheshire noted the following dates:
- June 9, 2017 Lake County League of Cities' Messrs. Carey Baker/Mike Prestridge, Lake County Property Appraiser's Office *Preliminary Tax Roll 2016* Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon;
  - June 20, 2017 – Workshop Commission Meeting at 6:00 p.m.;
  - June 22, 2017 - Regular Commission Meeting at 6:00 p.m.;

- June 28, 2017– Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, Florida 34748 at 2:00 p.m., and;
- July 4, 2017 – City Offices Closed – Independence Day;
- July 12, 2017 - Budget Workshop at 6:00 p.m.;
- July 13, 2017 - Budget Workshop at 6:00 p.m.
- July 14, 2017 – LCLC’s 2017 Legislative Session Update – Lake Legislative Delegation, FY 2017-18 Budget and Dues Approval, Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 noon;
- July 27, 2017 - Regular Commission Meeting at 6:00 p.m., and
- July 28, 2017 - Special Commission Meeting at 6:00 p.m.

**13. ADJOURNMENT**

**There being no further business to come before the city commission at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 8:33 p.m.**

The minutes were approved at the June 22, 2017 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
MEETING MINUTES  
June 20, 2017**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Tuesday, June 20, 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 Fewless; Captain Eric Luce; Interim Fire Chief Don Gilpin; Community Development Director Charlie Rector, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order at 6:03 p.m.

**2. ROLL CALL**

At Mayor Cheshire's request, Ms. Coulson called the roll.

**3. FRUTLAND PARK POLICE DEPARTMENT**

• **Vehicle Auctions**

Chief Fewless relayed Mr. La Venia's request to provide information relating to the police vehicles that were auctioned (George Gideon Auctioneers Inc. on April 24, 2017) resulting in \$10,974.06.

Chief Fewless explained that after he had completed the budget for FY 2017/18, he relayed the police department staff's findings of five inoperable Automated External Defibrillators (AEDs) currently in the patrol cars, noted their replacement cost of \$1,100, and requested that funds from the vehicle auction be offset towards the AEDs and additional fire arms which he estimated would be at a cost of up to \$1,500.

In response, Mr. La Venia stressed the importance of Chief Fewless' request previously made to him; mentioned the intent to bring the matter before the city commission for consideration, and relayed the recommendation to purchase same from surplus funds (namely, \$1,100 for the police department and \$4,000 for public works to be restored into the respective departments' budgets).

After discussion, **by unanimous consent, the city commission agreed with the Police Department Chief's request.** (The police chief will provide a report on the history of inoperable AEDs to the city commission to expedite their replacement.)

Commencing budget fiscal year 2017-18, Chief Fewless announced the police department's goal in working towards becoming a law enforcement accredited agency and reviewed the agency savings as depicted in the document that was

distributed at this evening's meeting, a copy of which is filed with the supplemental papers to the minutes of this meeting.

- **Spillman Training**

Chief Fewless referred to the city commission's previous approval at its regular meeting of a record management system from Spillman Technologies Inc. for approximately \$54,000 and indicated that training at a cost of about \$55,000 was not included which has not been presented before the city commission.

Chief Fewless relayed his communication with the City of Mount Dora's Police Chief John O'Grady whose agency is undergoing the same training where he had no objections to his request for the Fruitland Park Police Department to jointly train with their agency at no cost. Chief Fewless conveyed his telephone call with the Spillman Technologies sales and business manager who reduced the costs charged to the city by another \$5,000.

- **Boulevard Tire Center**

Chief Fewless addressed the costs for tire and oil change services before he was retained and conveyed his communication with Mr. Tony Colon, Boulevard Tire Center, Lady Lake, who has since placed the police department under the State of Florida's procurement registry resulting in the city receiving lower price adjustments to almost half.

- **Tent**

Due to the delay of HG2 Emergency Lighting providing vehicles to the police department, Chief Fewless pointed out his negotiations with them to provide a tent at the April 1, 2017 Fruitland Park Day event. (where they included a table cloth and cooler valued at approximately \$1,500).

- **Police Bicycles**

With the intent to start a bike unit at the police department, Chief Fewless reported on the donation of two bicycles valued at approximately \$2,000 that he previously requested from the Orange County Sheriff's Office.

- **Training**

With more than 5,000 training offered, Chief Fewless mentioned the police department staff receiving free training from various chiefs in the area agencies.

- **Dispatch Fees**

Chief Fewless pointed out the meeting he had earlier this year with Captain Todd Luce, Lake County Sheriff's Office, regarding Sheriff Peyton C. Grinnell's desire to charge (communications center service) dispatch fees



to all municipalities to be considered (\$33,000, \$66,000 and \$99,000 respectively for three fiscal years) before the city commission.

○ **Radios**

Chief Fewless indicated that police vehicles are equipped with radios valued at more than \$5,000; noted the testing conducted by Captain Luce and himself, and described the method of operations believing it would be a future savings for the department.

○ **Evaluation**

Chief Fewless reviewed the annual review form and highlighted the disclaimers required to be signed by the police department employees which limits the damage to be claimed to which Ms. Geraci-Carver confirmed in the affirmative to be beneficial to the city.

With regards to the disclaimer confirming that the employee has a valid driver's license, Mr. La Venia verified that the city conducts same annually for its employees with its insurance company.

○ **Pay Discrepancy**

Chief Fewless made comparisons of compensation to former Police Chief Terry Isaacs and himself since 2014 noting the difference in the entire package offered by the city. He requested for the \$12,494 difference to be made up to the same rate that the city would have been paying to the former chief.

After extensive discussions and recognizing the current success of the police department, **the city commission, by unanimous consent, directed the city manager to compare and review the market-rate of pay for police chiefs of comparable municipalities in the area.**

○ **Personnel Shortage**

Chief Fewless expressed concerns on the shortage of personnel in the police department; recognized the heavy presence of high crime in the City of Leesburg, and reviewed the statistics on previous criminality in the City of Fruitland Park due to the City of Leesburg's overflow.

Chief Fewless commended the performance of Orange County Sheriff Jerry L. Demings and Orlando Police Chief John Mina who are defeating crime at Pine Hills (an unincorporated area of Orange County); however, such activities are encroaching Lake County including the recent incidents at Legends Café and Honest Autos in the City of Fruitland Park (one with similar activities and the other which ended in Pine Hills). Chief Fewless explained that he does not want any such crimes in the city.

Chief Fewless compared the statistics on the ratio of police to citizens as well as the criminal justice agency profile reports since the increase of more than 2,000 additional service calls in the City of Fruitland Park for 1,000 residents; namely, 2.5 (currently with 16 sworn officers), and 2.0 (2015 during the increase in population), and 3.5 (in previous years). He reported on the following ratios for 1,000 residents:

- ❖ 2.6, the national average;
- ❖ 2.5, Lake County;
- ❖ 2.7, The Town of Lady Lake, and
- ❖ 3.5, the City of Leesburg (20,000 residents)

Chief Fewless recognized the activities taking place in the unincorporated area of the City of Fruitland Park and reviewed the chart on the police to citizen ratio. He addressed the consequences on the growth in criminal activities, the costs of budgeting for a law enforcement officer and lack of timely planning for expansion in the City of Leesburg when the population increased and the problem faced in the City of Tavares with the shortage of officers. Chief Fewless mentioned the City of Fruitland Park's strategies in keeping such activities out of the city and relayed his meeting with the City of Tavares' staff and police chief who are operating at a ratio of 2.3 officers per 1,000 residents.

Chief Fewless referred to his request for an additional five officers and noted the city's population (The Villages) growth based on the issuance of the certificates of occupancy including the historical city, and other areas since his tenure to the time of buildout at approximately 10,000.

With The Villages expansion of an anticipated population of 8,000 with 16 law enforcement officers (a ratio of 2.0 per 1,000 resident), if the city agrees to 18 officers for FY 2017-18, previously suggested by Mr. La Venia and Ms. Racine, the ratio would be 2.3 per 1,000 residents (a situation similar to the City of Tavares to which he believes is undesirable for the city). He gave reasons, noting the importance of public safety, why operating at two officers a year is inadequate. Chief Fewless referred to the May 25, 2017 article entitled "*Fruitland Park Growth Ranks Fastest in Florida*"; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Commissioner Ranize referred to his recent meeting with Ms. Janet Y. Tutt, Village Community Development District (VCDD) Manager, regarding VCDD 11 which has a 70 percent occupancy rate (2,054 homes) where the district residents would be required to pay for wastewater and the tax revenue would not be realized until homes are occupied for a year.

In response to several inquiries posed by Commissioner Lewis, Mr. La Venia confirmed his review together with Ms. Racine of Chief Fewless' concerns and the impacts to the FY 2017-18 budget. He anticipated receiving additional information for the city commission to consider personnel and compensation and capital improvement plan (CIP) funding requests during the budget process.

After discussion, Mayor Cheshire and Commissioner Bell requested the review of the FY 2017-18 budget prior to the July 12 and 13, 2017 budget workshops.

Following further discussion, Mayor Cheshire concurred with Commissioner Lewis' suggestion for public safety impact funds to be supplanted towards the cost of public safety (equipment in vehicles); Mr. La Venia voiced his agreement with his proposition to utilize impact fee funding, and Ms. Geraci-Carver interjected that same could be based towards the impact created by the additional growth in population but not as law enforcement vehicle replacement.

In response to Mr. La Venia's comments, Chief Fewless expressed his preference for funds, until a determination is reached, to be earmarked towards the costs of the public safety building needed for the entire police department.

Mr. La Venia reported on the status of work by Senatore Inc., the architect retained by the city, on the public safety building and the plan towards working on the public works building; the previous visit by Interim Chief Gilpin and himself to the Sumter County Fire Station with an emergency management system, and relayed the requests of Chief Fewless and Interim Chief Gilpin for building needs with CIP with Senatore, unless the city commission decides otherwise.

After Mayor Cheshire acknowledged the population growth occurring faster than the revenues and the need for control, he questioned the adequacy of additional law enforcement officers for FY 2017-18 and requested a breakdown of the service calls.

Following further discussion, Commissioner Ranize noted the funds received whereby the city would be a year or two behind the double population increase and outlined the impacts to the city and the largest expenditure of funds towards public safety and utilities by The Villages except for the streets.

Upon Mayor Cheshire's clarification and **by unanimous consent, the city commission took the position of recognizing public safety as the essential role by the police department to be considered in the FY 2017/18 budget.**

**4. OTHER BUSINESS**

**Fire Assessment**

After much discussion and **the city commission, by unanimous consent, accepted the city manager's recommendation and directed the city attorney to draft fire assessment rate resolutions for fire services (funded at 90 percent or 100 percent respectively) for consideration at its June 22, 2017 regular meeting.**

**5. ADJOURNMENT**

**There being no further business, the meeting adjourned at 7:05 p.m.**

The minutes were approved at the, 2017 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
June 22, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 22, 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 Fewless; Captain Eric Luce; Sergeant David Brown, Detective Jennifer Hutchins, Officers Brad Heidt, Jerimiah Ricketts, Paul Sandbrakken, and Mike Whitaker, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; and Madison Leary, Fire Department; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

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

After Chief Fewless gave the invocation, Captain 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.

**3. PRESENTATION**

***"Stamp Out Hunger" National Food Drive Day – May 13, 2017***

Mr. Shane Ulbin, National Association of Letter Carriers, Branch 1091, apologized for not being able to attend the previous city commission meetings and gave statistical information on the amount of food collected for the City of Fruitland Park area and thanked the city for feeding the hungry.

On behalf of the city commission, Mayor Cheshire thanked Mr. Ulbin for his hard work.

**4. CONSENT AGENDA**

**By unanimous consent, item 4.(a) was withdrawn from consideration on this evening's consent agenda.**

**(b) Resolution 2017-021 - Library Impact Fees ILA**

Later in the meeting, Ms. Geraci-Carver read into the record proposed Resolution 2017-021, the substance of which is as follows:

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, FLORIDA  
REGARDING THE USE OF LIBRARY IMPACT FEES FOR THE  
FRUITLAND PARK PUBLIC LIBRARY; PROVIDING FOR AN  
EFFECTIVE DATE.

**A motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission adopt Resolution 2017-021 as previously cited.**

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

**(a) Approval of Minutes**

Earlier in the meeting, Commissioner Lewis requested that the June 8, 2017 regular meeting minutes be corrected.

Following further deliberations and **by unanimous consent, the city commission laid on the table the approval of the June 8, 2017 regular meeting minutes on the and requested that the community development director report back on the residency of Mr. Jay Carnell.**

It being later in the meeting and **by unanimous consent, the city commission removed from the table its consideration to approve the June 8, 2017 regular meeting minutes.**

Mr. Rector confirmed that Mr. Carnell is a resident of the unincorporated area of the City of Fruitland Park.

After Ms. Geraci-Carver reiterated whether Mr. Carnell stated that he was a resident of the city, Ms. Coulson, in responding on her certainty, indicated that she would review the voice recordings of the June 8, 2017 proceedings, and that she would provide an answer at the next meeting.

After discussion, and **on motion of Commissioner Ranize, seconded by Commissioner Lewis and unanimously carried, the city commission postponed its action to approve the June 8, 2017 draft meeting minutes to the July 27, 2017 regular meeting for the city clerk to review the voice recording pertaining to Mr. Jay Carnell's announcement of his residency and report back to the city commission.**

**By unanimous consent, Mayor Cheshire took the following item out of order on this evening's agenda for consideration of Regular Agenda Item 5.(a) to later in the meeting following its proposed actions on Regular Agenda Item 5.(c).**

**5. REGULAR AGENDA**

**(b) CR 466A PH IIIA – Phase 3A Utility Adjustments - BESH**

The city commission considered its action to approve a Civil Engineering and Surveying Services Proposal/Agreement with Booth, Ern, Straughan & Hiott Inc. for County Road 466A, Phase 3A Utility Adjustments for \$36,000 and authorize execution of same.

After Mr. La Venia described the planned activities for the subject project, **a motion was made by Commissioner Lewis, seconded by Commissioner Bell and unanimously carried, the city commission approved the Civil Engineering and Surveying Services Proposal/Agreement as previously cited.**

**By unanimous consent, Mayor Cheshire opened this evening's the public hearings.**

**PUBLIC HEARING**

**5. (c) Second Reading and Public Hearing – Ordinance 2017-018 Recreation Fees**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-018, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE CITY COMMISSION TO SET RECREATION FEES BY RESOLUTION; REPEALING FEES FOR USE OF THE CASINO; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 8, 2017.)

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

**A motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-018 as previously cited to become effective as provided by law.**

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

**(a) Resolution 2017-020 - Recreation and Facilities Fee Schedule**

Ms. Geraci-Carver read into the record proposed Resolution 2017-020, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A FEE SCHEDULE FOR USE OF CITY FACILITIES AND SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

After much discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission adopted Resolution 2017-020 as previously cited.** .

**(d) Second Reading – Ordinance 2017-021 Establishing Park Hours**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2017-021, Ms. Geraci-Carver read into the record the following title, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 95.04 TO INCLUDE A DEFINITION OF PARK; CREATING SECTION 95.19 TO ESTABLISH PARK HOURS FOR THE CITY'S PARKS; CREATING EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE. (The first reading was held on June 8, 2017.)

Commissioner Lewis referred to a resident's concern expressed at the April 13, 2017 regular meeting regarding code enforcement, he reported on observations he made around 8:00 a.m. this day of an individual at Gardenia Park and the police department staff's subsequent method of approach.

In response to Commissioner Lewis' statements, Mayor Cheshire commended Ms. Lori Davis, Code Enforcement Officer, on her performance and after voicing his belief that the police department officers' ought to make a judgement call in such situations, Captain Luce reported on log checks of activities in the area around 8:11 a.m. on Berckman Street and announced that there was nothing to report.

After much discussion **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission approve amending Subsection 95.19(a), hours of operation for city parks; exceptions changing: *from 11:00 p.m. to 6:00 a.m. to from 11:00 p.m. to 5:00 a.m. daily . . . and enact previously cited Ordinance 2017-021 to become effective as provided by law.***

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



**6. OFFICERS' REPORTS**

**(a) City Manager**

**iii. Fruitland Park Library Director**

Mr. La Venia explained that Ms. Glendinning will be providing a report at the July 27, 2017 regular meeting. He recalled the city commission's previous actions on the earmark of funds set aside for the removal and installation of a roof on the building of the Fruitland Park Library and mentioned the bids obtained by Mr. Bogle. Mr. La Venia recognized, in view of the roof's deteriorating condition, the need for a metal roof where the \$100,000 for library furniture which is not needed would be supplanted towards same for consideration on the July 27, 2017 regular agenda.

In response, Commissioner Lewis voiced concerns on the delay to implement same.

Later in the meeting, Mayor Cheshire cited the city commission's actions taken at its January 27, 2017 regular meeting postponing the selection from three proposals on the removal and installation of a roof on the building of the Fruitland Park Library from: Eustis Roofing Company; McHale Roofing Inc., and Dan Shepler Roofing and accepted staff's recommendation to provide for FY 2017—18 the total cost of roof repairs and the old Fruitland Park Library's conceptual drawings from Senatore Inc. He explained that no direction was given to Mr. La Venia to proceed on the subject issue.

In answering, Commissioner Lewis expressed his apologies to Mr. La Venia for his earlier comments.

**i. Message Sign Board - Police Department**

Mr. La Venia described the various features message board sign trailers offer to the public; noted that they are currently loaned from neighboring law enforcement agencies, and recognized the funds available in the capital improvement budget for approximately \$17,000 to be situated in two different locations in the city.

Following further discussion and **on motion of Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved the city manager's request to utilize capital improvement funding to purchase two police message board signs.**

**ii. Veterans Park**

Mr. La Venia identified \$105,000 in the Community Redevelopment Agency (CRA) budget; recognized the satisfactory results received on the completion of percolation tests that were previously conducted, and noted how much park area would be utilized for storm water removal noting that the tennis courts would be the only area affected.

After discussion, Mr. La Venia pointed out the quotes received for the proposed changes on Veterans Park improvements; addressed his intent to place same on the future CRA agenda for consideration, and described the renovation plans estimated at \$90,000. He confirmed, in response to several inquiries, that funding for the tennis courts are not included in the Florida Recreation Development Assistance Program FY 2017-18 grants.

After further discussion, and by **unanimous consent, the city commission accepted the city manager's request to provide further information on Veterans Park improvements allocated in FY 2017-18 Community Redevelopment Agency budget for consideration on the next Community Redevelopment Agency agenda.**

**iii. Fire Department**

Later in the meeting, Mr. La Venia referred to his conversations with Interim Fire Chief Gilpin, during the latter part of week ending June 16 and his meeting with Ms. Racine regarding his request to utilize dedicated funds, available in the budget, to retain one flex individual each day at the fire department to fulfill categories on the day shift commencing July 1, 2017.

Ms. Geraci-Carver addressed her intent to contact Labor and Employment Law Attorney Ms. Dorothy "Dottie" Green, Latham, Shuker, Eden & Beaudine retained by the city and provide more information on utilizing a fire department employee as a volunteer or flex person from outside the city organization.

After much discussion, Commissioner Ranize suggested that after receiving the ruling, that the fire department volunteers currently working for the city be given the first opportunity to make a selection to place their name to be retained as flex personnel under the rules.

**By unanimous consent, the city commission accepted the city manager's request to utilize dedicated funds to retain one flex individual each day at the fire department, as previously cited, and not allow the position to start on July 1, 2017 until a ruling under the United States Department of Labor Fair Labor Standards Act is received from the labor and employment law attorney and the city attorney.**

**(b) City Attorney**

**i. Lawsuits**

**• Homonai v. City of Fruitland Park**

Ms. Geraci-Carver referred to the discovery request received this day regarding the Homonai case from Ms. Stephanie J. McCulloch,

McLin Burnsed, attorney retained by the city, and indicated that she will be working with Mr. La Venia and Ms. McCulloch in compiling same.

- **Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs**  
With respect to the James and Rita Homonai v. Foster, Crenshaw and Green v. City of Fruitland Park, Hunnewell, Isom and Issacs cases, Ms. Geraci-Carver mentioned her anticipation on the possibility of a discovery that will commence in the near future.
- **Dr. Sundeep Shah v. City of Fruitland Park**  
Ms. Geraci-Carver referred to a case filed by Dr. Sundeep Shah whereby she anticipated a response due by the end of June 2017.

Later in the meeting, Ms. Geraci-Carver responded to Commissioner Lewis' inquiry that the previous offer of approximately \$7,000 was rejected.

- **George Fernandez v. City of Fruitland Park**  
Later in the meeting and with reference to an inquiry posed by Commissioner Lewis on the consideration of a countersuit on the George Fernandez case, Mr. La Venia explained that staff is currently researching records to which Ms. Geraci-Carver agreed with his statements that it would be worthy of consideration which will be brought back before the city commission.

**ii. Notice of Claims**

Ms. Geraci-Carver stated that no other updates on notice of claims have been received.

**iv. Financial Disclosure – Form 1, Statement of Financial Interest - 2016**

Ms. Geraci-Carver referred to the Financial Disclosure – Form 1, Statement of Financial Interest - 2016 that the city commission have received; noted, as a reminder, that said forms are due to the Lake County Supervisors of Elections Office by July 3, 2017, and recognized the grace period before the fine goes into effect after September 1, 2017.

Under the Dates to Remember, Ms. Geraci-Carver addressed the opportunity to take the August 11, 2017 Lake County League of Cities' Four-Hour Ethics Training at 9:00 a.m. in Mount Dora.

**SUPPLEMENTAL AGENDA ITEM**

**(c) City Treasurer - Resolution 2017-018 - Fire Assessment**

Ms. Geraci-Carver read into the record proposed Resolution 2017-020, 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, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Reason for supplemental:** Final file for the fire assessment to be on the Truth-in Millage (TRIM) notice. Deadline is due on July 12, 2017.

In response to an inquiry posed by Commissioner Bell, Ms. Coulson confirmed that she received the supplemental agenda item on June 20, 2017 which was posted to the public.

Ms. Geraci-Carver indicated, in answer to Mayor Cheshire's inquiry that the subject item was not required to be published in a newspaper of general circulation.

**A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2017-018 as previously cited with the total fixed property use percentage of calls at one hundred percent (100%).**

**Mayor Cheshire called for a roll call vote on the motion with the commission 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 Gunter</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.**

**7. PUBLIC COMMENTS**

There were no comments from the public at this time.

**8. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize**

**i. Special Magistrate**

Commissioner Ranize referred to Commissioner Lewis' concerns made at the June 8, 2017 regular meeting regarding the unsafe structure without a roof on the intersection of Dixie and Palm Avenues.

Commissioner Ranize explained that the code enforcement officer is conducting the best job that she possibly could with the information she has and with the vast number of complaints she has received.

In addressing the need for code enforcement to be proactive, Commissioner Ranize pointed out two previous complaints he made; reported on the approach made to him at his residence, and relayed his explanation to the complainants on the code violation. He gave reasons why he believes that the city's should not put residents in a position when making complaints against the other and allow the code enforcement officer to handle same whenever the city's code is violated.

**ii. FY 2017-18 Budget Process – Landscape Maintenance**

Before the FY 2017-18 budget workshop commences, Commissioner Ranize requested the commission's position in its guidance to Messrs. La Venia and Bogle on the landscape maintenance of the city's roadways.

Commissioner Ranize recognized the public works department's maintenance over the years on Dixie Avenue, Urick, Miller and a portion of Shiloh Streets which are all county roadways and voiced his concerns on the condition of CR 466A, from the US Highway 441/27 corridor to Fruitland Park Elementary School. He recognized the county's landscape maintenance on The Villages side and on Miller Street where the county had purchased properties and questioned the city's vision.

After discussion, Mr. Bogle addressed his plan to report to Mr. La Venia on the findings of Ms. Lori Koontz, Lake County Public Works Department, Road Operations Division Manager, on the county's roadside mowing schedule cycle on the section of CR 466A.

Following further deliberations and upon **Mayor Cheshire's suggestion, the city commission, by unanimous consent, agreed to address the landscape maintenance on CR 466A and requested that staff provide more information in advance of the FY 2017-18 budget workshop for discussion.**

**(b) Commissioner Lewis**

**i. City of Tavares Regular Council Meeting**

Commissioner Lewis referred to his observations at the June 21, 2017 regular City of Tavares Council meeting; highlighted the council's fire department service recognitions which involved his son, Chris Lewis, as entry level firefighter, and pointed out the request from one of the council representatives serving on the Lake-Sumter Metropolitan Planning Organization (MPO) on the council's position in retaining the MPO which was postponed to its future meeting.

Commissioner Lewis referred to a previous inquiry posed by Commissioner Ranize at a prior meeting on the MPO's duties. He explained its regional role in prioritizing roadway projects affecting municipalities which he believed would be lost if the decision was to incorporate LSMPO into MetroPlan Orlando.

**ii. Proposed Ordinance 2017-020 Hybrid Fire Department**

Commissioner Lewis referred the city commission's actions at its June 8, 2017 regular meeting and a citizen's subsequent reference to him on the passage of proposed Hybrid Fire Department Ordinance 2017-020. He pointed out the statement made by Fire Chief Richard Keith at the City of Tavares' regular council meeting on the legal authority granted by the city for its fire department to enter into a burning structure and the laying of hands on an individual to administer first responder services. He indicated that he has not held any discussions with Ms. Geraci-Carver in that regard.

In response and based on the previous direction, Ms. Geraci-Carver explained that she will review and report back to the city commission as to whether such provision would be required in the proposed ordinance.

**iii. Resolution 2017-018 - Fire Assessment**

Commissioner Lewis pointed out the city commission's actions earlier on this evening's agenda adopting Fire Assessment Resolution 2017-018; believed that the fire assessment will be considered at future public hearings, and stressed the importance on the public identifying during their comments as to whether they are residents of incorporated Fruitland Park as they will be affected.

In response, Mayor Cheshire concurred with Ms. Geraci-Carver's comments on the city commission's proposition to the public as to whether they are residents of the city.

Following further discussion, Commissioner Lewis responded to Commissioner Bell's statements that commercial property owners' opinions also matters.

(c) **Commissioner Bell – Resolution 2017-018 - Fire Assessment**

Commissioner Bell expressed concerns on the short notice given on the fire assessment; indicated that it will affect everyone in the city, and felt the need for same to be advertised more.

After Ms. Geraci-Carver confirmed in the affirmative, in response to several questions posed by Mayor Cheshire that the city conducted the procedures on the fire assessment legally and properly. She anticipated that several meetings on the issue would be held to establish the actual fee and information on the TRIM notice to the residents would receive notice.

In answering, Commissioner Bell addressed the need for transparency.

(d) **Vice Mayor Gunter, Jr. – Resolution 2017-018 - Fire Assessment**

Vice Mayor Gunter indicated, in response to Commissioner Bell's concerns, that citizens received more than a year's notice as the city commission has been discussing the fire assessment issue for some time.

9. **MAYOR'S COMMENTS**

i. **Code Enforcement**

Upon Mayor Cheshire's request and **by unanimous consent, the city commission directed the city manager to invite the code enforcement officer to appear before the city commission to give a status report on code enforcement at its July 27, 2017 regular meeting.**

ii. **City Commission Directives**

Mayor Cheshire mentioned his intent to ensure that whenever Mr. La Venia receives direction on matters before the city commission, that he is given guidance on how to proceed; thus, the reason for him, as presiding officer, to cite such commission directives by consensus to avoid any misunderstandings.

iii. **LDRs**

Mayor Cheshire addressed the need to conduct a workshop, after the FY 2017-18 budget workshop meetings. to review all the city's land development regulations (LDRs) and the city's vision on duplexes.

In response to Mayor Cheshire's question, Mr. Rector indicated that the LDR entails the process of reviewing zoning classifications, Chapter 154 (Zoning District Regulations).

Ms. Geraci-Carver believed the workshop was planned to address the review of all LDRs to determine whether there were other concerns on the city commission's previous direction relating to established policies whereby Mayor Cheshire felt that the workshop was to correct the problem.

Commissioner Ranize requested that Ms. Coulson email the city commission and provide provisional dates on available dates to hold a workshop to review the current LDRs by chapters.

Commissioner Lewis referred to the comprehensive plan revisions enacted by the city commission at its March 9, 2017 meeting as a separate and distinctly different document to which Mr. Rector gave reasons why the city commission not review the entire LDRs at once.

In response to Mr. Rector's suggestion for Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., retained by the city, to make the chapters available for review, Mayor Cheshire suggested that Messrs. La Venia and Rector meet to determine the LDR chapters that are problematic and what the city commission ought to initially consider.

After discussion, Commissioner Lewis noted the developments occurring in the future and indicated that the city commission cannot endorse changing a portion of the LDR chapter addressing single-family attached dwelling units no longer allowed in the single-family attached residential dwelling units (R-2) zoning district without reviewing the entire LDRs.

Following further discussion, Ms. Geraci-Carver suggested the need for the city commission to review all zoning districts; make a determination on the R-2 zoning designation, and give direction on where it ought to be in the city. She recognized how changing the LDRs, which are more specific, would affect the consistency of and support the previously enacted comprehensive plan which identifies the city commission's vision; sets the overall direction which condenses to allowable zoning districts, and addresses the various type of housing in the future land use.

Mayor Cheshire voiced his agreement with Commissioner Lewis' statements on the likelihood of the city commission initially focusing on the chapter dealing with LDR Chapter 154, Zoning District Regulations and reiterated the review of problematic chapters including Chapter 163, Signs as suggested by Mr. Rector to which he responded on the need to ultimately review the entire LDRs one chapter at a time as they are outdated. Mr. Rector explained that Mr. Beliveau have been working on the LDRs, which were adopted in 1992, to present before the city commission to adopt the changes.

In response to Commissioner Bell's question, Ms. Geraci-Carver recognized the requirements and the process of the Planning and Zoning Board (P&Z), according to the city's code, to review the LDR and the recommendations from the P&Z which is allowable.

Following further discussion, Mr. Carlisle "Carl" Burch, City of Fruitland Park resident, referred to his previous discussions with Mr. La Venia to address before the city commission and with the attorney's advice, the opportunity to expeditiously



lead on the matter. He recognized the definitions of R-2 zoning or providing clarification on single-family attached dwelling units; pointed out his review of the Lake County Property Appraiser Office's website revealing the classifications of the listed single family attached dwelling units and defined the uses on Berckman Street.

Mr. Burch referred to the LDRs identifying the R-2 designation which he stated it does not meet the requirements noting that building cannot take place without city commission approval; however, it was enforced in other cases. He addressed the need for the city commission to review the LDRs.

**By unanimous consent, Mayor Cheshire directed the city clerk to email the city commission provisional dates (Tuesdays and Thursdays) to hold a workshop to review Land Development Regulations Chapter 154, Zoning District Regulations and the city's vision on duplexes.**

**iii. Dates to Remember**

Mayor Cheshire recognized the following events:

- July 4, 2017, City Offices Closed for Independence Day,
- July 12, 2017 - Budget Workshop at 6:00 p.m.,
- July 13, 2017 - Budget Workshop at 6:00 p.m.,
- July 27, 2017 - Regular Commission Meeting at 6:00 p.m.,
- July 28, 2017 - Special Commission Meeting at 6:00 p.m.,
- August 10, 2017 Regular Commission Meeting at 6:00 p.m., and
- August 24 Regular Commission Meeting at 6:00 p.m.

**10. ADJOURNMENT**

**There being no further business to come before the city commission at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 7:30 p.m.**

The minutes were approved at the July 27, 2017 regular meeting.

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

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



AGENDA ITEM NUMBER  4a
---------------------------------

## REGULAR AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Mowing Cycle – CR 466A Landscape Maintenance		
<b>For the Meeting of:</b>	July 27, 2017		
<b>Submitted by:</b>	City Manager/Public Works Director		
<b>Date Submitted:</b>	July 20, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>	Lake County’s mowing cycle for CR 466A		
<b>Action to be Taken:</b>			
<b>Staff’s Recommendation:</b>			
<b>Additional Comments:</b>			

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

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

---

**From:** Press, Brenda

**Sent:** Thursday, April 20, 2017 5:05 PM

**To:** 'dboglefruitlandpark@comcast.net' <dboglefruitlandpark@comcast.net>

**Cc:** Koontz, Lori <LKoontz@lakecountyfl.gov>; Johnson, Jeff <JJohnson@lakecountyfl.gov>

**Subject:** RE: CR 466A Mowing Cycle

Mr. Bogle,

In the event you want the schedule for the entire year, I have included that below.

**Sidewalk Mowing Schedule (from Sumter County line to Timber Top Lane):  
Mowing and Trash Removal Cycles**

4/10/2017  
5/1/2017  
5/22/2017  
6/12/2017  
7/3/2017  
7/24/2017  
8/14/2017  
9/4/2017  
9/25/2017  
10/16/2017

**Trash Removal Only Cycles**

11/6/2017  
11/27/2017  
12/18/2017  
1/8/2018  
1/29/2018  
2/19/2018  
3/12/2018

**Mowing and Trash Removal Cycles**

4/2/2018  
4/23/2018  
5/14/2018  
6/4/2018

**Roadside Mowing Schedule (Timber Top Lane to US 441/27):  
Mowing and Trash Removal Cycles**

4/3/2017  
5/1/2017  
5/29/2017  
6/26/2017  
7/24/2017  
8/21/2017  
9/18/2017  
10/16/2017

**Trash Removal Only Cycles**

11/13/2017  
12/11/2017  
1/8/2018  
2/6/2018

3/6/2018

Please let me know if you need any additional information. Thank you! I apologize if I just inundated you with more information than you wanted.

**BRENDA PRESS** | *Contracting Officer I*

*Department of Public Works*

-----  
**A** 315 W. Main Street, Tavares, FL 32778

**A** Post Office Box 7800, Tavares, FL 32778

**P** 352-343-6439 | **F** 352-742-3888 | [www.lakecountyfl.gov](http://www.lakecountyfl.gov)

**NOTE:** Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

---

\_\_\_\_\_



Sack Roofing Inc

308 Oak St.  
Suite A  
Lady Lake, FL 32159

# Estimate

Date	Estimate #
7/20/2017	25077

Name / Address
City of Fruitland Park Library 205 W. Berkman St Fruitland Park, FL 34731

			Project
Description	Rate	Qty	Total
Remove existing shingle and underlayment down to the decking. Inspect plywood and replace wood @ a rate of \$55.00 per sheet of plywood and truss trails and fascia @ a rate of \$5.50 per ft. Dry in deck with Boral High Temp Peel and Stick underlayment. Install new 26GA Green Master Rib Metal roof system	47,600.00		47,600.00
<b>Total</b>			<b>\$47,600.00</b>

Phone #	Fax #	E-mail	Web Site
352-430-2773	352-430-2776	Tyoung@sackroofing.com	www.sackroofing.com

# McHale Roofing, Inc.

Specializing In All Types of Roofing and Roofing Repairs



Matt McHale  
License # CCC1328197

2508 N. Griffin Drive  
Leesburg, FL 34748

Tel: (352) 255-2758

Fax: (352) 365-6257

Email: [mchale.roofing@yahoo.com](mailto:mchale.roofing@yahoo.com)

Web: [www.mchalerroofing.com](http://www.mchalerroofing.com)

July 19, 2017

City of Fruitland Park Library  
205 West Berckman Street  
Fruitland Park, FL 34731  
Attn Dale: 352-308-5579  
Via email to: [dboglefruitlandpark@comcast.net](mailto:dboglefruitlandpark@comcast.net)

## Proposal: Master Rib Metal Roof

McHale Roofing, Inc. presents the following proposal to supply and install materials:

- Remove existing shingles and underlayment to expose bare roof deck.
- Install high-temperature Peel & Stick underlayment.
- Install new eave drip along the perimeter of the roof.
- Install 26-gauge Master Rib painted metal panels.
- Install 26-gauge hip & ridge cap.
- Install new painted valley to match panels.
- Properly flash and counter-flash at the headwall.
- Install all new Neoprem plumbing stacks.

**Total Price: \$58,795.00**

**Material Warranty: 40 Years**

**Labor Warranty: 7 years.**

We will inspect for damaged or rotted plywood and replace at an additional cost of \$65.00 per sheet. We will inspect for damaged or rotted trusses, 1 x 4 or 1 x 6 fascia, and replace at an additional \$5.00 per foot. This includes 2 x 4 or 2 x 6 fascia or trusses.

For the above price, we will remove all roofing debris, provide tarps to protect plants and grass as we tear off the old roof, and we will conduct a magnetized cleanup to ensure no nails are left behind.

McHale Roofing, Inc. understands that every project has different requirements. We will work with staff and patrons to ensure minimum disruption while the project is ongoing. The safety of the staff, patrons and our employees is of the utmost importance, and we will work around whatever schedule benefits staff and patrons. An on-site supervisor will be present from the start to the completion of the project, and McHale Roofing's owner, Matt McHale, will be on-site every day. McHale Roofing, Inc. prides itself on starting and completing one job at a time. Once started, all focus is on the current job until completed. This allows McHale Roofing's owner to be hands-on on every job, and available to answer any questions or concerns.

McHale Roofing, Inc. is a locally owned and operated roofing company that specializes in high quality work at a competitive price. We are rated A+ by the Better Business Bureau ([www.bbb.org](http://www.bbb.org)). Our reputation is important to us, and we can provide a long list of references from satisfied customers. We provide a written warranty on all repairs, reroofs or new installations that we complete. We will provide a written release of payment from our supply company to ensure that materials are fully paid for when we submit the invoice for payment.

All McHale Roofing employees are hourly employees. We do not use sub-contractors or day laborers. All employees are covered by Workers Comp. None are Workers Comp exempt.

All inspections will be carried out by Inspectors from the City of Fruitland Park, and payment will be due in full upon successful completion of a final inspection. No deposit or down payment is required until project is completed and passes final inspection.

Please call me at (352) 272-2717 if you have any questions about this proposal.

Sincerely,

*Matt McHale*

Matt McHale  
McHale Roofing, Inc.





15312 Old 441 Tavares, Florida 32778  
 Phone: (352) 343-4240 or 343-7668  
 Fax: (352) 742-1173  
 Email: info@eustisroofing.com  
 www.eustisroofing.com  
 LC #CCC1330258

PROPOSAL SUBMITTED TO <b>Dale Bogle</b>	PHONE <b>(352) 360-6795</b>	DATE <b>07/12/2017</b>
STREET <b>205 W. Berckman St,</b>	JOB NAME <b>FP Public Library Metal Project # 4360</b>	
CITY, STATE AND ZIP CODE <b>Fruitland Park, FL 34731</b>	JOB LOCATION <b>205 W. Berckman St, Fruitland Park, FL 34731</b>	

**We hereby submit specifications and estimates for:**

1. Remove the existing roof and inspect the decking. Rerail as needed to meet code.
2. Install a 30# UL felt followed with a High Temp PolySeal membrane underlayment.
3. All perimeters, valleys and all flashings will be sealed with roof cement.
4. Install new flashings as needed to make a tight and waterproof job.
5. Install new metal drip edge.
6. Install a 24-gauge Snap Lock Panel metal roof system, owner's choice of color. (standard stock colors)
7. There will be a half inch overhang of metal around the building to prevent back drip.
8. All valleys to be enclosed with a PolySeal Membrane underlayment.
9. Installation of all new vents and lead stacks.
10. Installation of vents for roof ventilation.
11. Any rotten wood and/or faulty structural components will be done on a time and material basis. (\$45/hr. & cost of materials)
12. Any rubbish created by the workmen will be removed from the premises. A power magnet will be dragged.
13. A 30 Year Warranty on the metal will be issued to the owner from the Manufacturer upon completion of the job.
14. Eustis Roofing Co., Inc. guarantees all workmanship for five years.
15. After final payment, a final release of lien waiver will be issued upon your request.
16. All job site crew members are directly employed by Eustis Roofing Company. No sub-contracting or leased workers on job site.
17. A draw of \$20,000 will be due upon job commencement. A second draw of \$20,000 will be due upon 50% completion of job. Remaining balance will be due upon job completion.

**We Propose** hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:  
**SIXTY - SIX THOUSAND, THREE HUNDRED** dollars (\$ **66,300.00** ).

Payment to be made as follows:

**PAYMENT IN FULL IS DUE UPON COMPLETION OF JOB.**

**A SERVICE CHARGE OF 1.5% PER MONTH SHALL BE ASSESSED TO ALL AMOUNTS 30 DAYS OVERDUE.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Eustis Roofing Company shall be entitled to recover any and all expenses incurred in the enforcement of terms herein whether or not formal legal action is commended, including, but not limited to, a reasonable attorney's fee and court costs. All agreement contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. I understand that signing this agreement, I am entering into a legal and binding contract with Eustis Roofing Company.

Authorized Signature EUSTIS ROOFING COMPANY, INC this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days

**Acceptance of Proposal** – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_



**ORDINANCE 2017-020**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized pursuant to Chapter 166, Florida Statutes to establish and maintain a fire department; and

**WHEREAS**, the City Commission finds it is in the best interests of the City residents, businesses and properties within the corporate limits of Fruitland Park, and furthers the health, safety and welfare of its citizens and businesses to have and maintain a fire department in the City of Fruitland Park.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

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

**Section 2. Establishment.** Section 31.55 of the Code of Ordinances of the City of Fruitland Park, Florida is amended to read as follows:

**31.55. – Establishment.**

There shall be organized and maintained in the city a fire department.

**Section 3. Reserved.** Sec. 31-57 – 31.71 are reserved.

**Section 4. Codification.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

**Section 5. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein.

**Section 6. Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective immediately upon final adoption.

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

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

Attest:

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

Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading June 8, 2017  
Second Reading \_\_\_\_\_

Approved as to form and legality:

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

**ORDINANCE 2017-020**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized pursuant to Chapter 166, Florida Statutes to establish and maintain a fire department; and

**WHEREAS**, the City Commission finds it is in the best interests of the City residents, businesses and properties within the corporate limits of Fruitland Park, and furthers the health, safety and welfare of its citizens and businesses to have and maintain a fire department in the City of Fruitland Park.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

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

**Section 2.     Establishment.** Section 31.55 of the Code of Ordinances of the City of Fruitland Park, Florida is amended to read as follows:

**31.55. – Establishment.**

~~There shall be organized and maintained in the city a fire department. There is hereby created and established a fire department, consisting of a chief, and such other members of said fire department as may from time to time be provided for by the city commission. The chief and members thereof shall be appointed by the city manager.~~

**Section 3.     Reserved.** Sec. 31-57 – 31.71 are reserved.

~~Sec. 31.57. – Membership – Organization, position created.~~

~~The fire department shall consist of as many members as may be decided upon by the city commission. The fire department shall be governed as all other departments of the city. In addition to the fire chief, there may be volunteer firefighters. There shall be such number of positions for volunteer firefighters as are from time to time approved by the city commission.~~

~~Sec. 31.58. – Investigation of applicants.~~

~~(A) The chief of police, and members of the police department acting in his name, are hereby authorized to conduct a field investigation and are hereby directed to conduct criminal records checks on each applicant for employment by the fire department.~~

- ~~(B) The chief of police or a member of the police department acting on his behalf shall prepare a factual summary of the background investigation and criminal records check of each firefighter applicant and transmit such summary to the fire chief for the purpose of determining the fitness of an applicant. The summary may contain recommendations to the fire chief concerning the suitability for employment of a firefighter applicant. The fire chief shall submit his recommendations to the city manager for final approval.~~
- ~~(C) Background investigations and record checks shall include records of all convictions as an adult.~~
- ~~(D) Any applicant for membership in the fire department who is denied employment on the basis of the investigation summary referred to in this section may inspect that summary for the purpose of clarifying, explaining or denying the accuracy of its contents.~~
- ~~(E) The chief of police and members of the police department shall not reveal any information or make any recommendation to the fire chief regarding the fitness of firefighter applicants other than that contained in the official summary report referred to in this section.~~

~~Sec. 31.59.— Best qualified to be hired.~~

~~The firefighters shall be appointed for the purpose of fulfilling a need of the municipality, not for the purpose of providing a social club. All hiring shall be done on the basis of hiring the best qualified person, not on the basis of hiring members of any particular group or clique.~~

~~Sec. 31.60.— Examination and training.~~

~~No person shall be appointed to the position of firefighter unless he has taken or will take a training course prescribed by the city manager, and passed, or will sit for, an examination indicating adequate knowledge of the matters taught in the course. Matters covered shall include methods of fire fighting, types of building, operation of equipment, first aid, treatment of smoke inhalation, administering cardiopulmonary resuscitation or CPR, and such other relevant items as shall be directed by the city manager. In the case of any individual who has prior experience as a firefighter on a volunteer fire department or on a full time fire department or has otherwise met the training and test requirement, the city manager may waive any part of the course or testing requirement. Any individual taking the training course prescribed above must complete such course and pass the requisite examination within one year of being appointed as a firefighter. Notwithstanding, any other personnel rule or regulation to the contrary, firefighters serve at the pleasure of the city manager.~~

~~Sec. 31.61.— Required in service training.~~

~~All firefighters shall take regular training at least once each month, on the subjects prescribed and in the manner prescribed by the fire chief and approved by the city manager. The city manager shall require a minimum number of hours of training each month for each member. The minimum number of hours shall be the amount required, in the opinion of the city manager or otherwise prescribed by law, to learn new techniques and to continue to maintain skills under old techniques.~~

~~Sec. 31.62.— Supervision over department—Equipment.~~

~~The fire chief shall have the control, subject to the order and direction of the city manager, of the fire department and all fire apparatus belonging to the city; whenever any fire apparatus needs~~

~~repairing said fire chief, with the approval of the city manager, shall cause the same to be done without delay.~~

~~Sec. 31.63. — Command at fires.~~

~~In case of fire, the fire chief and his assistants shall rank in the order named and the officer of the highest rank at the fire shall take command of the fire department, and direct the management thereof for the suppression of the fire, in the best manner possible; and when it may be necessary for the protection of other property and to prevent the spread of the conflagration, the officer in command may cause the buildings to be removed, torn down or destroyed in the best manner possible.~~

~~Sec. 31.64. — Obedience to orders.~~

~~No firefighter in attendance at a fire shall neglect or refuse to obey the orders of the officer in command at such fire.~~

~~Sec. 31.65. — Compensation.~~

~~Members of the fire department shall receive compensation as provided for by the city commission. Members shall not be otherwise paid unless approved by the city commission.~~

~~Sec. 31.66. — Duties of spectators.~~

~~Spectators shall keep away from any fire, so as to be out of the firefighters' way.~~

~~Sec. 31.67. — Entering firehouses.~~

~~It shall be and hereby is declared unlawful for any person or persons to enter the fire department house or any place where the equipment and apparatus of the fire department is stored, at any time, except on business pertaining to the fire department or any other city business, unless authorized by the city commission.~~

~~Sec. 31.68. — Enforcement of ordinances.~~

~~It shall be the duty of all police officers of the city to see that the provisions of §§ 31.66 and 31.67 are enforced and to arrest on view any person who shall be found violating any of the provisions of this chapter or who shall hinder, resist, or refuse to obey any such officer in the discharge of his duty.~~

~~Sec. 31.69. — Records.~~

~~The fire chief shall keep or cause to be kept a record of all fires and all other responses, and during the last week of each month, file with the city clerk a full report of such records, which report shall be under oath. All records of the fire department, being city records, shall be subject to the provisions of F.S. Ch. 119.~~

~~Sec. 31.70. — Organization and fund-raising.~~

~~The firefighters may create an organization of firefighters, hold meetings and engage in fund-raising activities. No fund-raising activity shall be engaged in without the prior approval of the city manager.~~



~~Sec. 31.71. Service outside corporate limits.~~

~~Members of the fire department are authorized to go outside the corporate limits of the city for the purpose of rendering aid to other fire departments in accordance with mutual aid agreements.~~

**Section 4. Codification.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

**Section 5. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner’s intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein.

**Section 6. Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective immediately upon final adoption.

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

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

Attest:

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

Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)



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

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

Approved as to form and legality:

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



AGENDA ITEM NUMBER <p style="text-align: center;">5a</p> i ii iii
---

## REGULAR AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	City Manager's Report			
<b>For the Meeting of:</b>	July 27, 2017			
<b>Submitted by:</b>	City Manager			
<b>Date Submitted:</b>	July 20, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b>	<ul style="list-style-type: none"> <li>i. Ann Marie Lewis' Estate - Will</li> <li>ii. Fruitland Park Library Director</li> <li>iii. Code Enforcement Officer</li> </ul>			
<b>Action to be Taken:</b>				
<b>Staff's Recommendation:</b>				
<b>Additional Comments:</b>				

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

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

# Last Will and Testament

of

ANN MARIE LEWIS

I, ANN MARIE LEWIS, of Fruitland Park, Lake County, Florida, and a citizen of the United States of America, revoke all prior Wills and publish the following as my Last Will and Testament.

## Article One Disposition of My Remains

I direct that I be cremated pursuant to arrangements I have made with Beyers Funeral Home, Leesburg, Florida, and that my cremains be interred in my plot at the Shiloh Cemetery, Fruitland Park, Florida, and that the person or persons nominated hereinafter to act as my Personal Representative be empowered to carry out my directives and wishes expressed herein.

## Article Two My Family

I am the unremarried surviving spouse of WILLIAM JOHN LEWIS, deceased. I have no children, either living or deceased.


## Article Three Appointment of My Personal Representative

I appoint WILLIAM O. BOYD as Personal Representative of my estate. Should he be unable or unwilling to serve, or cannot continue to serve for any reason, then my brother-in-law, JOHN KLEIN, shall serve as my successor Personal Representative.

I direct that my Personal Representative not be required to furnish bond, surety, or other security.

## Article Four Power of My Personal Representative

I authorize my Personal Representative (which term includes any ancillary and Successor Personal Representative) to sell or convey all or any part of any real or personal property in my estate at private or public sale without notice and without obtaining authority or confirmation from any Court, for whatever prices, terms and conditions my Personal Representative deems best, and to execute and deliver all appropriate instruments. Purchasers will not be bound to

  
\_\_\_\_\_

Page 1 of 5

inquire into my Personal Representative's authority or application of the purchase money. My Personal Representative will have full authority and discretion to do all things necessary for the administration of my estate, just as I could do myself if living. My Personal Representative may distribute the assets of my estate in any convenient manner, in kind or in cash, in non-prorata shares or otherwise, and without regard to the income tax basis of those assets. This enumeration of powers does not limit the authority of my Personal Representative and in addition to these powers, my Personal Representative has all other lawful powers not inconsistent with these powers.

#### **Article Five Joint Ownership**

If, at the time of my death, I am joint owner, co-owner or owner of any real estate, bank account or savings account in any commercial bank or savings institution, bond, or any security or instrument of indebtedness, which is registered or issued in my name and that of another person or persons as tenants by the entirety or as joint tenants with right of survivorship, or which is payable to either co-owner or the survivor of them, I give and bequeath all my right, title and interest in any such property to the surviving joint owner thereof. It is my understanding that all right, title and interest in any such property will pass to such surviving joint owner upon my death by operation of law but I do, nevertheless, make these provisions in order to eliminate any question as to the right of any such surviving joint owner to succeed to the ownership of such property upon my death and to provide for the possibility that a true joint tenancy with the right of survivorship or an estate by the entirety was not created during my lifetime.

#### **Article Six Payment of Debts and Expenses**

My legally enforceable debts (except debts secured by mortgages or other security instruments), the expenses of my last illness and funeral, and all administration expenses of my estate, are to be paid from my residuary estate without apportionment.

#### **Article Seven Payment of Death Taxes**

**Section 1. Definition of Death Taxes.** The term "death taxes," as used in my will, shall mean all inheritance, estate, succession, and other similar taxes that are payable by any person on account of that person's interest in the estate of the decedent, or by reason of the decedent's death, including penalties and interest, but excluding the following:

- a. Any addition to the federal estate tax for any "excess retirement accumulation" under Internal Revenue Code Section 4980A.
- b. Any additional tax that may be assessed under Internal Revenue Code Section 2032A.



Page 2 of 5

- c. Any federal or state tax imposed on a generation-skipping transfer, as that term is defined in the federal tax laws, unless the applicable tax statutes provide that the generation-skipping transfer tax is payable directly out of the assets of my gross estate.

**Section 2. Payment of Death Taxes.** I direct my personal representative to pay any death taxes from the assets of my probate estate by prorating and apportioning those taxes among the beneficiaries of this will. Notwithstanding any other provision in my Will, all death taxes incurred by reason of assets transferred outside of my probate estate shall be assessed against those persons receiving such property.

**Article Eight  
Distribution of Personal Property**

I give all of the items of tangible personal property that are designated in the most recently dated separate writing in existence at my death, which is signed by me and describes the items given with reasonable certainty, to the persons specified in such writing. It is to be conclusively presumed that I have left no separate writing if one has not been found by or delivered to my Personal Representative within sixty (60) days after this Will is admitted to probate. All costs of safeguarding, insuring, packing, and storing my tangible personal property prior to its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be deemed to be expenses of administration of my estate.

Any property that may be distributed to a minor pursuant to this Article or any signed separate list may be distributed by my Personal Representative to the natural or legal guardian of the minor, or to any other suitable adult relative or friend, as custodian for the minor. If I have named a Trustee for minors in this Will, then that person may also serve as custodian of such property for the minor.

**Article Nine  
Distribution of Residual Estate**

I give, bequeath and devise all the rest, residue and remainder of my estate, of whatever nature and wherever situate, as follows:

- a. The sum of Ten Thousand Dollars (\$10,000.00) to The North Shore Animal League of Port Washington, New York, upon the condition that they will provide suitable homes for my pets at the time of my death and also to be used for said organization's Surviving Pet Care Program. Should said organization not be willing or able to provide for my pets as stated herein, I direct that this gift be made to another suitable animal care organization selected by my Personal Representative for the purpose of finding suitable homes for my animals and for their subsequent care.
- b. After the above specific distribution, I direct that the remainder of my estate



be distributed to the City of Fruitland Park, Lake County, Florida with the condition that any real property in my estate be used as a Public Park Facility by said City. I direct that the remaining assets of my estate be utilized by said City to establish and maintain said park. Provided, however, that the City of Fruitland Park must accept such gift within nine months from the date of my death and agree to use such home and property for the purposes expressed herein. In the event the City of Fruitland Park does not accept such gift as provided above, or should there be no real property among my assets, then I direct that said residue be distributed to Uncle Donald's Farm of Lady Lake, Florida. If Uncle Donald's Farm is not functioning as a petting zoo at that time, then I direct said residue to be distributed to the Central Florida Zoo, Sanford, Florida.

**Article Ten  
Headings and Plurality**

The headings are solely for convenience and shall neither be used to interpret nor to expand, limit, or modify the terms of this document. The use of the term "Personal Representative" herein shall refer to both singular and plural (Co-Personal Representatives) where context requires.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at The Villages, Sumter County, Florida, on this 20<sup>th</sup> day of September, 2011.

Ann Marie Lewis (SEAL)  
ANN MARIE LEWIS, Testatrix

WE, THE UNDERSIGNED, do hereby attest and certify that the above and foregoing particular instrument, consisting of five pages, was subscribed and sealed on the date last above written by the said, ANN MARIE LEWIS, in our presence, and at the same time was acknowledged and declared by her to each of us to be her LAST WILL AND TESTAMENT, and we, at her special instance and request, and in her presence, and in the presence of each other, do attest as witnesses and have signed our names as witnesses hereto, and written opposite our names our respective places of residence, after said Testatrix had signed her name thereto, believing the said, ANN MARIE LEWIS, at the time of so subscribing our names as witnesses as aforesaid, of sound and disposing mind and memory.

Juanita Connolly of The Villages, FL  
Melinda Dorse of Coleman, FL

STATE OF FLORIDA  
COUNTY OF SUMTER

I, ANN MARIE LEWIS, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my Will.

*Ann Marie Lewis*  
ANN MARIE LEWIS, Testatrix

We, JOANNE CONNOLLY and MICHELINE DIONNE, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testatrix declared the instrument to be the Testatrix's Will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testatrix and of each other.

*Joanne Connolly*  
Witness Signature

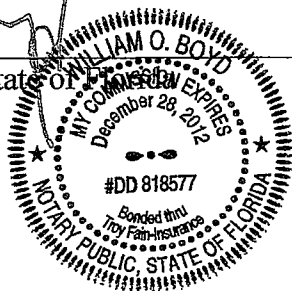
JOANNE CONNOLLY  
Witness Printed Name

*Micheline Dionne*  
Witness Signature

MICHELINE DIONNE  
Witness Printed Name

Acknowledged and subscribed before me by the Testatrix, ANN MARIE LEWIS, who is personally known to me, and sworn to and subscribed before me by the witnesses, JOANNE CONNOLLY, who is personally known to me, and MICHELINE DIONNE, who is personally known to me, and subscribed by me in the presence of the Testatrix and the subscribing witnesses, all on this 20<sup>th</sup> day of September, 2011.

*William O. Boyd*  
Notary Public - State of Florida





AGENDA ITEM  
NUMBER

5b

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	City Attorney Report		
<b>For the Meeting of:</b>	July 27, 2017		
<b>Submitted by:</b>	City Attorney		
<b>Date Submitted:</b>	July 19, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>			
<b>Amount Required:</b>			
<b>Balance Remaining:</b>			
<b>Attachments:</b>			

**Description of Item:**

Please find below items to report to the City Commission.

**James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park.** – This case involves allegations of violations of civil rights, false arrest and false imprisonment and battery. The case originates from a traffic stop. The case management schedule has been set. Plaintiff served discovery requests on the City which are due July 19, 2017. Attorney Brionez (formerly McCulloch) met with the City Manager and City Clerk to review the requests. The City’s initial disclosures were served upon the Plaintiff as required by the Court Order. Attorney Brionez will be preparing discovery requests to serve on the Plaintiff.

**Green v. City of Fruitland Park, Hunnewell, Isom & Isaacs.** – On April 7, 2017, Atty. Brionez filed with the Court the following: Defendants The City of Fruitland Park, Chief Isaacs, and Chief Isom's Motion to Dismiss Plaintiff's Third Amended Complaint with Prejudice and Motion to Strike with Memorandum of Law in Support. Plaintiff filed his response to the City’s Motion to Dismiss on April 28, 2017. Plaintiff filed a Response to the City’s Motion to Dismiss. We are still waiting for the Court to rule on the Motion to Dismiss. On 6/2/17 the case management schedule was set. Attorney Brionez is currently preparing discovery requests to serve on the Plaintiff.

**Dr. Sundeep Shah v. City of Fruitland Park**

Accident claim submitted to the City’s insurance carrier on September 5, 2015 for an auto accident on November 14, 2014 where a former city employee driving a police car rear-ended Dr. Shah. Dr. Shah seeks \$200,000.00. The insurance carrier has attempted to negotiate a settlement of the claim. There is insurance coverage. The City was served with a Complaint/Summons on June 9. The insurance carrier assigned Stephanie Brionez to represent the City. The City’s initial response to the



complaint is not yet due as an extension was obtained. She is currently engaged in settlement negotiations prior to the deadline for a response, at the direction of the City's insurance company.

**Notice of Claim - Anthony Mancino:** Plaintiff's attorney reached out to try and resolve the case, if possible, before transferring the case to another attorney. The Commission previously offered to settle this matter for \$11,500. The City's insurance deductible is \$15,000. Plaintiff's attorney asked if the Commission is willing to pay Mr. Mancino \$15,000 to resolve this matter. This will be brought forward for Commission action at the August 10 meeting.

**Notice of Claim – James Hartson:** No developments to report.

**Notice of Claim – Larry Odum:** No developments to report.

**Marijuana Moratorium:** The City's moratorium expired. Direction is needed from the Commission as to whether it wants to allow marijuana treatments centers within the City of Fruitland Park or ban them or impose a new short-term moratorium to further study the issue in light of the approved legislation. If the City chooses to allow marijuana treatments centers, the City is limited in the regulations it may impose, as regulation is largely preempted to the state. It is reported that there are threats of law suits against local governments who have enacted a ban. If the City does allow this use, then the following regulations apply:

- May not be located within 500' of the real property that comprises a private or public school, unless the City approves the location through a formal proceeding open to the public and the City determines that the location promotes the public health, safety and general welfare of the community;
- City cannot place specific limits on the number of dispensing facilities that may locate within the City;
- City may determine by ordinance the criteria for the location of and other permitting requirements, provided they do not conflict with state or department rules;
- Any requirements for permitting and location cannot be more restrictive than that for pharmacies (for ex. if drive thru is permitted at a pharmacy, it must also be permitted for these centers); and
- Any license or permit fee imposed cannot exceed that which a pharmacy would be charged; and
- The City may require compliance with the Florida Building Code, the Florida Fire Prevention Code, and any local amendments to the Florida Building Code or Florida Fire Prevention Code.

Direction is requested from the Commission: (1) impose a short-term moratorium, (2) impose a ban or (3) allow, or (4) discuss further at August 10 Commission meeting. An ordinance will be drafted based on the Commission's direction.

**Action to be Taken:**

**Staff's Recommendation: N/A**

**Additional Comments:**

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

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

Mayor



AGENDA ITEM NUMBER  6
--------------------------------

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Public Comments				
<b>For the Meeting of:</b>	July 27, 2017				
<b>Submitted by:</b>	City Clerk				
<b>Date Submitted:</b>	July 21, 2017				
<b>Are Funds Required:</b>			Yes	X	No
<b>Account Number:</b>	N/A				
<b>Amount Required:</b>	N/A				
<b>Balance Remaining:</b>	N/A				
<b>Attachments:</b>	Yes				
<b>Description of Item:</b>					
<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>					
<b>Action to be Taken:</b> None.					
<b>Staff's Recommendation:</b>					
<b>Additional Comments:</b>					

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

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

## RESOLUTION 2013 -023

### A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

#### Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

#### Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

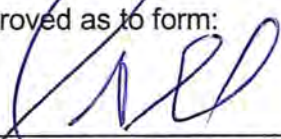
ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney