



**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

June 22, 2017 (Revised – 4:30 p.m.)

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

Pledge of Allegiance - Police Chief Michael A. Fewless

2. ROLL CALL

3. PRESENTATION

“Stamp Out Hunger” National Food Drive Day – May 13, 2017 (city clerk)
Mr. Shane Ulbin, National Association of Letter Carriers, Branch 1091.

4. 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 .

(a) Approval of Minutes (city clerk)

June 8, 2017 regular meeting.

(b) Resolution 2017-021 - Library Impact Fees ILA (city manager/Fruitland Park Library director/city attorney) (revised)

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.

5. REGULAR AGENDA

(a) Resolution 2017-020 - Recreation and Facilities Fee Schedule (city manager/parks and recreation director/city attorney)

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.

- (b) **CR 466A PH IIIA – Phase 3A Utility Adjustments - BESH** (city manager/community development director) (revised)
Motion 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.

PUBLIC HEARING

- (c) **Second Reading and Public Hearing – Ordinance 2017-018 Recreation Fees** (city manager/parks and recreation director/city attorney)
AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE 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.)
- (d) **Second Reading – Ordinance 2017-021 Establishing Park Hours** (city manager/parks and recreation director/city attorney)
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.)

6. OFFICERS' REPORTS

- (a) **City Manager**
- i. **Veterans Park**
 - ii. **Message Sign Board - Police Department**
 - iii. **Fruitland Park Library Director**
- (b) **City Attorney**
- i. **Lawsuits**
 - ii. **Notice of Claims**

SUPPLEMENTAL AGENDA ITEM

- (c) **City Treasurer - Resolution 2017-018 - Fire Assessment** (revised)
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 TRIM notice. Deadline is due on July 12, 2017.

7. 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.

8. COMMISSIONERS' COMMENTS

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

9. MAYOR'S COMMENTS

10. 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 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.

June 22, 2017 Regular Agenda

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.

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

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

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.

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

September 27, 2017 – Lake-Sumter Metropolitan Planning Organization 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.

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

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

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.



**AGENDA ITEM
NUMBER
3**

AGENDA ITEM SUMMARY SHEET

| | | | |
|--------------------------------|--|-----|--|
| ITEM TITLE: | Presentation | | |
| For the Meeting of: | June 22, 2017 | | |
| Submitted by: | City Clerk | | |
| Date Submitted: | April 14, 2017 | | |
| Are Funds Required: | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> No |
| Account Number: | N/A | | |
| Amount Required: | N/A | | |
| Balance Remaining: | N/A | | |
| Attachments: | Yes | | |
| Description of Item: | <i>"Stamp Out Hunger", National Food Drive Day – May 13, 2017 – Mr. Shane Ulbin, National Association of Letter Carriers, Branch 1091.</i> | | |
| Action to be Taken: | | | |
| Staff's Recommendation: | | | |
| Additional Comments: | | | |

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor



**AGENDA ITEM
NUMBER
4a&b**

CONSENT AGENDA ITEM SUMMARY SHEET (Second Revision)

| | | | | |
|--|---|-----|---|----|
| ITEM TITLE: | Draft Minutes and Resolution 2017-021 | | | |
| For the Meeting of: | June 22, 2017 | | | |
| Submitted by: | City Clerk – City Manager/Fruitland Park Library Director/City Attorney | | | |
| Date Submitted: | June 16, 2017 | | | |
| Are Funds Required: | | Yes | X | No |
| Account Number: | N/A | | | |
| Amount Required: | N/A | | | |
| Balance Remaining: | N/A | | | |
| Attachments: | Yes | | | |
| Description of Item: | | | | |
| <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>3.(a) Approve the June 8, 2017 regular meeting minutes and 3.(b) Adopt Resolution 2017-021 Library Impact Fees ILA (revised)</p> | | | | |
| Action to be Taken: Approval | | | | |
| Staff's Recommendation: Approval | | | | |
| Additional Comments: | | | | |

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 44th 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:

| | |
|----------------------------|------------|
| Commissioner Bell | Yes |
| Commissioner Ranize | No |
| Vice Mayor Gunter | Yes |
| Commissioner Lewis | Yes |
| Mayor Cheshire | Yes |

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 & 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 & Isaacs 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:

| | |
|----------------------------|------------|
| Commissioner Ranize | No |
| Commissioner Lewis | Yes |
| Commissioner Bell | Yes |
| Vice Mayor Gunter | Yes |
| Mayor Cheshire | No |

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

RESOLUTION 2017-021

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.

WHEREAS, the City of Fruitland Park is a member of the Lake County Library System and therefore is eligible to receive County library impact fees; and

WHEREAS, on May 18, 2017, the Lake County Library Advisory Board voted to recommend approval of funding for the construction and equipment costs related to capital improvements of the Fruitland Park library in the amount \$431,130.11; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds the agreement is beneficial to the City of Fruitland Park and its residents; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to enter into the 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.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The 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, a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the Mayor to execute the Interlocal Agreement.

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

PASSED AND RESOLVED this 22nd day of June, 2017, by the City Commission of the City of Fruitland Park, Florida.

SEAL

**CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA**

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

| | |
|---------------------|---|
| Mayor Cheshire | ____(Yes), ____ (No), ____ (Abstained), ____ (Absent) |
| Vice Mayor Gunter | ____(Yes), ____ (No), ____ (Abstained), ____ (Absent) |
| Commissioner Bell | ____(Yes), ____ (No), ____ (Abstained), ____ (Absent) |
| Commissioner Lewis | ____(Yes), ____ (No), ____ (Abstained), ____ (Absent) |
| Commissioner Ranize | ____(Yes), ____ (No), ____ (Abstained), ____ (Absent) |

Approved as to form:

Anita Geraci-Carver, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN
LAKE COUNTY, FLORIDA
AND
THE CITY OF FRUITLAND PARK
REGARDING
USE OF LIBRARY IMPACT FEES FOR THE FRUITLAND PARK PUBLIC LIBRARY
(2013, 2014, 2015 & 2017)**

THIS INTERLOCAL AGREEMENT is made by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the “County,” and the City of Fruitland Park, Florida, hereinafter the “City”, for use of library impact fee monies for the Fruitland Public Library located at 205 W. Berckman Street, Fruitland Park, Florida 34731, hereinafter the “Library”.

WHEREAS, Ordinance No. 2003-99, approved November 18, 2003, created a library impact fee for the purposes of providing a source of revenue to fund the construction or improvement of the County library system; and

WHEREAS, Section 22-61, Lake County Code, states that library impact fee money shall be used solely for the purpose of constructing or improving the county library system, including, but not limited to, design and construction plan preparation, permitting and fees, land acquisition, construction and design of new facilities, and acquisition of collection items, public access computers and other capital equipment; and

WHEREAS, the City entered into an interlocal agreement with the County to become a member of the Lake County Library System; and

WHEREAS, Lake County Policy LCC-63 sets forth the process for distribution of funds from the Library Impact Fee Trust Fund; and

WHEREAS, the City submitted three (3) Lake County Library Impact Fees Project Applications, copies of which are attached hereto and incorporated herein collectively as **Attachment “A”**, requesting a total amount of \$466,000.00 for construction and equipment costs related to capital improvements to the Library based upon demand placed on the Library; and

WHEREAS, on May 18, 2017, the Lake County Library Advisory Board voted to recommend approval of funding in the amount \$431,130.11 to the City.

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements set forth herein, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

2. **2017 Library Impact Fee Funds.** For the year 2017, the County agrees to provide funding in the maximum amount of **\$431,130.11** to the City from the Library Impact Fee Trust Fund, for the following:

A. The County agrees to provide funding to the City in the maximum amount of **Three Hundred Fifty Thousand Dollars and 00/100 (\$350,000.00)** to be used solely for the purchase of public use chairs, tables, computer tables, sitting cubes/stools and shelving for adult area, teen area and children area in the Library, as more particularly described in the City's application for use of library impact fee funding dated February 24, 2017, designated as application "A".

B. The County agrees to provide funding to the City in the maximum amount of **Sixteen Thousand Dollars and 00/100 (\$16,000.00)** to be used solely for the purchase of at least sixteen (16) public access computers for the Library, as more particularly described in the City's application for use of library impact fee funding dated February 24, 2017, designated as application "B".

C. The County agrees to provide funding to the City in the maximum amount of **Sixty-Five Thousand One Hundred Thirty Dollars and 11/100 (\$65,130.11)** in order to partially fund construction of a new library facility, as more particularly described in the City's application for use of library impact fee funding dated February 24, 2017, designated as application "C".

3. **2013, 2014, and 2015 Library Impact Fee Funds.**

A. The parties acknowledge that they entered into an Interlocal Agreement between Lake County, Florida and the City of Fruitland Park regarding use of the 2013, 2014, & 2015 Library Impact Fees for the Fruitland Park Library ("2013, 2014, & 2015 Interlocal Agreement"). Upon the effective date of this 2017 Agreement, the 2013, 2014, & 2015 Interlocal Agreement is hereby terminated.

B. For the year 2015, the County agrees to provide funding in the maximum amount of **Four Hundred Eighteen Thousand, Seven Hundred Twenty-Three Dollars and 00/100 (\$418,723.00)** to the City from the Library Impact Fee Trust Fund, in order to partially fund construction costs for a new library facility, as more particularly described in the City’s application for use of library impact fee funding dated May 22, 2015, and received by Lake County Library Services on June 1, 2015.

C. For the year 2014, the County agrees to permit the City to utilize the funding previously approved in the maximum amount of **Three Hundred Twenty-Two Thousand, Five Hundred Dollars and 00/100 (\$322,500.00)** for construction of a new library facility, as more particularly described in the City’s application for use of library impact fee funding in 2014.

D. For the year 2013, the County agrees to permit the City to utilize the funding approved in the 2013 Agreement in the maximum amount of **Two Hundred Fifty Thousand, Two Hundred Dollars and 00/100 (\$250,200.00)**, as more particularly described in the City’s application for use of library impact fee funding for 2013, for the following:

- (1) Construction of a new library facility, with impact fees devoted to this purpose at a total amount of Two Hundred Forty-Two Thousand Dollars and 00/100 (\$242,000.00); and
- (2) Purchase of seven (7) laptops with associated software and accessories, one (1) ImagePro LCD Projector, one (1) Projection Cart, and one (1) Projection Screen for the Library (hereinafter, “Equipment”), at a total cost of Eight Thousand, Two Hundred Dollars and 00/100 (\$8,200.00).

4. County Obligations. County’s payments to the City shall be made on a reimbursement basis with the submittal of an invoice and proper documentation. Invoices shall be submitted to Lake County Library Services Division Manager at P.O. Box 7800, Tavares, Florida 32778. Payments shall be made in accordance with Part VII, Chapter 218, Florida Statutes, known as the Florida Prompt Payment Act.

5. City Obligations.

A. In designing and constructing the new library facility, the City shall comply with all applicable provisions of the Florida Statutes regarding the bidding of professional services and construction services, including Section 255.0525, Section 255.20, and Section 287.055, Florida Statutes. The County shall have the right but not the obligation to review the competitive

bidding/selection process utilized by the City, and shall additionally have the right but not the obligation to review all bids or statements of qualifications received. In the event that the County determines that the City's procurement process is insufficient, the County shall require the City to reject all bids and re-bid the Project. However, if the City refuses to reject the bids and re-bid the Project, then the City may continue with the Project at the City's sole cost and expense and the County shall have the option to terminate this Agreement.

B. The City shall remain a member of the Lake County Library System for a period of ten (10) years following the effective date of this Agreement. In the event the City withdraws from the Lake County Library System within that ten (10) year period, the City shall repay the money granted herein as follows: for each year the City maintains its member status, the amount to be repaid shall be reduced by ten percent (10%). For example, if the City withdraws from the Lake County Library System after one (1) year from the effective date of this Agreement, the City shall repay the County ninety percent (90%) of the funding contribution that has been made to that point; after five (5) years, the City shall repay fifty percent (50%) of the funding contribution, etc.

6. Allowable Uses of Impact Fee Money. The City shall use the impact fee money granted herein for the purposes set forth in Section 22-61, Lake County Code. Further, the City, by executing this Agreement, certifies that the Project qualifies as a capital facility need resulting from new development and is not being constructed or undertaken to remedy an existing deficiency in library services, as such terms are defined within the adopted Lake County Comprehensive Plan, Capital Improvements Element.

7. Indemnification. The City shall, for good and valuable consideration and to the extent permitted by Florida law, protect, defend, indemnify, and hold the County, its officers, commissioners, employees and agents from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, including a reasonable attorneys' fee or other expenses or liabilities, of every kind and character resulting from any error, omission, or negligent act of the City, its agents, employees, or representatives in the performance of the obligations under this Agreement. Furthermore, nothing herein shall be construed as a waiver of sovereign immunity on the part of the County.

8. Effective Date, Term and Termination.

A. This Agreement shall become effective upon both parties executing the agreement (“effective date”) and it shall remain in force for four (4) years after the effective date. Either party shall have the right to terminate this Agreement for cause with thirty (30) days written notice to the other; provided, however, that in the event of termination by the County, the City shall be entitled to reimbursement of work relating to the construction of the new library facility or purchase of capital equipment as described herein up to and including the day of termination, as long as such work or purchase qualifies for impact fee money.

B. The parties agree and acknowledge that the project closeout date of construction of a new library facility shall not be entitled to four (4) years in addition to the two (2) provided in the 2013, 2014, & 2015 Interlocal Agreement. By way of this Agreement, the 2013, 2014, & 2015 Interlocal Agreement is terminated. The construction of a new library facility by the City must be completed within four (4) years of the effective date of this 2017 Agreement.

C. In the event construction of a new library facility has not been completed by the City within four (4) years after the effective date of this Agreement, this Agreement shall automatically terminate and any funding remaining will be unencumbered and may be made available by the County for any other purposes.

D. Reimbursement requests and required documentation by the City for purchases associated with the funding provided in paragraph 2(A) and 2(B) and 3(D) above, must be made within two (2) years of the effective date of this Agreement. The parties acknowledge that in accordance with these deadlines, any project funding remaining after this date will be unencumbered and may be made available by the County for any other purposes.

9. Modifications. Unless otherwise specified herein, no modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the parties hereto, with the same formality and of equal dignity herewith.

10. Notices.

A. All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

COUNTY
County Manager

CITY
City Clerk

P.O. Box 7800
Tavares, Florida 32778

506 W. Berckman Street
Fruitland Park, Florida 34731

With copy to:
: Library Services Division Manager Fruitland Park Library Director
P.O. Box 7800 205 W. Berckman Street
Tavares, Florida 32778 Fruitland Park, Florida 34731

B. All notices required, or which may be given hereunder, shall be considered properly given if (1) personally delivered, (2) sent by certified United States mail, return receipt requested, or (3) sent by Federal Express or other equivalent overnight letter delivery company.

C. The effective date of such notices shall be the date personally delivered, or if sent by certified mail, the date the notice was signed for, or if sent by overnight letter delivery company, the date the notice was delivered by the overnight letter delivery company.

D. Parties may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in a manner designated for the filing of notice hereunder.

11. Incorporation. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document.

12. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

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IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature: Lake County through its Board of County Commissioners, signing by and through its Chairman, and by the City of Fruitland Park through its City Commission, signing by and through its Mayor, its representative duly authorized to execute the same.

COUNTY

ATTEST:

LAKE COUNTY, FLORIDA through its
BOARD OF COUNTY COMMISSIONERS

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Timothy I. Sullivan, Chairman

This _____ day of _____, 2017.

Approved as to Form & Legality:

Melanie Marsh
County Attorney

CITY

ATTEST:

CITY OF FRUITLAND PARK FLORIDA

Esther Lewin-Coulson, City Clerk

Chris Cheshire, Mayor

This _____ day of _____, 2017.

Approved as to form and legality:

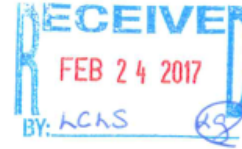
Anita Geraci-Carver, City Attorney

Attachment "A"

Appendix A
Lake County Library Impact Fees – PROJECT APPLICATION

Appendix A

Lake County Library Impact Fees
PROJECT APPLICATION
Application Deadline: March 1



A

1. **APPLICANT INFORMATION**

A. LEGAL NAME OF APPLICANT (Government)

City of Fruitland Park

B. APPLICANT ADDRESS

Street 205 W. Berckman Street PO Box if applicable _____

City Fruitland Park Zip Code 34731

C. APPLICATION REQUIREMENTS (Both 1 and 2 are required)


1. County library impact fee is assessed within municipality, or
____municipality collects local library impact fee which is equal to or greater than
county library impact fee, or

____municipality collects local library impact fee which is less than county library
impact fee and remits the difference between local and county impact fee to
county.

2. Municipality has a library which is a member of the Lake County Library
System, or

____is a newly created library which has submitted a letter of intent for the
municipality's library to become a Member of the LCLS in accordance with
LCC-7.

D. APPROVAL TO SUBMIT APPLICATION (By library governing body or City
Administrator)



Signature

Esther Coulson
City Clerk February 24, 2017

Name and Title

2. **LIBRARY INFORMATION**

A. NAME OF LIBRARY Fruitland Park Public Library

B. LIBRARY ADDRESS ___ Current Future

Street 604 W. Berckman Street City Fruitland Park Zip 34731

Appendix A

Lake County Library Impact Fees – PROJECT APPLICATION

3. **PROJECT MANAGER** (Library Director)

A. Name Jo-Ann Glendinning Telephone 352-360-6561

Fax 352-360-6691 E-mail jglendinning@mylakelibrary.org

4. **TYPE OF PROJECT**

A. CONSTRUCTION

Design & Engineering New Building Expansion

B. COLLECTIONS

C. EQUIPMENT

Public Access Computers Number

X Other (describe) Public use chairs, tables, computer tables, and shelving for adult area, teen area, and children's area.

5. **THIS PROJECT IS INCLUDED IN:** (Maximum of 5 points) (Mark all that apply)

Master Facilities Plan for Lake County Library System

City or County Capital Improvement Plan

Lake County Library System Long Range Plan of Service

Lake County Library System Annual Plan of Service

Other (Describe) _____

6. **COST OF TOTAL PROJECT** (Estimated) \$2.5 million

7. **AMOUNT REQUESTED** (Maximum of 10 points) \$350,000

8. **% OF PROJECT ELIGIBLE FOR IMPACT FEES** 100%

9. **PRIMARY SOURCE OF IMPACT FEES:** (Maximum of 10 points)

Applicant contributes to countywide library impact fee fund (10 points)

Applicant collects and retains impact fees locally (-10 points)

10. **PROJECT HISTORY** (Maximum of 5 points)

A. Is this a new project request:

Yes

No Year of 1st Request 2013

Fruitland Park Library Impact Fee Application 2017

11a. *Briefly describe the project:*

A

The City of Fruitland Park is in preparation for its new growth. "The Villages," a premier active adult retirement community based in Sumter and Lake Counties has developed into Fruitland Park. By early 2018, the City of Fruitland Park will have more than doubled its population to approximately 10,000 residents with the implementation of "The Villages of Fruitland Park."

The new projected facility with 12,000 square feet will be better equipped to handle the current community and the new growth.

11b. *Include justification for use of impact fees:*

Lake County Code-63, Library Impact Application and Distribution Process, stated the following: "to provide a source of revenue to fund the construction or improvement of the county library system necessitated by growth as delineated in the capital improvement element of the comprehensive plan."

11c. *Establish need for the project:*

In 1999 when the Fruitland Park Library was being built, the total population was 3,300. At that time, a 7000 square foot library would more than accommodate this small town.

Currently, our population stands at 5,500, a 67% increase, and by early 2018 when the new sub-divisions; "The Village of Pine Ridge" and "The Village of Pine Hills," which make up The Villages of Fruitland Park, are completed; there will be 2100 new homes. The addition will more than double our population. That's an increase of over 300% in our population since the library was built in 1999.

Presently, the Fruitland Park Library conducts all of its children's programming and special event programming in the center of the library due to space restrictions in the current children's area. There is currently no children's furniture in the children's room. The shelving is left over from the Teen Room and is too high for the children to reach. The new projected library will have its own designated children's location. This area will need chairs, tables, and computer tables, sitting cubes/stools and shelving to complete the space.

Fruitland Park Library Impact Fee Application

2017

The same situation occurs within the space of the current library which is designated "Teen Area." The new projected library will have its own Teen Room and furniture such as chairs, tables, lounge chairs and computer tables is needed.

The public sitting areas in the new projected library will need chairs, lounge chairs, tables, and computer tables. The furniture located throughout the library will provide comfortable seating. Some seating will be equipped with convenient tray tables that will swivel to be used as a writing surface or a place to put laptops or hand held devices. The tables will have convenient data ports attached to them for easy charging and plug-in use of equipment.

11d. Describe how the project will benefit the local community:

The new proposed building will have an open concept floor plan allowing for improved flow of traffic to better serve our increasing number of patrons. The furniture will provide sitting, lounging and study areas for the public to enjoy.

In addition to the many currently available programs and services we provide to the local community, this new building with chairs, tables, and extra seating, will also allow us to implement, to name a few, the following:

- Computer Classes and Computer Classes for seniors
- Provide a location to gather for Literacy and ESOL tutoring
- Provide a location to gather for afterschool programming and tutoring
- A dedicated room and seating for children's programming
- An area where public assistance/counselors (VA, DCF, SHINE, etc...) can come and help the public with their questions
- Various gathering/sitting areas
- A dedicated room and seating for Teen Programming

11e. Describe how the project will benefit county-wide library services:

Currently, the Fruitland Park Library has to limit its involvement in a lot of county programs due to significant space restrictions. The current library simply cannot accommodate the sizable attendance that these programs attract. The new library will have enough room to accommodate large events.

Fruitland Park Library Impact Fee Application 2017

The new projected Fruitland Park Library will be better equipped to accommodate popular Lake County Programs such as; Bookfest, the Summer Reading Program and programs through Lake County's Literacy and Learning Experience Coordinators. The addition of furniture in these program rooms (which total 1,800 square feet) to hold these much requested programs will be an asset to the community and this portion of the county.

Due to space constraints in the current building, we are restricted on acquisitions of materials. The new library will provide a larger Adult Fiction, Non-Fiction, and Large Print areas. There will be enough for 20,000 volumes just in this area. With the new building, we will be able to provide more materials to our community and our Lake County patrons as requested. With the addition of extra shelving, an improved selection of resources and materials will be available to support not only the Municipal Libraries, but we will be able to contribute to our Lake County Branch libraries as well.

Programming in the new projected library will enable us to increase the number of public programs (technology, literacy, and language) to better serve the communities in this part of Lake County, with the addition of the extra seating and tables.

11f. Provide an itemized cost estimate for equipment requests:

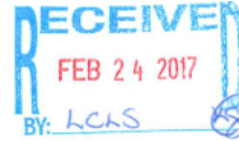
The estimated cost for the new Fruitland Park Library is \$2.5 million.

- Public Use: 14 tables, 51 chairs, 18 computer tables, 18 computer chairs
 - Community Rooms: 24 tables, 96 chairs
 - Teen Room: 1 table, 11 chairs, 4 computer tables, 4 computer chairs
 - Children's Room: 3 tables, 20 chairs, 8 computer tables, 8 computer chairs
 - Shelving
- \$350,000**

A detailed breakdown of cost and items is available upon request.

Attachment “B”

Appendix A
Lake County Library Impact Fees – PROJECT APPLICATION



Appendix A
Lake County Library Impact Fees
PROJECT APPLICATION
Application Deadline: March 1

B

1. **APPLICANT INFORMATION**

A. LEGAL NAME OF APPLICANT (Government)

City of Fruitland Park

B. APPLICANT ADDRESS


Street 205 W. Berckman Street PO Box if applicable _____

City Fruitland Park Zip Code 34731

C. APPLICATION REQUIREMENTS (Both 1 and 2 are required)

- 1. County library impact fee is assessed within municipality, or
 municipality collects local library impact fee which is equal to or greater than county library impact fee, or
 municipality collects local library impact fee which is less than county library impact fee and remits the difference between local and county impact fee to county.
- 2. Municipality has a library which is a member of the Lake County Library System, or
 is a newly created library which has submitted a letter of intent for the municipality's library to become a Member of the LCLS in accordance with LCC-7.

D. APPROVAL TO SUBMIT APPLICATION (By library governing body or City Administrator)



 Signature

 Esther Coulson City Clerk
 Name and Title

2. **LIBRARY INFORMATION**

A. NAME OF LIBRARY Fruitland Park Public Library

B. LIBRARY ADDRESS ___ Current Future

Street 604 W. Berckman Street City Fruitland Park Zip 34731

Appendix A

Lake County Library Impact Fees – PROJECT APPLICATION

3. PROJECT MANAGER (Library Director)

A. Name Jo-Ann Glendinning Telephone 352-360-6561
Fax 352-360-6691 E-mail jglendinning@mylakelibrary.org

4. TYPE OF PROJECT

- A. CONSTRUCTION
 Design & Engineering New Building Expansion
- B. COLLECTIONS
- C. EQUIPMENT
 Public Access Computers Number 16
 Other (describe) _____

5. THIS PROJECT IS INCLUDED IN: (Maximum of 5 points) (Mark all that apply)

- Master Facilities Plan for Lake County Library System
 City or County Capital Improvement Plan
 Lake County Library System Long Range Plan of Service
 Lake County Library System Annual Plan of Service
 Other (Describe) _____

6. COST OF TOTAL PROJECT (Estimated) \$2.5 million

7. AMOUNT REQUESTED (Maximum of 10 points) \$16,000

8. % OF PROJECT ELIGIBLE FOR IMPACT FEES 100%

9. PRIMARY SOURCE OF IMPACT FEES: (Maximum of 10 points)

- Applicant contributes to countywide library impact fee fund (10 points)
 Applicant collects and retains impact fees locally (-10 points)

10. PROJECT HISTORY (Maximum of 5 points)

A. Is this a new project request:

Yes
 No Year of 1st Request 2013

Appendix A

Lake County Library Impact Fees – PROJECT APPLICATION

B. Has project previously received funding from library impact fees?

Yes No

If Yes, was the project request partially or fully funded?

Year/s 2013-2016 Amount \$ 991,423

11. **PROJECT NARRATIVE** – (No more than 3 pages, Maximum of 30 points)

- a. Briefly describe project (0-5)
- b. Include justification for use of impact fees (0-5)
- c. Establish need for the project (0-5)
- d. Describe how the project will benefit the local community (0-5)
- e. Describe how the project will benefit county-wide library service (0-5)
- f. Provide an itemized cost estimate for equipment requests (0-5)

12. **APPLICANT PRIORITY RANKING** (If requesting more than one project) 2

13. **INITIAL YEAR OF PARTICIPATION** 1983

14. **COMPLETED BY:** Jo-Ann Glendinning **DATE:** 02/24/2017

RETURN THIS FORM TO: DIVISION MANAGER
LAKE COUNTY LIBRARY SYSTEM
2401 Woodlea Road, Tavares, FL 32778

Staff Use Only

Project Rating _____ Project Ranking _____
Recommended Level of Funding _____
Approved Level of Funding _____
Comments _____

Fruitland Park Library Impact Fee Application *2017*

B

11a. *Briefly describe the project:*

The City of Fruitland Park is in preparation for its new growth. "The Villages," a premier active adult retirement community based in Sumter and Lake Counties has developed into Fruitland Park. By early 2018, the City of Fruitland Park will have more than doubled its population to approximately 10,000 residents with the implementation of "The Villages of Fruitland Park."

The new proposed facility with 12,000 square feet will be better equipped to handle the current community and the new growth.

11b. *Include justification for use of impact fees:*

Lake County Code-63, Library Impact Application and Distribution Process, stated the following: "to provide a source of revenue to fund the construction or improvement of the county library system necessitated by growth as delineated in the capital improvement element of the comprehensive plan."

11c. *Establish need for the project:*

In 1999 when the Fruitland Park Library was being built, the total population was 3,300. At that time, a 7000 square foot library would more than accommodate this small town.

At that time, the city of Fruitland Park purchased one computer for the library and through the "Gates Foundation" four computers were provided for the library.

Currently, our population stands at 5,500, a 67% increase, and the library contains 16 public use computers utilized by adults, teens and children all in the same area. Depending on the time of day or even the day of the week, the amount of available computers satisfies the demands of the public. This does not hold true after school hours and when the children are out of school for the summer.

By early 2018 when the new sub-divisions; "The Village of Pine Ridge" and "The Village of Pine Hills," which make up "The Villages of Fruitland Park," are completed there will be 2100 new homes. The addition will more than double our population. That's an increase of over 300% in our population since the library was built in 1999.

Fruitland Park Library Impact Fee Application 2017

11d. *Describe how the project will benefit the local community:*

In addition to the many currently available programs and services we provide to the local community, the addition of the 16 computers will also allow us to implement, to name a few, the following:

- Computer Classes
- Computer Classes dedicated just for seniors
- Provide computers for Literacy and ESOL tutoring
- Provide computers for afterschool programming and tutoring
- A dedicated room for children's computers
- An area where public assistance/counselors (VA, DCF, SHINE, etc...) can come and help the public with their questions
- A dedicated room for Teen computers

The new building will allow not only the facilitation and expansion of existing programs and services, but will allow for establishing new ones as well.

The new proposed building will have an open concept floor plan allowing for improved flow of traffic to better serve our increasing number of patrons. The furniture located throughout the library will provide comfortable seating with convenient tray tables that will swivel, to be used as a writing surface or a place to put laptops or hand held devices.

Fruitland Park Library Impact Fee Application 2017

11e. *Describe how the project will benefit county-wide library services:*

With 1400 homes now occupied between "The Village of Pine Hills" and "The Village of Pine Ridge," we are starting to see an increase of new patrons coming to the library. A lot of these new patrons are using the computers for various activities.

At times, the library computers will all be occupied and visitors/patrons are unable and sometimes unwilling to wait for a computer. They will leave and go to a neighboring library potentially over taxing that library's resources.

With the addition of 16 computers this will alleviate this problem.

11f. *Provide an itemized cost estimate for equipment requests:*

As quoted by the Support Services Manager of the Lake County Library Services, it is estimated that the 16 computers would cost **\$16,000**.

Attachment "C"

Appendix A
Lake County Library Impact Fees – PROJECT APPLICATION



Appendix A
Lake County Library Impact Fees
PROJECT APPLICATION
Application Deadline: March 1

C

1. **APPLICANT INFORMATION**

A. LEGAL NAME OF APPLICANT (Government)

City of Fruitland Park

B. APPLICANT ADDRESS


Street 205 W. Berckman Street PO Box if applicable _____

City Fruitland Park Zip Code 34731

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 ___municipality collects local library impact fee which is equal to or greater than county library impact fee, or
 ___municipality collects local library impact fee which is less than county library impact fee and remits the difference between local and county impact fee to county.
- 2. Municipality has a library which is a member of the Lake County Library System, or
 ___is a newly created library which has submitted a letter of intent for the municipality's library to become a Member of the LCLS in accordance with LCC-7.

D. APPROVAL TO SUBMIT APPLICATION (By library governing body or City Administrator)

 _____
 Signature Name and Title

Esther Coulson City Clerk

 Name and Title

2. **LIBRARY INFORMATION**

A. NAME OF LIBRARY Fruitland Park Public Library

B. LIBRARY ADDRESS ___ Current Future

Street 604 W. Berckman Street City Fruitland Park Zip 34731

Appendix A

Lake County Library Impact Fees – PROJECT APPLICATION

3. **PROJECT MANAGER** (Library Director)

A. Name Jo-Ann Glendinning Telephone 352-360-6561

Fax 352-360-6691 E-mail jglendinning@mylakelibrary.org

4. **TYPE OF PROJECT**

A. CONSTRUCTION

Design & Engineering New Building Expansion

B. COLLECTIONS

C. EQUIPMENT

Public Access Computers Number

Other (describe) _____

5. **THIS PROJECT IS INCLUDED IN:** (Maximum of 5 points) (Mark all that apply)

Master Facilities Plan for Lake County Library System

City or County Capital Improvement Plan

Lake County Library System Long Range Plan of Service

Lake County Library System Annual Plan of Service

Other (Describe) _____

6. **COST OF TOTAL PROJECT** (Estimated) \$2.5 million

7. **AMOUNT REQUESTED** (Maximum of 10 points) \$100,000

8. **% OF PROJECT ELIGIBLE FOR IMPACT FEES** 100%

9. **PRIMARY SOURCE OF IMPACT FEES:** (Maximum of 10 points)

Applicant contributes to countywide library impact fee fund (10 points)

Applicant collects and retains impact fees locally (-10 points)

10. **PROJECT HISTORY** (Maximum of 5 points)

A. Is this a new project request:

Yes

No

Year of 1st Request 2013

Fruitland Park Library Impact Fee Application 2017

C

11a. *Briefly describe the project:*

The City of Fruitland Park is preparing for its new growth. "The Villages," a premier active adult retirement community based in Sumter and Lake Counties has developed into Fruitland Park. By early 2018, the City of Fruitland Park will have more than doubled its population to approximately 10,000 residents with the implementation of "The Villages of Fruitland Park."

The new proposed facility with 12,000 square feet will be better equipped to handle the current community and the new growth.

11b. *Include justification for use of impact fees:*

Lake County Code-63, Library Impact Application and Distribution Process, stated the following: "to provide a source of revenue to fund the construction or improvement of the county library system necessitated by growth as delineated in the capital improvement element of the comprehensive plan."

11c. *Establish need for the project:*

In 1999 when the Fruitland Park Library was being built, the total population was 3,300. At that time, a 7000 square foot library would more than accommodate this small town.

Currently, our population stands at 5,500, a 67% increase, and by early 2018 when the new sub-divisions; "The Village of Pine Ridge" and "The Village of Pine Hills," which make up The Villages of Fruitland Park, are completed; there will be 2100 new homes. The addition will more than double our population. That's an increase of over 300% in our population since the library was built in 1999.

Presently, the Fruitland Park Library conducts all of its children's programming and special event programming in the center of the library due to space restrictions in the community room. For example, on Wednesday mornings at 10:30 a.m. the community knows not to come to the library because of story time. It has become an interruption and interference with regular library business being conducted during this time. This popular program has more than doubled in the last 2 years and it's becoming harder to handle the needs of this program.

Fruitland Park Library Impact Fee Application 2017

Another example would be when we provide AARP Tax Aide here at the library. This popular program has grown to the point where we need to add another two days to the schedule, but cannot due to other programming taking place in the community room.

Also, we receive frequent requests from local, state and government non-profit agencies to utilize our space to conduct outreach, meeting and training to the community.

11d. Describe how the project will benefit the local community.

In addition to the many currently available programs and services, this new building will also allow us to implement, to name a few, the following:

- Computer Classes and Computer Classes for seniors
- Provide a location for Literacy and ESOL tutoring
- Provide a location for afterschool programming and tutoring
- A dedicated room for children's programming
- An area where public assistance/counselors (VA, DCF, SHINE, etc...) can come and help the public with their questions
- Host author book signings
- Various group and club meetings
- Teen Programming

The need is here in this community. Currently, we send the public to other locations for these services. A new building will allow not only the facilitation and expansion of existing programs and services, but will allow for establishing new ones as well.

Due to space constraints in the current building, we are restricted on acquisitions of materials. The new facility will offer 5000 square feet more floor space than the current building. This will provide a larger Adult Fiction, Non-Fiction, and Large Print areas.

The new proposed building will have an open concept floor plan allowing for improved flow of traffic to better serve our increasing number of patrons. Due to a lack of available space and our growing population, this is an ongoing issue in our current building.

Fruitland Park Library Impact Fee Application 2017

11e. *Describe how the project will benefit county-wide library services:*

The new proposed Fruitland Park Library will be able to provide more materials and resources to our community and our Lake County patrons as requested. An improved selection of resources and materials will be available to support not only the Municipal Libraries, but our Lake County Branch Libraries as well.

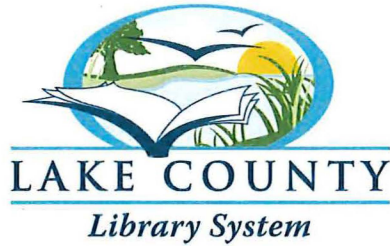
Programming in the new projected library will enable us to increase the number of public events and classes to better serve the community in this part of Lake County.

Currently, the Fruitland Park Library has to limit its involvement in a lot of county programs due to significant space restrictions. The current library simply cannot accommodate the sizable attendance that these programs attract. The new Fruitland Park Library will have enough room to accommodate large events with a total of 1,800 square feet of meeting space between the three meeting rooms.

11f. *Provide an itemized cost estimate for equipment requests:*

The estimated cost for the new Fruitland Park Library is \$2.5 million.

- Construction and construction to include Interior Public Upgrades.
\$100,000



June 13, 2017

Gary La Venia, City Manager
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731-3239

Mr. La Venia:

Enclosed are two originals of an interlocal agreement between Lake County and your municipality relating to the distribution of funds from the Lake County Library Impact Fee Trust Fund for construction and equipment costs related to capital improvements to the Fruitland Park Public Library. Please ensure that this document is presented to your governing body for approval at the earliest opportunity.

When approved, please return both signed originals to Lake County Library System for presentation to the Lake County Board of County Commissioners.

Sincerely,

Ava Barrett
Library Services Division Manager

AB/kg
Enclosures

cc: Timothy Sullivan, Chairman, Lake County Board of County Commissioners
Josh Blake, Commissioner, District 5, and Library Liaison
Bill Veach, Deputy County Manager
Melanie Marsh, County Attorney
Jo-Ann Glendinning, Director, Fruitland Park Public Library
Esther Lewin-Coulson, City Clerk, City of Fruitland Park

P.O. BOX 7800 • 2401 WOODLEA ROAD, TAVARES, FL 32778 • P 352.253.6180 • F 352.253.6184
Board of County Commissioners • www.mylakelibrary.org

TIMOTHY I. SULLIVAN
District 1

SEAN M. PARKS, AICB, QEP
District 2

WENDY R. BREEDEN
District 3

LESLIE CAMPIONE
District 4

JOSH BLAKE
District 5



**AGENDA ITEM
NUMBER**

5a

AGENDA ITEM SUMMARY SHEET

| | | | | |
|--------------------------------|--|-----|---|----|
| ITEM TITLE: | Resolution 2017-021– Recreation Facilities Fee | | | |
| For the Meeting of: | June 22, 2017 | | | |
| Submitted by: | City Manager/City Attorney/Parks and Recreation Director | | | |
| Date Submitted: | June 1, 2017 | | | |
| Are Funds Required: | | Yes | X | No |
| Account Number: | | | | |
| Amount Required: | | | | |
| Balance Remaining: | | | | |
| Attachments: | Resolution 2017-021 | | | |
| Description of Item: | See proposed Recreation Fees Ordinance 2017-018 under Item 5.(d) | | | |
| Action to be Taken: | Adopt Resolution 2017-021 | | | |
| Staff's Recommendation: | Approval | | | |
| Additional Comments: | | | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2017-020

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.

WHEREAS, the City is authorized pursuant to Chapter 166, Florida Statutes and Sec. 99.90 of the City of Fruitland Park Code of Ordinances to establish fees for use of its facilities and services offered; and

WHEREAS, the City Commission desires to recover expenses in maintaining its facilities and in providing services; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida, has determined these expenses should be passed on to the users.

THEREFORE BE IT RESOLVED by the City Commission of the City of Fruitland Park, Florida, as follows:

1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.
2. The City Commission hereby adopts the Recreation and Facilities Fee Schedule attached hereto as **Exhibit A**.
3. This resolution shall be effective immediately upon adoption.

PASSED AND RESOLVED this 22 day of June 2017, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

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

Approved as to form:

Anita Geraci-Carver, City Attorney

EXHIBIT A

RECREATION AND FACILITIES FEE SCHEDULE

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

| | |
|--|---------|
| Concession trailer rental, per day | \$25.00 |
| Key deposit | \$20.00 |
| Stand-alone concession space rental, per day | \$10.00 |
| Cales Field concession rental, per day | \$20.00 |
| Key deposit | \$20.00 |
| Veterans Field concession rental, per day | \$20.00 |
| Key deposit | \$20.00 |
| Special events (Fruitland Park Day, Arts and Craft Show, etc.) | |
| Booth space, no electric | \$20.00 |
| Booth space, electric | \$40.00 |
| Park pavilion reservation fee | |
| Gardenia Pavilion, full day | \$20.00 |
| Veterans Pavilion, full day | \$20.00 |
| Summer sports camp program, per day, per person | \$10.00 |
| Aerobics, user fee, per person | |
| four weeks, eight classes, per person | \$40.00 |
| four weeks, four classes, per person | \$20.00 |
| League—Sports programs | |
| User fee, per person | |
| <i>Baseball</i> | |
| First player | |
| Resident | \$30.00 |
| Nonresident | \$35.00 |
| Each additional player | |
| Resident | \$25.00 |
| Nonresident | \$30.00 |

| | | |
|---|--|----------|
| <i>T-ball</i> | | |
| First player | | |
| Resident | | \$30.00 |
| Nonresident | | \$35.00 |
| Each additional player | | |
| Resident | | \$25.00 |
| Nonresident | | \$30.00 |
| <i>Football</i> | | |
| First player | | |
| Resident | | \$30.00 |
| Nonresident | | \$35.00 |
| Each additional player | | |
| Resident | | \$25.00 |
| Nonresident | | \$30.00 |
| <i>Tennis</i> | | |
| First player | | |
| Resident | | \$30.00 |
| Nonresident | | \$35.00 |
| Each additional player | | |
| Resident | | \$25.00 |
| Nonresident | | \$30.00 |
| 4' × 8' fence sign, per sign | | \$200.00 |
| Additional years, per year | | \$100.00 |
| Men's softball league | | |
| League player fee | | |
| Resident | | \$30.00 |
| Nonresident | | \$35.00 |
| Softball sponsor per team | | \$250.00 |
| Tournament fee (seven-day maximum event, plus cost) | | \$125.00 |
| Field rental | | |
| Per daytime hour | | \$10.00 |

| | |
|---|----------|
| Per nighttime hour | \$20.00 |
| City sponsored dances, per person | |
| Parents' Night Out | |
| Resident | \$15.00 |
| Each additional member | \$10.00 |
| Horseshoe courts/tournament fee (three-day max), per day | \$20.00 |
| Day Camp (six hours per day for two-week session), per person, per session. | \$100.00 |
| Car show | |
| Sponsorship | \$100.00 |
| Entry fee, per car | No fee |
| 5K race | |
| Entry fee, per person | \$25.00 |
| Early entry fee, per person | \$20.00 |
| Sponsorship, per year | \$200.00 |
| Pool | |
| General admission | |
| Resident | |
| Per visit | \$2.50 |
| Per 20-visit card | \$45.00 |
| Per 30-visit card | \$70.00 |
| Nonresident | |
| Per visit | \$3.50 |
| Per 20-visit card | \$65.00 |
| Per 30-visit card | \$100.00 |
| Daycares, organized groups, per person (groups of 12 or more) | \$3.00 |
| Water safety instruction | \$75.00 |
| Outside instructor | \$15.00 |
| Swim lessons | |
| Resident, per person | \$30.00 |
| Nonresident, per person | \$40.00 |

| | |
|---|---------|
| Exercise class—Two days per week, per month | |
| Resident | \$30.00 |
| Nonresident | \$50.00 |
| Exercise class—Three days per week, per month | |
| Resident | \$40.00 |
| Nonresident | \$60.00 |
| Private pool rental, per hour, two-hour minimum | \$60.00 |
| Lap swim | |
| Resident | \$2.00 |
| Nonresident | \$3.00 |



**AGENDA ITEM
NUMBER**
5b

AGENDA ITEM SUMMARY SHEET (Revised)

| | | | |
|--------------------------------|---|-----|------|
| ITEM TITLE: | CR 466A Phase IIIA, Agreement – BESH | | |
| For the Meeting of: | June 22, 2017 | | |
| Submitted by: | City Manager/Community Development Director | | |
| Date Submitted: | June 16, 2017 | | |
| Are Funds Required: | | Yes | X No |
| Account Number: | | | |
| Amount Required: | | | |
| Balance Remaining: | | | |
| Attachments: | Yes | | |
| Description of Item: | fa | | |
| Action to be Taken: | Motion to approve | | |
| Staff's Recommendation: | Approval | | |
| Additional Comments: | | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

CIVIL ENGINEERING AND SURVEYING SERVICES PROPOSAL/AGREEMENT

FOR

**CITY OF FRUITLAND PARK
COUNTY ROAD 466A, PHASE 3 A
UTILITY ADJUSTMENTS
(BESH #081040.0047)**

ENGINEERS:

Booth, Ern, Straughan & Hiott, Inc.
Duane K. Booth, P.E., Principal
902 N. Sinclair Avenue
Tavares, Florida 32778
(352) 343-8481 phone
(352) 343-8495 fax
duanebooth@besand.com

CLIENT:

City of Fruitland Park
Charlie Rector, Community Development
Director/Public Works Director
506 W. Berckman Street
Fruitland Park, Florida 34731
(352) 360-6795 - Phone
(352) 360-6652 - Fax
crector@fruitlandpark.org

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

CIVIL ENGINEERING AND SURVEYING SERVICES PROPOSAL/AGREEMENT

SCOPE OF WORK:

Prepare Utility Adjustment Plans to relocate water and sewer utilities within the C.R. 466A corridor due to the Lake County road widening project. The Lake County C.R. 466A Phase 3A project proposes to widen C.R. 466A from Spring Lake Road to Sunny Court. Based on the County's road widening plans, most of the City's water lines are in conflict with proposed improvements and need to be relocated and City wishes to extend sewer force main. The County is scheduled to start construction October 2017.

SCOPE OF SERVICES:

Detailed scope of services is outlined in the itemized tasks below.

TASK 001 UTILITY LOCATE

Locate existing utility to remain and connection points for adjusted utility. Verify location of dry underground utilities at intersections and mid block for potential conflict with new water main and force main.

FEE: \$2,600.00

TASK 002 SURVEY

Set up horizontal and vertical control along proposed corridor. Make survey ties to right of way and locate utilities (horizontal and vertical) as marked under Task 001.

FEE: \$2,760.00

TASK 003 UTILITY RELOCATION PLANS

Prepare Utility Relocation Plans in accordance with Lake County and City of Fruitland Park requirements. Road construction plan base sheets to be obtained from Kimley-Horn and Associates, Inc. to overlay utility and survey information and prepare utility adjustment design. Plans will be 1"=2' scale on 11 x 17 paper size. BESH will coordinate with Kimley-Horn and Associates, Inc., Lake County, and City of Fruitland Park for design adjustments to minimize cost of utility adjustments.

FEE: \$14,300.00

TASK 004 PERMITTING

BESH shall prepare the required permit applications and make submittal to the following agencies as necessary to properly permit the utility adjustments.

1. Prepare and submit application and supporting documents to Florida Department of Environmental Protection for Water Distribution permit.
2. Prepare and submit application and supporting documents to Florida Department of Environmental Protection for Sanitary Sewer Collection/Transmission permit.
3. Prepare and submit application for Lake County Right-of-Way Utilization Permit.

FEE: \$4,000.00

TASK 005 PROJECT ADMINISTRATION

The scope of services shall include administrative services necessary to coordinate all aspects of the project through the planning, design and permitting phase. These services shall include project scheduling with all regulatory agencies and public utility companies during the design and permitting phase of the project.

FEE: \$2,000.00

TASK 006 CONSTRUCTION BID DOCUMENTS/BIDDING SERVICES

Services to include preparation of bid documents and specifications. Booth, Ern, Straughan & Hiott, Inc., shall coordinate with the City and Lake County to incorporate utility adjustment work into Lake County roadway bid process. Attend pre-bid meeting with the County, answer contractor request for additional information during the bid process and evaluate bids to make recommendation.

FEE: \$2,500.00

TASK 007 CONSTRUCTION ADMINISTRATION

Booth, Ern, Straughan & Hiott, Inc., will advise and consult with Owner and act as its representative during construction. Booth, Ern, Straughan & Hiott, Inc., will make weekly visits to the site to observe the progress and quality of the executed site work and to determine in general if the work is proceeding in accordance with the construction drawings. Booth, Ern, Straughan & Hiott, Inc., will review and approve shop drawings, results of tests and inspections and other data that the contractor is required to submit.

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

Based upon the on-site observations and signed/sealed survey as-builts to be provided by Contractor, Booth, Ern, Straughan & Hiott, Inc., shall prepare and submit certifications of completions to the following State and local agencies as required:

1. City of Fruitland Park
2. Florida Department of Environmental Protection.
3. Lake County

FEE: \$8,000.00

TASK 999 REIMBURSABLES

Costs for reimbursables, including printing, copying, blueprints, binding, mileage, etc, shall be billed at the rates shown in the attached Rate Schedule, or at cost.

FEE: \$500.00 (estimated, to be billed at cost)

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (352) 360 6790, ecoulson@fruitlandpark.org, 506 West Berckman Street, Fruitland Park, FL 34731.

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

SUMMARY

| TASK | AMOUNT |
|--------------|---------------------|
| TASK 001 | \$ 2,600.00 |
| TASK 002 | \$ 2,760.00 |
| TASK 003 | \$ 14,300.00 |
| TASK 004 | \$ 4,000.00 |
| TASK 005 | \$ 2,000.00 |
| TASK 006 | \$ 2,500.00 |
| TASK 007 | \$ 8,000.00 |
| TASK 999 | \$ 500.00 |
| TOTAL | \$ 36,660.00 |

THIS PROPOSAL DOES NOT INCLUDE THE FOLLOWING ITEMS:

1. Environmental Assessments
2. Florida Fish and Wildlife Conservation Commission Permit
3. Reimbursables to be billed based upon direct expense incurred by Booth, Ern, Straughan & Hiott, Inc., for blueprints, copies, mylars, reproductions, postage, etc.

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

**HOURLY RATE SCHEDULE
(2017)**

Professional Services shall be charged at the following rate schedule:

ENGINEERING

| | |
|--|---------------|
| PROFESSIONAL ENGINEER (PRINCIPAL) | \$160.00/HOUR |
| PROFESSIONAL ENGINEER | \$135.00/HOUR |
| PROJECT ENGINEER | \$115.00/HOUR |
| ENGINEER TECHNICIAN I | \$100.00/HOUR |
| ENGINEER TECHNICIAN II | \$80.00/HOUR |
| BUILDING INSPECTOR | \$65.00/HOUR |
| CONSTRUCTION ENGINEER | \$90.00/HOUR |
| EXPERT TESTIMONY PROFESSIONAL ENGINEER | \$300.00/HOUR |

SURVEYING

| | |
|--|---------------|
| PROFESSIONAL SURVEYOR (PRINCIPAL) | \$160.00/HOUR |
| PROFESSIONAL SURVEYOR | \$115.00/HOUR |
| 3 MAN FIELD CREW | \$150.00/HOUR |
| 2 MAN FIELD CREW | \$130.00/HOUR |
| SURVEY TECHNICIAN I | \$100.00/HOUR |
| SURVEY TECHNICIAN II | \$80.00/HOUR |
| SURVEY TECHNICIAN III | \$35.00/HOUR |
| TITLE RESEARCHER | \$115.00/HOUR |
| EXPERT TESTIMONY PROFESSIONAL SURVEYOR | \$300.00/HOUR |

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

All printing for this project shall be billed out at the following rate schedule, plus sales tax:
(Outside Copying Services will be billed at cost)

Engineering Bond Copies

Black & White

11 x 17.....\$1.25
24 x 36.....\$2.50

Color Copies

11 x 17.....\$2.00
24 x 36.....\$6.00

Black & White Copies

8 ½ x 11.....\$0.10
8 ½ x 14.....\$0.10
11 x 17.....\$0.20

Color Copies

8 ½ x 11.....\$0.25
8 ½ x 14.....\$0.25
11 x 17.....\$0.45

Other Printing Services

24 x 36 Mylar.....\$12.00
24 x 36 Photo Paper, Color..... \$36.00
24 x 36 Foam Board.....\$30.00

Other Services

Fax/Scan.....\$0.05/Page
Postage (Fed-Ex, Certified Mail, Etc)...@ cost
Concrete Monuments..... \$11.00
Rebar..... \$2.00
Mileage (T/M Projects Only)..... \$0.59

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

TERMS AND CONDITIONS

I. GENERAL CONDITIONS

A. AGREEMENT:

These terms and conditions are attached to and made part of the proposal for services (the "Proposal for Services") by which Booth, Ern, Straughan & Hiott, Inc. ("BESH") has agreed to perform certain professional engineering and/or surveying services for and on behalf of City of Fruitland Park ("Client"). The Proposal for Services, these terms and conditions, the hourly rate schedule, and the executed authorization to proceed attached to these terms and conditions shall constitute a contract (hereinafter referred to as the "Agreement") for the provision of services by BESH to and on behalf of Client.

B. TERMINATION:

This Agreement may be terminated by either party by furnishing written notice to the other party at least thirty (30) days prior to the effective date of termination. In the event that this Agreement is terminated by either party, Client shall pay BESH for all services performed and expenses incurred through the date of termination.

C. DOCUMENTS:

ENGINEERING DOCUMENTS

All original drawings, computations, details, design calculations, and electronic media that result from engineering services performed by BESH pursuant to this Agreement are and at all times shall remain the property of BESH. Signed and sealed construction plans, pdf files and AutoCad files will be issued to the Client as needed for permitting, bidding and construction. In doing so, Client agrees that no additions, deletions, changes or revisions shall be made to any of said documents without the express written approval of BESH. If payment for services is not received in accordance with Section II.(C)(Payment) of this Agreement, BESH reserves the right not to release any documents until payment is made current.

SURVEYING DOCUMENTS

All original drawings, computations, details, design calculations, field notes, and electronic media that result from surveying services performed by BESH pursuant to this Agreement are and at all times shall remain the property of BESH. Signed and sealed surveys may be obtained for a period of time up to ninety (90) days after issuance of the survey, and certifications may be revised during that same period of time for a fee of \$50.00 for each revision. Upon payment in full for services completed, and within the same period of ninety (90) days, Client, at Client's expense, may obtain copies of any documents or reproducible copies of drawings. In doing so, Client agrees that no additions, deletions, changes or revisions shall be made to any of said documents without the express written approval of BESH. After ninety (90) days and within one hundred eighty (180) days following issuance of the survey, BESH will revise certifications and will visually inspect the subject property for the purpose of reissuing a signed and sealed survey, charging its then-current hourly rates for performing said services and reissuing the survey.

D. FEE RENEGOTIATION:

The Proposal for Services describes the specific services to be performed and tasks to be undertaken by BESH for and on behalf of Client, and states the fee (the contract price) for each service and task. Except as otherwise provided in this Agreement, the contract prices quoted in the Proposal for Services shall remain in effect for a period of two (2) years from the date of execution of this Agreement. After the expiration of two (2) years from the date hereof, the contract prices stated in the Proposal for Services shall be renegotiated between BESH and Client with respect to all services and tasks that have not been completed by that date. The hourly rates set forth in the hourly rate schedule that is part of this Agreement shall apply to all **additional services** requested by Client outside the scope of the services and tasks described in the Proposal for Services. Said hourly rates are applicable through December 31st of the year in which this Agreement was executed, and are subject to renegotiation on January 1 of each year thereafter.

E. REGULATORY REQUIREMENTS:

The contract prices and hourly rates set forth in this Agreement have been quoted based on all federal, state and local regulations in effect as of the date that the authorization to proceed work is signed by the latter of BESH and Client. If any of said regulations change during the permitting and design phase of this project, BESH reserves the right to increase fees for services that may be affected by regulatory changes upon written notice to the Client.

F. PERMIT ACQUISITION

BESH cannot guarantee the acquisition of any or all of the permits and/or approvals that shall be required for Client's project. BESH agrees that it shall exercise its best efforts try to obtain all of the necessary permits and/or approvals. Nevertheless, Client shall be responsible for payment of all consulting fees due BESH regardless of agency/governmental actions, including without limitation the failure of one or more governmental agencies to give the necessary approval for the project.

II. COMPENSATION

A. ADDITIONAL SERVICES:

BESH shall be fully compensated by Client for all additional services performed by BESH, including, without limitation, the following:

1. Changes made at Client's request to the scope of services defined in this Agreement.
2. Revisions made necessary as a result of changes to local, state or federal governmental requirements after the date of this Agreement.
3. Redesign per Client after preliminary design has been submitted to the relevant approving agency.

Client must sign a separate authorization to proceed form (a "Change Order") for each change in scope of services requested by Client before BESH is obligated to perform the revised scope of services.

B. OUT-OF-POCKET EXPENSES:

In addition to the fee schedule set forth in the Proposal for Services and the hourly rates to be charge for all additional services performed by BESH, BESH shall be reimbursed for all out-of-pocket expenses incurred by BESH, including, without limitation: blueprints, copies, plots, aerials, express deliveries, specialized postage, overnight courier services (such as Federal Express and UPS) and

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

travel outside of the Central Florida area (greater than 25 miles from BESH's office located in Tavares, Florida). Printing and mileage expenses are set forth on the hourly rate schedule that is part of this Agreement. All other charges shall be billed to and paid by Client based on the actual costs incurred by BESH.

C. PAYMENT:

BESH shall submit invoices to Client on a semi-monthly (twice per month) basis. On each invoice, BESH will bill for its services in accordance with the hourly rate schedule included as part of this Agreement. The invoice also will identify the task or the tasks from the Proposal for Services on which BESH performed services during the billing period. If the Proposal for Services states a lump sum dollar figure for any particular task, the lump sum amount will represent a "not to exceed" figure for the task in question, and BESH will continue to bill by the hour for its services on that task until the "not to exceed" figure has been billed in full. Thereafter, unless the scope of services to be performed by BESH pursuant to said task has been changed and the compensation to be paid to BESH has been modified pursuant to Section II.A. of these Terms and Conditions, BESH will continue to perform its services under that task without additional charges for its services until BESH has performed all work required by that task. Client shall notify BESH in writing within ten (10) days from the date of the invoice if Client has any questions about the services performed or the charges for those services as reflected on the invoice. Client waives any and all challenges to the services performed and the charges for those services not raised within said ten (10) day timeframe. All invoices shall be due and payable in full within fourteen (14) days from the date of the invoice. All unpaid balances that remain unpaid after fourteen (14) days from the date of the invoice shall be subject to interest on the unpaid balance at the rate of 1.5% per month.

All outstanding invoices shall be paid in full by Client prior to plan submittal to any permitting agency, preparation of Final Plans for building purposes, Final Recording of Record Plat, and/or Final Certification of Completion to state and local agencies. BESH shall have no obligation under this Agreement to submit or prepare any of the foregoing materials unless and until Client complies with this requirement. In addition, in the event that any balance remains unpaid for at least 45 days from the date of the invoice which included the unpaid balance, BESH shall have the right to terminate any and all further work on the project until Client has paid said balance in full.

III. MISCELLANEOUS

A. FORCE MAJEURE:

BESH shall not be liable for any delays or failure in performance due to contingencies beyond BESH's reasonable control including, without limitation, acts of God, war, fire, explosion, flood, epidemic, severe weather, earthquake, rainstorm, riots, theft, accidents, strike, work stoppage, acts or regulations of a governmental entity, shortages of vehicles, fuel, power, labor or material, delays of other companies or contractors, or any other causes whatsoever whether similar or dissimilar to those previously enumerated. In the event of delay caused by any of the foregoing, BESH's time for performance shall be extended for such time as may be reasonably necessary to enable BESH to perform.

B. LIMITATION OF LIABILITY:

UNDER NO CIRCUMSTANCES SHALL BESH BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING WITHOUT LIMITATION LOST PROFITS, LIQUIDATED DAMAGES, DELAYS, LOSS OF PRODUCTIVITY, INEFFICIENCY, LOSS OF GOOD WILL, OR ANY OTHER DAMAGES WHICH ARE SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL. THE LIABILITY OF BESH TO CLIENT, FOR ANY CAUSE OR COMBINATION OF CAUSES ARISING OUT OF OR RELATED TO THIS AGREEMENT, SHALL BE

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

LIMITED TO THE TOTAL AMOUNT OF THE COMPENSATION PAID BY CLIENT TO BESH PURSUANT TO THIS AGREEMENT.

C. ENTIRE AGREEMENT:

This Agreement constitutes the entire agreement between BESH and Client and supercedes any and all prior or contemporaneous understandings, representations and agreements, oral or written. No amendment, modification or waiver hereof will be binding on BESH unless made in writing and duly executed by an authorized representative of BESH.

D. WAIVER:

The failure of BESH to enforce any provision of this Agreement or to exercise any right accruing through the default of the Client hereunder, shall not constitute a waiver of any other rights of BESH with respect to this Agreement.

E. COSTS AND ATTORNEY'S FEES:

In the event of any litigation to enforce the terms of this Agreement, BESH shall be entitled to recover court costs and reasonable attorney's fees for all proceedings, including at the trial court level, on appeal, and in connection with bankruptcy court proceedings. In the event that BESH retains the services of an attorney to collect from Client any sums due hereunder, BESH shall be entitled to recover from Client all fees and costs incurred with said attorney, whether suit is brought or not.

F. GOVERNING LAW; VENUE:

This Agreement shall be governed by and construed under the laws of the State of Florida. Venue for any proceeding based upon this Agreement shall lie exclusively in the state court of competent jurisdiction in Lake County, Florida.

G. SEVERABILITY:

If any provision of this Agreement is held invalid or otherwise unenforceable, the enforceability of the remaining provisions shall not be impaired thereby but rather this Agreement shall be construed as if not containing the particular invalid or unenforceable provision or provisions and the rights and obligations of the parties shall be construed and enforced accordingly.

H. STATEMENT REGARDING DESIGN PROFESSIONALS (ABSENCE OF LIABILITY).

THIS AGREEMENT HAS BEEN ENTERED INTO BETWEEN CLIENT AND BESH. CLIENT ACKNOWLEDGES AND AGREES THAT THE INDIVIDUAL EMPLOYEES AND AGENTS OF BESH, INCLUDING WITHOUT LIMITATION THE DESIGN PROFESSIONALS WHO ARE EMPLOYEES OR AGENTS OF BESH, ARE NOT PARTIES TO THIS AGREEMENT. PURSUANT TO SECTION 558.0035, FLORIDA STATUTES, THE INDIVIDUAL EMPLOYEES OR AGENTS OF BESH (INCLUDING WITHOUT LIMITATION ALL ENGINEERS, SURVEYORS, AND OTHER

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

DESIGN PROFESSIONALS WHO ARE EMPLOYEES OR AGENTS OF BESH), SHALL NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF OR RELATED TO ANY WORK PERFORMED BY SAID EMPLOYEES OR AGENTS PURSUANT TO THIS AGREEMENT.

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

AUTHORIZATION TO PROCEED

**PROPOSAL FOR CIVIL ENGINEERING AND SURVEYING SERVICES
AS DESCRIBED IN THE ATTACHED PROPOSAL**


To acknowledge your agreement with the terms and conditions set forth in this Agreement (consisting of the Proposal for Services, the Terms and Conditions, the Hourly Rate Schedule and this Authorization to Proceed), and to provide Booth, Ern, Straughan & Hiott, Inc. (BESH) with Client's authorization to proceed with the work described in the Agreement, please fill out and sign the Authorization to Proceed below and return it to our office. We will schedule the work upon receipt of the executed Authorization to Proceed. The contract prices, hourly rates, and costs for printing and similar expenses set forth in this Agreement shall be valid for ninety (90) days from the date of this proposal. If this Agreement is not accepted by Client within said period of ninety (90) days, BESH reserves the right to modify any and all of the contract prices, hourly rates and cost figures set forth herein.

Retainer Amount: \$ _____

THIS PROPOSAL/AGREEMENT ACCEPTED THIS _____ DAY OF _____, 2017.

Booth, Ern, Straughan & Hiott, Inc.

Client

Signature  _____
By: Duane K. Booth, P.E. _____
Title: Principal _____

Signature _____
By: _____
Title: _____

PROJECT: City of Fruitland Park C.R. 466A, Phase 3A, Utility Adjustments
CLIENT: City of Fruitland Park
DATE: June 15, 2017

CLIENT INFORMATION FORM

To assist Booth, Ern, Straughan & Hiott, Inc., to prepare the requested proposal, please complete the information below:

PRINT NAME & TITLE: _____

COMPANY NAME: _____

BILLING ADDRESS: _____

PHONE: _____

FAX: _____

E-MAIL: _____

DATE: _____

CLIENT REPRESENTATIVE: _____

IS CLIENT THE OWNER OF THE SUBJECT PROPERTY?:

YES: _____

NO: _____

(If no, Booth, Ern, Straughan & Hiott, Inc., reserves the right to require a retainer prior to commencing services.)

Is the property accessible? If gated/locked, who shall BESH contact to gain access to the property?

NAME AND PHONE NUMBER: _____

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____



**AGENDA ITEM
NUMBER**

5c

AGENDA ITEM SUMMARY SHEET

| | | | |
|--------------------------------|--|-----|------|
| ITEM TITLE: | Ordinance 2017-018– Recreation Fees | | |
| For the Meetings of: | June 8, 2017 and June 22, 2017 | | |
| Submitted by: | City Manager/ City Attorney/Parks and Recreation Director | | |
| Date Submitted: | May 26, 2017 | | |
| Are Funds Required: | | Yes | X No |
| Account Number: | | | |
| Amount Required: | | | |
| Balance Remaining: | | | |
| Attachments: | Ordinance 2017-018 | | |
| Description of Item: | <p>The first reading was held on June 8, 2017. (See resolution setting the recreation fees under Agenda Item 5.(a).)</p> | | |
| Action to be Taken: | Enact Ordinance 2017-018 | | |
| Staff's Recommendation: | Approval | | |
| Additional Comments: | | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

ORDINANCE 2017-018

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTION 99.90, IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE 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.

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

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

WHEREAS, the City Commission finds it beneficial to the City for the recreations director to make recommendations to the City Commission to set fees for recreation programs, participation in recreation activities and participation and sponsorships for such programs and activities; and

WHEREAS, the Commission finds it more efficient to set fees by resolution.

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

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

Section 2. Amendment. Section 99.90 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

Sec. 99.90. – Recreation fees.

The city is authorized to charge a fee for use of city property and for services provided by the City. The recreations director will make recommendations to the city manager and city commission. The City Commission shall establish the fees by resolution.

Section 3. Casino. The Casino no longer exists. Therefore, fees relating to the use of the Casino are repealed.

Section 4. Inclusion in Code. It is the intent of the Commissioners that, with the exception of Section 3, 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 22nd day of June, 2017, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

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

First Reading June 8, 2017
Second Reading June 22, 2017

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER**

5d

AGENDA ITEM SUMMARY SHEET

| | | | |
|--------------------------------|--|-----|--|
| ITEM TITLE: | Ordinance 2017-021– Park Hours | | |
| For the Meeting of: | June 8, 2017 and June 22, 2017 | | |
| Submitted by: | City Manager/City Attorney/Parks and Recreation Director | | |
| Date Submitted: | May 26, 2017 | | |
| Are Funds Required: | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> No |
| Account Number: | | | |
| Amount Required: | | | |
| Balance Remaining: | | | |
| Attachments: | Ordinance 2017-021 | | |
| Description of Item: | The second reading and public hearing will be held on June 22, 2017. | | |
| Action to be Taken: | Motion | | |
| Staff's Recommendation: | Approval | | |
| Additional Comments: | | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

ORDINANCE 2017-021

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.

WHEREAS, the City desires to establish hours of operation for its parks; and

WHEREAS, the City recognizes exceptions to the hours of operation may be necessary to accommodate special events or safety issues which may arise from time to time; and

WHEREAS, the City believes it is in the best interests of the public health, safety and welfare for the City to establish hours of operations and reasonable rules and regulations.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FRUITLANDPARK, FLORIDA:

Section 1: Recitals. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

Section 2: Definitions. That Section 95.04 in Chapter 95 of the City of Fruitland Park Code of Ordinances is hereby amended to add the following definition:

Park or City park(s) shall mean those public recreation areas, including but not limited to parks, play grounds, buildings, swimming pools, and improvements which are located thereon, owned by the City of Fruitland Park and maintained as a park.

Section 3: Hours of operation for city parks; exceptions. That Section 95.19 in Chapter 95 of the City of Fruitland Park Code of Ordinances is hereby amended to read as follows:

Section 95.19. - Hours of operation for city parks; exceptions.

- (a) City parks shall be closed from 11:00 p.m. to 6:00 a.m. daily, Sunday through Saturday, except that hours for certain public recreation areas may be altered or extended as hereafter provided.
- (b) It shall be unlawful for any person to willfully enter upon or remain in any city park except between the authorized hours provided or such altered or

extended hours as authorized in this section. Any person found in violation of this subsection is trespassing, and may be punished in accordance with Florida statute.

- (c) Park hours for each park, and if applicable, sections of the park, shall be posted.
- (d) The city manager or city commission is authorized to close any park or area of a park or alter the hours of operation, including during authorized hours of operation, if in the city manager's or city commission's discretion, said closure or alteration of operation hours is in the interest of the public health, safety and welfare and upon the erection of signs giving notice thereof.
- (e) The city manager or city commission is authorized to extend or alter the hours of operation for special events sponsored by or authorized by the City Commission and upon the erection of signs giving notice thereof.

Section 4: Severability If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed here from and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5: Codification The text of this Ordinance shall be codified as a part of the City of Fruitland Park Code of Ordinance. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

Section 6: Conflict All ordinances or parts of ordinances, resolutions or parts of resolutions, which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

Section 7: Effective Date This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 22nd day of June, 2017.

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



**AGENDA ITEM
NUMBER**
6a

AGENDA ITEM SUMMARY SHEET (Revised)

| | | | |
|---|-----------------------|-----|------|
| ITEM TITLE: | City Manager's Report | | |
| For the Meeting of: | June 22, 2017 | | |
| Submitted by: | City Manager | | |
| Date Submitted: | June 13, 2017 | | |
| Are Funds Required: | | Yes | X No |
| Account Number: | | | |
| Amount Required: | | | |
| Balance Remaining: | | | |
| Attachments: | | | |
| Description of Item: | | | |
| <ul style="list-style-type: none"> i. Veterans Park ii. Message Sign Board – Police Department iii. Fruitland Park Public Library Director | | | |
| Action to be Taken: | | | |
| Staff's Recommendation: | | | |
| Additional Comments: | | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor



**AGENDA ITEM
NUMBER
6b**

AGENDA ITEM SUMMARY SHEET

| | | | | |
|----------------------------|----------------------|-----|---|----|
| ITEM TITLE: | City Attorney Report | | | |
| For the Meeting of: | June 11, 2017 | | | |
| Submitted by: | City Attorney | | | |
| Date Submitted: | June 16, 2017 | | | |
| Are Funds Required: | | Yes | X | No |
| Account Number: | | | | |
| Amount Required: | | | | |
| Balance Remaining: | | | | |
| Attachments: | | | | |

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 this week. Responses are due mid-July. Attorney McCulloch will review and provide them to the appropriate person(s) in order to obtain information to respond.

Green v. City of Fruitland Park, Hunnewell, Isom & Isaacs. – On April 7, 2017, atty. McCulloch 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 June 2, 2017 the case management schedule was set. Discovery will begin.

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 McCulloch to represent the City. She will file a responsive pleading on the City's behalf. A response is due June 29.

Notice of Claim - Anthony Mancino: No developments to report.
Notice of Claim – James Hartson: No developments to report.
Notice of Claim – Larry Odum: No developments to report.

| |
|------------------------------------|
| 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**

6c

SUPPLEMENTAL AGENDA ITEM SUMMARY SHEET (Revised)

| | | | |
|--------------------------------|--|-----|------|
| ITEM TITLE: | Fire Assessment Resolution 2017-018 | | |
| For the Meeting of: | June 22, 2017 | | |
| Submitted by: | City Treasurer/City Attorney | | |
| Date Submitted: | June 20, 2017 | | |
| Are Funds Required: | | Yes | X No |
| Account Number: | | | |
| Amount Required: | | | |
| Balance Remaining: | | | |
| Attachments: | Resolutions | | |
| Description of Item: | Resolutions 2017-018 Initial (Estimated) Fire Assessment at 90% and 100% at the city commission's request at the June 20, 2017 workshop. | | |
| Action to be Taken: | Adopt Initial Fire Resolution 2017-018 | | |
| Staff's Recommendation: | | | |
| Additional Comments: | Reason for Supplemental Final file for the fire assessment to be on the TRIM notice deadline is due on July 12, 2017. | | |

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2017-018

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED 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.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2015-014 and other applicable provisions of law.

SECTION 2. PURPOSE. This Resolution constitutes the Tentative Rate Resolution as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located with the City of Fruitland Park, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and

programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Tentative Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT. The Fire Service Assessment shall be imposed against all Tax Parcels within the City of Fruitland Park subject to the assessment as set forth in this Tentative Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Tentative Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

(A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.

(B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- a. The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.

(C) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(D) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.

(E) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

**SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT
METHODOLOGIES.**

(A) The City proposes to create the Fire Services Assessment Benefit Area, consisting of two sub Assessment Areas. The City benefit area and the Village of Fruitland Park benefit area. The Benefit areas are shown on the map attached hereto as Appendix D.

(B) The Cost Apportionment and Parcel Apportionment methodologies for the City Benefit Area as set forth herein are adopted.

- a. The City has identified the full cost of providing fire services through the development and determination of the assessable costs of providing such services.
- b. The City analyzed the service delivery data and segregated to property use categories, and found the following.

Calendar Year 2015 Call Data Analysis

| Fixed Property Use | Total Calls | Percentage of Calls |
|---------------------------|--------------------|----------------------------|
| Residential | 427 | 80.41% |
| Non-Residential | 104 | 19.50% |
| TOTAL | 531 | 100% |

- c. A comprehensive analysis of all property use categories within the City was conducted and the Commission has determined the following parcels receive a special benefit from the provision of fire services, residential and non-residential (including commercial, industrial/warehouse and institutional).
- d. The following parcel apportionment shall be utilized:

Parcel Apportionment

| Category | Parcel Apportionment |
|---|---|
| Residential | Dwelling Unit |
| Non-Residential Includes Commercial, Industrial/Warehouse and Institutional | Square Footage (capped at 17,400 sq. ft.) |

(A) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.

a. The fire services in the Village Benefit Area are provided through an interlocal agreement with the Village Center Community Development District based on the number of single family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

**SECTION 7. DETERMINATION OF FIRE SERVICES COST;
ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.**

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2017, is the amount determined in the Estimated Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Service Assessment Rate Schedule by the adoption of this Tentative Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The estimated Fire Service Assessments specified in the Estimated Fire Service Assessment Rate Schedule are hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2017. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements

necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The estimated Fire Service Assessment established in this Tentative Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2017 as provided in Section 8 of this Tentative Rate Resolution.

SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in the Ordinance. The updated Fire Assessment Roll shall include all Tax Parcels subject to the Fire Services Assessment within the City of Fruitland Park. The City Manager shall apportion the estimated Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Tentative Rate Resolution.

(B) A copy of this Tentative Rate Resolution, Ordinance 2016-007, documentation related to the estimated amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll proposed for the Fiscal Year beginning October 1, 2017 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Tentative Rate Resolution is a fair

and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the City of Fruitland Park.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 14, 2017, in the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessments from the public and affected property owners and consider imposing Fire Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 10. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 9 hereof in the manner and time provided in the Uniform Assessment Collection Act. The notice shall be published no later than August 21, 2017, in substantially the form attached hereto as Appendix B.

SECTION 11. NOTICE BY MAIL. The City Commission shall provide first class mailed notice of the public hearing authorized by Section 9 hereof. Such mailed notice shall be in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, 2017. The notice shall be in substantially the form attached hereto as Appendix C. All first class mailed notices must be mailed no later than August 21, 2017.

If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the City of Fruitland Park.

SECTION 13. EFFECTIVE DATE. This Tentative Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this _____ day of _____, 2017.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

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

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2017, is **\$688,190.00**.
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2017, are hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2017-18 Preliminary Fire Assessment Rates – City of Fruitland Park Benefit Area

| Category | Rate Per Dwelling Unit |
|---|------------------------|
| Residential | \$192.00 |
| | Rate Per Square Foot |
| Non-Residential | \$0.08 |
| <hr/> | |
| Total Estimated Gross Revenue | \$429,389.00 |
| <hr/> | |
| Total Estimated Government Buy-down | \$12,493.00 |
| <hr/> | |
| Total Estimated Institutional Tax Exempt Buy Down | \$8,628.00 |
| <hr/> | |
| Total Estimated Revenue | \$408,269.00 |

FY 2017-18 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

| | |
|-------------------------------|----------------------------|
| Residential | \$159.00 per Dwelling Unit |
| <hr/> | |
| Total Estimated Gross Revenue | \$199,545.00 |

- A. No Fire Services Assessment shall be imposed upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.
- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds,

or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

APPENDIX B

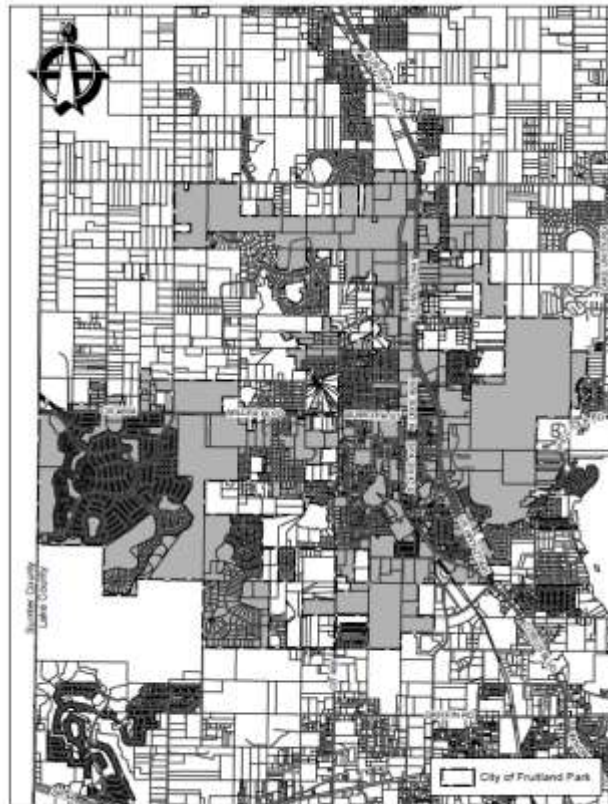
Notice of Public Hearing for Publication

To Be Published on or before August 21, 2017

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of the City of Fruitland Park will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the City for the Fiscal Year beginning October 1, 2017.

On Thursday, September 14, 2017 at 6:00 p.m. or as soon thereafter as possible, the City Commission of the City of Fruitland Park will hold a public hearing at the **Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida** for the purpose of receiving public comment concerning Resolution 2017-019 setting the rate for the fire services assessment to be imposed on real property within the City of Fruitland Park and which provides for collection of fire services assessment by the Lake County Tax Collector. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this Notice of Public Hearing.



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

CITY OF FRUITLAND PARK BENEFIT AREA

| Category | Rate Per Dwelling Unit |
|-----------------|------------------------|
| Residential | \$192.00 |
| | Rate Per Square Foot |
| Non-Residential | \$0.08 |

VILLAGES OF FRUITLAND PARK BENEFIT AREA

Residential \$159.00 per Dwelling Unit

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes, may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2017-018, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

The fire services assessment will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Clerk at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Monday to Friday.

Esther Coulson, City Clerk
City of Fruitland Park

APPENDIX C

Form of Notice to be Mailed First class mail

******* NOTICE TO PROPERTY
OWNER *******

CITY OF FRUITLAND PARK
506 W. Berckman Street,
Fruitland Park, Florida

[owner name]
[mailing address]
[city, state, zip code]

CITY OF FRUITLAND PARK, FLORIDA

NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE
SERVICES NON-AD VALOREM
ASSESSMENTS

NOTICE DATE: August 21, 2017

Tax Parcel # []

As required by Section 197.3632, Florida Statutes, notice is given by the City of Fruitland Park that an annual assessment for fire services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire protection services benefitting property located within the City of Fruitland Park. The total annual Fire Services Assessment revenue to be collected within the City of Fruitland Park is estimated to be **\$688,190.00** for fiscal year October 1, 2017 – September 30, 2018. The annual fire services assessment is based on the classification of each parcel of property and the number of billing units within the property categories.

The above parcel is classified as [].
The total number of billing units on the above parcel is [].
The type of billing units on the above parcel is [].
The annual Fire Services Assessment for the above parcel is \$[].
The maximum annual fire services assessment that can be charged without further notice for Fiscal Year 2017-18 and for future fiscal years for the above parcel is \$ _____.

A public hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be heard on September 14, 2017, at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City of Fruitland Park within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission's action at the above hearing, such action shall be the final adjudication of the issues presented.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2017-018, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

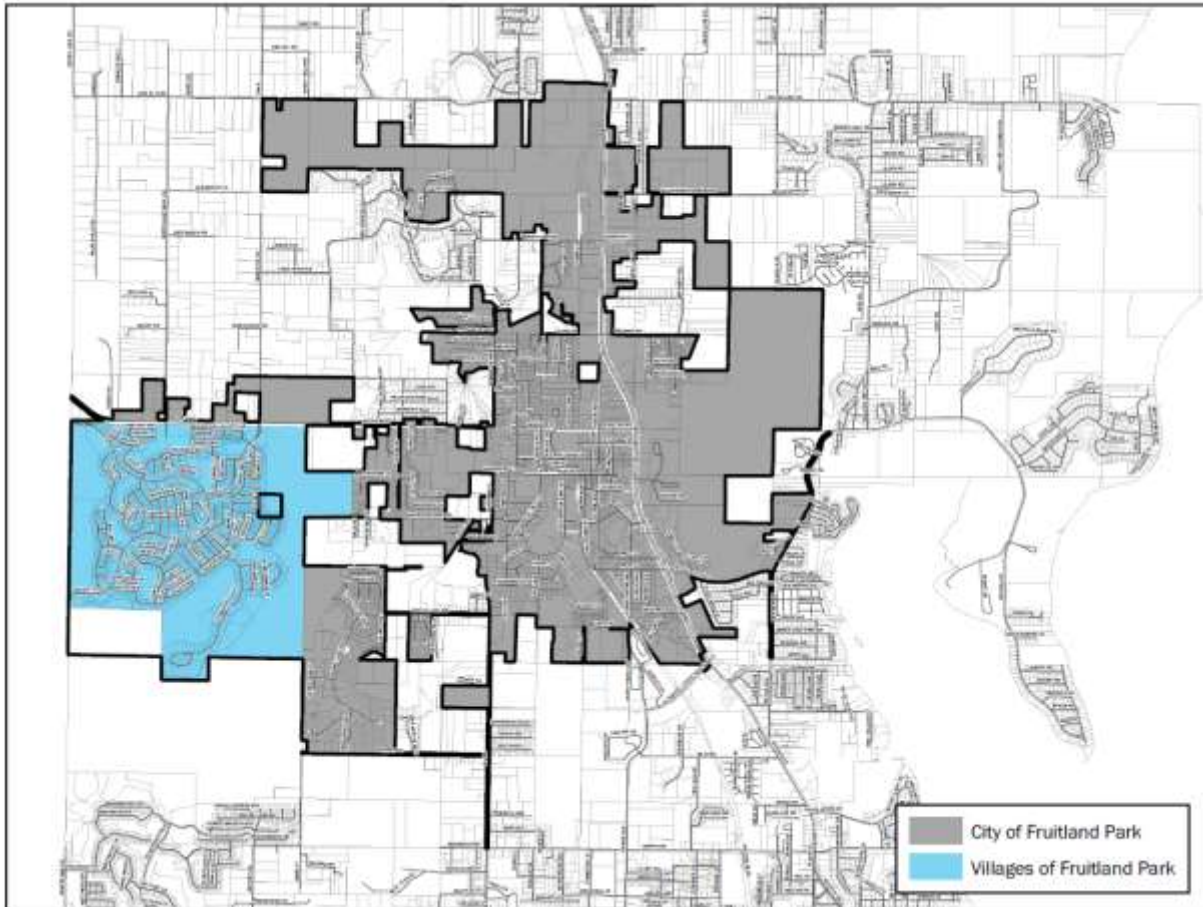
The fire services non-ad valorem assessment amount shown on this notice will be collected by the Lake County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

*** THIS IS NOT A BILL ***

APPENDIX D

**MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND VILLAGE
OF FRUITLAND PARK BENEFIT AREA**



RESOLUTION 2017-018

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED 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.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2015-014 and other applicable provisions of law.

SECTION 2. PURPOSE. This Resolution constitutes the Tentative Rate Resolution as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located with the City of Fruitland Park, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and

programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Tentative Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT. The Fire Service Assessment shall be imposed against all Tax Parcels within the City of Fruitland Park subject to the assessment as set forth in this Tentative Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Tentative Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

(A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.

(B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- a. The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.

(C) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(D) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.

(E) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

**SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT
METHODOLOGIES.**

(A) The City proposes to create the Fire Services Assessment Benefit Area, consisting of two sub Assessment Areas. The City benefit area and the Village of Fruitland Park benefit area. The Benefit areas are shown on the map attached hereto as Appendix D.

(B) The Cost Apportionment and Parcel Apportionment methodologies for the City Benefit Area as set forth herein are adopted.

- a. The City has identified the full cost of providing fire services through the development and determination of the assessable costs of providing such services.
- b. The City analyzed the service delivery data and segregated to property use categories, and found the following.

Calendar Year 2015 Call Data Analysis

| Fixed Property Use | Total Calls | Percentage of Calls |
|--------------------|-------------|---------------------|
| Residential | 427 | 80.41% |
| Non-Residential | 104 | 19.50% |
| TOTAL | 531 | 100% |

- c. A comprehensive analysis of all property use categories within the City was conducted and the Commission has determined the following parcels receive a special benefit from the provision of fire services, residential and non-residential (including commercial, industrial/warehouse and institutional).
- d. The following parcel apportionment shall be utilized:

Parcel Apportionment

| Category | Parcel Apportionment |
|---|---|
| Residential | Dwelling Unit |
| Non-Residential Includes Commercial, Industrial/Warehouse and Institutional | Square Footage (capped at 17,400 sq. ft.) |

- (A) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.
- a. The fire services in the Village Benefit Area are provided through an interlocal agreement with the Village Center Community Development District based on the number of single family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

**SECTION 7. DETERMINATION OF FIRE SERVICES COST;
ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.**

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2017, is the amount determined in the Estimated Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Service Assessment Rate Schedule by the adoption of this Tentative Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The estimated Fire Service Assessments specified in the Estimated Fire Service Assessment Rate Schedule are hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2017. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements

necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The estimated Fire Service Assessment established in this Tentative Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2017 as provided in Section 8 of this Tentative Rate Resolution.

SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in the Ordinance. The updated Fire Assessment Roll shall include all Tax Parcels subject to the Fire Services Assessment within the City of Fruitland Park. The City Manager shall apportion the estimated Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Tentative Rate Resolution.

(B) A copy of this Tentative Rate Resolution, Ordinance 2016-007, documentation related to the estimated amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll proposed for the Fiscal Year beginning October 1, 2017 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Tentative Rate Resolution is a fair

and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the City of Fruitland Park.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 14, 2017, in the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessments from the public and affected property owners and consider imposing Fire Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 10. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 9 hereof in the manner and time provided in the Uniform Assessment Collection Act. The notice shall be published no later than August 21, 2017, in substantially the form attached hereto as Appendix B.

SECTION 11. NOTICE BY MAIL. The City Commission shall provide first class mailed notice of the public hearing authorized by Section 9 hereof. Such mailed notice shall be in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, 2017. The notice shall be in substantially the form attached hereto as Appendix C. All first class mailed notices must be mailed no later than August 21, 2017.

If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the City of Fruitland Park.

SECTION 13. EFFECTIVE DATE. This Tentative Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this _____ day of _____, 2017.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

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

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2017, is \$688,190.00.
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2017, are hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2017-18 Preliminary Fire Assessment Rates – City of Fruitland Park Benefit Area

| Category | Rate Per Dwelling Unit |
|---|------------------------|
| Residential | \$213.00 |
| | Rate Per Square Foot |
| Non-Residential | \$0.08 |
| <hr/> | |
| Total Estimated Gross Revenue | \$466,055.00 |
| <hr/> | |
| Total Estimated Government Buy-down | \$12,640.00 |
| <hr/> | |
| Total Estimated Institutional Tax Exempt Buy Down | \$8,628.00 |
| <hr/> | |
| Total Estimated Revenue | \$444,788.00 |

FY 2017-18 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

| | |
|-------------------------------|----------------------------|
| Residential | \$177.00 per Dwelling Unit |
| <hr/> | |
| Total Estimated Gross Revenue | \$222,135.00 |

- A. No Fire Services Assessment shall be imposed upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.
- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds,

or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

APPENDIX B

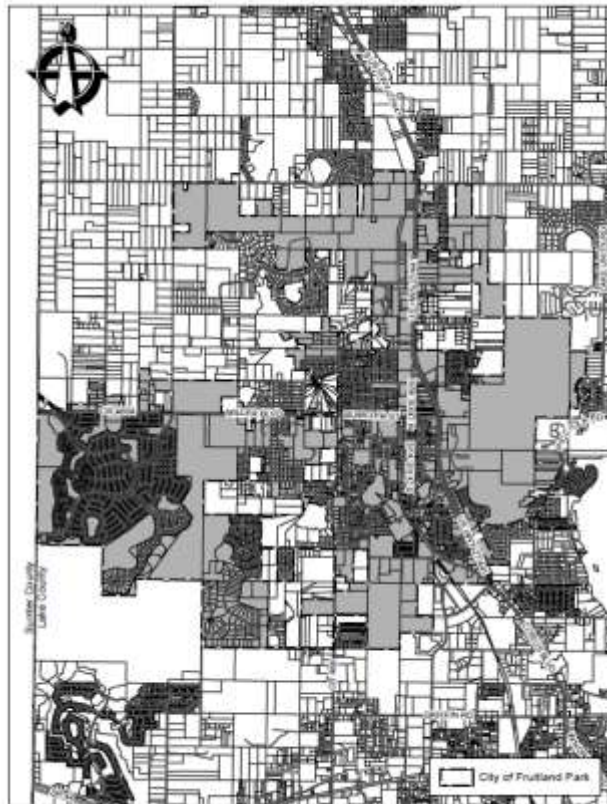
Notice of Public Hearing for Publication

To Be Published on or before August 21, 2017

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of the City of Fruitland Park will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the City for the Fiscal Year beginning October 1, 2017.

On Thursday, September 14, 2017 at 6:00 p.m. or as soon thereafter as possible, the City Commission of the City of Fruitland Park will hold a public hearing at the **Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida** for the purpose of receiving public comment concerning Resolution 2017-019 setting the rate for the fire services assessment to be imposed on real property within the City of Fruitland Park and which provides for collection of fire services assessment by the Lake County Tax Collector. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this Notice of Public Hearing.



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

CITY OF FRUITLAND PARK BENEFIT AREA

| Category | Rate Per Dwelling Unit |
|-----------------|------------------------|
| Residential | \$213.00 |
| | Rate Per Square Foot |
| Non-Residential | \$0.08 |

VILLAGES OF FRUITLAND PARK BENEFIT AREA

Residential \$177.00 per Dwelling Unit

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes, may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2017-018, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

The fire services assessment will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Clerk at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Monday to Friday.

Esther Coulson, City Clerk
City of Fruitland Park

APPENDIX C

Form of Notice to be Mailed First class mail

******* NOTICE TO PROPERTY
OWNER *******

CITY OF FRUITLAND PARK
506 W. Berckman Street,
Fruitland Park, Florida

[owner name]
[mailing address]
[city, state, zip code]

CITY OF FRUITLAND PARK, FLORIDA

NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE
SERVICES NON-AD VALOREM
ASSESSMENTS

NOTICE DATE: August 21, 2017

Tax Parcel # []

As required by Section 197.3632, Florida Statutes, notice is given by the City of Fruitland Park that an annual assessment for fire services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire protection services benefitting property located within the City of Fruitland Park. The total annual Fire Services Assessment revenue to be collected within the City of Fruitland Park is estimated to be **\$688,190.00** for fiscal year October 1, 2017 – September 30, 2018. The annual fire services assessment is based on the classification of each parcel of property and the number of billing units within the property categories.

The above parcel is classified as [].
The total number of billing units on the above parcel is [].
The type of billing units on the above parcel is [].
The annual Fire Services Assessment for the above parcel is \$[].
The maximum annual fire services assessment that can be charged without further notice for Fiscal Year 2017-18 and for future fiscal years for the above parcel is \$ _____.

A public hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be heard on September 14, 2017, at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City of Fruitland Park within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission's action at the above hearing, such action shall be the final adjudication of the issues presented.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2017-018, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

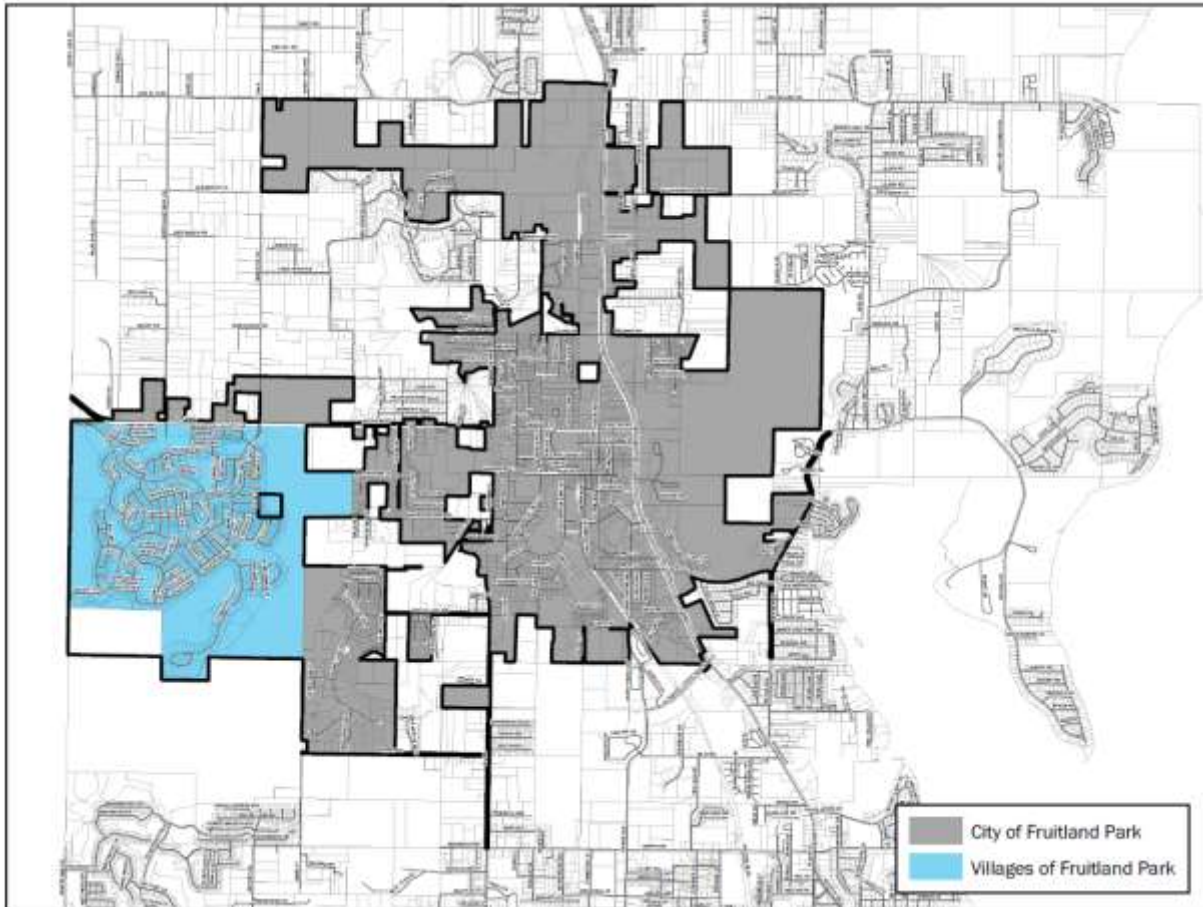
The fire services non-ad valorem assessment amount shown on this notice will be collected by the Lake County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

*** THIS IS NOT A BILL ***

APPENDIX D

MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND VILLAGE OF FRUITLAND PARK BENEFIT AREA



City of Fruitland Park Fire Assessment

RATE SCENARIOS

Historical Fruitland Park

- Approximately 1,730 residential parcels
- Approximately 2,168 non-residential parcels

FY 2017-18 Fire Assessment Rates -- 100% Rates

| Residential Property Use Categories | Rate Per Dwelling Unit |
|---|------------------------|
| Residential | \$213.00 |
| Non-Residential Property Use Categories | Rate Per Square Foot |
| Non-Residential | \$0.08 |

Estimated Realized Revenues

| | | |
|-------------------------------|------------------|----------|
| Gross Revenue | \$466,055 | |
| Government Buy-down | \$12,640 | |
| Inst. Tax Exempt Buy-down | \$8,628 | |
| Certified Revenue | \$444,788 | |
| TC | 2% | \$8,896 |
| PA | 2% | \$8,896 |
| Stat. Dis. | 5% | \$22,239 |
| Total Collection Costs | \$40,031 | |
| Realized Revenue | \$404,757 | |

Villages of Fruitland Park Rates -- \$177.00 per dwelling unit

- Approximately 1,255 residential parcels

Total Real Rev \$606,900

| | | |
|-------------------------------|------------------|----------|
| Certified Revenue | \$222,135 | |
| TC | 2% | \$4,443 |
| PA | 2% | \$4,443 |
| Stat. Dis. | 5% | \$11,107 |
| Total Collection Costs | \$19,992 | |
| Realized Revenue | \$202,143 | |

FY 2017-18 Fire Assessment Rates -- 90% Rates

| Residential Property Use Categories | Rate Per Dwelling Unit |
|---|------------------------|
| Residential | \$192.00 |
| Non-Residential Property Use Categories | Rate Per Square Foot |
| Non-Residential | \$0.08 |

Estimated Realized Revenues

| | | |
|-------------------------------|----|------------------|
| Gross Revenue | | \$429,389 |
| Government Buy-down | | \$12,493 |
| Inst. Tax Exempt Buy-down | | \$8,628 |
| Certified Revenue | | \$408,269 |
| TC | 2% | \$8,165 |
| PA | 2% | \$8,165 |
| Stat. Dis. | 5% | \$20,413 |
| Total Collection Costs | | \$36,744 |
| Realized Revenue | | \$371,524 |

Villages of Fruitland Park Rates -- \$159.00 per dwelling unit

| | | |
|-------------------------------|----|------------------|
| Certified Revenue | | \$199,545 |
| TC | 2% | \$3,991 |
| PA | 2% | \$3,991 |
| Stat. Dis. | 5% | \$9,977 |
| Total Collection Costs | | \$17,959 |
| Realized Revenue | | \$181,586 |

Total Real Rev \$553,110



**AGENDA ITEM
NUMBER**
7

AGENDA ITEM SUMMARY SHEET

| | | | | | |
|---|-----------------|--|-----|---|----|
| ITEM TITLE: | Public Comments | | | | |
| For the Meeting of: | June 22, 2017 | | | | |
| Submitted by: | City Clerk | | | | |
| Date Submitted: | June 13, 2017 | | | | |
| Are Funds Required: | | | Yes | X | No |
| Account Number: | N/A | | | | |
| Amount Required: | N/A | | | | |
| Balance Remaining: | N/A | | | | |
| Attachments: | Yes | | | | |
| Description of Item: | | | | | |
| <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> | | | | | |
| Action to be Taken: None. | | | | | |
| Staff's Recommendation: | | | | | |
| Additional Comments: | | | | | |

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

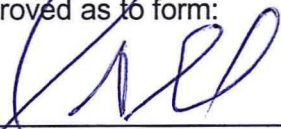
ATTEST:


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