

**FRUITLAND PARK CITY COMMISSION**  
**REGULAR MEETING AGENDA (Revised January 6, 2020)**  
**January 9, 2020**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731  
**6:00 p.m.**

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

Invocation – Pastor Chuck Padgett, Trinity Assembly of God

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. PROCLAMATION - February 8 to 16, 2020 - *Love Week*** (city clerk)

**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)

- November 14, 2019
- December 12, 2019

**(b) Resolution 2020-002 – Unity of Title – 600 and 602 Urick Street**  
(city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 600 AND 602 URICK STREET, FRUITLAND PARK, FLORIDA, OWNED BY FREDERICK AND ANALIZA FAIRFAX AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3841409 AND ALTERNATE KEY NUMBER 3841410; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

- (c) **Resolution 2020-001 – Library Advisory Board Reappointments**  
(city attorney/city manager/library director)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE LIBRARY ADVISORY BOARD OF THE CITY OF FRUITLAND PARK; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**5. REGULAR AGENDA**

- (a) **Resolution 2020-004 - NW Lake Community Park – Third Amendment ILA** (city attorney/city manager)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.
- (b) **Golf Carts Discussion** (city manager)  
Discussion on golf cart crossing on CR 468A and Rose Avenue.
- (c) **CRA Redevelopment Taxes – FY 2019-20** (city treasurer)  
Motion to approve from the general fund to the redevelopment fund for the redevelopment taxes for FY 2019-20 totaling \$183,533. (Withdrawn from the 121219 CRA meeting.)
- (d) **Resolution 2020-005 – Library – Children’s Garden – FY 2019-20 Budget Amendment** (city treasurer)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019/2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE TRANSFER IN FROM DONATIONS REVENUE BUDGET AND THE LIBRARY CHILDREN’S GARDEN EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

**PUBLIC HEARING**

- (e) **Second Reading and Public Hearing – Ordinance 2019-015 – Purchasing and Bidding Policy** (city attorney/city manager/city treasurer)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 33 OF THE CODE OF

ORDINANCES INCREASING THE PURCHASING THRESHOLD AMOUNTS SET FORTH IN THE CITY'S PURCHASING AND BIDDING POLICY; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 12, 2019.)

**END OF PUBLIC HEARING**

**SUPPLEMENTAL AGENDA**

- (f) Resolution 2019-066 – Bailey Minor Subdivision – Petitioner: Michael S. Bailey** (city attorney/city manager/community development director) (Revised)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SUBDIVISION APPROVAL OF PROPERTY LOCATED AT 500 WEST MIRROR LAKE DRIVE, IN THE CITY OF FRUITLAND PARK, OWNED BY MICHAEL S. BAILEY; PROVIDING FOR A NOTICE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the December 12, 2019 regular meeting.)

**6. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

- Benchmark Development I LLC

**ii. Upgraded Power Switch Installation Discussion**

Discussion on upgraded power switch installation. Resolution 2019-052 Summit Broadband Service Order was adopted on November 14, 2019.

**iii. Alcohol Beverage Policy Discussion**

**(b) City Attorney**

**i. Notice of Claim – James Hartson**

**ii. City of Fruitland Park v. T. D. Burke**

**iii. City of Fruitland Park v. State of Florida – Department of Management Services**

**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 Mobilian**

**(b) Commissioner DeGrave**

**(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.

January 10, 2020, *LCLC 2020 Legislative Update*, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

January 10, 2020, *Movie in the Community Center*, TBD, 205 West Berckman Street, Fruitland Park, Florida 34731;

January 16, 2020, *Understanding Medicare* Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;

January 16, 2020, *City Commission Workshop* at 6:00 p.m.;

January 20, 2020, *Dr. Martin Luther King Jr. Day Holiday* – City Hall Closed;

January 23, 2020, *AARP Smart Driver Technology*, Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;

January 23, 2020, *City Commission Regular* at 6:00 p.m.;

January 27, 2020, *Florida Licensing on Wheels (FLOW) Event*, Fruitland Park Library, 604 W. Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;



February 8-16, 2020 *Love Week* Activities, various locations around city hall and within the city limits;

- February 9, 2019 *5k Love Run* outside city hall at 8:00 a.m.

February 10, 2020, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Rd., Tavares, Florida 32778 at 3:30 p.m.;

February 13, 2020 City Commission and Planning and Zoning Board Joint Workshop at 6:00 p.m.;

February 13, 2020, City Commission Special at 7:30 p.m.;

February 14, 2020, LCLC TBD, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

February 26, 2020, Metropolitan Planning Organization Governing Board (MPO) meeting, Lake~Sumter MPO Office, 1300 Citizens Blvd., Leesburg, Florida 34748 at 2:00 p.m.;

February 27, 2020, City Commission Regular at 6:00 p.m.;

March 12, 2020, City Commission Regular at 6:00 p.m.;

March 13, 2020, LCLC TBD, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m., and

March 26, 2020, City Commission Regular 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.**

CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 3

**ITEM TITLE:** *Love Week Proclamation – February 8 – 16, 2020*

**For the Meeting of:** January 9, 2020

**Submitted by:** City Clerk

**Date Submitted:** November 14, 2019

**Funds Required:** No

**Account Number:** N/A

**Amount Required:** N/A

**Balance Remaining:** N/A

**Attachments:** Yes, *Love Week Proclamation*.

**Item Description:** **Love Week Proclamation – February 8 to 16, 2020**

**Action to be Taken:** **None**

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

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

# Proclamation

**WHEREAS**, since 2015, *Love Week* has been held annually during the second week in February in the City of Fruitland Park, Florida with a series of family and community-based activities; and

**WHEREAS**, *Operation Bless Fruitland Park*, launched on January 8, 2015 -- supported by the City of Fruitland Park Commission as an ongoing program -- has been meeting periodically as a group of volunteers represented by local churches, businesses, civic groups, community organizations, leaders, and individuals from Fruitland Park and The Villages to coordinate their efforts, make a difference, and create an atmosphere of generosity within the community; and

**WHEREAS**, *Bless Fruitland Park* has continuously committed in working together within the community with the intentional effort to focus on impacting the Fruitland Park schools, its students, families and school staff and has mimicked the same programs and services to those in need, and

**WHEREAS**, *Operation Bless Fruitland Park* has worked with city staff in promoting partnerships to maximize resources and fostered teamwork with volunteer groups to engage with the community and address some immediate needs impacting all who live in the Fruitland Park area; and

**WHEREAS**, in subsequent years, *Operation Bless Fruitland Park*, in a united effort from surrounding communities, expanded its *Love Week* activities by a one-mile prayer walk; raised funds for the hungry and Fruitland Park Elementary School from the *5k Love Run*; beautified city-owned parks; supported and helped neighbors in need; connected elementary school students with seniors, preschoolers, and public safety personnel with gifts and free entertainment, and extended various acts of kindness to the community; and

**WHEREAS**, during the week of February 8 to 16, 2020, *Love Week*, to be hosted by the *Operation Bless Fruitland Park* team, will be celebrated with community-related activities such as holding “5k Love Run” and family nights; partnership with code enforcement, “Preschool Day” at the library, first responders and “public personnel appreciation”, special senior luncheon with donated prizes and performances held by the school students, *Carpenters for Christ* for individuals with special needs and setting aside a *Bless Day* where restaurants, businesses and churches collaborate acts of kindness, and

**NOW THEREFORE** be it proclaimed that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby proclaim the week of February 8 to 16, 2020 as *LOVE WEEK* and offer support in joining the community to perform acts of kindness by making a difference in creating an atmosphere of partnership and generosity within our city.

Dated this 9<sup>th</sup> day of January 2020.

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Chris Cheshire, Mayor

Attest:

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Esther Coulson, City Clerk

**CITY OF FRUITLAND PARK  
CONSENT AGENDA ITEM SUMMARY SHEET**

**Item Number: 4 a-c**

**ITEM TITLE:** Draft Regular Meeting Minutes, Resolution 2020-002 and Resolution 2020-001

**For the Meeting of:** January 9, 2020

**Submitted by:** City Clerk/City Attorney/City Manager/Community Development Director/Library Director

**Date Submitted:** December 3, 2019

**Funds Required:** N/A

**Account Number:** N/A

**Amount Required:** N/A

**Balance Remaining:** N/A

**Attachments:** Yes, draft minutes, Resolution 2029-002 and Resolution 2020-001 forthcoming

**Item Description:** 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. Approve the following regular meeting minutes as submitted if there are no corrections:  
- November 14 and December 12, 2019

b. Resolution 2020-002 – Unity of Title – 600 and 602 Urick Street  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 600 AND 602 URICK STREET, FRUITLAND PARK, FLORIDA, OWNED BY FREDERICK AND ANALIZA FAIRFAX AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3841409 AND ALTERNATE KEY NUMBER 3841410; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

b. Resolution 2020-001 – Library Advisory Board Reappointments  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE LIBRARY ADVISORY BOARD OF THE CITY OF FRUITLAND PARK; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action to be Taken:** Approve the consent agenda.

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES**

**November 14, 2019**

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

**6:00 p.m.**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, November 14, 2019 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian,

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Detective Brian Hilberer, Sergeants David Cox and Eugene Howard, Police Officers Jeremiah Ricketts, Derrick Canna, Ezequiel Martinez, Paul Sandbakken, Keith Flanary, Robert Vachon, and Courtney Stewart, Police Department; Deputy Fire Chief Tim Yoder; Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Library Director Jo Ann Glendinning; Human Resources Director Diana Kolcun; Deputy City Clerk Stevie Taub and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00:23 PM Mayor Cheshire called the meeting to order, Pastor Travis Turner, Heritage Community Church, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:01:53 PM and 6:02:09 PM Mayor Cheshire requested that Ms. Coulson called the roll and a quorum was declared present.

Upon Mayor Cheshire' suggestion and **by unanimous consent, the city commission accepted the following changes to this evening's agenda:**

**Item 5.(c) Addendum, Resolution 2019-063,**

**Item 6.(a) Addendum, Resolution 2019-059,**

**Item 6.(b-i) Addendum, fiscal impact and recommendations from staff, and**

**Item 6.(i) To be considered before 6.(h).**

**3. ANNUAL ELECTION OF OFFICERS**

Mayor Cheshire recognized the annual election of officers to be in order.

**(a) Mayor**

Mayor Cheshire noted, since his tenure on the commission, the efficiencies on meeting conduct and interaction with staff; requested for a motion to be proffered to give him an opportunity to be re-elected as mayor for another year, and addressed his intent to work with Mses. Coulson and Geraci-Carver on official meeting guidelines.

**ACTION: 6:02:54 PM Commissioner Mobilian placed the name of Chris Cheshire as mayor for 2019-20. This nomination was seconded Commissioner DeGrave.**

Following further discussion and **there being no further names placed for nomination, by unanimous consent, it was declared closed.**

**Mayor Cheshire called for a roll call vote to nominate Chris Cheshire as mayor for 2019-20 with the city commission members voting as follows:**

<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried with a four to one (4-1) vote.**

**(b) Vice Mayor**

Mayor Cheshire recognized the annual election of vice mayor to be in order.

**ACTION: 6:07:34 PM Commissioner DeGrave placed the name of John L. Gunter Jr. as vice mayor for 2018-19. This nomination was seconded by Commissioner DeGrave.**

**There being no further names placed for nomination, by unanimous consent, it was declared closed.**

After Vice Mayor Gunter accepted the position of vice mayor, **Mayor Cheshire called for a roll call vote to nominate John L. Gunter Jr. as vice mayor for 2019-20 and declared it carried unanimously.**

**4. SPECIAL PRESENTATIONS – Police Officer – Swearing-in**

After Chief Luce introduced Officer Courtney Stewart, highlighted her educational background and experience with the police department, he administered to her the oath of office.

**ACTION: 6:08:43 PM The city commission extended well wishes to Officer Stewart.**

**5. CONSENT AGENDA**

The city commission considered the following consent agenda items:

- (a) **Approval of Minutes**  
September 26, 2019 joint workshop meeting minutes.
  
- (b) **Resolution 2019-058 - Fire Pension Board Reappointment – Ducharme**  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.
  
- (c) **Resolution 2019-063 – City Hall Generator Grant**  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FEDERALLY-FUNDED SUB AWARD AND GRANT AGREEMENT, CONTRACT NUMBER H0275 BETWEEN THE CITY OF FRUITLAND PARK AND DIVISION OF EMERGENCY MANAGEMENT, FLORIDA TO PROVIDE FUNDING ASSISTANCE FOR AN EMERGENCY GENERATOR SYSTEM UNDER THE HAZARD MITIGATION GRANT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:11:50 PM **On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda, as previously cited, with addendum (Resolution 2019-063).**

**6. REGULAR AGENDA**

- (a) **Resolution 2019-059 – Lake County Arts and Cultural Alliance Appointment**  
Ms. Geraci-Carver read into the record proposed Resolution 2019-059, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND AN ALTERNATE TO THE LAKE COUNTY ARTS AND CULTURAL ALLIANCE TO SERVE A THREE-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion and following Vice Mayor Gunter’s recommendation, Ms. Glendinning accepted the position and agreed with Mr. La Venia’s suggestion to appoint Ms. Terry Dohrn, Assistant Library Director, as the alternate.

**ACTION:** 6:12:27 PM **A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2019-059, with addendum and as previously cited, with the appointments of**

**Ms. Jo-Ann Glendinning as Library Advisory Board member and Ms. Terry Dohrn as alternate.**

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

**(b) Public Works Mower Quotes**

The city commission considered its action on the following mower quotes:

- John Deere Z950 ZTrak, FEC Fields Equipment Company, \$11,200;
- Commercial Zero Turn Mower, Kubota Crystal Tractor and Equipment, \$8,750, and
- John Deere Z950M Z Trak, John Deere Everglades, \$8,999.

Mr. La Venia recognized the already allocated funds for the subject mower in the FY 2019-20 budget and relayed staff's preference for the John Deere Z950M Z Trak, John Deere Everglades for \$8,999, which includes special tires under warranty.

**ACTION: 6:15:12 PM After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Mobilian and unanimously carried, the city commission awarded, to the most responsive and responsible bidder, the mower quotes to John Deere Everglades, for \$8,999 as previously cited.**

**(c) Community Center Quotes – Lights, Furniture and Acoustical Ceilings**

The city commission reviewed the following quotes for the community center's furniture:

- **Furniture**
  - table caddy, folding table, assembly chair, and chair dolly, National Business Furniture (NBF) excluding shipping and handling for \$29,939.90;
  - tables, table dollies, chairs, and chair dollies, Uline excluding freight for \$30,882, and
  - table caddie, chair dolly, tall wing back chair, and plastic folding table; Worthington Direct for \$37,755.70.

After Mr. La Venia conveyed staff's preference for the highlighted quotes, Ms. Yoder recognized NBF's lifetime warranty on its furniture, which has also been utilized by the library, and noted the costs of \$4,062.60 for the freight.

**ACTION: 6:17:12 PM After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission approve staff's recommendations to award the quote to National Business Furniture, the most responsive and responsible bidder, for the total amount of \$34,002.80.**



- **Acoustical (Drop) Ceilings**

The city commission considered its action on the following quotes for the community center's ceilings:

- Barker Acoustical Ceilings Inc. (no response);
- Acoustic-Pro Interior Construction LLC, \$10,737, and
- L&D Ceilings, \$10,800

Ms. Yoder cited staff's preference to select Acoustic-Pro Interior who was the lowest bidder. After she identified the completion of work on the water damaged ceiling when two claims were submitted to the former insurance company (Preferred Governmental Insurance Trust), Mr. La Venia referred to the \$10,000 check received for same and another similar amount anticipated to recover said expenses.

**ACTION: 6:19:48 PM** After discussion, **and on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendations to award the quote to Acoustic-Pro Interior Construction, the most responsive and responsible bidder, in the amount of \$10,737 as previously cited.** (In recognizing the cost efficiency of improvements made to the community center with a seating capacity of 285 individuals, the city commission was encouraged to visit the center.)

- **Lighting Renovation**

The city commission considered its action on the following quotes for the community center:

- Sesco Lighting (Report)
- Lighting Fixtures – Besco Electric Supply Company \$16,531.13, and
- Electrical - Electrical Works of Florida, \$13,390

After discussion, and in response to Commissioner Mobilian's reference to Electrical Works quote for electrical work under lighting for \$13,390 which is incorrect, Ms. Yoder referred to Electrical Works' quote for lighting dated November 13, 2019 for \$19,107.14; her revised November 14, 2019 spreadsheet revealing \$13,390 for electric work for lighting from the electrician (retained by the city) to which Mr. La Venia pointed out his agreement. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

**ACTION: 6:25:33 PM and 6:29:30 PM** After further discussion, **and on motion of Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendations to award the quote to Electrical Works of Florida, the sole bidder who also works for Besco Electric Supply Company, for the amount of \$13,390 to install all new lights and other electrical work.**

**On motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission approved staff's recommendation to award the quote to the sole bidder, Besco Electric Supply Company, for light fixtures only in the amount of \$16,531.13.**

**(d) Northwest Lake Community Park/Cales Memorial Multipurpose Soccer Field (Recreation Complex) - Bleacher Quotes**

The city commission considered its action on the following quotes for the Northwest Lake Community Park/Cales Memorial Multipurpose Soccer Field (Recreation Complex):

- BSN Sports, one-player benches only for \$15,204.87;
- Park Warehouse, players' bench (no four-row bleacher with railing option) \$4,062.87, and
- Belson Outdoors, bleacher, footboards, and team bench for \$19,040.25

**ACTION: 6:30:18 PM After much discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve staff's recommendations to award the quote to the lowest and responsive bidder, BSN Sports, in the amount not to exceed \$16,000 to include freight/shipping cost as previously cited.**

Mr. La Venia reported on the \$50,000 grant funding recently received from Lake County Office of Parks and Trails towards the Northwest Lake Community Park project improvements; namely, concrete walkways and bleachers pads, other ancillary concrete work, and accessible parking for individuals with special needs and noted the expected quotes to be submitted to the county for approval before the city proceeds with the project.

Vice Mayor Gunter recalled the arrangements made at the February 22, 2018 regular meeting by Mr. Chris Wickberg, Westminster Communities Inc. for staff to contact them regarding a score board for Northwest Lake Community Park.

**(e) Recreation Department Vehicle Quotes**

The city commission considered the following vehicle quotes for the recreation department:

- 2020 Chevrolet Traverse LS, Vann Gannaway Chevrolet, \$30,989.60;
- 2020 Chevrolet Traverse, Cecil Clark Chevrolet, \$31,000,
- 2019 Chevrolet Traverse, Big Band Chevrolet Buick, \$26,980, and
- 2019 Chevrolet Traverse, Garber Chevrolet Buick GMC, Inc., \$27,634

**ACTION: 6:37:51 PM After discussion, and on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendations to award to the lowest responsible bidder, Big Band Chevrolet Buick, the amount of \$26,980, as previously cited.**

(f) **Resolution 2019-052 Summit Broadband Service Order**

Ms. Geraci-Carver read into the record proposed Resolution 2019-052, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SUMMIT BROADBAND SERVICE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SERVICE ORDER; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the September 19 and October 24, 2019 special and regular meetings.)

Mr. La Venia recalled his previous discussions with Commissioner DeGrave on the comparative costs for 42 Polycom 411 Hosted Voice Handset models with power supply at \$270 which includes installation with the same product featured on Amazon® at \$183 per unit with an approximate 10 percent calculation for setup; a total difference of \$3,500. He recommended utilizing Summit and recognized the option to make any future upgrades on Amazon.

After discussion, Mr. La Venia addressed his plan to communicate with Summit and report back to the city commission on the capacity to install an upgraded powered switch. He recognized the requirement to notify Comcast® providers within 90 days before proceeding with the subject service order,

**ACTION: 6:40:18 PM After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-052, as previously cited, with the caveat that the city manager reports back to the city commission at a future meeting with more information on the installation of an upgraded power switch.**

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

(g) **Resolution 2019-060 — Fire Assessment Program – Scope of Services Fire Services Assessment Program – Government Services Group (GSG)**

Ms. Geraci-Carver read into the record proposed Resolution 2019-060, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING THE FIRE SERVICES ASSESSMENT PROGRAM ANNUAL ASSESSMENT MAINTENANCE SERVICES SCOPE OF SERVICES FROM GSG, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, **and by unanimous consent, the city commission agreed that The Government Services Group Inc.'s calculated cost to manage the fire department for implementation in FY 2021-22 will be addressed at the forthcoming city commission workshop on the fire department and directed**

**the city treasurer to include GSG's fee arrangement of \$6,000 for fire assessment in the FY 2021-22 budget.**

**ACTION: 6:46:33 PM A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-060 as previously cited.**

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

**By unanimous consent, the city commission took Items 6.(h) and 6.(i) out of order on this evening's agenda.**

**(i) Resolution 2019-065 – Building and Zoning Fee Schedule**

Ms. Geraci-Carver read into the record proposed Resolution 2019-065, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A FEE SCHEDULE FOR BUILDING AND ZONING FEES; REPEALING ALL FEES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia addressed the provisions under House Bill 127 relating to reasonable inspection fees schedule and building inspections conducted by a private provider -- submitted by Ms. Geraci-Carver by email on July 29, 2019 -- and identified the implications to local governments.

Mr. Jeffrey "Jeff" Gerling, Alpha Inspections Inc., building official retained by the city, gave a report on staff's previous formation of (building permit and inspection process) comparative reports issued over a two-year period which derived building and zoning fees; the process utilized by private companies and city staff's responsibility to ensure efficiency. With respect to HB 127, he cited instances where there have been deficiencies with third party inspections beyond Florida Building Code's requirements; pointed out the amendments under subsection 553.791 of the Florida Statutes as it relates to reduced services not provided by local government and referred to HB 7103 on no rights to collect permit fees but reasonable administrative fees. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Following further discussion, Mr. Gerling addressed the need to draft legislation on the requirement for a formal survey to ensure the correct placement and elevation of residential properties and miscellaneous or building permit administrative fees for commercial properties.

**ACTION: 6:49:59 PM After continued discussions, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-065 as previously cited and request that a**

**provision be included on building permit private provider fees for commercial properties.**

**Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.** (The city manager suggested reviewing the provisions under Chapter 152, Development Order and Development Permit Required of the Land Development Regulations (LDRs) to ensure that developers conform with same.)

**(h) Resolution 2019-053 – Building and Zoning Building Official – Alpha International Contract Renewal**

Ms. Geraci-Carver read into the record proposed Resolution 2019-053, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE CONTRACT FOR MUNICIPAL INSPECTION SERVICES BETWEEN ALPHA INSPECTIONS INTERNATIONAL I LLC AND THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia pointed out the revised changes as agreed to by Mr. Gerling on the subject contract and requested that Ms. Geraci-Carver include a provision that Alpha Inspections will not provide private plans review and inspection services within the city in accordance to Florida Statutes.

**ACTION:** 7:08.33 PM After discussion, a motion was made by **Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2019-065 as previously cited to accept the city manager’s recommendation that the city attorney include the aforementioned provision in the subject contract.**

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

**(j) Resolution 2019-064 – McDirmit Davis Certified Public Accountant (CPA) – Auditing Services**

Ms. Geraci-Carver read into the record proposed Resolution 2019-064, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT BETWEEN McDIRMIT DAVIS AND THE CITY OF FRUITLAND PARK, FLORIDA TO PROVIDE AUDITING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia and Ms. Michaud agreed with Commissioner DeGrave’s suggestion for the city commission to consider soliciting auditing firms prior to the conclusion of McDirmit Davis’ audit engagement services and his request for arrangements to

be made for McDirmit Davis to provide a clear, concise and comprehensive letter outlining the city's improvements on its internal audit and controls.

**ACTION:** 7:12:08 PM After discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-064 as previously cited.**

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

**(k) Library (Gardenia) Café Agreement Discussion**

Mr. La Venia commended K & M Creative Catering LLC for their satisfactory performance; pointed out previous discussions on the need for additional documentation and expressed preference to operate Gardenia Café at the library in a different way; thus, proceeding towards a new direction. He voiced his belief that it would serve the best interests of the city and the vendor to part ways recognizing the 30-day notice clause in the current contract; recommended that he proceed to seek another vendor to operate said café in a different fashion and referred to his previous discussions with city staff and Ms. Geraci-Carver in this regard.

In view of a new vendor in mind, Mr. La Venia requested that Ms. Geraci-Carver prepare a letter to start the 30-day process and for her to work with Ms. Glendinning on the respective contract with amenable changes for the city commission's consideration at the next meeting.

**ACTION:** 7:16:41 PM After discussion, **and on motion of Commissioner Mobilian, and seconded by Commissioner DeGrave and unanimously carried, the city commission accepted the city manager's recommendation to terminate the agreement between K&M Creative Catering LLC.**

**(l) 2020 City Commission Meeting Schedule**

The city commission considered the 2020 city commission meeting schedule.

Mayor Cheshire suggested that the city commission consider for the December 12, 2019 regular meeting, the following workshops:

- the fire department's provision of fire rescue services,
- the five-year capital improvement program,
- water wastewater connection to which Mr. La Venia addressed his intent to address same under Item 6.(a)i.v., later on this evening's agenda, and
- the completion of the LDRs as a joint meeting with the Planning and Zoning (P&Z) Board prior to the city commission's regularly scheduled meeting in early 2020.

**ACTION:** 7:20:10 PM After discussion, **and on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the 2020 city commission meeting schedule.**

**By unanimous consent, Mayor Cheshire opened the public hearings.**

### **PUBLIC HEARING**

**(m) Second Reading and Public Hearing – Ordinance 2019-014 – LPA-P&Z Board – Lake county School District Representative – Nonvoting Member**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2019-014, Ms. Geraci-Carver read the following title into the record and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE LOCAL PLANNING AGENCY AND THE PLANNING AND ZONING BOARD, INCLUDING BUT NOT LIMITED TO PROVIDING FOR A LAKE COUNTY SCHOOL DISTRICT REPRESENTATIVE TO SERVE AS A NONVOTING MEMBER; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 24, 2019.)

**ACTION: 7:22:15 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter, that the city commission enact Ordinance 2019-014, as previously cited, to become effective as provided by law.**

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

**Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.** (The city manager anticipated writing a letter to Dr. Diane Kornegay, Lake County School Board Superintendent, incorporating a copy of Ordinance 2019-014 requesting for a name of the school board's appointed designee.)

### **END OF PUBLIC HEARING**

## **7. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

**o Florida Medical Industries Inc.**

Mr. La Venia gave a report on the demolition of the Florida Medical Industries Inc. property (the glass thermometer manufacturing company located on 3131 US Highway 27/441) and anticipated the site to be completely removed within the next few weeks.

- **CRA Matching Grant Façade Improvement Program Application**  
After Mr. La Venia noted the additional applications for the Community Redevelopment Agency Matching Grant Façade Improvement Program, he agreed with Mayor Cheshire's recommendation to educate individuals about said program.

ACTION: 7:24:03 PM For informational purposes.

**ii. Shiloh Cemetery (Road) Discussion**

Mr. La Venia recognized the concept, over the years, to make a final major improvement on an existing roadway through Shiloh Cemetery and acknowledged the dedicated funds of \$90,000 included in the FY 2019-20 budget of which \$30,000 has been earmarked towards the paving project. He outlined the costs of available gravesites and niches for residents and non-residents; the projected revenue expected for the next 15 years, after improvements are made, and the approximate amount that can be utilized in the cemetery's fund annually towards maintenance; and purchasing additional land for a new cemetery in the city.

ACTION: 7:26:18 PM After extensive discussion and **by unanimous consent, the city commission approved the city manager's request to seek proposals and solicit vendors to make improvements on an existing dirt roadway – to a single lane one-way paved roadway without curbing -- through Shiloh Cemetery and utilize \$30,000 in dedicated funds identified in the FY 2019-20 budget towards same.**

**iii. Alcohol Beverage Policy Discussion**

In recognizing the city commission's previous actions to proceed towards the community center's opening; the public's desire to use said facility for rent which may involve the consumption of alcoholic beverages and Ms. Glendinning's plan to host events, Mr. La Venia addressed the need for the city commission to establish an alcohol beverage policy.

Mr. La Venia explained that he is currently working with Ms. Geraci-Carver on the drafting of the subject policy; the gathering of local governments' code of ordinances from Ms. Coulson and his plan to seek input from Chief Luce for the city commission's consideration.

ACTION: 7:35:54 PM No action was necessary.

**iv. State Revolving Fund Loan – Wastewater Connection**

With respect to the State Revolving Fund (SRF) loan program, Mr. La Venia recognized that the respective state legislators are proceeding with the FY 2020-21 state appropriations request of approximately \$995,000 for the wastewater force main extension connection construction project up to CR 468.



Mr. La Venia relayed his conversations with representatives from Booth Ern Straughan & Hiott Inc (BESH) -- engineers, surveyors, and land planners retained by the city -- to prepare an SRF low interest loan application totaling approximately \$7,500 awarded by the State of Florida Department of Environmental Protection for the construction of wastewater connections with an 80 percent forgiveness of principal which can be utilized in case the appropriation request is denied. He conveyed recent inquiries from developers on the availability of and access to water and wastewater and the annexation of parcels in the unincorporated area.

Mr. La Venia recommended pursuing construction of the subject project; addressed his plan to meet with Ms. Racine to identify the \$7,500 revenue source and noted that the loan application can be withdrawn if the appropriations request is granted.

**ACTION: 7:37:33 PM The city commission, by unanimous consent, authorized the city manager to retain Booth Ern Straughan & Hiott Inc. to proceed in obtaining assistance to prepare a State Revolving Fund low interest loan application to finance the construction of the wastewater force main extension.**

**v. Public Risk Management of Florida Inc. (PRM)**

Mr. La Venia reported on his attendance at the November 1, 2019 PRM Joint Insurance Fund Meeting which was informative; recognized PRM's longevity with other local governments and expressed satisfaction with the city commission's decision in adopting PRM's proposal.

**ACTION: 7:44:59 PM For informational purposes.**

**vi. Technical Advisory Committee (TAC)**

Mr. La Venia extended congratulations to Mr. Bogle who was appointed as the Lake~Sumter Metropolitan Planning Organization-Technical Advisory Committee (LSMPO-TAC) Chairperson at its November 13, 2019 meeting.

**ACTION: 7:45:47 PM For informational purposes.**

**vii. Building a Successful Records Management Program**

Mr. La Venia commended Ms. Coulson for hosting a records management training for all city staff and department heads "Building a Successful Records Management Program" by Mr. Matt Daugherty, SML Inc., which was held earlier this day.

**ACTION: 7:46:16 PM For informational purposes.**

**(b) City Attorney**

**i. Notice of Claim – James Hartson**

Ms. Geraci-Carver stated that there is nothing new to report on the notice of claim for Mr. James Hartson.

ACTION: 7:46:35 PM No update at this time.

**ii. City of Fruitland Park v. T. D. Burke**

Ms. Geraci-Carver stated that there is nothing new to report on the City of Fruitland Park v. T.D. Burke

ACTION: 7:46:35 PM No update at this time.

**8. PUBLIC COMMENTS**

Mr. Mark Napke, Lake Griffin State Park Ranger, who relocated from the Panhandle in October 2018 after Hurricane Michael, introduced himself before the city commission.

ACTION: 7:47:48 PM The city commission welcomed him to the city.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian stated that he has no comments at this time.

ACTION: 7:49:18 PM. No action was taken.

**(b) Commissioner DeGrave - Veterans' Day Ceremony**

Commissioner DeGrave gave a report on Vice Mayor Gunter and his attendance at the November 11, 2019 Veterans' Day Ceremony.

ACTION: 7:49:47 PM. No action was taken.

**(c) Commissioner Bell**

**i. Veterans' Day Ceremony**

Commissioner Bell cited his inability to attend the November 11, 2019 Veterans Day Ceremony.

ACTION: 7:50:05 PM No action was necessary.

**ii. Lake County Trails *Meet me in the Middle – How Trails can Bring Lake County Together* Presentation**

Commissioner Bell reported on his attendance at the November 13, 2019 Lake County Trails *Meet me in the Middle – How Trails can Bring Lake County Together* Presentation held at Lake Sumter State College, Leesburg. He anticipated receiving \$50,000 in grant funds to the city for Northwest Lake Community Park as referenced earlier in this evening's meeting by Mr. La Venia under regular agenda Item 6.(d).

Commissioner Bell relayed the response from Mr. Bobby" Roberto Bonilla, Lake County Office of Parks and Trails Director, to his request for additional funds towards restrooms as children were crossing the roadway from the park which is of concern and noted that the city would need to

apply for a \$250,000 state match grant (to be matched by the county) to complete the park and submit its request in writing for the county's support.

Mr. La Venia explained, in response to a question posed by Mayor Cheshire on the status of the grant writer, that he has been provided with names of grant writers – one from BESH and the other provided by Mr. Greg A. Beliveau, LPG Urban and Regional Planners (consultants retained by the city). Mr. La Venia expressed preference not to utilize the current grant writer used by the city but retain the two individuals by obtaining their quotes.

**ACTION:** 7:49:47 PM. **By unanimous consent, the city commission directed the city manager to proceed seeking a grant writer and accepted Commissioner Bell's suggestion to proceed with the application for funding towards Northwest Lake Community Park's improvements.**

**iii. LSMPO Governing Board Membership**

Commissioner Bell recognized the current LSMPO at-large representative rotating governing board positions and addressed his preference for the seven municipalities to collaborate, formulate a coalition and address their voting privileges on the MPO which does not require MPO consideration.

**ACTION:** 7:53:59 PM The city manager agreed to communicate with the municipal managers or administrators for input before an agreement is drafted in that regard.

**(d) Vice Mayor Gunter, Jr. – Veterans' Day Ceremony**

Vice Mayor Gunter relayed his attendance at the November 11, 2019 Veterans' Day Ceremony accompanied with his granddaughter and noted Commissioner DeGrave and city staff that were present.

**ACTION:** 8:00:48 PM. No action was taken.

**10. MAYOR'S COMMENTS**

**(a) Emails – Spam and Junk**

After Mayor Cheshire acknowledged the strange emails being received by himself and the city commission, Mr. La Venia assured the protective measures the city has undertaken and advised city users to be diligent and not open suspicious emails marked as *spam* but follow the instructions to identify them as "junk", block the sender and or notify staff.

**ACTION:** 8:09:37 PM No action was necessary.

**(b) November 2, 2019 24<sup>th</sup> Annual Government Day**

Mayor Cheshire acknowledged the attendance of some city commissioners and staff at the November 2, 2019 24<sup>th</sup> Annual Government Day event held at the

Dwight D. Eisenhower Regional Recreation Center at The Villages and conveyed the positive reviews he has received regarding the city's new library.

ACTION: 8:05:17 PM For informational purposes.

(c) **Digital Signs**

Mayor Cheshire voiced his concerns regarding the manner of digital signs within the city and their distraction to motorists.

ACTION: 8:05:56 PM After much discussion and upon Mayor Cheshire's suggestion **the city commission, by unanimous consent, agreed to hold discussions on digital sign regulations under Chapter 163 at the forthcoming Land Development Regulations workshop.**

(d) **Dates to Remember**

Mayor Cheshire recognized the following events:

- November 22, 2019 Lake County League of Cities, *LS-MPO, The Commercial Contractors Association of Lake and Sumter Counties, and Election of Officers*, Lake Legislative Delegation, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;
- November 28, 2019, City Commission Regular at 6:00 p.m. Cancelled;
- November 28, 2019, Thanksgiving Day, City Hall Closed;
- November 29, 2019, Day After Thanksgiving, City Hall Closed;
- December 11, 2019, MPO Governing Board meeting, 225 W. Guava Street, Lady Lake FL 32159 at 2:00 p.m.;
- December 12, 2019, Lake County School District, School Board Chambers, Administrative Complex, 201 West Burleigh Boulevard, Tavares, Florida 32778 at 10:00 a.m.;
- December 12, 2019, City Commission Regular at 6:00 p.m.;
- December 13, 2019, Hometown Christmas, Outside City Hall at 5:30 p.m.;
- December 14, 2019, *7<sup>th</sup> Annual Wreaths Across America Ceremony*, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12 noon;
- December 19, 2019, Holiday Luncheon, Heritage Community Church, 509 West Berckman Street, Fruitland Park at 11:30 a.m.;
- December 20, 2019 Christmas Party, Community Center, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- December 24, 2019, Christmas Eve – City Hall Closed;
- December 25, 2019, Christmas Day - City Hall Closed;
- December 26, 2019, City Commission Regular at 6:00 p.m. – Cancelled, and
- December 31, 2019, New Year's Eve,
- January 1, 2020, New Year's Day.

In response to Commissioner Bell's inquiry, Ms. Glendinning announced the ribbon cutting ceremony for the *Children's Garden Grand Opening* to be held on Saturday, December 21, 2019 at 10:00 a.m. followed by refreshments in the Palm Villa Room.

ACTION: 8:09:45 PM For informational purposes.

**11. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 8:12 p.m.**

The minutes were approved at the January 9, 2020 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES**

**December 12, 2019**

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

**6:00 p.m.**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 12, 2019 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian,

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Library Director Jo Ann Glendinning; Human Resources Director Diana Kolcun; Deputy City Clerk Stevie Taub and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00:23 PM Mayor Cheshire called the meeting to order, Pastor Chuck Padgett, Trinity Assembly of God, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:01:33 PM After Mayor Cheshire requested that Ms. Coulson called the roll where a quorum was declared present, he outlined the public decorum for this evening's meeting.

Upon Mayor Cheshire' suggestion and **by unanimous consent, the city commission accepted the change to Item 6.(f), an addendum (Appendix A, Cafeteria Description Floor Plan) to Resolution 2019-069 on this evening's agenda:**

**3. SPECIAL PRESENTATIONS**

**(a) *Wreaths Across America Proclamation***

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming Saturday, December 14, 2019 as the official *Wreaths Across America Day*.

**ACTION:** 6:03:03 PM Mses. Diane Rousseau and Ginney Pitek, John Gella Memorial Unit 219 (American Legion Auxiliary), accepted the proclamation with gratitude; recognized the 129 veterans at Shiloh Cemetery and invited everyone to attend the 7<sup>th</sup> Annual *Wreaths Across America* ceremony.

**(b) District 5 Lake County Commissioner – Presentation**

District 5 Lake County Commissioner “Josh” Joshua Blake distributed the CR 466A Roadway Improvements map and the county’s public works FY 2019-20 Four and Five-Rated Priority Projects listings; gave an historical overview of projects previously funded by state legislative representatives’ appropriations requests for water and transportation and the current change in the State of Florida Department of Transportation’s (FDOT’s) procedures and funding methods, and pointed its discretionary funds of \$450,000 earmarked by the county for his district’s budget which precludes the county commission from implementing other projects. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Commissioner Blake relayed his position against the county commission’s actions at its October 22, 2019 public hearing approving the 2019 Infrastructure Sales Tax Capital Financing Loan for road resurfacing projects (financed with a \$10 million expenditure low interest loan payable over the next two years with penny sales tax); recognized the city’s inevitable voting privileges as an at-large rotating membership on the Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board, and addressed the need for the city’s member representative(s) to continue to be in attendance at said meetings ensuring that they are heard on issues such as the need to finalize the CR 466A Phase 3 Roadway Improvements Project, a regional priority for the county for some time.

Mr. Fred Schneider, Lake County Public Works Department Director, gave a report on the county’s purchase of most of the right-of-way projects shown on the priority projects listings, relayed the county’s preference to not enter into the eminent domain process (which remains unsettled in the court process) but to construct the respective projects at once, and identified \$7.5 million in construction funds where the remaining impact fee (central) district costs would offset same which he anticipated working closely with FDOT for the ensuing year, through the MPO process, to provide funds to finalize the project.

Following much discussion and after receiving Commissioner Blake’s assurance to advocate, on the city’s behalf, the elevation and placement of the subject project on top of the priority list and finalize same, the city commission thanked him and Mr. Schneider for their support.

ACTION: 6:05:53 PM No action was taken.

**4. RECESS TO THE CRA**

ACTION: 6:33:43 PM **By unanimous consent, the city commission recessed its regular meeting at 6:33 p.m. to the CRA and reconvened at 6:45 p.m.**

**5. CONSENT AGENDA**

The city commission considered the following consent agenda items:

(a) **Approval of Minutes**

- October 10, 2019 regular
- October 24, 2019 regular

(b) **Resolution 2019-068 - Non-Disclosure Agreement – Lake County Property Appraiser**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE NON-DISCLOSURE AGREEMENT FOR INFORMATION EXEMPT FROM PUBLIC DISCLOSURE UNDER CHAPTER 119, FLORIDA STATUTES BETWEEN THE LAKE COUNTY PROPERTY APPRAISER AND THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:45:21 PM On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda.**

**6. REGULAR AGENDA**

(a) **Resolution 2019-070 – Library Fees**

Ms. Geraci-Carver read into the record proposed Resolution 2019-070, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; ADOPTING USER FEES FOR LIBRARY SERVICES AS ESTABLISHED BY THE LAKE COUNTY LIBRARY SYSTEM; PROVIDING FOR DIRECTIONS, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:46:45 PM A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2019-070 as previously cited.**

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

(b) **Resolution 2019-067 – Insurance Claim Proceeds Revenue – Recreation Improvement**

Ms. Geraci-Carver read into the record proposed Resolution 2019-067, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019/2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE INSURANCE CLAIM PROCEEDS REVENUE BUDGET AND THE RECREATION



IMPROVEMENT EXPENSE BUDGET; AND PROVIDING FOR  
AN EFFECTIVE DATE.

ACTION: 6:48:39 PM After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-067 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously. (The insurance claim proceeds for mold remediation earmarked to the community center improvement fund will be used to continue improvements at the community center, formerly the old library building.)

(c) **Resolution 2019-062 FDEP SRF Loan – Water Wastewater Facility Plan - Urick Street Force Main Extension**

Ms. Geraci-Carver read into the record proposed Resolution 2019-062, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), ADOPTION OF THE WASTEWATER FACILITY PLAN FOR THE IMPLEMENTATION OF URICK STREET WASTEWATER FORCE MAIN IMPROVEMENTS, EFFECTIVE THIS DATE.

Mr. La Venia addressed the blueprint of an application for an SRF loan to fund the wastewater project force main improvements on Urick Street; identified the loan forgiveness of 80% on principal where the city would be responsible for 20% on the amount owed, proceeds of which would be utilized to connect and expand the wastewater line on Urick Street and Dixie Avenue to the water wastewater treatment plant (WWTP) to service the area recognizing the potential growth and the anticipation of the city receiving \$1 million in improvements for \$200,000.

In concurring with Mr. La Venia's statements, Mr. Duane K. Booth, Booth Ern Straughan & Hiott Inc. (BESH) (engineers, surveyors, and land planners retained by the city), described the subject project and outlined the city's qualifications in meeting the SRF loan requirements of 80% forgiveness with the initial payment of 20%. Mr. Booth relayed staff's discussions on the concept of providing and funding wastewater services and working with Ms. Geraci-Carver on the development agreements.

Following extensive discussions and after Mr. Mike Scullion, BESH, described the FDEP's SRF loan application process (noting that funds will not be borrowed) and the outcome of same would be on February 15, 2020, Mr. La Venia noted the opportunity to decline the loan at that time.

After further discussion, Mr. Brian Gov Rates, confirmed that there is no prepayment penalties if the city desired to pay early, such as receiving a legislative

appropriation which can be utilized and noted the possibility of expanding the wastewater customer base beneficial to the city's current WWTP capacity reservation bulk treatment agreement with the Town of Lady Lake. .

**ACTION: 6:49:24 PM A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2019-062 as previously cited.**

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

**(d) Financial Report – September 2019**

Ms. Racine reviewed the September 2019 (preliminary end of the year) financial report.

**ACTION: 7:04:36 PM On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission accepted the September 2019 financial report as submitted.**

**(e) Resolution 2019-061 – Building and Zoning (B&Z) Fee Schedule**

Ms. Geraci-Carver read into the record proposed Resolution 2019-061, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A FEE SCHEDULE FOR BUILDING AND ZONING FEES; REPEALING ALL FEES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Kelley reported on the amendment made to B&Z Zoning Fee Schedule -- based on the city commission's direction at its November 14, 2019 regular meeting on B&Z Fee Schedule Resolution 2019-065 to include building permit private provider fees for commercial properties – where she believed, in future ought to be incorporated into other permits including commercial.

**ACTION: 7:05:51 PM After much discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian and unanimously carried, the city commission adopted Resolution 2019-061 as previously cited.**

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

**(f) Resolution 2019-069 - Library (Gardenia) Café Agreement – Vito Serrone**

Ms. Geraci-Carver read into the record proposed Resolution 2019-069, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE LEASE

AGREEMENT BETWEEN VITO SERRONE AND THE CITY OF FRUITLAND PARK FOR OPERATING A CAFÉ WITHIN THE FRUITLAND PARK LIBRARY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia compared the change in the Library (Gardenia) Café Agreement to the last (adopted by Resolution 2019-030) noting the reduction in net sales cost to \$200 or by 10 percent with proceeds of same towards the Friends of the Fruitland Park Library Inc. He recognized the presence of Mr. Vito Serrone, New York Deli Diner, at this evening's meeting and believed that he will be complimentary to the library.

After discussion, Mr. La Venia recognized the addendum (Appendix A, Cafeteria Description Floor Plan) which was not included.

ACTION: 7:15:24 PM, 7:18:07 PM, 7:35.33 PM, and 8:06:19 PM. After discussion, **a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2019-069 as previously cited.**

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

After Mr. Serrone mentioned his previous discussions with Ms. Glendinning, he requested the following changes to the lease agreement:

- Subsection 2.1, Permitted Use and Responsibilities, *The name of the café will be the Gardenia Café . . .* to be changed to read: . . . *The New York Deli Café in the Gardenia Room . . .* ; to which Ms. Glendinning recognized the Gardenia Café establishment; and addressed the intent to advertise, promote or market the Gardenia Café by the New York Deli Diner or the New York Deli Diner at the Gardenia Café.

Mr. Serrone questioned amending the lease agreement to include the fire truck that he uses to be occasionally located at the library.

- Section 3, Marketing and Promotion, with reference to the county's directional library sign on CR 466A, Ms. Glendinning addressed the plan to make arrangements with Mr. Bogle for a similar sign to be erected on the intersection of CR 468, Rose Avenue, Fountain Street, and Shiloh Street and upon completion of the CR 466A roadway improvements, for such signs to show "Fruitland Park Library and Café".
- Subsection 2.5, Permitted Use and Responsibilities, Mr. Serrone mentioned his intent to communicate with Ms. Glendinning on the catering services' operating hours.

Recognizing that negotiations on the subject lease agreement is incomplete and in light of the city commission's current review of its sign regulations under Chapter 163 of the Land Development Regulations (LDRs) where the fire truck is considered a moving billboard sign, **a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission rescind the adoption of Resolution 2019-069, as previously cited, and send back the lease agreement to staff for negotiations before presenting same to the city commission for consideration.**

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

Later in the meeting and after Mr. La Venia, Mayor Cheshire and Ms. Glendinning extended apologies with the intent to not change the contract terms at this evening's meeting, Commissioner DeGrave suggested that the final lease agreement include language prohibiting tenant's signage on vehicles and the library building and Mr. La Venia agreed with Mayor Cheshire's recommendation to seek another vendor.

**(g) Resolution 2019-066 – Bailey Minor Subdivision – Petitioner: Michael S. Bailey**

Ms. Geraci-Carver read into the record proposed Resolution 2019-066, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SUBDIVISION APPROVAL OF PROPERTY LOCATED AT 500 WEST MIRROR LAKE DRIVE, IN THE CITY OF FRUITLAND PARK, OWNED BY MICHAEL S. BAILEY; PROVIDING FOR A NOTICE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Greg Beliveau LPG Urban Planners Inc. (consultant retained by the city), relayed the request for Vice Mayor Gunter to accept a 30-day continuance on the subject item in order for Ms. Geraci-Carver to review whether he has a conflict of interest and need to abstain from voting.

After Ms. Geraci-Carver suggested that the item in question be continued to a date certain (the second meeting in January 2020) in order to avoid re-advertising, Vice Mayor Gunter relayed her advice on the legalities of voting for, against or filing for an abstention until she has conducted her research and obtained an opinion from the State of Florida Commission of Ethics.

**ACTION: 7:25:59 PM On motion of Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the city commission postponed to the January 23, 2020 regular meeting its action to adopt Resolution 2019-066 at staff's request for more information.**

## PUBLIC HEARING

(h) **First Reading and Public Hearing – Ordinance 2019-015 – Purchasing and Bidding Policy**

After Ms. Geraci-Carver read into the record proposed Ordinance 2019-015, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 33 OF THE CODE OF ORDINANCES INCREASING THE PURCHASING THRESHOLD AMOUNTS SET FORTH IN THE CITY'S PURCHASING AND BIDDING POLICY; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 9, 2020.)

Mr. La Venia recalled the city commission's October 10, 2019 discussion on the purchasing policy recognizing the city manager's current threshold for approval is \$4,000 which would match the city's code on purchases and competitive bidding and reviewed the proposed changes.

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

**ACTION: 7:28:35 PM After much discussion, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2019-015 as previously cited and directed staff to include a provision in the purchasing policy to notify the city commission, in writing, on-line-item purchases of over \$5,000.**

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

## END OF PUBLIC HEARING

### 7. OFFICERS' REPORTS

(a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia addressed the plan to meet with Benchmark Development I LLC on December 16, 2019 regarding the approximately 27 acres of Lake County School Board property located on CR 466A bordering Sumter and Lake County Lines where he will apprise the city commission of the status.

**ACTION: 7:36.39 PM No action was necessary.**

**ii. Lake County Trails Masterplan Discussion**

Mr. La Venia indicated that he will postpone discussions on Lake County Trails Masterplan to later in the meeting for Commissioner Bell to address.

ACTION: 7:36:41 PM No action was taken.

**iii. Alcohol Beverage Policy Discussion**

Mr. La Venia advised that documentation for the city's proposed alcohol beverage policy is being gathered for input from Mses. Glendinning, Yoder and Geraci-Carver prior to the next regular meeting.

ACTION: 7:36:41 PM No action was taken.

**iv. Lake County Educational Concurrency Committee**

Mr. La Venia mentioned his attendance at the Lake County Educational Concurrency Review Committee meeting held earlier this day; on behalf of Vice Mayor Gunter who is a member, regarding their annual report on funds to renovate or replace Fruitland Park Elementary School which is fully funded in FY 2021-22 and projected beyond the five-year facilities capital plan FY 2020-2024 expected to open in 2024.

After Mr. La Venia relayed the committee's consideration of the State of Florida Department of Education's requirements "Castaldi Analysis" -- a cost analysis or formula used to

- determine whether it would be cost-effective to demolish and replace the school's permanent building than to renovate same;
- justify (recognizing that one of the buildings on the site was built in 2007 and the remaining site was constructed in the early 60's) the need to replace the 1960's building; thus, the ability to build a new school on another property, and
- recognize the expansion to be limited by site restrictions.

In concurring with Mr. La Venia's comments, Mr. Beliveau relayed the school district's discussions at its previous meetings on a proposed pre-k or alternative school as a possibility for the city and acknowledged the continued growth in the city as well as the City of Leesburg .

After much discussion and in response to Commissioner Bell's inquiries on a potential new school and the CR 468 corridor, Mr. Beliveau emphasized the need for a project development and environment study in that regard and recalled the city commission's consideration of same for a north-south bypass in 1996.

ACTION: 7:37:23 PM Following extensive deliberations and **by unanimous consent, the city commission directed the city manager to work with the City of Leesburg City Manager Al Minner and write a letter to District 4 Lake County Board of County Commissioner**

**Chairperson Leslie Campione on the need to initiate a joint venture project development and environmental study for the north-south by-pass (CR 468) for the Cities of Leesburg and Fruitland Park.**

**(b) City Attorney**

**i. Notice of Claim – James Hartson**

The notice of claim for James Hartson was not addressed.

ACTION: 7:49:45 PM No action was taken.

**ii. City of Fruitland Park v. T. D. Burke**

Ms. Geraci-Carver relayed her communications with Mr. T. D. Burke's Attorney Lindsay C. T. Holt on her desire to amend the Stipulation to Amend Complaint and address some of the issues raised in the Motion to Dismiss. Ms. Geraci-Carver conveyed Ms. Holt's response to her request that she will check with her client to stipulate and respond by December 23, 2019.

Ms. Geraci-Carver mentioned her plan to file a motion with the court, if a response is not received or if Mr. Burke is in disagreement.

ACTION: 7:49:45 PM For informational purposes.

**8. PUBLIC COMMENTS**

No one from the public appeared before the city commission at this time.

ACTION: 7:50:45 PM No action was taken.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**i. First Baptist Church**

Commissioner Mobilian referred to a recent complaint regarding the lights from new First Baptist Church (FBC) of Leesburg Inc.'s site (south of CR 466A and west of Pine Ridge Dairy Road) illuminating into adjacent property owners' homes. He requested that a letter be sent to the FBC property owner to place a shield around the lights to prevent the glare into the residents' homes.

Following much discussion, Commissioner DeGrave addressed the potential hazard due to the location of the church's monument sign at the main entrance to which Mr. Beliveau referred to the site permit application and site plan which was previously to the applicant.

(Commissioner Mobilian left the meeting room at this time.)

Later in the meeting, Ms. Kelley distributed an excerpt of the master development agreement (an exhibit from Ordinance 2018-002 enacted on March 8, 2018 regarding FBC's rezoning of Planned Unit Development

(PUD)) showing under Section 12, arrangements to reflect light away from adjacent properties. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:48:20 PM and 8:11:29 PM No action was taken; however, Mr. La Venia had no objections to Commissioner's Mobilian's request to write a letter to the FBC property owner on what measures they undertook to direct the light away from the residences in the subject area. With respect to the monument signs, Mr. Beliveau addressed staff's plan to ensure that setbacks would be reduced from more than 50 feet to 20 feet or less.

**(b) Commissioner DeGrave**

Commissioner DeGrave stated that he has no comments at this time.

ACTION: 7:55:23 PM No action was taken.

**(c) Commissioner Bell**

**i. Parks and Trails**

Commissioner Bell gave an historical overview since 1994 on the county's master plan with FDOT's involvement (preserving county rails to trails) within the municipalities which included the railroad property in Fruitland Park. Since the economic downfall, he recognized the development of trails in the south and east end of the county, and identified the concept of connecting Lake Griffin State Park to the Town of Lady Lake which is included in the county's Office of Parks and Trails Master Plan with funding construction to be determined.

Commissioner Bell recommended that the city commission, when reviewing its future planning, provide suggestions to determine whether the placement of such trails would be feasible and that such trail system be approved as part of the city's PUD requirement for proposed developments to which Mr. Beliveau concurred and believed that the city commission ought to consider same.

In response, Mr. La Venia agreed to research the issue and confirmed, in the affirmative to Mayor Cheshire's inquiry, that the city is still pursuing retaining a grant writer.

ACTION: 7:55:29 PM No action was taken.

**ii. Stephen Siller Tunnel to Towers Foundation Mortgage Free Homes**

Commissioner Bell referred to his and Commissioner Mobilian's attendance on November 26, 2019 to the Stephen Siller Tunnel to Towers Foundation event where Ms. Crystal Blasjo and her children were presented with the key to a mortgage-free home at Chelsea's Run Subdivision in honor of Sergeant Aaron Blasjo, her husband, who was killed in action.



Commissioner Bell recognized the foundation's option for recipients to live anywhere in the United States and relayed Ms. Blasjo's response that she chose the city as she liked the community.

ACTION: 8:07:40 PM For informational purposes.

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

Vice Mayor Gunter explained that he has no comments; however, he indicated that he is looking forward to attending the December 14, 2019 7<sup>th</sup> Annual Wreaths Across America event and gave a donation towards the *Shop-With-a-Cop* event to be held on December 14, 2019.

ACTION: 8:05:50 PM No action was taken.

**10. MAYOR'S COMMENTS**

**(a) Police Department**

Mayor Cheshire commended the police department for their assistance to his neighbor and conveyed the neighborhood's appreciation for their ongoing services and proactive approach taken in dealing with crime prevention.

ACTION: 8:07:20 PM For informational purposes.

**(b) City Commission Workshops**

Mayor Cheshire addressed the need for the city commission to conduct workshops on the LDRs, fire rescue services, the FYs 2015-20 Redevelopment Plan projects and the Five-Year Capital Improvement Plan (CIP) which was addressed earlier this evening at the CRA meeting.

ACTION: 8:08:07 PM and 8:13:11 PM After much discussion and **by unanimous consent, the city commission approved holding a joint workshop with the Planning and Zoning (P&Z) Board to review the Land Development Regulations and all the amendments at the February 9, 2020 workshop at 6:00 p.m. prior to the regular meeting which will commence at 7:30 p.m..**

Later in the meeting and after, Mr. La Venia addressed his plans to prepare a five-year CIP, **the city commission, by unanimous consent, agreed to hold a city commission workshop on fire rescue services in January 2020 and requested that the city commission work with the city manager to submit information in that regard in advance of the workshop.**

**(c) Dates to Remember**

Mayor Cheshire recognized the following events:

- December 13, 2019, Hometown Christmas and a Double Feature Movie *A Christmas Story* and *Christmas Vacation*, Outside City Hall at 5:30 p.m.;
- December 13, 2019, Lake County League of Cities (LCLC) *Lake County Planning and Zoning – Land Use Compatibility and Year-End Wrap-up*, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

- December 14, 2019, 7<sup>th</sup> Annual Wreaths Across America Ceremony, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12 noon;
- December 19, 2019, Holiday Luncheon, Heritage Community Church, 509 West Berckman Street, Fruitland Park at 11:30 a.m.;
- December 20, 2019 Christmas Party, Community Center, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- December 21, 2019, Virgil Bell Children's Garden Opening Ceremony, Fruitland Park Library 604 West Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.
- December 24, 2019, Christmas Eve – City Hall Closed;
- December 25, 2019, Christmas Day - City Hall Closed;
- December 26, 2019, City Commission Regular at 6:00 p.m. – Cancelled;
- December 31, 2019, New Year's Eve; - City Hall Closed and
- January 1, 2020, New Year's Day – City Hall Closed

ACTION: 8:15:39 PM

**11. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 8:17 p.m.**

The minutes were approved at the January 9, 2020 regular meeting.

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

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

**RESOLUTION 2020-002**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 600 AND 602 URICK STREET, FRUITLAND PARK, FLORIDA, OWNED BY FREDERICK AND ANALIZA FAIRFAX AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3841409 AND ALTERNATE KEY NUMBER 3841410; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Frederick G. and Analiza F. Fairfax own 2 parcels of real property more particularly described below which it desires to unify as one indivisible building site; and

**WHEREAS**, it is necessary to authorize the Mayor of the City of Fruitland Park to execute the necessary document to effectuate the unity of title.

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

**Section 1. Authorization.**

The Mayor is authorized to execute the Declaration of Unity of Title attached hereto for the purpose of unifying the real property more particularly described below.

**LEGAL DESCRIPTION: Lot 13, OAK FOREST, according to the map or pat thereof as recorded in Plat Book 56, Page 49, Public Records of Lake County, Florida.**

**AND**

**Lot 14, OAK FOREST, according to the map or pat thereof as recorded in Plat Book 56, Page 49, Public Records of Lake County, Florida.**

**Section 2. Recording of Notice.**

The Mayor or designee is directed to record a the Declaration of Unity of Title, **a copy of which is attached hereto**, in the public records of Lake County, Florida, and provide a copy to the Lake County Property Appraiser.

**Section 3. Effective Date.**

This resolution shall become effective immediately upon its passage.

PASSED and ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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 Chairman Gunter \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Bell \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

Approved as to form:

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

Record and Return to:  
City of Fruitland Park  
506 W Berckman St.  
Fruitland Park, FL 34731

## NOTICE OF DECLARATION OF UNITY OF TITLE

This Declaration of Unity of Title, made this \_\_\_\_ day of \_\_\_\_\_, 2020, by Frederick G and Analiza F Fairfax, having an address of 1642 New Abbey Ave., Leesburg, Florida 34788, hereinafter referred to as the “Declarant” being the fee owner of the following described real property located in Lake County, Florida:

Alt. Key Numbers: **3841409 & 3841410**

Parcel Id. Numbers: 09-19-24-067500001300 & 09-19-24-067500001400

### LEGAL DESCRIPTION:

**Lot 13, OAK FOREST, according to the map or pat thereof as recorded in Plat Book 56, Page 49, Public Records of Lake County, Florida.**

**AND**

**Lot 14, OAK FOREST, according to the map or pat thereof as recorded in Plat Book 56, Page 49, Public Records of Lake County, Florida.**

Hereby makes the following declarations of condition, limitation, and restriction on the Property, hereinafter to be known and referred to as a Declaration of Unity of Title, as to the following particulars:

1. That the afore-described plot of, or combination of separate lots, plots, parcels, acreage or portions thereof, shall hereafter be declared to be unified under one title as an indivisible building site. **See attached Sketch of Description.**
2. That the Property shall henceforth be considered as one plot or parcel of land, and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel of land.
3. The purpose of unity is to unify as one indivisible building site for construction thereon.

Declarant further agrees that this Declaration of Unity of Title shall constitute a covenant to run with the land, as provided by law, and shall be binding upon the Declarant, its successors and assigns, and all parties claiming under such parties until such time as the same be released in writing by the City of Fruitland Park, a Florida municipality of the

State of Florida. Declarant also agrees this Declaration of Unity of Title shall be recorded in the Public Records of Lake County, Florida.

IN WITNESS WHEREOF, Declarant has executed this instrument in the manner provided by law on the day and year above written. Signed, sealed, and delivered in our presence as witnesses:

WITNESSES

**CITY OF FRUITLAND PARK**

\_\_\_\_\_  
Signature of Witness #1

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

\_\_\_\_\_  
Print Name of Witness #1

Attest:

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Esther Coulson, City Clerk

\_\_\_\_\_  
Print Name of Witness #2

**State of Florida**  
**County of Lake**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by Chris Cheshire, as Mayor of the City of Fruitland Park, who is personally known to me or who produced \_\_\_\_\_ as identification and who did (did not) take an oath.

Notary Stamp:

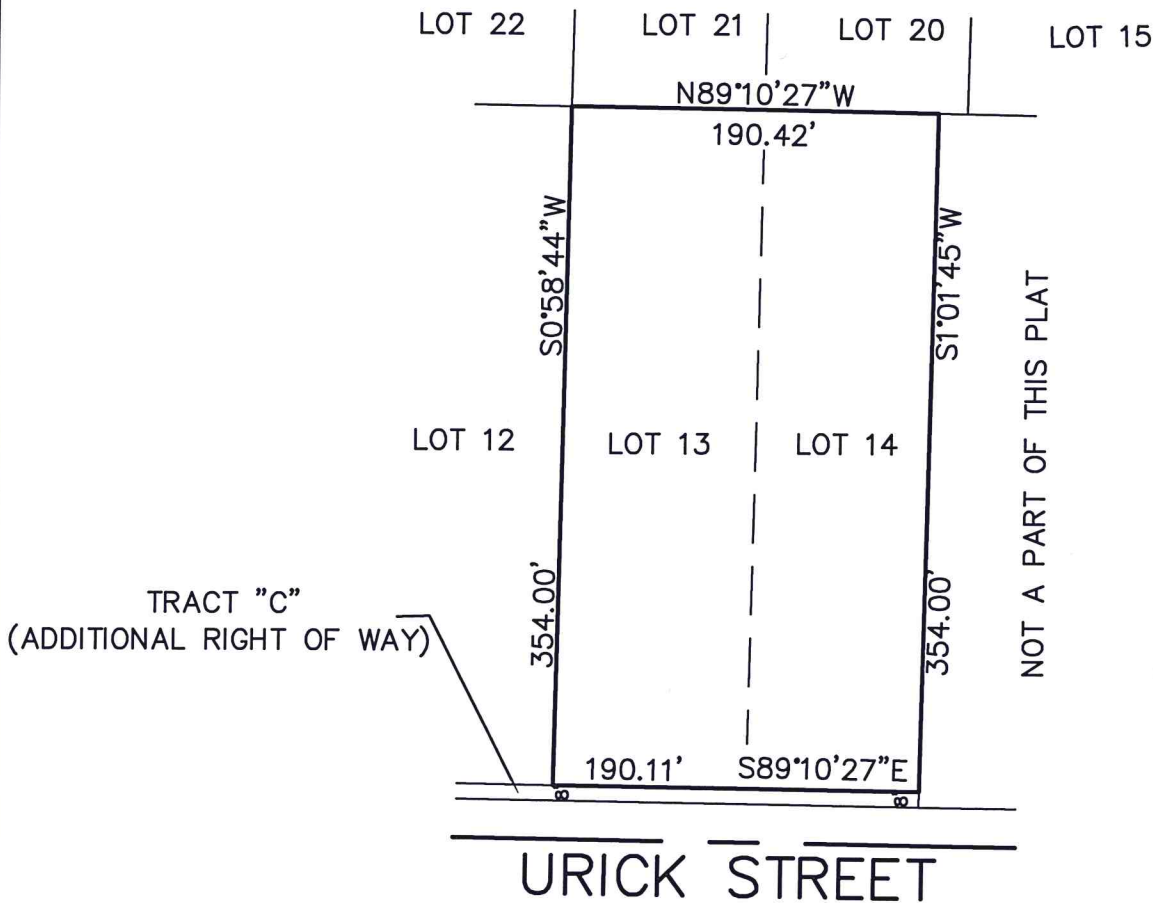
\_\_\_\_\_  
Signature of Notary

SKETCH OF LEGAL DESCRIPTION  
RICHARD A. WISHAM  
SURVEYING INC.

9080 SE 161 LANE  
SUMMERFIELD, FLORIDA 34491  
352/245-5319  
SCALE: 1" = 100'



NOTE: THIS IS NOT A SURVEY.



LEGAL DESCRIPTION:

LOTS 13 AND 14 AS SHOWN ON THE PLAT OF " OAK FOREST" AS RECORDED IN PLAT BOOK 56, PAGES 49 THROUGH 52 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PREPARED BY:

*[Signature]*  
RICHARD A. WISHAM, PSM  
FLORIDA REGISTRATION NO. 2566

DATE: JULY 12, 2019

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 12 2019

DEPARTMENT

CITY OF FRUITLAND PARK

# BOUNDARY SURVEY

## DESCRIPTION

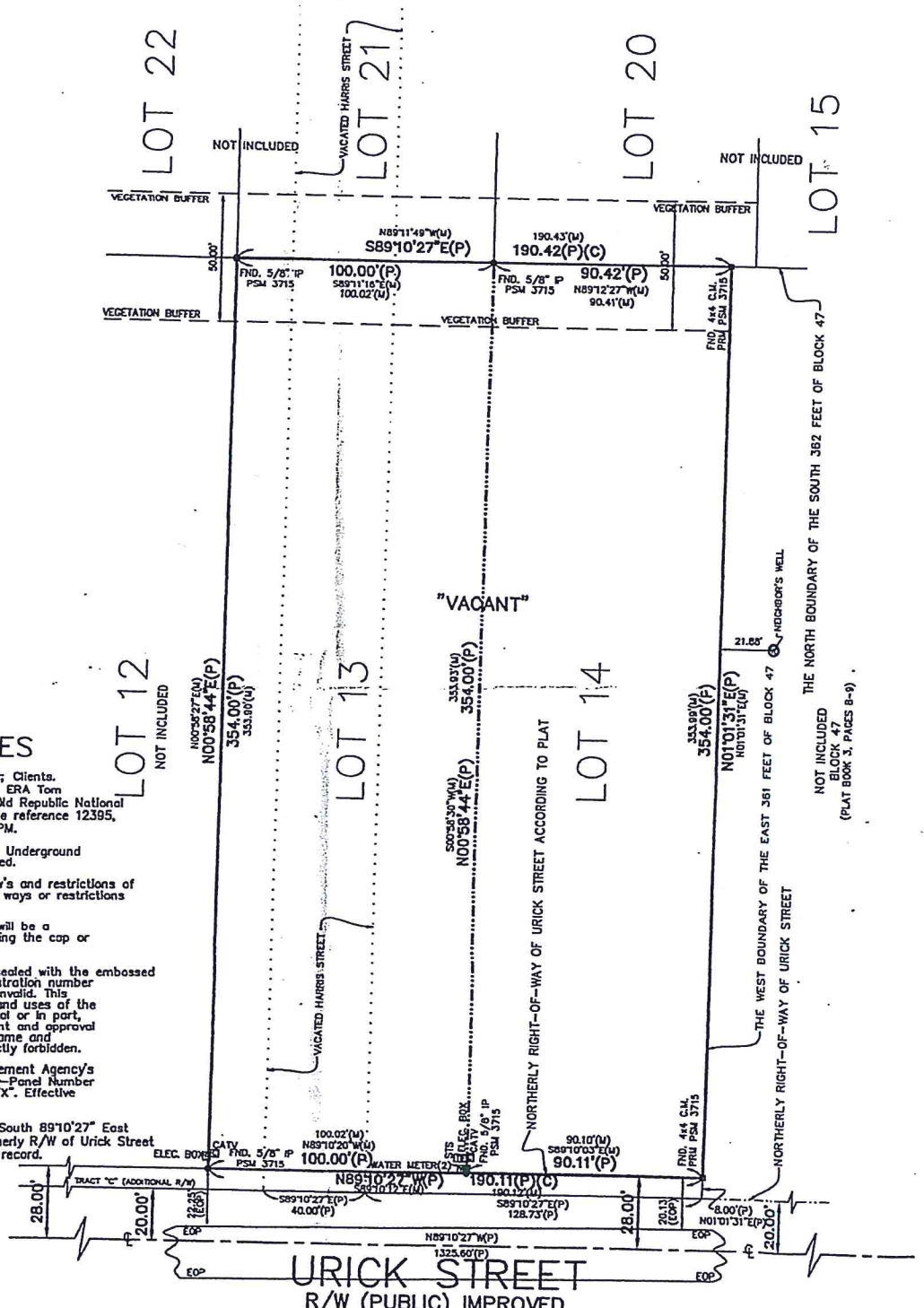
LOTS 13 AND 14, OAK FOREST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 56, PAGES 49, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

### LEGEND / ABBREVIATIONS

- Concrete
- E.O.P. = Edge of Pavement
- Find. = Found
- C.M. = Concrete Monument
- I.P. = Iron Pin
- Disk = Surveyor's Nail and Disk
- (R) = Road
- STS = Sprint Telephone Service Box
- Dec. = Electrical Service Box
- Catv = Cable T.V. Service Box
- A/C = Air Conditioner
- SSS = Sanitary Sewer Stub
- L.B. = Licensed Business
- RLS = Registered Land Surveyor
- PSM = Professional Surveyor & Mapper
- PLS = Professional Land Surveyor
- CL = Centerline
- R/W = Right-of-Way
- (P) = Plat
- (M) = Measured
- (C) = Calculated From Record Plat
- C-1 = Curve Number
- Id. = Identification
- PRM = Permanent Reference Monument
- PCP = Permanent Control Point
- PRC = Point of Reverse Curve
- ICV = Irrigation Control Valve
- S.E. = Special Easement
- Not to Scale

### SURVEYOR'S NOTES

1. Description furnished by Frederick G. Fairfax; Clients. Also provided via e-mail from Julie Taylor; ERA Tom Crizard, Inc. was title commitment from Old Republic National National Title Insurance Company agents (a reference 12395, Effective Date: August 12, 2012 at 11:00 PM.
2. No utilities were located other than shown. Underground utilities and/or foundations were not located.
3. This property subject to all easements, r/w's and restrictions of record. No additional easements, right of ways or restrictions were furnished at time of survey.
4. All monumentation "set" by this company will be a 4"x4" C.M., 5/8" I.P. or 1-1/4" disk, bearing the cap or stamp number (PSM 3715).
5. Any copies of this survey not signed and sealed with the embossed surveyor's seal bearing the name and registration number of the surveyor in responsible charge are invalid. This plat has been produced for the purposes and uses of the client named hereon. Any reproduction, total or in part, by any method, without the express consent and approval of the client and/or the surveyor whose name and registration number appears hereon is strictly forbidden.
6. According to the Federal Emergency Management Agency's "FLOOD INSURANCE RATE MAP", Community-Panel Number 12069C0306 D, this property lies in Zone "X". Effective date; July 3, 2002
7. Bearings based on an assumed bearing of South 89°10'27" East for the monumentation found on the Northerly R/W of Urick Street said bearing being identical to the plat of record.



Sheet 1 of 1

L.B. #6451  
McGlohorn Land Surveyor, Inc.  
P.O. Box 490061  
1501 Akron Drive  
Leesburg, Florida 34748  
(352)326-5089 Fax(352)326-2326

Certified to:  
Frederick G. & Anitza Fairfax  
Law Office of Bonnie Brown, P.A.  
Insight Credit Union  
Old Republic National Title Insurance Company

I hereby certify that this SURVEY was made under my responsible charge and meets the rules as set forth by the Florida Board of Professional Land Surveyors in Chapters 55-17.050, 55-17.051, & 55-17.052, of the Florida Administrative

GRAPHIC SCALE





Lake County Library System, *Office of Library Services*  
P.O. Box 7800 • 418 W. Alfred Street, Suite C • Tavares, FL 32778

December 2, 2019

Esther B. Coulson, City Clerk  
City of Fruitland Park  
506 W. Berckman Street  
Fruitland Park, FL 34731

Dear Ms. Coulson:

This is to notify you that the terms for the City of Fruitland Park seats on the Lake County Library Advisory Board will expire on February 28, 2020. Ms. Cynthia Burch currently serves as the board member representative and Mr. Robert Ballenger as the alternate board member, at present.

Please have the City Commission make its appointments/reappointments for the board member and alternate board member at its earliest convenience. The new terms will be for four years, from February 29, 2020, through February 29, 2024. Once the appointments have been made, please notify Niki Booth or me in writing, so the appointments can be affirmed by the Board of County Commissioners.

Please don't hesitate to contact me if you have any questions. Thank you for your continued participation in the Lake County Library System, a public library cooperative serving the City of Fruitland Park and Lake County residents.

Sincerely,

George Taylor  
Office of Library Services Director

GT/ks

c: Niki Booth, Executive Office Manager, County Manager  
Jo-Ann Glendinning, Director, Fruitland Park Library

P 352.253.6180 • F 352.253.6184  
Board of County Commissioners • [www.lakecountyfl.gov](http://www.lakecountyfl.gov)

Timothy I. Sullivan  
District 1

Sean M. Parks, AICP, QEP  
District 2

Wendy R. Breeden  
District 3

Leslie Campione  
District 4

Josh Blake  
District 5

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5a**

**ITEM TITLE:** Resolution 2020-004 – NW Lake Community Park  
3<sup>rd</sup> Amendment – Lake County ILA

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Attorney/City Manager  
**Date Submitted:** December 18, 2019  
**Funds Required:** No  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** No

**Item Description:** Yes, Resolution 2020-004, 3<sup>rd</sup> Amendment to the  
ILA, and city manager’s letter.

**Action to be Taken:** **Adopt Resolution 2020-004**

**Staff’s Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2020-004**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland owns and operates Northwest Lake Community Park, located at 200 Shiloh Street, Fruitland Park, Florida (hereinafter referred to as the “Park”); and

**WHEREAS**, on December 20, 2016, the City of Fruitland Park and the Lake County entered into an Interlocal Agreement regarding the Joint Development of a Soccer Field at the Northwest Lake Community Park (“Interlocal Agreement”) which has been previously amended; and

**WHEREAS**, the City has requested to amend the Interlocal Agreement for a third time to modify the contribution amount in order to provide accessibility features and install concrete pads and walkways; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida desires to enter into the Third Amendment to the Interlocal Agreement with Lake County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Third Amendment to Interlocal Agreement between Lake County, Florida and the City of Fruitland Park Regarding Joint Development of a Soccer Field at Northwest Lake Community Park, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Third Amendment to 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 9<sup>th</sup> day of January 2020, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

\_\_\_\_\_  
CHRIS CHESHIRE, MAYOR

SEAL

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 DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

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

**THIRD AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN LAKE COUNTY, FLORIDA AND  
THE CITY OF FRUITLAND PARK  
REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT  
NORTHWEST LAKE COMMUNITY PARK**

This is a Third Amendment to an Interlocal Agreement agreed to between Lake County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereafter the “COUNTY”), and the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the “CITY”).

**WITNESSETH:**

**WHEREAS**, the CITY owns and operates Northwest Lake Community Park, located at 200 Shiloh Street, Fruitland Park, Florida (hereinafter referred to as the “Park”); and

**WHEREAS**, the CITY desires to construct a soccer field at the Park (hereinafter referred to as the “Project”); and

**WHEREAS**, on December 20, 2016, the CITY and the COUNTY entered into an Interlocal Agreement regarding the Joint Development of a Soccer Field at the Northwest Lake Community Park (“Interlocal Agreement”); and

**WHEREAS**, on February 27, 2018, the CITY and the COUNTY entered into an Amendment to Interlocal Agreement Between Lake County, Florida and the City of Fruitland Park Regarding Joint Development of a Soccer Field at Northwest Lake Community Park (“First Amendment”) providing for an extension of time for the Project; and

**WHEREAS**, on June 5, 2018, upon request of the CITY, a Second Amendment to Interlocal Agreement was executed by the parties; and

**WHEREAS**, the CITY requests the Interlocal Agreement be amended for a third time to modify the contribution amount in order to provide accessibility features and install concrete pads and walkways.

**NOW, THEREFORE**, for and in consideration of the mutual covenants, promises, conditions and payments contained herein, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.
2. **Amendment.** The CITY and the COUNTY agree that the following sections of the Interlocal Agreement will be amended to state as follows:

**Section 2. Obligations of COUNTY and CITY.** The COUNTY agrees to reimburse the CITY for a portion of the cost of the Project. The

COUNTY's total funding reimbursement shall not exceed **Two Hundred Thousand Dollars (\$200,000.00)**, which shall be provided in four payments of no greater than Fifty Thousand Dollars (\$50,000.00) each. The first payment shall be provided between October 1, 2017 and September 30, 2018, and the second payment shall be provided on or before September 30, 2019.

The third payment in the amount of Fifty Thousand Dollars (\$50,000) will be provided after installation by the CITY, of sports lighting at the Park. Upon completion of the installation of the sports lighting the CITY will notify the COUNTY and if the lighting installed to the satisfaction of the COUNTY, the COUNTY agrees to make the third payment.

The fourth payment in the amount of Fifty Thousand Dollars (\$50,000) will be provided after installation by the CITY of concrete walkways and bleachers pads, other ancillary concrete work, and handicap accessible parking at Northwest Community Lake Park. Upon completion of the installation of the concrete walkways and bleachers pads, other ancillary concrete work, and handicap accessible parking, the CITY will notify the COUNTY and if installed to the satisfaction of the COUNTY, the COUNTY agrees to make the fourth payment.

Funding payments made to the CITY by the COUNTY shall be subject to the following terms and conditions:

A. The CITY shall submit to the COUNTY an approved Park Master Plan for the Project prior to beginning construction on the Project.

B. The CITY shall submit requests for reimbursement to the COUNTY accompanied by documentary evidence of the CITY's expenditures incurred through construction of the Project. Such documentary evidence shall include a detailed description of the services provided, proof that payment has been made to all contractors, subcontractors and suppliers providing any labor, materials or equipment related to the Project, as well as acceptance and approval of such labor, materials or equipment from an authorized CITY representative. Under no circumstances shall the requests for reimbursement be submitted to the COUNTY in advance of the delivery and acceptance of the services.

C. Within thirty (30) days of receipt of the request for reimbursement and the accompanying documentary evidence, the COUNTY shall provide reimbursement to the CITY subject to the terms and conditions contained herein.

D. The time of payment and the amount of funds reimbursable to the CITY by the COUNTY at any one time during the term of this Agreement is directly dependent on the costs incurred by the CITY for the Project as evidenced by the corresponding documentation specified in paragraphs A and B above. Notwithstanding the foregoing, in no event shall the COUNTY be obligated to reimburse to the CITY total monies in excess of Two Hundred Thousand Dollars (\$200,000.00).

E. The CITY shall comply with all of the terms and conditions of this Agreement.

**Section 3. Expenditure of Funds by the CITY.** The CITY understands and agrees that the COUNTY shall only provide reimbursement for costs incurred by the CITY

1. on or before August 31, 2018, for the **first** payment of up to Fifty Thousand Dollars (\$50,000.00); and
2. on or before August 31, 2019, for the **second and third** payment of up to One Hundred Thousand Dollars (\$100,000.00), for the purposes enumerated herein; and
3. on or be December 31, 2020, for the **fourth** payment of up to Fifty Thousand Dollars (\$50,000.00), for the purposes enumerated herein.

3. **Effect of Amendment.** This Third Amendment shall take effective immediately upon execution. All other provisions of the Interlocal Agreement not specifically addressed above, will remain in full force and effect unless otherwise formally amended by the parties. To the extent that this Third Amendment conflicts with the Interlocal Agreement, this Third Amendment will govern.

**THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND FRUITLAND PARK REGARDING  
JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK**

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Third Amendment on the respective dates under each signature: Lake County, Florida, through its Board of County Commissioners, signing by and through its Chairman, and City of Fruitland Park, through its Mayor.

**COUNTY**

ATTEST:

LAKE COUNTY, FLORIDA, through its  
Board of County Commissioners

\_\_\_\_\_  
Gary J. Cooney, Clerk  
Board of County Commissioners  
of Lake County, Florida

\_\_\_\_\_  
Leslie Campione, Chairman

This \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney



**THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND FRUITLAND PARK REGARDING  
JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK**

CITY OF FRUITLAND PARK, FLORIDA

\_\_\_\_\_  
Christopher Cheshire, Mayor

This 9<sup>th</sup> day of January 2020

ATTEST:

\_\_\_\_\_  
Esther Lewin-Coulson, City Clerk

Approved as to form and legality:

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



Thursday, December 12, 2019

Bobby Bonilla, Director  
Office of Parks and Trails  
2401 Woodlea Road  
Tavares, FL 32778

Dear Mr. Bonillia:

The Fruitland Park City Commission is grateful the Lake County Board of County Commissioners for allocating funds to continue improvement to the Northwest Lake Park.

The City is ready to move on the next phase of the project which is concrete work. This will allow for the construction of ADA compliant accessibility to the facility, as well as pads for players benches and bleachers.

In addition, the city will utilize a small portion of the allotment to put in 3 handicap parking spaces. Preliminary estimates indicate the project utilizer of the earmarked \$50,000.

The City is requesting that the existing Interlocal Agreement be amended to modify the contribution amount of \$50,000 to be provided by the County to the City for the future installation of concrete walkways and bleachers pads, other ancillary concrete work, and handicap accessible parking.

It is the City's intention to begin soliciting quotes for the anticipated work shortly upon receiving the permission to move forward from your office.

Below find the list of improvements the City hopes to accomplish the next 3 to 5 years. This list is the same list provided in my memo titled: "Grant Funds for the Northwest Lake Park sent to you on or about August 14, 2018.

<b>PROJECTS</b>	<b>COST ESTIMATE</b>
<b>1. Fencing</b> for the soccer field, t-ball field and playground	\$ 40,000.00
<b>2. Additional sod</b> for soccer field	\$ 10,000.00
<b>3. Safety lights, crosswalks</b>	\$ 10,000.00
<b>4. Concrete work</b> in a number of areas	\$100,000.00
<b>5. Scoreboards</b> for soccer & t-ball fields	\$ 10,000.00
<b>6. Bathrooms</b> on soccer field	\$125,000.00
<b>7. New lights</b> for the softball & t-ball fields. - The exiting lights are old, many are not functioning and they are not	

energy efficient \$250,000.00

**8. Reconstruct softball & t-ball fields, install irrigation** \$ 70,000.00

**TOTAL** **\$605,000.00**

The City stands ready to move forward with the next step of the project upon your authorization to do.

I look forward to hearing from you soon.

Should you require additional information please, do not hesitate to contact me.

Sincerely,

Gary F. La Venia

Cc: Mayor - Commissioners  
E. Coulson, City Clerk

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5b**

**ITEM TITLE:** Golf Cart Discussion

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Manager  
**Date Submitted:** December 23, 2019  
**Funds Required:** No  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** No

**Item Description:** Discussion on golf cart crossing on CR 468A and Rose Avenue.

**Action to be Taken:** City commission discretion.

**Staff's Recommendation:** None

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5c

**ITEM TITLE:** **FY 2019-20 Redevelopment Taxes**

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Treasurer  
**Date Submitted:** December 19, 2019  
**Funds Required:** Yes – Redevelopment Tax 01519-30491  
**Attachments:** CRA Invoices

**Item Description:** Approve payment from the general fund to the redevelopment fund for the redevelopment taxes for FY 2019-20. Tax calculation are based on increase in property value over the base year 1994 for 00F1 (56,226,726 - 17,896,110 = 38,330,616) and 00F2 (78,682,996 - 67,646,734 = 11,036,262) divided by 1,000 times the millage (3.9134) times 95%. The total for 00F1 is \$142,503 and for 00F2 is \$41,030 for a total payment of \$183,533. Current budget in other government services is \$183,926.

**Action to be Taken:** **Approve total payment of invoices to City of the Fruitland Park Community Redevelopment Agency for a total of \$183,533.**

**Staff's Recommendation:** Approve payment of CRA invoices.

**Additional Comments:** No

**City Manager Review:** Yes

**Mayor Authorization:** Yes



506 W. Berckman Street  
Fruitland Park, FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6686

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December 9, 2019

Christopher Cheshire, Mayor  
City of Fruitland Park  
506 W. Berckman St  
Fruitland Park, FL 34781

Re: Fruitland Park Community Redevelopment Agency (00F1)-2019 Taxes \$ 142,503

Dear Mayor Cheshire:

The Lake County Property Appraiser provided the City of Fruitland Park Community Redevelopment Agency (FPCRA-00F1) with a final taxable value of \$56,226,726 for the tax year 2019. This is an incremental increase of \$38,330,616 over the 1994 base year.

The amount due to the FPCRA from Fruitland Park is **\$142,503** ( $\$38,330,616/1000 \times 3.9134$  mills  $\times .95$ ). Please remit this payment to the attention of the City Finance Director by January 15, 2019.

Sincerely,

*Jeannine Racine*

Jeannine Racine  
City Finance Director  
352-360-6545

Cc: File



506 W. Berckman Street  
Fruitland Park, FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6686

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December 9, 2019

Christopher Cheshire, Mayor  
City of Fruitland Park  
506 W. Berckman St  
Fruitland Park, FL 34781

Re: Fruitland Park Community Redevelopment Agency (00F2)-2019 Taxes \$ 41,030

Dear Mayor Cheshire:

The Lake County Property Appraiser provided the City of Fruitland Park Community Redevelopment Agency (FPCRA-00F2) with a final taxable value of \$78,682,996 for the tax year 2019. This is an incremental increase of \$11,036,262 over the 2006 base year.

The amount due to the FPCRA from Fruitland Park is **\$41,030** ( $\$11,036,262/1000 \times 3.9134$  mills  $\times .95$ ). Please remit this payment to the attention of the City Finance Director by January 15, 2020.

Sincerely,

*Jeannine Racine*

Jeannine Racine  
City Finance Director  
352-360-6545

Cc: File

CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5 d

**ITEM TITLE:** Resolution 2020-005 and Budget Amendment BT2020-006 Library Children’s Garden

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Treasurer  
**Date Submitted:** December 19, 2019  
**Funds Required:** Yes – Donations for Children’s Garden  
**Attachments:** Proposed Resolution 2020-005 and Budget Amendment

**Item Description:** Budget Amendment BY2020-006 adds \$10,300 from the children’s garden donations revenue (01001-38003) to library children’s garden expense (01571-60647-CHGDN). These donations were received in FY 2018-19 and are being spent in FY 2019-20. This budget amendment will increase the library children’s garden budget by \$10,300.

**Action to be Taken:** Adopt Resolution 2020-005.

**Staff’s Recommendation:** Approve Resolution 2020-005 and BT2020-006 Library Children’s Garden

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes



**RESOLUTION 2020-005**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019/2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE TRANSFER IN FROM DONATIONS REVENUE BUDGET AND THE LIBRARY CHILDREN’S GARDEN EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2019-2020 budget of the City of Fruitland Park was adopted on September 19, 2019; and

WHEREAS, funds are required for the Library Children’s Garden; and;

WHEREAS, the donations for the Children’s Garden was in FY 2018-19; and;

WHEREAS, the donations should be remitted to the Library Children’s Garden budget; and:

WHEREAS, the City Commission desires to amend the 2019-2020 Fiscal Year budget to increase the Library Children’s Garden Expense Budget by \$10,300.

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

Section 1. The FY 2019-20 budget adopted on September 19, 2019 is amended as set forth in Exhibit "A" attached hereto.

Section 2. 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 9th day of January, 2020, by the City Commission of the City of Fruitland Park, Florida.

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City of Fruitland Park  
Chris Cheshire, Mayor

Attest:

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Esther B. Coulson  
City Clerk

Mayor Cheshire                    \_\_\_(Yes), \_\_\_(No), \_\_\_(Abstained), \_\_\_(Absent)  
Vice Mayor Gunter                \_\_\_(Yes), \_\_\_(No), \_\_\_(Abstained), \_\_\_(Absent)  
Commissioner Bell                \_\_\_(Yes), \_\_\_(No), \_\_\_(Abstained), \_\_\_(Absent)  
Commissioner DeGrave            \_\_\_(Yes), \_\_\_(No), \_\_\_(Abstained), \_\_\_(Absent)  
Commissioner Mobilian            \_\_\_(Yes), \_\_\_(No), \_\_\_(Abstained), \_\_\_(Absent)

Approved as to form and legality:

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

# CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2020-006

To: CITY MANAGER

Date: 19-Dec-2019

Prepared by: FINANCE DIRECTOR  
Department Head

Approved: \_\_\_\_\_  
City Manager

**REVENUES:**

Object name & # 01001-38003 TRANSFER IN DONATION Amount: 10,300 Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

**EXPENDITURES:**

Object name & # 01571-60647-CHGDN LIBRARY CHILDRENS GARDEN Amount: 10,300 Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Object name & # \_\_\_\_\_ Amount: \_\_\_\_\_ Inc/Dec

Explanation: MOVE DONATIONS FOR CHILDREN'S GARDEN INTO BUDGET

Approved by Commission: 1/9/2020  
Date

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Finance Director

\_\_\_\_\_  
Mayor

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5e**

**ITEM TITLE:** Second Reading and Public Hearing - Ordinance  
2019-015 Purchasing Threshold Change

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Manager/City Attorney/City Treasurer  
**Date Submitted:** December 19, 2019  
**Funds Required:** No  
**Attachments:** Proposed Ordinance 2019-015, revised purchasing policy and proof of affidavit.  
**Item Description:** Ordinance 2019-015 Purchasing Threshold Changes.

The following changes are being made to the city's purchase policy:

- the threshold for City Manager approval for purchases has been changed from \$4,000 to \$10,000;
- the competitive bid threshold has been changed from \$4,000 to \$10,000;
- purchase orders are required for purchases over \$2,500 not to exceed \$10,000 with three bids attached;
- purchase orders used to be required for any purchase over \$500 not to exceed \$4,000;
- fixed assets have been changed from \$500 to \$1,000, and
- the city commission's approval at its December 12, 2019 regular meeting for staff to notify the city commission in writing on-line-item purchases of over \$5,000.

**Action to be Taken:** Enact Ordinance 2019-015 to become effective immediately as provided by law.

**Staff's Recommendation:** Approve Ordinance 2019-015 Purchasing Threshold Change and Purchasing Policy Revision

**Additional Comments:** The first reading was held on December 12, 2019.

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2019-015**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 33 OF THE CODE OF ORDINANCES INCREASING THE PURCHASING THRESHOLD AMOUNTS SET FORTH IN THE CITY'S PURCHASING AND BIDDING POLICY; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission adopted a bidding and purchasing policy in Ch. 33 of the Code of Ordinances; and

**WHEREAS**, the City Commission finds it prudent to increase the threshold amount for City Manager approved purchases as well as that requiring competitive bids; and

**WHEREAS**, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

**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. City manager authority.** Section 33.17, in Chapter 33 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

**Sec. 33.17. - City manager authorized to make certain expenditures.**

The city manager shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other tangible personal property for public purposes for the city where the amount of the expenditure for any purpose does not exceed the sum of \$10,000.00 ~~4,000.00~~.

**Section 3. Competitive bidding.** Section 33.18, in Chapter 33 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

**Sec. 33.18. - When competitive bidding required.**

Where the amount of expenditure for any purchase or contract for the purchase of tangible personal property exceeds the sum of \$10,000.00 ~~4,000.00~~, the city manager shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to the advertisement shall be opened on the date and at the time set for receiving the bids by the city manager or the city manager's designee.

Advertisements shall be published once at least 20 days prior to the deadline date for receiving bids. A recommendation for bid award will be presented to the city commission, and the city commission shall award the contract. The contract shall be awarded to the lowest responsible bidder; however, the city commission may reject any and all bids received.

**Section 4. Sell or exchange of goods.** Section 33.97, in Chapter 33 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

**Sec. 33.19. - Selling or exchanging municipal equipment, supplies, or the like.**

The city manager may sell or exchange any municipal supplies, materials, or equipment without competitive bidding if the supplies, materials, or equipment have a value of less than \$1,000.00. No supplies, materials, or equipment shall be sold without receiving competitive bids therefor if the value thereof exceeds the sum of \$1,000.00. However, if the city manager shall certify in writing to the city commission that, in his opinion, the fair market value of the item or lot (to be disposed of in one unit) is less than \$1,000.00, the same may be sold by the city manager without competitive bidding. A resolution adopted by the City Commission declaring the equipment, supplies, and materials as surplus property shall be required prior to disposal.

**Section 5. Purchases from competitive bidding by state or local governments.** Section 33.21, in Chapter 33 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

**Sec. 33.21. - Purchases through state or other local government.**

This subchapter shall not require bidding when the purchase of tangible personal property exceeds a purchase price of \$10,000.00 ~~4,000.00~~ if the purchase is authorized by the city commission and is made through any other competitive bidding process, including, but not limited to, the purchasing system available to municipalities by the state and purchases made by other governmental entities, ~~and~~ or the item of tangible personal property to be purchased is on the list supplied by the state as being available through its system or directly from the vendor shown on that list.

**Section 6. Inclusion in Code.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

**Section 7. 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, nvalid 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 8. Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 9. Effective Date.** This ordinance shall become effective upon final adoption.

PASSED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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 DeGrave	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Mobilian	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)

Approved as to form:

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

First Reading: December 12, 2019

Second Reading:

## COMPETITIVE BIDDING

### Sec. 33.15. - City manager as purchasing agent.

The city manager is appointed as purchasing agent for all purchases by the city and all purchases shall be approved by him before they are made.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85)

### Sec. 33.16. - Purchasing manual.

The purchasing agent shall prepare a purchasing manual establishing the procedures and requirements for all purchases of tangible personal property by the city consistent with this subchapter.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85)

### Sec. 33.17. - City manager authorized to make certain expenditures.

The city manager shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other tangible personal property for public purposes for the city where the amount of the expenditure for any purpose does not exceed the sum of \$10,000.00 ~~4,000.00~~.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85; Am. Ord. 2002-006, passed 5-23-02)

### Sec. 33.18. - When competitive bidding required.

Where the amount of expenditure for any purchase or contract for the purchase of tangible personal property exceeds the sum of \$10,000.00 ~~4,000.00~~, the city manager shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to the advertisement shall be opened on the date and at the time set for receiving the bids by the city manager or the city manager's designee. Advertisements shall be published once at least 20 days prior to the deadline date for receiving bids. A recommendation for bid award will be presented to the city commission, and the city commission shall award the contract. The contract shall be awarded to the lowest responsible bidder; however, the city commission may reject any and all bids received.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85; Am. Ord. 2002-006, passed 5-23-02)

### Sec. 33.19. - Selling or exchanging municipal equipment, supplies, or the like.

The city manager may sell or exchange any municipal supplies, materials, or equipment without competitive bidding if the supplies, materials, or equipment have a value of less than \$1,000.00. No supplies, materials, or equipment shall be sold without receiving competitive bids therefor if the value thereof exceeds the sum of \$1,000.00. However, if the city manager shall certify in writing to the city commission that, in his opinion, the fair market value of the item or lot (to be disposed of in one unit) is less than \$1,000.00, the same may be sold by the city manager without competitive bidding. A resolution adopted by the City Commission declaring the equipment, supplies, and materials as surplus property shall be required prior to disposal.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85)

### Sec. 33.20. - Emergency purchases.

In the event that an emergency arises that would require the purchase of tangible personal property having a purchase price exceeding \$4,000.00, the city manager may purchase the property after receiving authority from the mayor or, in the mayor's absence, the vice mayor. An emergency is defined as an event that requires the replacement or acquisition of tangible personal property when the health or welfare of the people of the city is threatened or when the normal operations of the city's services are seriously disrupted.

(Ord. 286, passed 9-10-81; Am. Ord. 85-010, passed 11-14-85; Am. Ord. 2002-006, passed 5-23-02)

### Sec. 33.21. - Purchases through state or other local government.

This subchapter shall not require bidding when the purchase of tangible personal property exceeds a purchase price of \$10,000.00 ~~4,000.00~~ if the purchase is authorized by the city commission and is made through any other competitive bidding process, including, but not limited to, the purchasing system available to municipalities by the state and purchases made by other governmental entities, and or the item of tangible personal property to be purchased is on the list supplied by the state as being available through its system or directly from the vendor shown on that list.



(Ord. 85-010, passed 11-14-85; Am. Ord. 2002-006, passed 5-23-02; Am. Ord. 2011-002, § 1, passed 2-10-11)

Sec. 33.22. - Local preference.

- (A) In awarding any purchase or contract by competitive bidding, the city commission may give a preference in an amount not to exceed three percent of the bid price to local persons, firms, or corporations.
- (B) For purposes of this section, local persons, firms or corporations shall be defined as those whose principal place of business is located either within 25 miles of the municipal boundaries of the City of Fruitland Park, Lake County, Florida or within Lake County, Florida.
- (C) Should more than one bidder for a particular purchase or contract satisfy the definition of local person, firm, or corporation provided in subsection (b) of this § 33.22, then the city commission may give a greater preference (not to exceed three percent of the bid price) to the bidder whose principal place of business is closest to (or within) the municipal boundaries of the City of Fruitland Park.

(Ord. 2009-013, passed 9-24-09)



# **PURCHASING POLICY**

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Gary La Venia, City Manager  
Revised December 13, 2019

Sec. 33.15 sets forth procedures for the purchasing of tangible personal property.

The city manager shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other tangible personal property for public use for the city where the amount of the expenditure for any purpose does not exceed the sum of \$10,000. **The Commission shall be informed of purchases exceeding \$5000.**

All department heads are responsible to ensure that the following procedures for purchasing are strictly adhered to:

PART A      PROCEDURE FOR ROUTINE PURCHASES (does not exceed \$10,000 and not including purchases under \$2,500).

1.      Department prepares requisition with proper account number, cost, item description, recommend attach quotes from three (3) vendors for individual items of \$2,500 and not exceeding \$10,000, and aggregate purchases over \$5,000, and the selected vendor (signed by department head). Department head forwards to accounts payable office prior to 12:00 p.m. (noon), Tuesday of each week. Purchase orders are processed every Tuesday.
2.      Deputy treasurer certifies availability of unencumbered funds. Once certified, accounts payable proceeds with purchase order.
3.      Rejected: Returns to department head who must then cancel or request transfer of funds.
4.      Accounts payable prepares purchase order and forwards to city manager for signature.
5.      City manager signs purchase order and forwards to accounts payable.
6.      Accounts payable makes three (3) copies of approved purchase order for the following distribution:
  - i.      Forwards copy to requisitioning department;
  - ii.     Files one (1) copy in pending purchase order file for attachment to invoice, and
  - iii.    Files one (1) copy in master purchase order file (notebook binder)
7.      Upon receipt of goods or services by the department, department head indicates received on invoice and signs as "approval for payment" acknowledging the purchase is complete. The invoice is forwarded to accounts payable.
8.      On receipt of invoice, the accounts payable office matches invoice to purchase order and requisition and prepares invoice on an automated system (MUNIS®). The accounts payable warrant is forwarded to the

city manager on Thursday of each week for approval of payments and for signature. Checks are distributed on the Friday of each week.

PART B - PROCEDURES FOR BLANKET PURCHASE ORDERS (Frequent individual purchases under \$2,500, aggregate \$5,000 per month)

1. Same as routine purchases except department head prepares requisition at the beginning of the year to total dollar amount of goods or services, signs and forwards to accounts payable.
2. Department head is sent copy of purchase order.
3. Department makes purchases during month against assigned purchase order number.
4. Department accumulates invoices or pickup tickets as purchases are made. At the end of month, department head signs "approved for payment" and sends to accounts payable with account numbers to be charged against purchase order number.

PART C - EMERGENCY PURCHASES (During Non-Business Hours Not to Exceed \$2,500).

1. Department head makes purchase.
2. At the opening of the next business day, department will follow routine purchase procedures.

PART D - PURCHASES THROUGH STATE or OTHER GOVERNMENTAL BIDS

1. Not exceeding \$10,000 – Sealed bidding shall not be required when the purchase of tangible personal property does not exceed \$10,000 if the purchase is authorized by the city manager. It is recommended that three (3) quotes from local vendors accompany the request to purchase.
2. Over \$10,000 – Sealed bidding shall not be required when the purchase of tangible personal property exceeds a purchase price of \$10,000 if the purchase is authorized by the city commission and is made through any other competitive bidding process, including, but not limited to, the purchasing system available to municipalities by the state and purchases made by other governmental entities, or the item of tangible personal property to be purchased is on the list supplied by the state as being available through its system or directly from the vendor shown on that list. Competitive bids shall be solicited for performance of construction projects, professional and consulting services, and the acquisition of city property.

PART E - ROUTINE PURCHASES NOT EXCEEDING \$10,000

1. Not exceeding \$10,000 - The city manager is authorized to purchase all goods, materials and services, however, that funds for such purchases have been approved and budgeted in the current budget. **The Commission shall be informed of purchases over \$5000.**
2. Over \$10,000 – Purchase of all goods, materials, and services in excess of ten thousand dollars (\$10,000) shall be made by sealed competitive bid **and** only upon the approval of the city commission.

The requirements of the subsection are not intended to apply to routine operating expenses such as salaries, utilities, supplies, etc. for which budget appropriations have been made. However, expenditures for capital improvements, even though budgeted, shall be governed by the requirements contained herein.

PART F - . PROCEDURE FOR BIDS:

1. Department head requesting purchase develops bid specifications.
2. Department head requesting purchase fills out purchase requisition, attaches bid specifications and forwards to accounts payable.
3. Deputy city treasurer certifies availability of unencumbered funds and forwards to city manager's office.
4. City manager accepts or rejects requisitions. If accepted and it is a budgeted item, the city manager or designee advertises for bids. If the request is for a non-budgeted item, proposal for purchase is presented to city commission for approval to advertise for bids. Upon approval of advertisement for bids, city manager or designee advertises for bids.
5. Bid opening shall be attended by the city manager (or his designee), city clerk, and requisitioning department head. At the designated time and date, bids will be opened in public and read out loud. The city clerk shall tabulate the bids.
6. The city manager shall submit bid tabulation and recommendation to city commission for approval. Upon acceptance, the original requisition shall be forwarded to the city manager for signature.
7. From this point, routine purchase procedures will be followed.

PART G - PREPARATION AND PUBLIC NOTICE OF BIDS:

1. Bid invitations must state:
  - i. Supplies, material or equipment to be purchased.

- ii. Time, date and place during which bids will be received by the city and opened.
  - iii. Required bid deposit (by certified check, bond, or cash) to accompany bid (if any).
  - iv. Required insurance coverage.
  - v. Statement that City reserves the right to accept or reject any/or all bids.
2. Notice of Bids:
- i. Notice of bids shall be published at least once with the first publication appearing at least twenty (20) days prior to the date for receiving bids.
  - ii. Notice shall state all items in subsection 1.i. "bid invitations" above.
  - iii. Copy of bid invitation may be mailed to interested vendors.

**PART H - EMERGENCY PROCEDURES EXCEEDING \$10,000**

In case of accident, disaster, or other circumstances creating public emergency, the city manager, after receiving authority from the mayor, or in the mayor's absence the vice mayor, may award contracts and make purchases for the purpose of meeting such emergency but he shall file promptly with the city commission a certificate showing such emergency and the necessity for such action, together with an itemized account of the expenditure.

**PART I - CAPITAL FIXED ASSETS INVENTORY:**

For those local governments subject to Chapter 274, Florida Statutes, and Department of Financial Rules (DFS) Rules, tangible personal property with a value or cost of \$1,000 or more and a projected useful life of one year is required to be recorded for inventory purposes. Upon purchase of equipment of \$1,000 or more, department heads will fill out a fixed asset form, attach a copy of the invoice and forward it to the Deputy Treasurer to be added to our equipment inventory.

**PART J - LOCAL PREFERENCE**

In awarding any purchase or contract by competitive bidding, the city commission may give a preference in an amount not to exceed three percent (3%) of the bid price to local persons, firms, or corporations.

For purposed of this section, local persons, firms or corporations shall be defined as those whose principal place of business is located either within twenty-five (25) miles of the municipal boundaries of the City of Fruitland Park, Lake County,

Florida or within Lake County, Florida.

Should more than one bidder for a particular purchase or contract satisfy the definition of local person, firm, or corporation, then the city commission may give a greater preference as provided in Sec. 33.22 of the Code of Ordinances to the bidder whose principal place of business is closest to the municipal boundaries.

**PART K - UNAUTHORIZED PURCHASES**

Employees purchasing items without appropriate authorization shall be solely and personally responsible for the payment of such items.

The City has the authority to refuse payment on any items invoiced by vendors over \$2,500 without showing proof of order by purchase order number.

**PART L - PETTY CASH**

Petty cash is used to purchase occasional needed items of a minor nature where the unit cost does not exceed \$ 100. A paid receipt, signed by the purchaser and with the appropriate account number identified, shall be taken to the finance department for reimbursement.



# The Villages<sup>®</sup> DAILY SUN

Published Daily  
Lady Lake, Florida  
State of Florida  
County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad #922984** in the matter of **ORDINANCE 2019-015**, was published in said newspaper in the issues of

**DECEMBER 31, 2019**

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

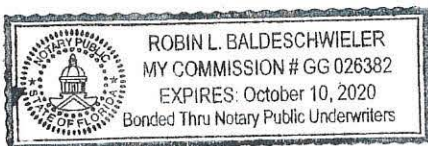
  
(Signature Of Affiant)

Sworn to and subscribed before me this 3  
day January 2020

  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Attach Notice Here



## ORDINANCE 2019-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 33 OF THE CODE OF ORDINANCES INCREASING THE PURCHASING THRESHOLD AMOUNTS SET FORTH IN THE CITY'S PURCHASING AND BIDDING POLICY; PROVIDING FOR C O D I F I C A T I O N , SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 12, 2019)

This ordinance will be presented for public hearing second reading by the Fruitland Park City Commission at its regular meeting to be held on Thursday, January 9, 2020 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public. This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall.

Anyone requiring special accommodations at this meeting because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least three (3) business days prior to the hearing. (Florida Statutes 286.26)

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. (Florida Statutes 286.0105)

Public hearings times may be continued as determined by the city commission from time to time to a time certain.

**#922984 December 31, 2019**



**CITY OF FRUITLAND PARK**  
**SUPPLEMENTAL AGENDA ITEM SUMMARY SHEET**  
**Item Number: 5f**

**ITEM TITLE:** Resolution 2019-066 Granting Minor Subdivision –  
Petitioner: Michael S. Bailey

**For the Meeting of:** January 9, 2020

**Submitted by:** City Attorney/City Manager/Community Development  
Department Director

**Date Submitted:** November 27, 2019

**Funds Required:** No.

**Attachments:** Yes. Proposed Resolution 2019-066.

**Item Description:** Resolution 2019-066 granting minor subdivision approval of  
property located at 500 W Mirror Lake Drive, owned by  
Michael S. Bailey

**Action to be Taken:** Adopt Resolution 2019-066

**Staff’s Recommendation:** Approval

**Additional Comments:** This item was postponed from the December 12, 2019  
regular meeting.

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2019-066**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SUBDIVISION APPROVAL OF PROPERTY LOCATED AT 500 WEST MIRROR LAKE DRIVE, IN THE CITY OF FRUITLAND PARK, OWNED BY MICHAEL S. BAILEY; PROVIDING FOR A NOTICE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the applicant has petitioned for the division of the Property (hereinafter described), into four separate lots, Lots 1 – 4 (Lot 1A and 1B comprise one lot); and

**WHEREAS**, the subject property is located adjacent to West Mirror Lake Drive and Mulberry Street, has a future land use designation of single-family medium density (SFMD) and is zoned R-2; and

**WHEREAS**, the Planning and Zoning and the City Commission have considered the application in accordance with Sec. 157.050(b)(4) of the City of Fruitland Park Land Development Code;

**WHEREAS**, the Planning and Zoning recommended approval of the minor subdivision;

**WHEREAS**, the City Commission finds that the minor subdivision is in compliance with the City's land development regulations.

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

**Section 1. Granting of Minor Subdivision Approval.**

Approval of the minor subdivision of property for the real property described below and depicted in the **attached Exhibit A** is **GRANTED**.

**LEGAL DESCRIPTION: FRUITLAND PARK: Begin 87 feet North of the Southwest Corner of Lot 1, in Block 37, in the town of Fruitland Park, Florida, according to the Plat, thereof recorded in Plat Book 3, Page 8, Public Records of Lake County, Florida, run North to the Northwest Corner of Lot 1, thence Easterly to the Northeast Corner of Lot 1, Southerly along the East line of Lot 1, to the Southeast Corner thereof, thence Westerly to a point 164.92 feet East of the Southwest Corner of Lot 1, thence North 57.01 feet, thence West 162.17 feet to the Point of Beginning.**

**Section 2. Recording of Notice.**

The Community Development Director is directed to record a certified copy of the Notice of Subdivision of Property, a copy of which is attached hereto, in the public records of Lake County, Florida, and provide a copy to the Lake County Property Appraiser.

**Section 3. Effective Date.**

This resolution shall become effective immediately upon its passage.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2019, 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 DeGrave	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Mobilian	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)

Approved as to form:

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

Record and return to:  
City of Fruitland Park  
Community Development Department  
506 W Berckman St.  
Fruitland Park, FL 34731

## NOTICE OF SUBDIVISION OF PROPERTY

Owner(s): Michael S. Bailey

The City of Fruitland Park, a municipal corporation of the State of Florida, hereby grants subdivision approval for a minor subdivision pursuant to Sec. 157.050 of the City Land Development Code. The property described below shall be known as the **Parent Parcel**

**LEGAL DESCRIPTION: FRUITLAND PARK: Begin 87 feet North of the Southwest Corner of Lot 1, in Block 37, in the town of Fruitland Park, Florida, according to the Plat, thereof recorded in Plat Book 3, Page 8, Public Records of Lake County, Florida, run North to the Northwest Corner of Lot 1, thence Easterly to the Northeast Corner of Lot 1, Southerly along the East line of Lot 1, to the Southeast Corner thereof, thence Westerly to a point 164.92 feet East of the Southwest Corner of Lot 1, thence North 57.01 feet, thence West 162.17 feet to the Point of Beginning.**

is hereby subdivided to be

### **Lot 1 (Lot 1A and Lot 1B):**

All that part or parcel of land situated in The Town of Fruitland Park, Lake County, Florida, described as follows:

Commence at the southwest corner of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8, and the East Right of Line of Willard Avenue; thence North  $00^{\circ}14'15''$  East 87.00 feet to the Point of Beginning; thence continuing along the East Right of Line of Willard Avenue North  $00^{\circ}14'15''$  East 117.00 feet to the Northwest Corner of said Lot 1 and South Right of Way of Mulberry Street ; thence along the South Right of Way Line of Mulberry Street North  $88^{\circ}55'34''$  East 308.09 feet to a point on said South Right of Way Line to Point of Beginning; thence continuing along said South Right of Way Line North  $89^{\circ}55'34''$  East 126.22 feet to point on the South Right of Way Line of Mulberry Street and West Right of Line of West Mirror Lake Drive; thence South along the West Right of Way Line of West Mirror Lake Drive on a curve concave to the Southeast having a Radius of 944.86 feet an arc distance of 131.84 feet; a chord bearing of South  $02^{\circ}41'27''$  East and a chord distance of 131.73 feet to a point on the West Right of Way Line West Mirror Lake Road and the South Line of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8; Thence along the said South Line of Lot 1 South  $79^{\circ}39'17''$  West 135.21 feet to a point on said south line of Lot 1; thence North  $00^{\circ}14'15''$  East 153.50 feet to the Point of Beginning.

AND

All that part or parcel of land situated in The Town of Fruitland Park, Lake County, Florida, described as follows:

Commence at the southwest corner of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8, and the East Right of Line of Willard Avenue; thence North  $00^{\circ}14'15''$  East 87.00 feet to the Point of Beginning; thence continuing along the East Right of Line of Willard Avenue North  $00^{\circ}14'15''$  East 117.00 feet to the Northwest Corner of said Lot 1 and South Right of Way of Mulberry Street ; thence along the South Right of Way Line of Mulberry Street North  $88^{\circ}55'34''$  East 434.30 feet to a point on said South Right of Way Line to and West Right of Line of West Mirror Lake Drive; thence continuing North  $88^{\circ}55'34''$  East 60.05 feet to the West Right of Way Line of West Mirror Lake Drive and the North Right of Way Line of Mulberry Street Extended The Point of Beginning; thence continuing along the South Right of way Line of Mulberry Street Extension North  $88^{\circ}55'34''$  East 180 feet more or less to Mirror Lake; thence Southerly along Mirror Lake 151 feet more or less to the South Line of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3 Page 8; thence along the South Line of said Lot 1 South  $79^{\circ}39'17''$  West 79.0 feet more or less to the Easterly Right of Way Line of West Mirror Lake Drive; thence North along the East Right of way Line of West Mirror Lake Drive on a curve concave to the Northwest having a Radius of 884.86 feet an arc distance of 122.13 feet; a chord bearing of North  $02^{\circ}29'09''$  West and a chord distance of 122.03 feet to a point on said West Right of Line of West Mirror Lake Drive and South Right of Way of Mulberry Street The Point of Beginning.

**Lot 2:**

All that part or parcel of land situated in The Town of Fruitland Park, Lake County, Florida, described as follows:

Commence at the southwest corner of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8, and the East Right of Line of Willard Avenue; thence North  $00^{\circ}14'15''$  East 87.00 feet to the Point of Beginning; thence continuing along the East Right of Line of Willard Avenue North  $00^{\circ}14'15''$  East 117.00 feet to the Northwest Corner of said Lot 1 and South Right of Way of Mulberry Street ; thence along the South Right of Way Line of Mulberry Street North  $88^{\circ}55'34''$  East 208.06 feet to the Point of Beginning; thence continuing along the said South Right of Way North  $88^{\circ}55'34''$  East 100.03 feet to a point on said South Right of Way Line; thence South  $00^{\circ}14'15''$  West 153.50 feet to a point on the South Line of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8; thence along the South Line of said Lot 1 South  $79^{\circ}39'17''$  West 101.73 feet to a point on said Lot 1; thence North  $00^{\circ}14'15''$  East 169.90 feet to the Point of Beginning.

AND

**Lot 3:**

All that part or parcel of land situated in The Town of Fruitland Park, Lake County, Florida, described as follows:

Commence at the southwest corner of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8, and the East Right of Line of Willard Avenue; thence North  $00^{\circ}14'15''$  East

87.00 feet to the Point of Beginning; thence continuing along the East Right of Line of Willard Avenue North 00°14'15" East 117.00 feet to the Northwest Corner of said Lot 1 and South Right of Way of Mulberry Street ; thence along the South Right of Way Line of Mulberry Street North 88°55'34" East 108.03 feet to the Point of Beginning. Thence continuing along said South Right of Way Line North 88°55'34" East 100.03 feet to a point on said south right of Way Line; thence South 00°14'15" West 169.90 feet to a point on South Line of Lot , Block 37, Plan of Fruitland Park, Plat Book 3, Page 8; thence along the South Line of said Lot 1 South 79°39'17" West 46.68 feet to a point on said lot 1; thence North 00°17'33" East 57.01 feet to a point; thence North 89°52'08" West 54.17 feet to a point; thence North 00°14'15" East 119.27 feet to the Point of Beginning.

AND

**Lot 4:**

All that part or parcel of land situated in The Town of Fruitland Park, Lake County, Florida, described as follows:

Commence at the southwest corner of Lot 1, Block 37, Plan of Fruitland Park, Plat Book 3, Page 8, and the East Right of Line of Willard Avenue; thence North 00°14'15" East 87.00 feet to the Point of Beginning; thence continuing along the East Right of Line of Willard Avenue North 00°14'15" East 117.00 feet to the Northwest Corner of said Lot 1 and South Right of Way of Mulberry Street ; thence along the South Right of Way Line of Mulberry Street North 88°55'34 East 108.03 feet to a point of the said South Right of Way Line; thence South 00°14'15" West 119.27 feet; thence North 88°52'08": West to the Point of Beginning.

which is also depicted in **Exhibit "A" attached hereto.**

CITY OF FRUITLAND PARK, FLORIDA

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Chris Cheshire, Mayor

State of Florida  
County of Lake

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Chris Cheshire, Mayor of the City of Fruitland Park, who is personally known to me and who did not take an oath.

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Notary Public

ATTEST:

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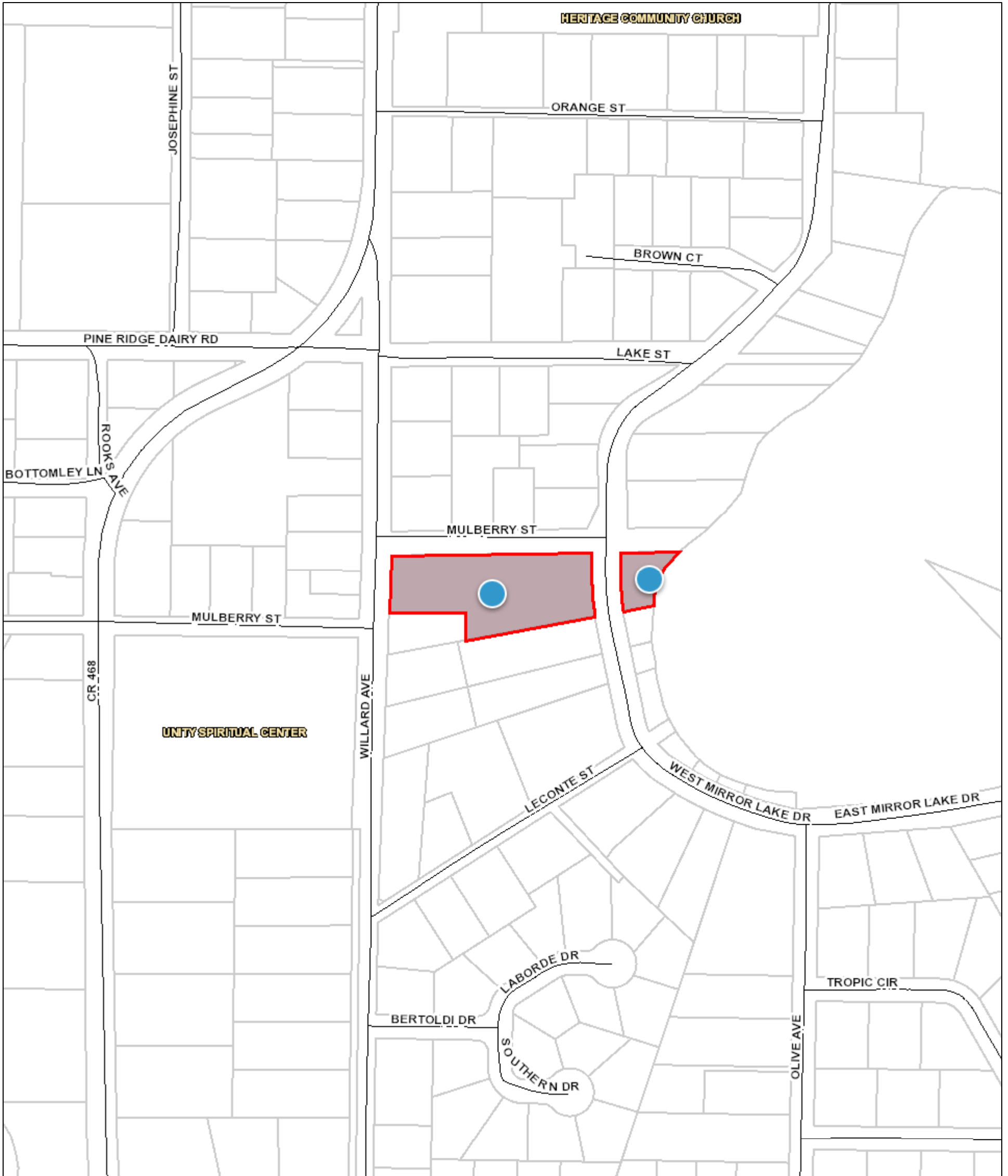
Esther Coulson, City Clerk

Approved as to Form:

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Anita Geraci-Carver  
City Attorney

# Site Location



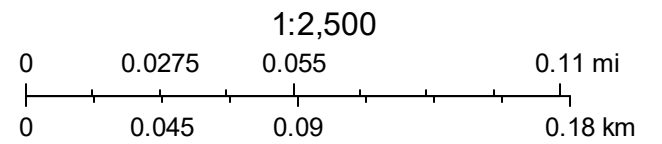
October 11, 2019

**pointLayer**

- Override 1

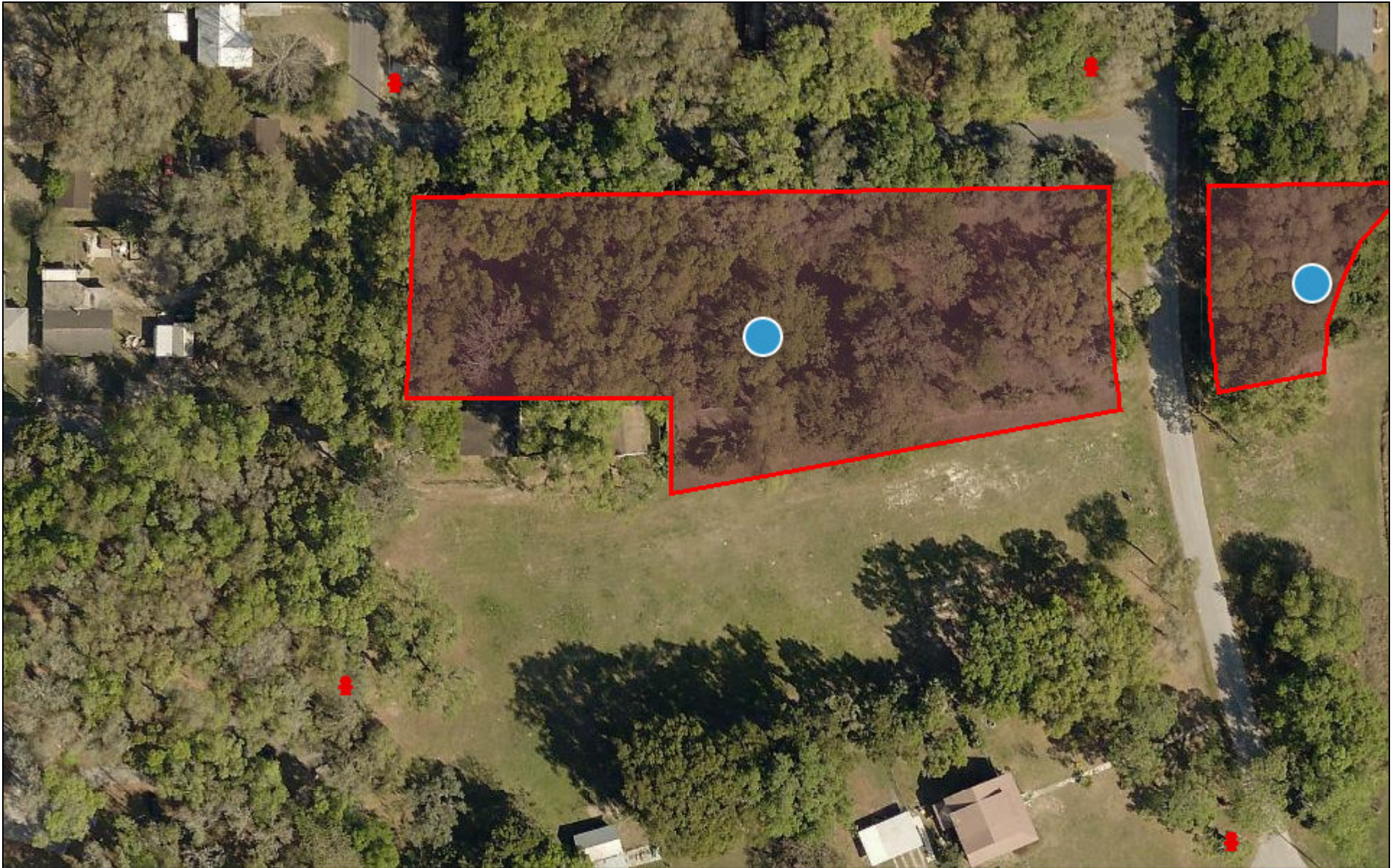
**polygonLayer**

- Override 1
- County Boundary
- Street Names
- Local Streets
- Property Name
- Tax Parcels
- Surrounding Counties



Lake BCC





August 13, 2019

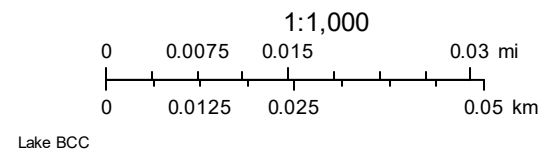
pointLayer



polygonLayer

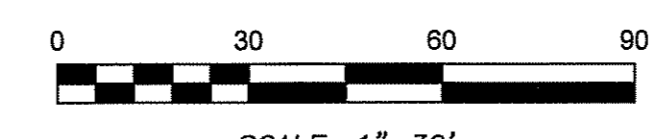


Fire Stations





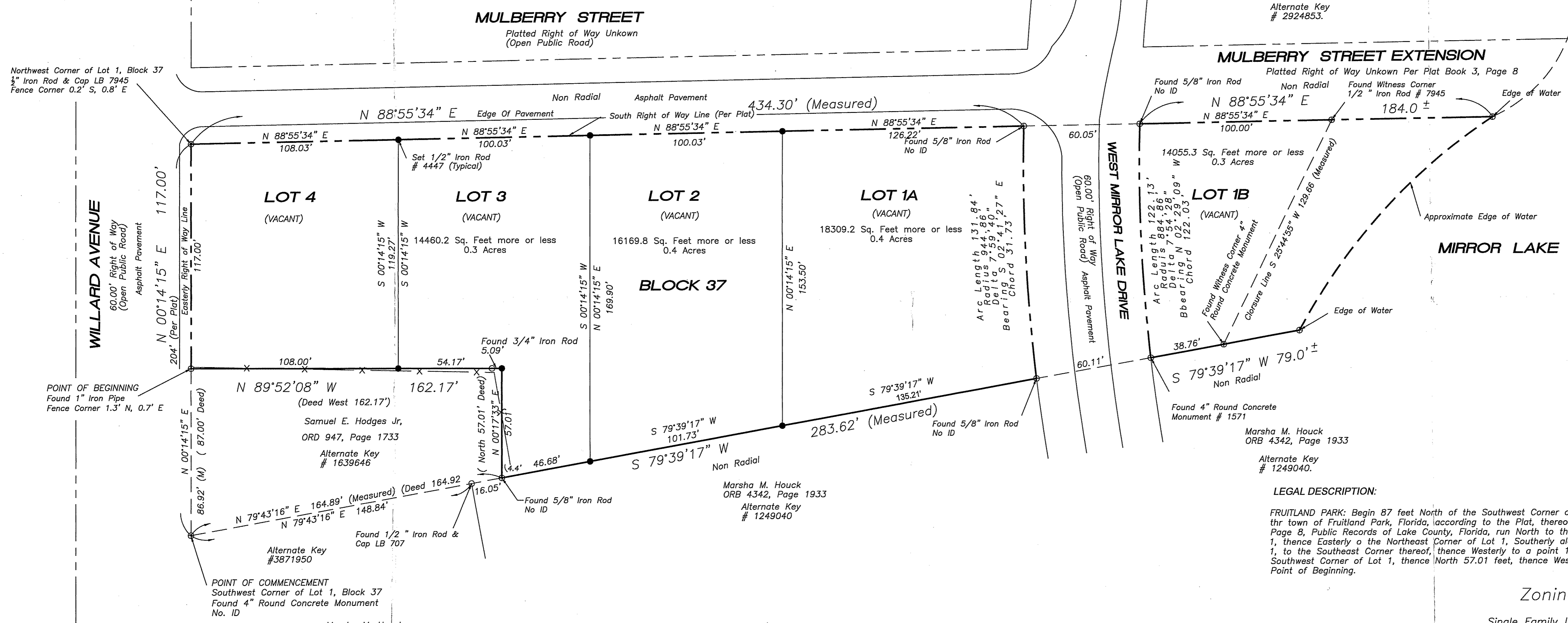
GENERAL LEGEND			
■	FOUND CONCRETE MONUMENT (NUMBER NOTED IF AVAILABLE)	BM	BENCH MARK
●	FOUND IRON PIN (NUMBER NOTED IF AVAILABLE)	C/B	CONCRETE BLOCK
○	FOUND IRON PIPE (NUMBER NOTED IF AVAILABLE)	CM	CONCRETE MONUMENT
△	NAIL OR NAIL AND TAB (NUMBER NOTED IF AVAILABLE)	FND	FOUND
○	SET IRON PIN (1/2" PLS 4447)	IP	IRON PIPE
○	SET CONCRETE MONUMENT (4" x 4" PLS 4447)	IR	IRON ROD/PIN
○	GUY WIRE ANCHORS	LS	REGISTERED LAND SURVEYOR NUMBER
○	LIGHT POLE	LS	LICENSED BUSINESS NUMBER
○	POWER POLE	ME	MEASURED
○	POWER/LIGHT POLE	MB	MEASURED BEARING OR DISTANCE
○	POWER/LIGHT/TRANSFORMER POLE	RM	RIGHT-OF-WAY
○	ROAD INSTRUCTION SIGN	PCP	PERMANENT CONTROL POINT
○	WATER VALVE	PT	POINT OF TANGENCY
○	FIRE HYDRANT	PC	POINT OF CURVATURE
○	POWER CONNECTION BOX	PCC	POINT ON CURVE
○	TELEPHONE BOX	PL	PLAT
○	CABLE BOX/MARKER SIGN	N/T	NAIL AND TAB
○	STORM SEWER MAN HOLE	POB	POINT OF BEGINNING
○	OVERHEAD POWER LINE	PB	PLAT BOOK
○	SANITARY SEWER MAN HOLE	PG	PAGE
○	CENTER LINE	ORB	OFFICIAL RECORDS BOOK
○	WIRE FENCE LINE	○	WELL
○	CHAIN LINK FENCE LINE	○	SPOT ELEVATION
○	STORM DRAIN	○	BENCH MARK LOCATION (WHEN APPROPRIATE)
		○	GAS METER/MARKER POST
		○	GAS VALVE
		○	METERED END SECTION
		○	MAIL BOX



SCALE: 1"=30'  
John L. Gunter, Jr. & Kathleen A.

ORB 978, Page 1582

Alternate Key # 2924853.



**LEGAL DESCRIPTION:**

FRUITLAND PARK: Begin 87 feet North of the Southwest Corner of Lot 1, in Block 37 in the town of Fruitland Park, Florida, according to the Plat, thereof recorded in Plat Book 3, Page 8, Public Records of Lake County, Florida, run North to the Northwest Corner of Lot 1, thence Easterly a the Northeast Corner of Lot 1, Southerly along the East Line of Lot 1, to the Southeast Corner thereof, thence Westerly to a point 164.92 feet East of the Southwest Corner of Lot 1, thence North 57.01 feet, thence West 162.17 feet to the Point of Beginning.

**Zoning**

Single Family Lake Front  
Residential R-2  
ORB = Official Records Book

**SURVEYOR'S NOTES:**

- DESCRIPTION AND INSTRUCTIONS FOR THIS SURVEY WERE FURNISHED BY CLIENT.
- BEARINGS BASED ON THE SOUTH LINE OF LOT 1 BLOCK 37, PLAN OF FRUITLAND PARK, PLAT BOOK 3, PAGE 8, AS BEING S 79°39'17" W (ASSUMED BEARING)
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND RESTRICTIONS OF RECORD.
- THIS COMPANY IS NOT RESPONSIBLE FOR FACTS THAT WOULD BE DISCLOSED BY AN ACCURATE TITLE POLICY. THIS PROPERTY WAS NOT ABSTRACTED FOR TITLE BY THIS COMPANY.
- ANY COPIES OF THIS SURVEY NOT SIGNED AND SEALED WITH EMBOSSED SURVEYOR'S SEAL BEARING THE NAME AND REGISTRATION NUMBER OF THE SURVEYOR IN RESPONSIBLE CHARGE ARE INVALID. THIS PLAT HAS BEEN PRODUCED FOR THE PURPOSES AND USES OF THE CLIENT NAMED HEREON. ANY REPRODUCTION, TOTAL OR IN PART, BY ONLY METHOD, WITHOUT THE EXPRESS CONSENT AND APPROVAL OF THE CLIENT AND/OR THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEARS HEREON IS STRICTLY FORBIDDEN.

REVISION	NO.	BY	DATE
	1		08/07/19

**PETULLA SURVEYING, INC.**  
EDWARD B. PETULLA, P.L.S.  
100 WEEBER AVENUE  
LEESBURG, FL 34748  
(352) 516-0731  
FAX (352) 516-0600

EDWARD B. PETULLA, P.L.S.  
Professional Land Surveyor & Mapper, No. 4447, State of Florida  
Date: 08/07/19

NOTE: 1) Reproductions of this sketch not valid unless enclosed with seal and certification limited to person or persons named herein.  
2) There are no easements or encroachments visible on the ground other than shown herein.

MINOR SUBDIVISION  
FRUITLAND PARK LOT 1 BLOCK 37  
Cynthia J. and Michael S. Bailey  
FRUITLAND PARK, FLORIDA

**PETULLA SURVEYING, INC.**  
PROFESSIONAL LAND SURVEYING & MAPPING DEPARTMENT  
EDWARD B. PETULLA, P.L.S.  
100 WEEBER AVENUE  
LEESBURG, FL 34748  
(352) 516-0731  
FAX (352) 516-0600

OCT 11 2019  
DEPARTMENT OF FRUITLAND PARK

PROJECT NUMBER: \_\_\_\_\_  
DRAWING FILE NUMBER: \_\_\_\_\_  
SHEET 1

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 6a**

**ITEM TITLE:** City Manager's Report

**For the Meeting of:** January 9, 2020  
**Submitted by:** City Manager  
**Date Submitted:** December 18, 2019  
**Funds Required:** No  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** No

**Item Description:** City manager's report

- i. Economic Development Status Update**
  - Benchmark Development I LLC
  
- ii. Upgraded Power Switch Installation Update** (Summit Broadband Service Order adopted by Resolution 2019-052 at the November 14, 2019 regular meeting).
  
- iii. Alcohol Beverage Policy Discussion**

**Action to be Taken:** None

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 6bi-iii

**ITEM TITLE:** CITY ATTORNEY REPORT  
**For the Meeting of:** January 9, 2020  
**Submitted by:** City Attorney  
**Date Submitted:** January 2, 2020  
**Funds Required:** None  
**Attachments:** City v State of Florida, Department of Management Services Petition  
**Item Description:** City Attorney Report

**Notice of Claim: James Hartson:** No developments to report. The civil allegation complained of allegedly would have occurred April 16, 2016.

**City of Fruitland Park v. T.D. Burke:** Mr. Burke stipulated to the City filing an amended complaint. On Friday, December 20, 2019 the executed stipulation as well as the First Amended Verified Complaint was filed with the Clerk of Court. Mr. Burke has until January 9, 2020 to file a responsive pleading.

**City of Fruitland Park v. State of Florida – Department of Management Services:** In early December the City received notification from the State of Florida demanding the City pay \$541,780.03 for alleged overpayments of retirement benefits to Michael Fewless from June 2011 thru August 2018. In order to preserve the City’s rights within the required statutory timeframe it was necessary for attorney Glenn E. Thomas to file a Petition for Formal Administrative Hearing. Mr. Thomas requested an extension for filing, but the State denied the request. Therefore, on December 26 the Petition was filed on behalf of the City. Additional information will be provided as available. In the interim if you have any questions, please call my office so we may discuss.

**Action to be Taken:** N/A  
**Staff’s Recommendation:** N/A  
**Additional Comments:**  
**City Manager Review:**  
**Mayor Authorization:**

**STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES**

CITY OF FRUITLAND PARK, FLORIDA,

Petitioner,

v.

Case No.

STATE OF FLORIDA,  
DEPARTMENT OF MANAGEMENT SERVICES,

Respondent.

\_\_\_\_\_ /

**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

COMES NOW, the City of Fruitland Part (hereinafter “Petitioner” or the “City”), pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, and requests a Formal Administrative Hearing before the Department of Administrative Hearings and in support thereof states as follows:

1. The State Agency affected is the State of Florida Department of Management Services, Division of Retirement.
2. Address of Petitioner is 506 West Berckman Street, Fruitland Park, Florida 34731. Phone number: (352) 360-6727.
3. Petitioner received notice of agency action on December 3, 2019 (attached hereto as Exhibit A).

**Petitioner’s Substantial Interests**

4. Petitioner’s substantial interests will be affected by agency action compelling the City to repay to the Florida Retirement System for retirement benefits paid to former employee, Michael Fewless.

### **Disputed Issues of Material Fact**

5. Petitioner disputes all allegations in the Department's December 2, 2019 letter.

6. Petitioner specifically disputes the allegation that it is liable for repayment of any retirement benefits previously paid to Mr. Fewless.

7. Petitioner disputes any fact contrary to the facts asserted by the Petitioner below.

### **Ultimate Facts Warranting Dismissal of the Citation**

8. The City of Fruitland Park is a small municipal corporation, with fewer than 10,000 residents. The City encompasses under seven square miles in Lake County and has a total annual budget of less than \$10 million.

9. In 2014, as part of an effort to reduce retirement expenses, the City decided to participate in the Florida Retirement System (FRS) on behalf of general employees and police officers. The City commenced participation with FRS in 2015.

10. Prior to the commencement of the City's participation, FRS employees visited the City to make a presentation to City employees. The presentation included a PowerPoint and a question and answer period. FRS representatives explained benefits and procedures to the City employees present, including City Manager, Gary La Venia. In response to a question from the City regarding mandatory participation in FRS, the FRS representative stated that management employees of the City were not required to participate in FRS and they could elect to participate in the City's defined contribution plan.

11. Michael Fewless (Fewless) began accruing service in the Florida Retirement System in February 1985 when he was hired by the Orange County Sheriff's Office. He continued his employment with the Orange County Sheriff's Office for 30 years, participating in the deferred retirement option program (DROP) effective June 1, 2011, for the final four years of his

employment. On August 1, 2015, he terminated participation in DROP and formally retired from the Sheriff's Office.

12. When an FRS member commences participation in DROP or retires, he or she is provided several documents, requiring a signed acknowledgement of receipt. Among those documents is a form that must be signed and notarized, which states, in part:

I understand I must terminate all employment with FRS employers to receive a monthly retirement benefit and my DROP benefit under Chapter 121, F. S. If I fail to terminate my employment in accordance with s. 121.021(39)(b), F.S., on my DROP termination date, my retirement will be null and void and my FRS membership shall be established retroactively to the date I began DROP.

13. A retiree signing this document swears that he understands he must terminate his employment "in accordance with s. 121.021(39)(b), F.S." Section 121.021(39)(b), F.S states in relevant part:

"Termination" for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with participating employers in accordance with s. 121.091(13)...2. For termination dates occurring on or after July 1, 2010, if the member becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

14. Another form in the FRS retirement packet provides the following information:

During the first six calendar months of your service retirement beginning with the month of your effective service retirement date or following your DROP termination date, you cannot be reemployed in any capacity with any FRS participating employer. If you are reemployed with an FRS employer in any capacity during this six calendar month period, your retirement application will be cancelled and you will be required to repay all retirement benefits received including any DROP accumulation or payout. There are no exceptions to the six calendar month termination requirements.

15. The documents were explained to Mr. Fewless as his retirement was being processed by Orange County Human Resources. According to Mr. Fewless, after signing the documents, he understood he could not reenroll in the FRS, but he did not understand he could not

accept employment with an FRS agency for six months. According to Mr. Fewless, he did not read all of the documents, but instead relied on the Orange County Human Resources employee's explanation of the contents.

16. In July 2015, Mr. Fewless was being considered for the position of Police Chief by the City of Fruitland Park. Based on the information provided by FRS, City Manager, Gary La Venia believed that while Mr. Fewless could not participate in FRS, he could participate in the City's defined contribution plan. This understanding was consistent with the Mr. Fewless's understanding following the explanation by Orange County Human Resources.

17. Recognizing the laws and rules governing FRS are complex even for legal and administrative professionals, Mr. Fewless contacted the Division of Retirement's FRS Hotline at (866) 446-9377 to confirm his understanding and the understanding shared by his former and potential employers.

18. Mr. Fewless explained to the FRS Hotline employee, David Kent, that he was currently in the DROP under FRS and was considering accepting employment with an FRS employer at the conclusion of his DROP period. At that point, there was only one appropriate response from the FRS representative—"You cannot accept employment with an FRS agency until 6 months after your termination of employment." As confusing and convoluted as FRS regulations are to the layman, this concept should be fundamental to anyone at FRS who is paid to provide guidance to members.

19. However, Mr. Kent told Mr. Fewless that he could immediately go to work as Fruitland Park's police chief without jeopardizing his retirement benefits. He was told that as long as he did not participate in FRS, his retirement benefits would not be affected. Although based on a misunderstanding of the applicability of the law, the statement by FRS, relied on by Mr. Fewless



and the City, was a representation of fact. *See e.g., Salz v. Dep't of Admin., Div. of Ret.*, 432 So. 2d 1376, 1378 (Fla. 3d DCA 1983).

20. The Department has consistently denied the FRS Hotline employee provided incorrect advice. To accept the Department's assertion, one must believe the FRS Hotline employee provided accurate information to Mr. Fewless—which would have been that employment with Fruitland Park would void his DROP retirement and require him to repay \$541,000—then, Mr. Fewless ignored the information and accepted the City's offer of employment anyway.

21. It seems clear that the FRS Hotline employee did not articulate what should have been second nature—Mr. Fewless could not under any circumstances accept employment with Fruitland Park until six months after retirement. The City would not have hired Mr. Fewless, but for the incorrect information provided by FRS. Instead, based on the information from FRS, Mr. Fewless was hired as the City's police chief.

22. Following a routine audit in 2018, FRS notified Fruitland Park that a review of the City's October 2017 payroll reconciliation revealed part-time employees in regularly established positions were being incorrectly excluded from retirement coverage. According to the report by FRS, the "cause" of the part-time employee exclusion from FRS was the City "did not consider part-time employees to be eligible for retirement coverage." In addition, FRS notified the City and Mr. Fewless that he also was a mandatory participant in FRS. In addition, because he was reemployed within six months of his retirement, his retirement and DROP participation were voided.

23. Mr. Fewless was advised that he must repay \$541,780.03 to FRS, an amount representing his DROP distribution and all monthly retirement payments he had received. By letter

dated August 29, 2018, the City was advised that it was required to transmit to FRS \$69,797.31, which represented contributions that should have been made to FRS on Mr. Fewless's behalf.

24. Considering the relentless manner in which the Department pursues retirees and employers when a misunderstanding results in early reemployment, and in light of the devastating penalties facing retirees and employers for such mistakes, one would trust that an FRS employee whose duties include providing accurate information to members and employers, would understand that a retiree can never accept employment with any FRS agency within six months of retirement.

25. Neither the City nor Mr. Fewless entered into an employment relationship with the intent to defraud the Florida Retirement System. There was no attempt to "game" the system or "double-dip." In what amounts to a perfect storm of misapprehension, every party involved in the retirement and reemployment of Michael Fewless, including Mr. Fewless, Orange County Human Resources, the City of Fruitland Park, and the Florida Retirement System, misunderstood and/or misstated the facts and the law regarding reemployment after retirement.

26. It is difficult to conceive that the Florida Legislature intended to financially ruin dedicated lifetime public servants or confiscate a City's budget, because of a clerical error based on a misunderstanding—a misunderstanding the Department's own employees made. It is unreasonable and inequitable for FRS to demand the City repay \$541,780 for a mistake which the Department itself also made.

27. Mr. Fewless challenged the Department's final agency action before the Division of Administrative Hearings (DOAH) on April 22 and 23, 2019 (Case No. 18-5787). The Administrative Law Judge recommended the Department enter a final order rescinding its proposed actions.

28. The elements that must be established for the doctrine of equitable estoppel to apply against a governmental agency are: (a) a representation as to a material fact that is contrary to a later-asserted position; (b) reliance on that representation; and (c) a change in position detrimental to the party claiming estoppel, caused by the representation and reliance thereon. *State Department of Revenue v. Anderson*, 403 So. 2d 397, 400 (Fla. 1981). See also *Dolphin Outdoor Advertising v. Department of Transportation*, 582 So. 2d 709, 710 (Fla. 1st DCA 1991); *Harris v. State Department of Administration Division of Employees' Insurance*, 577 So. 2d 1363, 1366 (Fla. 1st DCA 1991); *Warren v. Department of Administration*, 554 So. 2d 568 (Fla. 5th DCA 1990).

29. One seeking to invoke the doctrine of estoppel against the government first must also demonstrate the existence of affirmative conduct by the government which goes beyond mere negligence, must show that the governmental conduct will cause serious injustice, and must show that the application of estoppel will not unduly harm the public interest. *Alachua County v. Cheshire*, 603 So. 2d 1334, 1337 (Fla. 1st DCA 1992).

30. After Mr. Fewless prevailed at DOAH, the Department made known that it intended to reject the Administrative Law Judge's conclusions and issue a final order voiding Mr. Fewless's DROP retirement and reestablishing service credit retroactively to the date he commenced DROP – a decision that would have been financially devastating for the retired law enforcement officer and his wife. Because he could not afford to continue to fight the Department's actions against him, Mr. Fewless had no choice but to accept the Department's offer of settlement.

31. As an inducement to settlement, DMS promised Mr. Fewless that it would pursue the City for the full amount of the benefits improperly paid to him. Prior to the settlement, no such demand has been made of the City. Before December 2, 2019 the only amount demanded by the State from the City was FRS contributions on Mr. Fewless's behalf for the period it claims he

should have been enrolled in the System. Since the initial August 2018 letter from FRS, the City has been consistently told by FRS that it was not responsible for repayment of any of the retirement benefits erroneously paid to Mr. Fewless. The first time the State made such a demand was on December 2, 2019, following the execution of the Settlement Agreement. The Division of Retirement was correct in its initial determination in August 2018, that the City is not jointly and severally liable for repayment of retirement benefits erroneously paid to Mr. Fewless

32. Based on the circumstances in this case, the Department is equitably estopped from compelling the City to repay Mr. Fewless's retirement benefits. All of the elements of equitable estoppel against the Department have been established. There were erroneous representations of a material fact by the State, both Petitioner and Mr. Fewless relied on those erroneous representations, and both Petitioner and Mr. Fewless changed their positions in reliance on the State's representations. In addition, the representation was more than mere negligence. The facts communicated to the State by Mr. Fewless should have raised concern on the part of a State employee whose responsibility is to provide accurate information concerning FRS participation. The governmental conduct at issue in this case will cause a serious injustice, as the penalties amount to nearly 1/10 of the City's annual budget. And finally, the application of estoppel in this case will not unduly harm the public interest. Mr. Fewless received benefits that were funded by employee and employer contributions and investment returns. The State loses no money and there is no additional harm to the State if Mr. Fewless's retirement benefits are not repaid.

33. Not only would the application of estoppel not harm the public, in this case the application of estoppel will prevent further public harm. The public is not harmed by Mr. Fewless retaining retirement benefits he earned. The public is not harmed if the Department discontinues its enforcement action. The only public harm in this case is the monetary penalties sought by the

Department. The State has the ability to discontinue its enforcement based on the circumstances of this case—especially in light of the Division of Retirement’s culpability. If the Department ultimately prevails against the City, it could cost the taxpayers of Fruitland Park over a half million dollars.

34. For the reasons set forth above, Petitioner respectfully requests relief from the Department’s action.

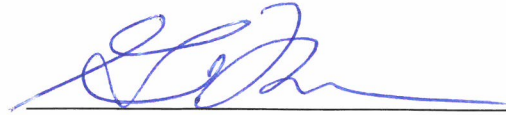
**Rules and/or Statutes Warranting Dismissal of Administrative Complaint**

- 35. Chapter 121, Florida Statutes.
- 36. Section 121.091, Florida Statutes.
- 37. Section 121.021, Florida Statutes.
- 38. Chapter 120, Florida Statutes.
- 39. Rule 60S-4.012, Florida Administrative Code.
- 40. Rule 28-106, Florida Administrative Code.

**Relief Sought by Petitioner**

WHEREFORE, Petitioner hereby requests a formal hearing before the Division of Administrative Hearings in order to resolve disputed issues of material fact. Petitioner further requests an Order, rescinding the Department’s December 2, 2019, demand for repayment of benefits paid to Michael Fewless, and such other and further relief as is deemed just and proper.

Respectfully submitted this 26th day of December, 2019.

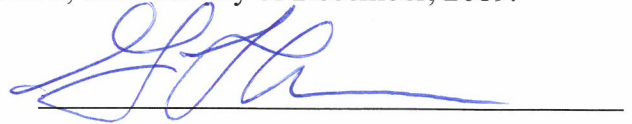


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Glenn E. Thomas,  
Counsel for Petitioner,  
City of Fruitland Park

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing PETITION FOR FORMAL ADMINISTRATIVE HEARING has been furnished by facsimile and U.S. Mail to Agency Clerk, Office of the General Counsel, Florida Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399, this 26th day of December, 2019.





Division of Retirement  
P.O. Box 9000  
Tallahassee, FL 32315-9000  
Tel: 850-907-6500 | Fax: 850-410-2010 | Toll-Free: 844-377-1888

Ron DeSantis, Governor  
Jonathan R. Satter, Secretary

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**ARTICLE NUMBER: 7018 0680 0000 1723 8029**

December 2, 2019

Honorable Chris Cheshire, Mayor  
City of Fruitland Park  
506 West Berckman Street  
Fruitland Park, FL 34731

Dear Mayor Cheshire:

The purpose of this letter is to provide you with notice about the Division's intended action following a retirement compliance audit of the City of Fruitland Park ("City"). As you are aware, the Department of Management Services Office of the Inspector General issued an "Employer Compliance Audit Report" on July 25, 2018, containing three (3) findings against the City. A copy of the Employer Compliance Audit Report is attached for your review. As explained in Finding 2, it was determined the City had failed to report Michael Fewless's employment with the City, which violated the reemployment provisions of section 121.091(9), Florida Statutes, and section 121.091(13), Florida Statutes.

A member of the Florida Retirement System ("FRS") is subject to the termination requirement found in Section 121.021(39)(b), Florida Statutes, which states:

"Termination" for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with participating employers in accordance with s. 121.091(13), however:

\* \* \*

2. For termination dates occurring on or after July 1, 2010, if the member becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

The City is an FRS participating employer for police and general employees. Due to the City hiring Mr. Fewless on August 3, 2015, he never satisfied the FRS termination requirement of ceasing all employment with FRS employers for six calendar months. Mr. Fewless's FRS DROP retirement was voided, and his FRS membership was retroactively established to June 1, 2011, the date he initially began DROP participation. As a result of this violation, Mr. Fewless was improperly paid \$541,780.43 in FRS benefits. Under Florida law, whenever a participating employer employs a retired FRS member in violation of the termination requirements, both the employee and the participating employer are liable for repayment of the money to the FRS Trust Fund. Specifically, section 121.091(9)(c)3., Florida Statutes, provides:

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, except as provided in paragraph (f). However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.
2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.
3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Florida Retirement System Investment Plan Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

Based upon the foregoing, the City is jointly and severally liable for repayment of all retirement benefits previously paid to Mr. Fewless. The total overpayment of Mr. Fewless's benefits from September 2015 through August 2018 is \$541,780.03.

\$318,124.77	Accumulated retirement benefits/DROP (6/2011 – 8/2015)
\$218,930.26	Monthly retirement benefits (9/2015 – 8/2018)
<u>\$ 4,725.00</u>	Health Insurance Subsidy (9/2015 – 8/2018)

\$541,780.03 Total Overpayment

Enclosed is an invoice for this overpayment. Please make your check payable to the Florida Retirement System and indicate the check is for an "overpayment of benefits." The invoice number should be noted on the face of the check and a copy of the invoice returned with your payment.



Honorable Chris Cheshire, Mayor  
December 2, 2019  
Page Three

The City is also responsible for all retirement contributions due during Mr. Fewless's DROP participation period of June 2011 through August 2015 based upon the special risk membership class associated with Mr. Fewless's former position at the Orange County Sheriff's Office. Additionally, the City is responsible for required contributions due for the period Mr. Fewless was employed with the City. Payment for the period of DROP participation and Mr. Fewless's employment with the City in July and August 2015 has been received. The City still owes required contributions for the period of September 2015 through August 2018. In accordance with Florida Statutes, a 1% per month delinquency fee will be assessed until paid.

This letter constitutes final agency action. If you do not agree with the decision and wish to appeal this matter, you may take one of the following actions within 21 days of receiving this letter:

- File a request (petition) for a formal hearing. Your request must state the facts you dispute and must comply with the requirements of Rule 28-106.201, Florida Administrative Code (enclosed), or
- File a request for an informal hearing. Your request must state why you disagree with the decision and must comply with the requirements of Rule 28-106.301, Florida Administrative Code (enclosed). If you do not state the disputed facts in your letter, we will automatically treat it as an informal hearing request.

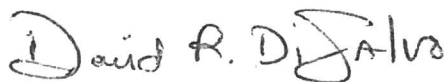
**Your request for a formal or informal hearing must be in writing and received by the Agency Clerk of the Department of Management Services within 21 days of your receipt of this letter.** The enclosed information page explains the process for the hearings. If you choose to request a hearing, send your written request to:

Agency Clerk and Hearings Coordinator  
Office of the General Counsel  
Department of Management Services  
4050 Esplanade Way, Suite 160  
Tallahassee, FL 32399-0950  
Petitions Accepted by Email at: [AgencyClerk@dms.myflorida.com](mailto:AgencyClerk@dms.myflorida.com)

If you fail to petition for a hearing within the time allotted, you will have waived your right to a hearing and the decision set forth in this letter will become final on the 22nd day after your receipt of this letter.

You may contact Sean Gellis at 850-922-6617 if you need additional information.

Sincerely,



David DiSalvo, Director  
Division of Retirement

Honorable Chris Cheshire, Mayor  
December 2, 2019  
Page Four

cc: Anita Geraci-Carver, Esq. (City Attorney)

Enclosures: Appeal Hearings Information Page  
Rule 28-106.201, Florida Administrative Code  
Rule 28-106.301, Florida Administrative Code  
Employer Compliance Audit Letter dated July 25, 2018

Honorable Chris Cheshire, Mayor  
December 2, 2019  
Page Five

### **Appeal Hearings Informational Page**

Your request for a formal or informal hearing must be in writing and received by the Agency Clerk of the Department of Management Services (DMS) within 21 days of your receipt of the decision letter. You lose your right to a hearing if the Agency Clerk does not receive your request on time.

Send or email your written request to:

Agency Clerk and Hearings Coordinator  
Office of the General Counsel  
Department of Management Services  
4050 Esplanade Way, Suite 160  
Tallahassee, FL 32399-0950  
[AgencyClerk@dms.myflorida.com](mailto:AgencyClerk@dms.myflorida.com) (Petitions by PDF only please)

#### ***Formal Hearing***

If you dispute the facts we used in our decision, state them in your written request for a hearing. Your request must meet the requirements of Rule 28-106.201, Florida Administrative Code.

If the Office of the General Counsel (OGC) determines that a formal hearing is needed, they will forward your request to an Administrative Law Judge assigned by the Division of Administrative Hearings. You will be able to present evidence and your argument against our decision, and we will present our evidence and argument.

After the formal hearing, the Administrative Law Judge will issue a Recommended Order to DMS. The OGC will review it and give you a Final Order with the decision.

If you do not state the disputed facts in your letter, the OGC will automatically treat it as an informal hearing request.

#### ***Informal Hearing***

If you do not dispute the facts we used in our decision, but want to contest the decision, your written request for a hearing must state why you disagree. Your request must meet the requirements of Rule 28-106.301, Florida Administrative Code.

If the OGC determines that an informal hearing is needed, they will forward your request to an impartial hearing officer appointed by DMS. You will be able to present evidence and your argument against our decision, and we will present our evidence and argument. After the informal hearing, the OGC will give you a Final Order with the hearing officer's decision.

**Procedures for requesting a hearing when there are disputed issues of material fact (formal hearings). Rule 28-106.201, Florida Administrative Code.**

**28-106.201 Initiation of Proceedings.**

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term “petition” includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

*Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 2-5-13.*

**Procedures for requesting a hearing when there are no disputed issues of material fact (informal hearing), Rule 28-106.301, Florida Administrative Code.**

**28-106.301 Initiation of Proceedings.**

(1) Unless otherwise provided by statute and except for agency enforcement and disciplinary actions initiated under subsection 28-106.2015(1), F.A.C., initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any email address, and telephone number of the petitioner, if the petitioner is not represented by an attorney or qualified representative; the name, address, email address, facsimile number, and telephone number of the petitioner's representative; if any, which shall be the address for service purposes during the course of the proceeding;

(c) An explanation of how the petitioner's substantial interests will be affected by the agency determination;

(d) A statement of when and how the petitioner received notice of the agency decision;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action; and

(h) A statement that no material facts are in dispute.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 12-24-07, 2-5-13.*

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 7**

**ITEM TITLE:** Public Comments  
**For the Meeting of:** January 9, 2020  
**Submitted by:** City Attorney  
**Date Submitted:** **December 19, 2019**  
**Funds Required:** None  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** Yes, Resolution 2013-023, Public Participation Policy

**Item Description:** 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.

**Action to be Taken:** **None**

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

**Additional Comments:** N/A

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**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

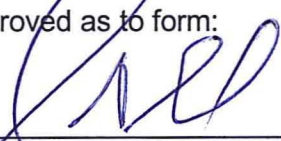
ATTEST:

  
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