

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
July 9, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 9, 2020 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; Sergeant Henry Rains, Police Department, Public Works Director Robb Dicus, Interim Fire Chief Donald Gilpin, Deputy Fire Chief Tim Yoder, Fire Department and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

ACTION: 6:00 p.m. After Mayor Cheshire called the meeting to order, the Reverend Dr. George A. Mulford III, Grace Bible Baptist Church gave the invocation, Sergeant Rains led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:02:46 p.m. and 6:05:21 p.m. Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

Later in the meeting and upon Mayor Cheshire's recommendation, **the city commission, by unanimous consent, accepted the following changes to Item 5.(b) on this evening's agenda:**

- **the Agenda Summary Report Correction to reflect the Planning and Zoning (P&Z) Board and not Lake County League of Cities and**
- **the addendum – P&Z Board applications from Messrs. C. Burch, L. Elliot, and R. Ray.**

3. SPECIAL PRESENTATION

On behalf of the city commission, Mayor Cheshire presented Mr. Phillip "Phil" D. Purlee, P&Z Board member from 2012 to 2020, with a plaque thanking him for his dedication and commitment.

ACTION: 6:03:01 p.m. Mr. Purlee accepted the plaque with much appreciation and thanked the city commission for the recognition.

4. CONSENT AGENDA

(a) June 25, 2020 regular meeting minutes as submitted.

(b) Resolution 2020-030 Community Center Split System Air Conditioning System - FY 2019-20 Budget Amendment

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 TRANSFER FUNDS FROM CONTINGENCY TO RECREATION FACILITY MAINTENANCE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:05:00 p.m. After discussion and **on motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the consent agenda as previously cited.**

5. REGULAR AGENDA

(a) Resolution 2020-031 – P&Z Board Appointment

After Ms. Geraci-Carver read into the record proposed Resolution 2020-031, the substance of which is as follows, Mayor Cheshire noted the corrections to the agenda:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cheshire cited reasons to accept his appointment of Mr. Carlisle Burch to serve on the P&Z Board.

ACTION: 6:05:21 p.m. After discussion, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2020-031 with the appointment of Mr. Carlisle Burch.**

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

(b) Resolution 2020-027 FY 2019-20 (Estimated) Preliminary Fire Services Assessment

Ms. Geraci-Carver read into the record proposed Resolution 2020-027, the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; DIRECTING THE

PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

After much discussion and in response to the concerns raised by Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, regarding the calendar year 2015 call data analysis, Mr. La Venia outlined reasons for the utilization of same based on budgetary figures.

ACTION: 6:08:31 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-027 as previously cited.

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

Commissioner Mobilian	Yes
Vice Mayor Gunter	No
Commissioner Bell	No
Commissioner DeGrave	Yes
Mayor Cheshire	Yes

The motion was declared carried by a three-to-two (3-2) vote.

(c) Resolution 2020-029 – SRO - School Board, Law Enforcement Agencies and Lake County Sheriff’s Office ILA

Ms. Geraci-Carver read into the record proposed Resolution 2020-029, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND LAW ENFORCEMENT AGENCIES INCLUDING THE CITY OF FRUITLAND PARK, FLORIDA RELATING TO THE REPORTING OF ACTS THAT POSE A THREAT TO SCHOOL SAFETY; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:20:02 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-029 as previously cited.

(d) Water Tank Maintenance Discussion

Mr. La Venia addressed the need for the inspection, cleaning and maintenance of the two 200,000 gallon water storage tanks (the elevated tower located at 200 Shiloh Street and ground storage tank at 201 West Berckman Street) for approximately \$65,000 and pointed out the current agreement with Suez/Utility Service Company Inc., a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr., La Venia outlined the possibility for staff to perform external maintenance on the ground storage water tank and relayed his recommendation to pursue two long term agreements in this regard.

ACTION: 6:08:31 p.m. Following extensive discussions and **by unanimous consent, the city commission authorized staff to negotiate with Suez/Utility Service Company Inc. the maintenance costs and terms on the elevated water tower located at 200 Shiloh Street and the ground storage tank at 201 West Berckman Street and report back to the city commission with more information.**

(e) Records Management - Redact - Veritone Inc Agreement Discussion

In recognizing Veritone Inc.'s indemnification provision limitation of liability on its records management redact services agreement, Ms. Geraci-Carver pointed out same raised at the March 12, 2020 regular meeting, and relayed Veritone's desire for an open-ended liability and disagreement with the proposed reduction and \$500,000 cap. She cited reasons why she recommended that the city limit its liability.

ACTION: 6:35:14 p.m. After much discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission authorize the city attorney to draft a resolution regarding the approval of the redaction software with Veritone Inc. for consideration at the next meeting and agreed to evaluate the license agreement and market trends annually.**

6. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia advised that he has no report to submit regarding the economic development status.

ACTION: 6:40:44 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia addressed the institution of COVID-19 measures as outlined at the July 9, 2020 regular meeting.

After discussions were held on various local governments named in lawsuits filed on a mandatory mask requirement for public and indoor locations and consideration of same by governmental entities on their respective agenda, Ms. Geraci-Carver recognized the local legislations' minimal fines and penalties and anticipated receiving direction on what would be needed.

ACTION: 6:40:52 p.m. No action was taken.

iii. Public Works Building Location Discussion

Mr. La Venia conveyed the discussions he recently had with Mr. Dicus regarding the public works' proposed building location; his conversations with the engineers retained by the city on the proposal to commence with the construction of the new public works site work and the water wastewater treatment plant, and the concept on the proposed locations (north of Spring Lake Road or the current site, 202 West Berckman Street), the city commission's position and its plans on the current site.

ACTION: 6:43:12 After extensive discussions and **by unanimous consent, the city commission agreed to construct the proposed public works building on the water wastewater treatment sewer plant site, north of Spring Lake Road.**

iv. City Logo – Flags Discussion

Mr. La Venia relayed the request of Parks and Recreation Director Ms. Michelle Yoder that for all national public holidays, patriotic banners alternated with the city's windmill logo are to be used on the electric poles. He suggested gradually transitioning from the city's current logo to the windmill for major items.

After discussion, Vice Mayor Gunter suggested seeking and utilizing beautification grants to apply for windmill banners hanging from the light poles on the CR 466 median.

ACTION: 6:51:47 p.m. **By unanimous consent, the city commission agreed to change the city's current logo by slowly transitioning to the windmill logo.** (Note: the banners would be situated on the brackets on Berckman Street, College Avenue, and Fountain Street during the holidays.)

(b) City Attorney

i. City of Fruitland Park v. T. D. Burke

Ms. Geraci-Carver announced that she has nothing to report on the T. D. Burke case.

ACTION: 7:04:48 p.m. No action was necessary.

ii. City of Fruitland Park v. State of Florida Department of Management Services

Ms. Geraci-Carver announced that she has nothing to report on the State of Florida Department of Management Services.

ACTION: 7:04:48 p.m. No action was necessary.

iii. Michael and Laurie Fewless v. City of Fruitland Park

Ms. Geraci-Carver announced that she has nothing to report on the Michael and Laurie Fewless case.

ACTION: 7:04:48 p.m. No action was necessary.

iv. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

Ms. Geraci-Carver pointed out her report at the June 25, 2020 regular meeting. She indicated that a response on the Norman C. Cummins V. Stephen P. Angelillo and City of Fruitland Park case is due on the July 13, 2020 which has been submitted to the insurance company to determine coverage; otherwise, she will file a response on the city's behalf.

ACTION: 7:04:48 p.m. No action was necessary.

v. COVID-19 Status Update

Ms. Geraci-Carver reported that on July 7, 2020, the Florida Governor has signed Emergency Management – Extension of Executive Order 20-52, COVID-19 Executive Order 20-166 extending the emergency for another 60 days. She explained that local government public meetings (under Executive Order 20-69) suspended the Florida Statutes requiring a quorum to be present in person and addressed the city commission's option to revert to conducting its meetings virtually or by telephonic conference during the 60-day period.

ACTION: 7:05:02 p.m. No action was necessary.

vii. Lake County Commission

Ms. Geraci-Carver referred to the Lake County Board of County Commissioners July 7, 2020 approval at its regular meeting amending the Coronavirus Aid, Relief, and Economic Security Act (providing \$150 billion in direct assistance) agreement for later ratification; noted that the allocation of a percentage of \$16,014,815 would be disbursed to assist small businesses, not for profit organizations, and faith-based organizations and

for personal protective equipment. She addressed her plan to attend its future meeting in that regard and provide an update report to the city commission.

ACTION: 7:05:27 p.m. No action was necessary.

7. PUBLIC COMMENTS

Mr. Carl Yauk, VOFP (Pine Hills) resident, pointed out the city commission's discussions earlier on this evening's agenda and questioned the city's plans to make the community inviting and a desirable place in which to live, work and visit and gave reasons why he believed that the police department equipped with body cameras ought to be of high priority.

Mr. Burch commended the builder's construction of duplexes close to his property on Sunset Way which he deemed as aesthetically pleasing as well as the builder's erection of millings on top of a dirt road. Mr. Burch voiced his concurrence with earlier statements for the city center's focus as its hometown and believed that the public works department's proposed site ought to be obscure or its equipment placed off-site. He expressed appreciation to the city commission's and its earlier remarks on his appointment to serve on the P&Z Board.

Mr. Leland Hubbell, City of Fruitland Park resident, outlined his experience as a water plant operator in the Town of Lady Lake, his knowledge in the operation and maintenance of the ground water storage tank, and gave his assurance on the town's long-term relationship with and performance of Suez/Utility Service Company Inc.

ACTION: 7:06:40 p.m. No action was necessary.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated that he has nothing to report at this time.

ACTION: 7:13:52 p.m. No action was necessary.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he has nothing to report at this time.

ACTION: 7:13:56 p.m. No action was necessary.

(c) Commissioner Bell

Commissioner Bell referred to the July 6, 2020 Town of Lady Lake Council meeting regarding its approval at first reading of proposed Ordinance 2020-04 amending the permitted uses for certain property (approximately 40.44 acres with a maximum building height of 35 feet) zoned planned unit development and heavy commercial north of Lake Ella Road and west of Highway 27/US 441 within the town limits where the proposed use will impact the city.

After discussion, Commissioner Bell suggested initiating an agreement as it is within the city's boundary line and that the city ought to be kept informed.

ACTION: 7:14:04 p.m. By unanimous consent, the city commission directed the city manager to contact the city manager on the proposed amended permitted use.

(d) Vice Mayor Gunter, Jr.

i. Unfinished Business - Gardenia Park Phase III Florida Recreation Development Assistance Program (FRDAP) Grant (Skate Park)

Earlier in the meeting, Vice Mayor Gunter recalled the line item as a placement on previous city commission agenda for "Old Business" and expressed concerns on the elimination of same.

After discussion and at Mayor Cheshire's request, Ms. Coulson recalled the city commission's unanimous consensus (at its June 8, 2017 regular meeting) to remove future "Old Business" as an item listed under its regular agenda.

Vice Mayor Gunter referred to Ms. Yoder's statements at the June 9, 2020 regular meeting on the approximate \$80,000 cost for the Gardenia Park skate park concrete version of the halfpipe; made comparisons of other quotes on similar equipment and believed staff ought to seek bids on same.

Following further discussion, Mr. La Venia and Ms. Michaud recognized the funding sources (\$265,000 identified in reserves and \$20,000 from same or from contingency) which ought to be addressed.

ACTION: 6:57:41 p.m. Upon Vice Mayor Gunter's request, the city commission, by unanimous consent, agreed for the parks and recreation director to appear before the city commission at its next meeting to revisit discussions on the Gardenia Park Phase III Florida Recreation Development Assistance Program Grant Skateboard Park.

After discussion, and **by unanimous consent, the city commission agreed to include "Unfinished Business Items" back under its future meeting agenda.**

ii. Excused Absence

In response to Vice Mayor Gunter's request to be excused from the July 23, 2020 regular meeting, it was determined that he could virtually attend said meeting.

ACTION: 7:16:24 P.M. No action was necessary.

9. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire recognized the following dates:

- July 13, 2020 Lake County Arts and Cultural Council, 20763 US Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- July 23, 2020 City Commission Meeting regular at 6:00 p.m.;
- August 3, 2020 City Commission Workshop at 6:00 p.m.;
- August 4, 2020 City Commission Workshop at 6:00 p.m.;
- August 13, 2020 City Commission Meeting regular at 6:00 p.m.;
- August 26, MPO Governing Board Virtual
- August 27, 2020 City Commission Meeting regular at 6:00 p.m.
- September 7, 2020 City Hall Closed, Labor Day;
- September 10, 2020 City Commission Meeting regular at 6:00 p.m.;
- September 17, 2020 City Commission/P&Z Board Joint Workshop Meeting at 6:00 p.m.
- September 24, 2020 City Commission Meeting regular at 6:00 p.m.

In addition to the aforementioned dates, Commissioner Bell recognized that on August 10, 2020, meetings will be held at the Lake County Tourist Development Council at 3:00 p.m. and the Lake County Parks Recreation Trails Advisory Board at 3:30 p.m.

ACTION: 7:18:30 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:19 p.m.

The minutes were approved at the July 23, 2020 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor