

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
September 10, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 10, 2020 at 6:00 p.m.

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

Member Absent: Commissioner Christopher Bell

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Sergeant Public Works Director Interim Fire Chief Donald Gilpin; Robb Dicus; Community Development Director Tracy Kelley; Deputy City Clerk Jabari Hopkins, Commission District 4 Candidate Andrew LoFaro 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, Police Chief Luce gave the invocation, and Vice Mayor Gunter led in the Pledge of Allegiance to the flag.

2. ROLL CALL

ACTION: 6:01:11 p.m.; 6:01:25 p.m. and 6:01:30 p.m. Mayor Cheshire requested that Ms. Coulson call the roll, where a quorum was present.

By unanimous consent, the city commission excused the absence of Commissioner Chris Bell from this evening's meeting.

By unanimous consent, the city commission accepted the following changes to this evening's agenda:

- 5.(a) Consent Agenda - Resolution 2020-055 – NW Lake Community Park – Fourth Amendment ILA
Resolution 2020-055 should read 2020-054.**
- 5.(f) Regular Agenda - Resolution 2020-054 Gardenia Park Phase III FRDAP Grant (Skate Park - Half Pipe)
Resolution 2020-055 in the agenda package should read 2020-055.**
- 5.(h) Quasi-Judicial Public Hearing - Resolution 2020-039 Variance Request – Setback Standards – Petitioner: S. Rector
To be withdrawn, at staff's request.**

3. **PROCLAMATION – CONSTITUTION WEEK September 17 – 23, 2020**
On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the week of September 17 to 23, 2020 as *Constitution Week* and asked citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

ACTION: 6:02:05 p.m. Mses. Claudia Jacques and Tina Getz, John Bartram Chapter of the Daughters of the American Revolution, accepted the proclamation with gratitude.

4. **CONSENT AGENDA**

- (a) **Approval of Minutes**
August 27, 2020 regular meeting minutes.
- (b) **Resolution 2020-047 – City Treasurer Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (c) **Resolution 2020-048 – City Attorney Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (d) **Resolution 2020-049 – City Clerk Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (e) **Resolution 2020-053 Fire Department Air Conditioning 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 FIRE FEE REFUNDS TO FIRE FACILITY MAINTENANCE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.
- (f) **Resolution 2020-054 Gardenia Park Phase III FRDAP Grant (Skate Park - Half Pipe)**
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 FRDAP GRANT GARDENIA PARK REVENUE BUDGET AND THE PARKS AND RECREATION GARDENIA PARK EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:07:11 p.m. On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the consent agenda as previously cited.

5. REGULAR AGENDA

(a) Resolution 2020-054 055 – NW Lake Community Park – Fourth Amendment ILA

Ms. Geraci-Carver read into the record proposed Resolution 2020-055, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FOURTH 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.

ACTION: 6:07:34 p.m. A motion as made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-055 as previously cited.

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

(b) Resolution 2020-056 CARES Act ILA

Ms. Geraci-Carver read into the record proposed Resolution 2020-056, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT FOR DISBURSEMENT OF CARES ACT FUNDS BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:09:46 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-056 as previously cited.

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

(c) **Professional Architectural Services Design Architect – GatorSkitch Contract Discussion**

Mr. La Venia reported that Ms. Geraci-Carver is currently working with GatorSkitch on the subject contract and anticipated approval of the contracts with GatorSkitch for public safety and public works wastewater treatment plant buildings at the next meeting.

ACTION: 6:18:05 p.m. For informational purposes.

PUBLIC HEARING

(d) **Public Hearing - Resolution 2020-046 – Adopted Fire Assessment Rate**

Ms. Geraci-Carver read into the record proposed Resolution 2020-046, the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:19:17 p.m. After discussion, **a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-046 as previously cited.**

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

(e) **Public Hearing - Resolution 2020-050 - FY 2020-21 Tentative Millage**

Mayor Cheshire announced the city's preparedness to set the tentative millage rate of 3.9134 which is a 3.64% increase over the roll back rate of 3.7760; indicated that the millage rate of 3.9134 mills is the same rate as the last two years -- a \$106,111 increase in ad valorem over the roll back rate, this is due to 8.7% increase in taxable value and an increase of \$65,160,130 assessed value because of development activity -- and explained that the ad valorem increase is due to an increase in the taxable value generated by new developments.

Ms. Geraci-Carver read into the record proposed Resolution 2020-050, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR LAKE COUNTY

FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:21:11 p.m. After further discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-050 as previously cited.

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

(f) Public Hearing - Resolution 2020-051 - FY 2020-21 Tentative Budget

Ms. Geraci-Carver read into the record proposed Resolution 2020-051, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2020-21; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:25:37 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-051 as previously cited.

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

(g) Second Reading and Public Hearing - Ordinance 2020-008 Form Board Survey

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2020-088, Ms. Geraci-Carver read into the record the following title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO BUILDING REGULATIONS; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE WITHIN CHAPTER 161 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE TO THE MOST RECENT VERSION OF THE FLORIDA BUILDING CODE; AMENDING SECTION 161.010(b) OF THE LAND DEVELOPMENT CODE BY ADOPTING CERTAIN AMENDMENTS TO THE FLORIDA BUILDING CODE; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENTS TO THE FLORIDA BUILDING COMMISSION AS REQUIRED BY STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 27, 2020.)

ACTION: 6:26:52 p.m. There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission enact Ordinance 2020-008, as previously cited, to become effective immediately as provided by law; however, the technical amendments set forth shall not become effective until thirty (30) days after the amendment has been received and published by the Florida Building Commission.

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

END OF PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

(h) Second Reading and Quasi-Judicial Public Hearing - Resolution 2020-039 Variance Request – Setback Standards – Petitioner: S. Rector

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO SETBACK STANDARDS FROM 15' TO 5', ON THE SUBJECT PROPERTY LOCATED SOUTH OF CR 466A AND WEST OF NORTH VALLEY ROAD AND OWNED BY SAMUEL RECTOR, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:29:14 p.m. After discussion and **on motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission withdrew from this evening's agenda, its consideration to adopt Resolution 2020-039 at staff's request.**

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

6. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia did not give a report on the economic development

ACTION: 6:29:45 p.m. No action was taken.

ii. COVID-19 Status Update

- City-Related Events – The Cub Scouts’ Round-Up

Mr. La Venia referred to the September 9, 2020 email from Library Director JoAnn Glendinning conveying The Cub Scouts’ plan to arrange a Saturday, September 12, 2020 *Round-Up* (non-city) event at 3:00 p.m. at the library; the intent to obtain a certificate of insurance and their awareness of the imposed COVID-19 health and safety protocols currently instituted at the library. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

- Halloween

Mr. La Venia relayed his conversations with Police Chief Luce, Parks and Recreation Director Ms. Michelle Yoder and his plan to discuss with Interim Fire Chief Don Gilpin the October 31, 2020 Halloween activities planned amongst the residents, not sponsored by the city but monitored by the police department.

Mr. La Venia anticipated resuming a type of normal routine of city-related public events to start in February 2021 and suggested cancelling the remaining city-sponsored activities for 2020 due to the pandemic.

ACTION: 6:29:45 p.m. and 6:31:20 p.m. After discussion and **by unanimous consent, the city commission accepted the city manager’s requests as previously cited.**

(b) City Attorney

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

Ms. Geraci-Carver reported that she will provide an update by the next meeting on the T. D. Burke case as a telephone call is being scheduled with his attorney.

ACTION: 6:35:18 p.m. No action was necessary.

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

Ms. Geraci-Carver reported that depositions are being scheduled in the State of Florida Department of Management Services’ case regarding the Florida Retirement System fund where there is expected to be a Zoom video conference trial at the end of October 2020.

ACTION: 6:36:03 p.m. No action was necessary.

iii. Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104

Ms. Geraci-Carver explained that there are no developments on the Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104

ACTION: 6:36:20 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 explained that there are no developments on the Norman C. Cummins v. Stephen P. Angelillo case.

ACTION: 6:36:20 p.m. No action was necessary.

7. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 6:36:33 p.m. No action was necessary.

8. PUBLIC COMMENTS

Mr. "Dave" David Serder, Fruitland Park Unincorporated Area resident, noted the current crisis being experienced in the United States.

ACTION: 6:36:33 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

After Commissioner Mobilian stated that he has nothing to report at this time, Mayor Cheshire, on behalf of the city commission, thanked him for being in attendance and for enduring this evening's meeting after his recent surgery.

ACTION: 6:40:45 p.m. No action was necessary.

(b) Commissioner DeGrave

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

ACTION: 6:40:55 p.m. No action was necessary.

(c) Commissioner Bell

Commissioner Bell was absent from this evening's meeting.

ACTION: 6:40:57 p.m. No action was necessary.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he has nothing to report at this time.

ACTION: 6:40:57 p.m. No action was necessary.

10. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following events:

- September 11, 2020, *Lake County School Superintendent School Reopening*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 17, 2020 City Commission/P&Z Board Joint Workshop Meeting at or around 6:30 p.m. immediately after the conclusion of the Planning and Zoning Board Meeting regarding the Land Development Regulations;
- September 19, 2020 Fruitland Park Astronomy Group, Northwest Lake Community Park Multipurpose Soccer Field, 300 Shiloh Street, Fruitland Park, Florida 34731 at 8:00 p.m.
- September 24, 2020 City Commission Meeting regular at 6:00 p.m.,

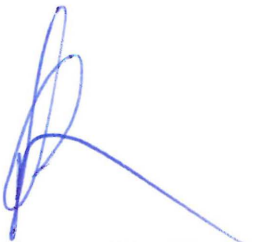
- October 5, 2020, 1st Capital Projects Review, Lake County Board of County Commissioners Chambers, 2nd Floor, Lake County Administration Building, 315 W Main Street, Tavares, Florida 32778 at 3:00 p.m.;
- October 8, 2020 City Commission Meeting regular at 6:00 p.m.;
- October 22, 2020 City Commission Meeting regular at 6:00 p.m.;

ACTION: 6:40:59 p.m. No action was necessary.

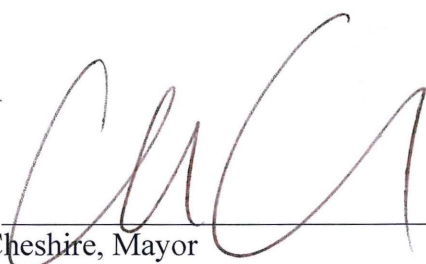
11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 6:41 p.m.

The minutes were approved at the September 24, 2020 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor