

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
October 8, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 8, 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; Deputy City Treasurer Denise Robbins; Police Chief Erik Luce; Community Development Director Tracy Kelley; Deputy City Clerk Jabari Hopkins, 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, Pastor Deborah “Debbie” Allen, Community United Methodist Church, gave the invocation and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

After Ms. Coulson called the roll where a quorum was declared present, Mayor Cheshire outlined the decorum for this evening’s meeting.

ACTION: 6:02:40 p.m. No action was taken.

3. CONSENT AGENDA

Approval of Minutes - September 24, 2020 regular

ACTION: 6:02:40 p.m. **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) Professional Grant Writing Services RFQ 2020-02 Proposals Presentation

Mr. J. Corbett Alday, gave a background, experience and presentation of Guardian Community Resource Management Inc.’s RFQ 2020-02 Grant Writing Services proposal.

ACTION: 6:03:45 p.m. After discussion and **by unanimous consent the city commission agreed to postpone its consideration of the Professional Grant Writing Services RFQ 2020-02 Proposals to a future meeting for more information.**

(b) **Resolution 2020-045 – WWTP and Public Safety Complex Contract - GatorSkitch Architect**

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2020-045 into the record:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AIA STANDARD FORM OF AGREEMENTS BETWEEN OWNER AND ARCHITECT, GATORSKITCH CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:21:16 p.m. After extensive discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-045 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously. (The city manager suggested focusing on the design work process – an enclosure for the water wastewater treatment plant building; the city’s requirements for the public safety building, and the pursuit of additional grant funding sources -- and subsequent procurement of same.)

By unanimous consent, Mayor Cheshire opened the public hearings at this evening’s meeting.

PUBLIC HEARING

(c) **First Reading and Public Hearing – Ordinance 2020-010 SRF Revolving Loan Agreement Pledge of Funds**

Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2020-010 into the record and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The second reading will be held on October 22, 2020.)

ACTION: 6:43:04 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission approve Ordinance 2020-010 as previously cited.

Mr. La Venia referred to the October 7, 2020 email from Ms. Helen C. Lavalley, Lake County School District, regarding her inquiries on the future land use and permitted use on the district's property located on Urick Street and noted the plans for a proposed school in 2024. A copy of the email is filed with the supplemental papers to the minutes of this meeting.

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

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously. (A legal opinion identifying the availability of pledged revenues to support said ordinance will be provided by the city attorney.)

As a result of the October 5, 2020 meeting held with Public Works Director Robb Dicus and Mr. Duane K. Booth PE, Besh-Halff Inc., consultant retained by the city, Mr. La Venia recognized the subject project and various water and wastewater treatment plant connections and addressed his desire to invite Mr. Booth to appear before the city commission at a future meeting to outline potential water wastewater improvement projects not part of the subject SRF loan application.

In response, Commissioner DeGrave requested that when properties are addressed before the city commission, staff provide the Global Imaging Systems map with the layout of water and wastewater infrastructure and identifiable locations.

QUASI-PUBLIC HEARING

(d) Second Reading and Public Hearing – Ordinance 2020-009 Rezoning – Petitioner: Dream Lake Properties LLC

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2020-009, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.20± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF FOREST STREET AND EAST OF SOUTH DIXIE AVE. FROM SF MEDIUM DENSITY (R-2) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 24, 2020.)

After discussion and at Mayor Cheshire's request, Ms. Geraci-Carver swore-in Ms. Kelley to testify, who provided an updated report on the responses received from 76 notification letters regarding the subject proposed project sent on August 5, 2020 to the surrounding property owners where there were seven in opposition, two in support, and seven marked *undeliverable*.

Mayor Cheshire announced the disclosure of the following ex-parte communications dated October 8, 2020 to the city commission from City of Fruitland Park residents; copies of which are filed with the supplemental papers to the minutes of this meeting; namely, Mr. and Mrs. Matthew and Leanne White citing reasons in opposition and Ms. Sarah Cochran expressed support of the subject proposed project.

ACTION: 6:49:18 p.m. **A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission**

Mr. Carlisle Burch, City of Fruitland Park resident, outlined reasons why he opposes the subject proposed ordinance.

Mr. Dan Dicus, City of Fruitland Park resident, voiced his support of the proposed ordinance.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

5. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update

Mr. La Venia gave a status update report on the following:

- **Water Tank Maintenance** the recent maintenance, cleanup and testing of the water storage tanks (the elevated tower located at 200 Shiloh Street and ground storage tank at 201 West Berckman Street)
- **Roads and Streets** the satisfactory completion of the roads and streets within city limits by Paquette Company;
- **Fishing Dock** the latest improvements made to the fishing dock at Veteran's Memorial Park;

and

- **New Emergency Generator (City Hall)**
Permits have been issued for the new emergency generator which has been ordered to serve the police and fire departments.

ACTION: 6:57:48 p.m. No action was taken.

ii. **COVID-19 Status Update**

The status update on the Coronavirus Disease 2019 was not addressed at this time.

ACTION: 6:59:04 p.m. No action was taken.

iii. **Guide Dogs – City Parks**

Mr. La Venia relayed the recent request to Parks and Recreation Director Michelle Yoder from Southeastern Guide Dogs Inc., East Palmetto, to permit guide dogs to be trained at Veteran’s Park pavilion. A copy of the brochure is filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver recognized, in response to Mayor Cheshire’s concerns on prohibiting dogs at city parks, that the city’s existing code under Section 96.27, Domestic Animals (Rules and Regulations for Parks and Recreational Areas and Structures Ordinance 312) would need to be amended if there are exceptions to be made in this regard.

ACTION: 6:59:04 p.m. After much discussion and **by unanimous consent, the city commission directed the city attorney to initially review the City of Fruitland Park’s existing code of ordinances on domestic animals and ask that staff invite a representative from Southern Guide Dogs Inc., East Palmetto to give a presentation on guide dogs training and location at the next meeting.**

(b) **City Attorney**

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

Ms. Geraci-Carver announced that the T. D. Burke case attorney-client closed-session meeting will take place after the conclusion of this evening’s meeting.

ACTION: 7:07:20 p.m. No action was necessary.

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

Ms. Geraci-Carver had nothing to report on the State of Florida Department of Management Services case.

ACTION: 7:05:52 p.m. No action was necessary.

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

Ms. Geraci-Carver had nothing to report on the Michael and Laurie Fewless case.

ACTION: 7:05:52 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 announced that on October 9, 2020, Norman C. Cummins did not file a response on the filing mortgage foreclosure complaint; therefore, the plaintiff is seeking a clerk's default as a result where the case is anticipated to quickly proceed towards a resolution.

ACTION: 7:05:52 p.m. No action was necessary.

6. PUBLIC COMMENTS

Mr. Carl Yauk, Villages of Fruitland Park (VOFP) Pine Hills resident, referred to the October 13, 2020 Sumter County Board of County Commission Quasi-Judicial Public Hearing agenda to consider the request to change an amendment to the Tri-County Villages of Sumter Inc. Development of Regional Impact, (DRI);¹ permitting multi-family in the DRI Development Order; the renaming of Map H as Master Plan, and the creation of a single master plan for the DRI by eliminating Map H-1. After he questioned the purpose and implications of same to the VOF, Mr. La Venia explained that he will review the issue and contact him.

ACTION: 7:07:42 p.m. No action was necessary.

7. UNFINISHED BUSINESS

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

ACTION: 7:07:42 p.m.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 7:09:08 p.m. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 7:09:15 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell gave a report on his attendance at the October 5, 2020 Lake County Tourist Development Council meeting. He relayed the council's decisions, at the onset of COVID-19 -- on the postponement of expenditures on Lake County Tourist Development Capital projects but to continue advertising; the approval of the top ten college softball games to be held before Spring 2021 where Sleepy Hollow Sports Complex in the City of Leesburg was selected, and consider for the next meeting, the city's request on its proposal of approximately \$350,000 towards the venue's upgrades.

ACTION: 7:09:10 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter announced that on October 9, 2020, the Lake County League of Cities will be holding its luncheon meeting where U.S. Congressman Daniel Webster will be giving a presentation on the *Washington Update*.

ACTION: 7:11:13 p.m. No action was taken.

9. Mayor's Comments - Dates to Remember

Mayor Cheshire made the following announcements:

- October 9, 2020 Lake County League of Cities *Washington Update, Florida League of Cities President's Initiative: Building Stronger Cities: Organizing, Empowering, Delivering* and *LCLC 2021 Officers' Election*, Mount Dora Golf Course, 1100 S Highland Street, Mount Dora, Florida 32757
- October 22, 2020 City Commission Meeting regular at 6:00 p.m.
- October 28, 2020, Lake~Sumter Metropolitan Planning Organization (LSMPO) Governing Board Meeting, Lake~Sumter MPO Board Room, Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m.
- November 5, 2020 City Commission Meeting special at 6:00 p.m.
After Ms. Geraci-Carver referred to Section 8.01., City Elections under the charter, explained that it does not require a meeting to be held on the first Tuesday following the first Monday of November each year and pointed out the outdated provisions in the city code under Chapter 34, Canvass of Returns. She recommended that the city commission grant her the permission to draft a revised ordinance, for consideration at the next meeting, to delete the provisions under Chapter 34 and cancel holding the November 5, 2020 special meeting.

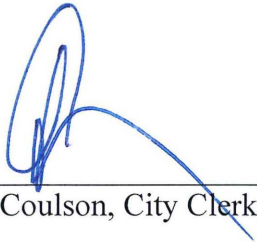
- November 9, 2020, Lake County Office of Parks and Trails Advisory Board, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- November 11, 2020 City Hall Closed, Veterans' Day;
- November 12, 2020 City Commission Meeting regular at 6:00 p.m.;
- November 20, 2020, *2020 Sponsor Appreciation Event*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- November 26, 2020 City Hall Closed, Thanksgiving Day, and
- November 27, 2020 City Hall Closed, Day After Thanksgiving Day


ACTION: 7:11:39 p.m. **By unanimous consent, the city commission granted the City Attorney's request, as previously cited, to draft a revised ordinance for consideration at the next meeting deleting the provisions under Chapter 34 and approved cancelling the November 5, 2020 special meeting.**

10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:14 p.m. The Attorney-Client Session followed immediately.

The minutes were approved at the October 22, 2020 regular meeting.

Signed 
Esther B. Coulson, City Clerk, MMC

Signed 
Chris Cheshire, Mayor