

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

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

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Patrick DeGrave and John Mobilian. Commissioner Christopher Bell was available by telephonic conference.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Sergeants Brad Heidt, and Paul Sandbakken, Police Department; Public Works Director Robb Dicus; Parks; Community Development Director Tracy Kelley; Code Enforcement Officer Lori Davis; Interim Fire Chief Donald Gilpin; Deputy Fire Chief Tim Yoder, Captain Michael Edwards, Lieutenant Madison Leary, Firefighters Waytt McCall, Codey Gerard, Gina (McGarvey) Clutter, Kevin Durcharme, “Chris” Christopher Lewis, Danny T., Fire Department; Deputy City Clerk Jabari Hopkins; City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Pastor John Stricklen, Countryside Baptist Church, gave the invocation and Police Chief Erik Luce led in the Pledge of Allegiance to the flag.

ACTION: 6:00 p.m. No action was taken.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he announced the decorum for this evening’s meeting.

ACTION: 6:03:16 p.m. Upon Mayor Cheshire’s suggestion and **by unanimous consent, the city commission accepted the following changes to this evening’s agenda:**

**5.(g) Resolution 2020-070 Fire Protection and Rescue Services
Addendum – revised interlocal agreement;**

**5.(i) Ordinance 2020-014
Addendum – Lake County Ordinance 2003-099 (Fire Service Impact Fees);**

**5.(k) Resolution 2020-066 – Wal-Mart
Item is a Quasi-Judicial Public Hearing, and**

**5.(l) Resolution 2020-067 - FBC
Item is not a public hearing.**

3. SPECIAL PRESENTATIONS

(a) Annual Wreaths Across America Day Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation declaring Saturday, December 19, 2020 as the official *Wreaths Across America Day*; acknowledging the mission to *Remember our Fallen Veterans, Honor Those who Serve, and Teach our Children the Value of Freedom*, and commending the American Legion Family of 219 for such patriotic tribute to American veterans.

ACTION: 6:05:15 p.m. Ms. Diane Rousseu, Wreaths Across America Chair, John Gella Memorial Unit 219 Inc., accepted the proclamation with appreciation; thanked the city commission for its continued support over the eight years, and invited the citizens to attend the event on December 19, 2020.

Commander James “Jim” Maynard, John Gella Memorial Unit 219 Inc., acknowledged the notable annual event ensuring that every veteran at Shiloh Cemetery receives a wreath on their graves.

(b) FPPD Proclamations

i. Infinity Fitness

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing and thanking Infinity Fitness Incorporated for their ceaseless commitment and support over the many years in bringing the community together and for encouraging everyone to learn, understand and support our law enforcement personnel who each day work with obstacles during the COVID-19 outbreak where they ensure the safety and security of our community in which they serve.

ACTION: 6:09:31 p.m. After Mr. Al Cordello, Infinity Fitness Inc., accepted the proclamation with gratitude and attributed such recognition to the community, gym staff and members, Mayor Cheshire recognized the total raised of \$4,202 in gifts and money.

ii. Barbeque for a Cause

On behalf of the city commission, Mayor Cheshire read into the record a proclamation expressing heartfelt gratitude to the households in the Villages of Fruitland Park Pine Ridge *Barbeque for a Cause* for their generosity, devotion and time given to recognize the need within the community and for their commitment in honoring the police department acknowledging *community policing at its best*. Mayor Cheshire recognized the total of \$4,100 raised by Barbeque for a Cause through sales and donations on November 14, 2020.

ACTION: 6:13:43 p.m. Mr. Glenn Schneider, on behalf of Sidney Schneider; Dan and Angie Sekera; Rick and Patty Thole, and David and Lynna Wilke, accepted the proclamation with honor.

By unanimous consent, the city commission recessed its meeting at 6:18 p.m. and reconvened at 6:30 p.m.

(c) Lien Foreclosure Program Presentation

Mr. Matt Weidner, Attorney at Weidner Law, described the Lien foreclosure program approved by municipalities around the state and suggested adopting an active code enforcement model targeting vacant lots and problematic properties where lots would ultimately be enforced, cleared and improved. He addressed the ability to pursue the problem which would prevent the city becoming a liability where he would be retained on a contingency basis, in consultation with the city attorney and working with code enforcement and law enforcement staff. (Copies of code enforcement and foreclosure literatures were distributed and filed with the supplemental papers to the minutes of this meeting.)

After Ms. Davis identified the vacant properties -- cases of which were previously before the special magistrate -- and the continued assessment of fines, she addressed the ability, with Mr. Weidner's assistance, to implement a code enforcement process and utilize the proper procedure to clean up the properties recognizing the potential increase in additional abandoned properties due to COVID-19.

ACTION: 6:30:09 p.m. Following further discussion, and by unanimous consent, the city commission directed the city manager and the code enforcement officer to work with Mr. Matt Weidner, Attorney at Weidner Law, in pursuing an active code enforcement program.

4. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) Minutes

November 12, 2020 regular meeting minutes;

(b) 2020 General Election Certified Official Results

Accept the November 3, 2020 General Election certified official results for district 4 city commission seat – whole number of votes cast was 701 of which:

John L. Gunter	462 votes and
Andrew N. LoFaro	239 votes

ACTION: 6:39:54 p.m. On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the consent agenda as previously cited.

By unanimous consent, Mayor Cheshire took the following item out of order on this evening's agenda.

5. (g) **Resolution 2020-070 Fire Protection and Rescue Services ILA– Lake County**
Ms. Geraci-Carver read into the record proposed Resolution 2020-070, 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 FIRE PROTECTION AND RESCUE SERVICES BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:40:20 p.m. **A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-070 as previously cited.**

The following City of Fruitland Park and residents, cited reasons in opposition to the aforementioned resolution:

Ms. Amber Lewis who questioned the changes, the fire department's deficiencies and the city commission's expectations since the Fire Services Advisory Committee's recommendations in 2018 regarding and the transition to Lake County; its annual budget for maintenance and the city's insurance, when the fire department building would be occupied by another agency.

Messrs. Lewis, eighth generation and longtime resident and firefighter, who voiced concerns on the increasing and additional annual costs in fire assessment fees on the Municipal Services Taxing Unit (MSTU), and

Carlisle Burke who expressed continued concerns on the fire department, its progress, the cost effectiveness between the city and the county's fees, and the out-of-service concerns recognizing the fire department's reputation, and

Michael "Mike" Rinaldi, Villages of Fruitland Park (Pine Hills) resident, requested that the existing city firefighters' transition to the county.

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

5. **REGULAR AGENDA**

(a) **City Commission Meeting Schedule**

i. **Special Meeting**

The city commission considered holding a Special Meeting on December 17, 2020 on the proposed MSTU Ordinance 2020-013.

ACTION: 6:52:25 p.m. On motion of Vice Mayor Gunter, seconded by Commissioner DeGrave and unanimously carried, the city commission approved holding the December 17, 2020 Special Meeting as previously cited.

ii. 2021 Commission Meeting Change

The city commission considered cancelling its November 11, 2021 regular meeting due to the conflict with the Veterans' Day federal holiday and determine rescheduling a special meeting date in November 2021.

ACTION: 6:53:00 p.m. On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission cancelled the November 11, 2021 regular meeting. (A special meeting date will be determined at a later date for November 2021.)

(b) Audit Engagement Letter – McDirmit Davis Auditors

The city commission considered the renewal of McDirmit Davis' auditing services with the City of Fruitland Park for the year ending September 30, 2021 and authorize the mayor to execute the engagement letter.

ACTION: 6:53:22 p.m. After discussion, and on motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the audit engagement letter renewal for McDirmit Davis' auditing services' as previously cited.

(c) Administrative Vehicles – Police Department

The city commission considered its action and staff's recommendation on the following police department vehicle quotes:

- 2021 Dodge Durango - Courtesy CJDR, Tampa, Florida - \$24,850 (recommended)
- Garber Chrysler Dodge Inc. Green Cove Springs - \$25,406.00
 - o Lighting and equipment packages:
- HG@ Emergency Lighting Orlando, Florida - \$3,458.00 (recommended)
 - o Dana Safety Supply Orlando Florida - \$3,765.04

Total package for Administrative Vehicle = \$28,308.00

- 2021 Dodge Charger Courtesy CJDR - \$22,800.00 (recommended)
- Garber Chrysler Dodge 2021 Dodge Charger = \$23,946.00
 - o Lighting and equipment Packages:
- Hg2 Emergency Lighting = \$3,458.00 (recommended)
 - o Dana Safety Supply = \$3,765.04

Total Package for Detective Sedan \$26,258.00

ACTION: 6:54:11 p.m. After discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian, and unanimously carried, the city commission approved staff's recommendation to accept the lowest responsive and responsible bid for the following quotes:**

- **2021 Dodge Durango - Courtesy CJDR, Tampa, Florida - \$24,850 with HG@ Emergency Lighting Orlando, Florida - \$3,458.00 totalling \$28,308.00**

and

- **2021 Dodge Charger Courtesy CJDR - \$22,800.00 with Hg2 Emergency Lighting - \$3,458.00 totalling \$26,258.00**

(d) Northwest Lake Community Park - Fence Installation Quotes

The city commission considered its action and staff's recommendation on the following fence installation quotes for Northwest Lake Community Park:

- Materials, labor and installation, Mid Fla Fence & Gate Inc. \$22,218
- White vinyl fence installation, R C Koll Construction LLC \$24,800, and
- White vinyl fencing, Diverse Custom Services LLC \$22,000

ACTION: 6:57:55 p.m. Following further discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendation to accept Mid Fla Fence & Gate Inc. for \$22,218 (including materials, labor and installation) as the responsive and responsible bid for the Northwest Lake Community Park.**

(e) Resolution 2020-068 Lake County CARES Act – FY 2020-21 Budget Amendment

Ms. Geraci-Carver read into the record proposed Resolution 2020-068, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE LAKE COUNTY CARES ACT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT CARES ACT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:00:059 p.m. and 7:03:00 p.m. **A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-068 as previously cited.**

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

After much discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission accepted the city manager's request to approve the amendment to the September 29, 2020 interlocal agreement with Lake County for disbursement of Coronavirus Aid Relief and Economic Security Act Municipal funds; to provide increased funds and additional time extending the date from December 1, 2020 to December 30, 2020 and to utilize the grant funds for public safety wages expended between March 1 and November 30, 2020.** (Said funds totalling approximately \$555,000 was reviewed and approved by the State of Florida Division of Emergency Management.)

(f) Resolution 2020-069 FEMA Generator Grant - FY 2020-21 Budget Amendment

Ms. Geraci-Carver read into the record proposed Resolution 2020-069, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE LAKE COUNTY CARES ACT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT CARES ACT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:06:30 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2020-069 as previously cited.

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

(h) Resolution 2020-071 Settlement Agreement – T. D. Burke

Ms. Geraci-Carver read into the record proposed Resolution 2020-071, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A SETTLEMENT AGREEMENT BETWEEN CITY OF FRUITLAND PARK, FLORIDA AND T.D. BURKE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:08:58 p.m. Ms. Geraci-Carver stipulated the conditions of the settlement agreement prior to the case being filed as dismissed whereby, according

to the Florida Administrative Code, the septic tank system and the well would be decommissioned and disconnected from the building; \$8,000 to be remitted to her trust account would be subsequently disbursed to the city and whenever the property is reoccupied or utilized to conduct business, connection to city utilities would be reestablished and impact fees activated at that time.

A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2020-071 as previously cited.

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

By unanimous consent, Mayor Cheshire opened the public hearings on this evening's agenda.

PUBLIC HEARING

(i) First Reading and Public Hearing - Ordinance 2020-014 MSTU

Ms. Geraci-Carver read into the record proposed Ordinance 2020-014, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

(The second reading will be held on December 17, 2020.)

ACTION: 7:12:29 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2020-014 as previously cited.

There being no one 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.

(j) Second Reading and Public Hearing - Ordinance 2020-012 Fire Prevention-Life Safety Codes

It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record proposed Ordinance 2020-012, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTIONS 92.01, 92-04, 92-10 AND 92-99 IN CHAPTER 92 OF THE CODE OF ORDINANCES RELATING TO THE FLORIDA FIRE PREVENTION CODE, LIFE SAFETY CODE AND PENALTIES; REPEALING SECTIONS 92.07 THROUGH 92-09 IN CHAPTER 92 OF THE CODE OF ORDINANCES THEREBY ELIMINATING THE FIRE SAFETY BOARD; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 12, 2020.)

ACTION: 7:14:14 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2020-012 as previously cited to be come effective immediately as provided by law.

There being no one 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.

QUASI-JUDICIAL PUBLIC HEARING

(k) Quasi-Judicial Public Hearing – Resolution 2020-066 (Liquor) Variance – Petitioner Wal-Mart East Stores LP

It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record proposed Resolution 2020-066, the substance of which is as follows and administered the oath to individuals intending to testify at this evening's meeting, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM SECTION 162.060 OF THE LAND DEVELOPMENT

REGULATIONS TO ALLOW A REDUCTION IN THE PARKING SPACE SIZE FROM 10' X 20' TO 10' X 18' FOR THE ADDITION OF A WAL-MART LIQUOR STORE ON PROPERTY LOCATED AT 2501 CITRUS BOULEVARD IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY WAL-MART STORES EAST, LP; PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Greg Beliveau, LPG Urban and Regional Planning Inc., who was previously sworn, noted the recommendation for approval at the November 3 Technical Review Committee and November 19, 2020 Planning and Zoning Board meetings and pointed out the undeliverable and unopposed mail that were received. He described the subject proposed variance; referred to the Interlocal Agreement (December 8, 1997 with the City of Leesburg) and relayed staff's support of the item in question.

ACTION: 7:15:34 p.m. After much discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2020-066 as previously cited.

There being no one 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.

END OF PUBLIC HEARING

END OF QUASI-JUDICIAL PUBLIC HEARING

(I) Resolution 2020-067 Preliminary and Final Plat - Petitioner: First Baptist Church Village Park Campus

Ms. Geraci-Carver read into the record proposed Resolution 2020-067, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR VILLAGE PARK COMMERCIAL SUBDIVISION GENERALLY LOCATED SOUTH OF 466A AND EAST OF MICRO RACETRACK ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:22:25 p.m. After Mr. Beliveau described the subject item and following some discussion, a motion was made by Vice Mayor Gunter and

seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-067 as previously cited.

In response to Ms. Lewis' inquiry regarding the fire impact fees and the transition of fire protection and rescue services to the county, Mayor Cheshire and Mr. La Venia referred to the provisions under subsection 3. E. 2), Assessments of the ILA (adopted earlier in this evening's meeting under Item 5. (g)) . . . *to start imposing an interim fire rescue assessment fee for certificates of occupancies (or building permit as determined by the county) would be issued after October 1, 2021.*

In response to Vice Mayor Gunter's reference to page two of the ILA previously conveyed to Mr. La Venia, he and Ms. Geraci-Carver confirmed in the affirmative that the date of *September 20, 2021* should be changed to reflect *September 30, 2021.*

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

6. (a) City Manager

i. Economic Development Status Update

Mr. La Venia noted that commercial lots (adopted earlier on this evening's agenda under item 5.(1)) are planned for development by First Baptist Church Village Park Campus.

ACTION: 7:27:27 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia had no economic development status update to present at this time.

ACTION: 7:27:50 p.m. No action was taken.

iii. FRDAP Grant – Parks and Recreation

Mr. La Venia referred to a recent meeting he had with Ms. Katie Taff, Liberty Partners of Tallahassee LLC (grant writer retained by the city), to discuss reviewing and gathering information on forthcoming Federal Emergency Management Agency grant applications for the water and wastewater treatment plant and Public Safety Complex buildings.

Additionally, Mr. La Venia relayed the request for Ms. Taff to review -- after conversing with Parks and Recreation Director Michelle Yoder -- the Florida Recreation Development Assistance Program Grants for a slide park, tennis courts, and improvements to the playgrounds at Olive Park and Cales. Memorial Complex (adjacent to Northwest Lake Community Park).

ACTION: 7:27:59 p.m. No action was taken.

0iv. Utility Easement – 101 East Berckman Street

Mr. La Venia referred to the Grant of Utility Easement -- with Chris Bell as the grantor and prepared by Wicks Consulting Services Inc. on August 2, 2005 -- to place, erect, construct, locate, operate, repair, maintain replace and service utility distribution and/or transmission lines and/or systems on 101 East Berckman Street; indicated that no connections were made to said property, and recognized the current connection to the wastewater system. He explained that the financial institution who would not approve the refinancing on the subject property until there is a blanket easement encompassing the entire property and addressed the options available, after conversing with Halff Booth Ern Straughan & Hiott Inc, (engineers, surveyors, and land planners retained by the city).

Ms. Geraci-Carver, in acknowledging Mr. La Venia's statements, confirmed that Commissioner Bell cannot participate in the subject discussions due to a conflict of interest and addressed her plan to prepare the Termination of Easement to be executed and filed in the Lake County Public Records. which would satisfy the lender.

Following further discussion and after Mr. La Venia recognized 195 listed easements revealed from the December 2, 2005 easement report which will be subsequently forwarded on to Ms. Geraci-Carver, she concurred with his recommendation that the granting of utility easements ought to be reviewed on a case-by-case basis. (Copies of respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:27:59 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve terminating the August 2, 2005 Utility Easement to place, erect, construct, locate, operate, repair, maintain replace and service utility distribution and/or transmission lines and/or systems on 101 East Berckman Street, Fruitland Park, Florida.

Commissioner Bell disclosed that he has a conflict of interest on the subject item as he is the property owner.

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

Commissioner Mobilian	Yes
Commissioner DeGrave	Yes
Commissioner Bell	Abstained
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried with one abstention. (A memorandum of Voting Conflict of Interest Form 8B is filed with the minutes of this meeting.)

(b) City Attorney

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

The T. D. Burke case was settled earlier on this evening's agenda under agenda 5.(h).

ACTION: 7:36:02 p.m. No action was taken.

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

Ms. Geraci-Carver reported that she has no updates on the State of Florida Department of Management Services case.

ACTION: 7:36:09 p.m. No action was taken.

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

Ms. Geraci-Carver reported that she has no updates on the Michael and Laurie Fewless case.

ACTION: 7:36:09 p.m. No action was taken.

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

Ms. Geraci-Carver reported that she has no updates on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County case.

ACTION: 7:36:09 p.m. No action was taken.

7. UNFINISHED BUSINESS

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

ACTION: 7:36:16 p.m. No action was taken.

8. PUBLIC COMMENTS

After Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, questioned the status of the body cameras for the police department. In response, Chief Luce, at Mayor Cheshire's request, indicated that it will be a subject to consider and request for review by the grant writer.

ACTION: 7:36:17 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) **Commissioner Mobilian – 2020 Holiday Season**

Commissioner Mobilian stated that he has nothing to report at this time; however, he wished everyone well for the forthcoming holiday season.

ACTION: 7:37:11 p.m. No action was taken.

(b) **Commissioner DeGrave – 2020 Holiday Season and CARES Act**

Commissioner DeGrave echoed Commissioner Mobilian’s comments; extended congratulations to Mr. La Venia and staff for their involvement in implementing the CARES Act funds.

ACTION: 7:37:24 p.m. No action was taken.

(c) **Commissioner Bell – Easement and COVID-19**

Expressed appreciation for approving the termination of easement earlier this evening under agenda Item 6.(a) iv.; explained that although he tested negative for COVID-19, he is self-isolating due to an exposure to an individual who tested positive and for that reason, he would be unable to attend the December 11, 2020 Lake County League of Cities meeting.

ACTION: 7:38:10 p.m. No action was taken.

(d) **Vice Mayor Gunter, Jr. – Lake County School Concurrency Review Committee**

Vice Mayor Gunter mentioned to his attendance along with other members at the December 9, 2020 Lake County School Concurrency Review Committee; mentioned the availability of other members virtually and explained that the meeting could not convene due to the lack of a quorum as Executive Order 20-246, local government public meetings expired on November 1, 2020.

Vice Mayor Gunter referred to the School Concurrency Annual Management Report that was provided; addressed the status of \$22.6 million earmarked for Fruitland Park Elementary school planned to be replaced and scheduled to be completed during FY 2024-25 and noted the potential traffic at the proposed location on the intersection of Urick Street and Olive Avenue which would need to be reviewed.

ACTION: 7:39:24 p.m. No action was taken.

10. MAYOR’S COMMENTS – Dates to Remember

Mayor Cheshire recognized the following events:

- December 11, 2020, 2020 LCLC, *FLC Advocacy and FLC and President Ortiz New Initiatives for Legislative Action*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;

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- December 17, 2020 special meeting 6pm
- December 19, 2020, 8th Annual Wreaths Across America, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12:00 noon;
- December 24, 2020, City Commission Regular at 6:00 p.m. – Cancelled;
- December 24, 2020, Christmas Eve – City Hall Closed;
- December 25, 2020, Christmas Day - City Hall Closed;

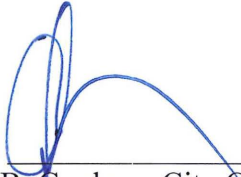
- January 1, 2021, New Year’s Eve – City Hall Closed;
- January 14, 2021, City Commission Regular at 6:00 p.m.;
- January 18, 2021, Dr. Martin Luther King Jr., Day– City Hall Closed;
- January 28, 2021, City Commission Regular at 6:00 p.m.;

ACTION: 7:42:24 p.m. No action was taken.

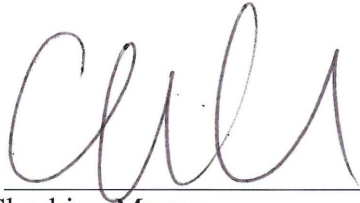
11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:43 p.m.

The minutes were approved at the January 14, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Bell, Christopher James		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Fruitland Park Commission		
MAILING ADDRESS 110 East Berckman St		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:		
CITY Fruitland Park	COUNTY Lake	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY	<input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 12/10/2020		NAME OF POLITICAL SUBDIVISION: District 5		
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE		

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Christopher Bell, hereby disclose that on 12/10, 20 20 :

(a) A measure came or will come before my agency which (check one or more)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12/23/2020

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.