

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
January 28, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, January 28, 2021 at 6:00 p.m.

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

Member Absent: Commissioner Patrick DeGrave

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce; Public Works Director Robb Dicus; Human Resources Director Diane Kolcun; Lake County Emergency Medical Technician Lieutenant Scott Woodruff and Lake County Firefighter Austin Moresett; Deputy City Clerk Jabari Hopkins; and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Chief Luce gave the invocation and Vice Mayor Gunter led in the Pledge of Allegiance to the flag.

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

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll, a quorum was declared present.

Mayor Cheshire announced the following agenda changes:

4. (c) Vac-Tron Proposal
Addendum, photographs.

- (d) Ordinance 2020-001 – CRA Redevelopment Plan
Addendum, Community Redevelopment Agency (CRA) Annual reports with completed projects for Fiscal Years 2015-16 to 2018-19). FY 2019-20 is incomplete. He noted that Appendix C, 2013 Assessed Values will be revised to reflect current records from the Lake County Tax Assessor and Property Appraiser and amended accordingly.

ACTION: 6:01:05 p.m. No action was taken.

3. CONSENT AGENDA

Approval of Minutes
January 14, 2021 Regular meeting and December 17, 2020 Special meeting.

ACTION: 6:02:02 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) Resolution 2021-001 – Police Department Insurance Reimbursement

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2021-001:

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 INSURANCE PROCEEDS REVENUE BUDGET AND THE POLICE VEHICLE REPAIR EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:02:18 p.m. **After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2021-001 as previously cited.**

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

(b) Lien Foreclosure Program Discussion

i. Mr. La Venia referred to the proposed lien foreclosure program attorney retainment agreement with Matthew D. Weidner PA and addressed Ms. Geraci-Carver's intent to propose recommended changes for consideration to be sent to Mr. Weidner for acceptance prior to commission approval.

Ms. Geraci-Carver paraphrased the following for clarification with recommended suggestions:

Section 1 - that the city would assign Mr. Weidner all cases that are appropriate for foreclosure collection and that the provision be replaced with the word "may".

Section 2 – in noting the distinction of summary judgements and file motions, that compensation be changed to 33 1/3 percent; that the amount Mr. Weidner would recover -- if the defendant files an answer and the trial held and settled – to be 40 percent if the case were disposed, and that the net recovery/percentages, not defined, be the amount the city receives after taking incurred percentages.

Section 3 – when the city receives a judgement case on a property proceeding to foreclosure sale where the city ultimately owns the property, that the amount on judgement would represent the property value and not the percentage that Mr. Weidner alluded he is entitled to be based on the property appraiser’s appraised value.

Section 4 – clarification on Mr. Weidner’s invoice or request for payment on costs only or the actual amount – whether the city ultimately owns the property or it is purchased by someone else.

Section 5 – clarification on Mr. Weidner’s entitlement to recover compensation, if the property owner prevails in a lawsuit to which awardable reasonable costs by statute established by the court of law are acceptable.

Section 6 - that the requirement for Mr. Weidner’s consent before settlement or compromising a case be changed to reflect that the city notify him.

Section 10 – that the non-appropriation language. not applicable to pledging legally available funds, be removed.

ACTION: 6:03:38 p.m. and 6:16:08 p.m. Following extensive discussions, and by unanimous consent, the city commission agreed that before considering the lien foreclosure program, that the city attorney submit the aforementioned changes as previously cited on the lien foreclosure attorney retainer agreement to Mr. Matthew D. Weidner PA after the city manager has received favorable references and gathered information from municipalities who have retained his services.

ii. Resolution 2021-002 – Lien Foreclosure Program

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING LIEN FORECLOSURE ATTORNEY RETAINER AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:16:08 p.m. On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission postponed the adoption of Resolution 2021-002 to a future meeting for more information.

(c) Vac-Tron Proposal

The city commission considered its action to approve staff's recommendation to select, as the sole-source contractor, Vermeer Southeast Sales and Service Inc.'s proposal for one new vac-tron.

After Mr. La Venia reviewed the subject vac-tron proposal and following much discussion, Commissioner DeGrave referred to the city commission's consensus at its August 3, 2020 workshop for staff to report to the city commission on the need for funds earmarked towards the State of Florida Department of Environmental Protection's approved Water and Wastewater Treatment Plant Operations Training Course Operator Certification Program and the required equipment for the population served. He suggested researching the city's insurance on the need for such training.

ACTION: 6:17:03 p.m. After much discussion and on motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved staff's recommendations as previously cited accepting Vermeer Southeast Sales and Service Inc's proposal, as the sole-source contractor, for the purchase of the vac-tron at a cost not to exceed \$120,000.

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

PUBLIC HEARING

(d) Second Reading and Public Hearing – Ordinance 2021-001 – CRA Redevelopment Plan Amendment and Extending Sunset Date

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2021-001, 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, AMENDING THE CITY OF FRUITLAND PARK REDEVELOPMENT PLAN TO INCLUDE ADDITIONAL PROJECTS AND EXTEND THE SUNSET DATE TO 2055; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND SETTING FOR AN EFFECTIVE DATE.
(The first reading was held on January 14, 2021.)

Mr. Greg Beliveau, LPG Urban Planners Inc., recognized the new projects which have been updated within the time frames and pointed out the addendums -- CRA Annual reports with completed projects for FYs 2015-16 to 2018-19 -- which he confirmed can be approved; copies of the documents are filed with the supplemental papers to the minutes of this meeting.

Mr. Carl Yauk, Villages of Fruitland Park (VOFP) Pine Hills resident, addressed the extension of the CRA for a total of 60 years and highlighted the following:

- the report on the first priority to be given to water and wastewater systems and gave reasons for the limited commercial to also be connected to the system;
- the percentage of residents connected to the city's current system where he believed that high priority ought to be for individuals to be connected from the sewer to the water system;
- Goal 4, Objective 4.6 shown on page 33 of the CRA plan *eliminate blighted and dilapidated structures . . . by 2016* and questioned the number of current vacant structures have not been addressed;
- and questioned the process and procedures to correct the provisions under page 14, subsection 2.7, utilities, . . . *Transite and Asbestos Cement Products (ACP) within the CRA, but does not specifically identify the sections of pipe which are scheduled for abandonment. . . .* ;
- under sewer, most of the areas in the city are not connected to the central sewage system despite the section of the study area shows the decline, deterioration or lack of maintenance in the residential and non-residential structures; and
- the current CRA plan shown on online does not include the additional items implemented since 2015 and addressed the likelihood of the city commission possessing the current documents which were not available.

Mr. Beliveau, in response, recalled the city commission's election to not place the entire residential properties under its current central water wastewater treatment system; noted the upgrades to same when the property at Pine Ridge Dairy was developed, and pointed out the statutory requirements required of him to comply with the conduct of an assessment of slum and blight – condition of housing and structures -- to qualify for CRA.

ACTION: 6:25:12 p.m. **A motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission enact Ordinance 2021-001, with addendum, to become effective immediately as provided by law.** (Appendix C, 2013 Assessed Values will be revised to reflect current records from the Lake County Tax Assessor and Property Appraiser and CRA Annual report for FY 2019-20 will be amended accordingly.)

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 carried.

END OF PUBLIC HEARING

6. (a) City Manager

i. Economic Development Status Update

Mr. La Venia recalled the enactment of the Large-Scale Comprehensive Plan Amendment Ordinance 2020-006 for Fruitland Park Commons at the January 14, 2021 regular meeting and anticipated activities in the area in the near future.

With respect the roadway improvements on CR 466A, Mr. La Venia noted the plan for Commissioner Mobilian to address same at a future city commission meeting as well as raise said issue with Mr. Michael F. “Mike” Woods, Lake~Sumter Metropolitan Planning Organization. Mr. La Venia recognized the 2021 legislative budget process (transportation funding legislation) currently taking place in Tallahassee which will not commence until February 2021 and indicated that he is presently communicating with the grant writer who is reviewing the losses in that regard due to COVID-19.

ACTION: 6:42:34 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia had nothing to report on COVID-19.

ACTION: 6:34:41 p.m. No action was taken.

iii. School Board Property CR 466A – Annexation Status Update

Mr. La Venia reported that Chief Luce recently contacted Lake County Sheriff Peyton C. Grinnell regarding its agency’s patrol of the school board property located southwest of CR 466A (bordering the Sumter County line) and relayed that the sheriff’s office anticipates receiving a letter from the school board to allow the city’s police department to monitor the area any time to rectify any problems with the homeless.

Mr. La Venia explained that rather than annexing the subject property, he referred to the combined voluntary cooperation and operational assistance mutual aid agreement among the LCSO and municipal police departments in the county.

ACTION: 6:43:49 p.m. No action was taken.

iv. **Land Development Regulations Codification Proposal Discussion**

After Mr. Beliveau explained that all the edits to the land development regulations (LDRs) have been made and are complete, Mr. La Venia suggested holding another meeting to address questions and recommended changes.

After discussion, Ms. Geraci-Carver clarified that the LDRs ought to be adopted which is what staff has been working on and recommended that the recodification (supplementation and online code hosting services) proposal be approved where the city commission would ultimately conduct the review to allow the LDRs to be in place.

Mr. La Venia suggested that the city commission wait to review the LDR changes (noting the Planning and Zoning Board's tentative scheduled meeting for March 18, 2021 and the next regularly scheduled CRA March 26, 2021 meeting) before deciding on a separate date where questions on the CRA, which arose at this evening's meeting, would be implemented at that time and the FY 2019-20 annual report would be considered.

After further discussion, Mr. La Venia acknowledged the funding in building and zoning's FY 2020-21 budget to codify the LDRs, separately from the city's code of ordinances to be considered on the April 2021 agenda and Ms. Geraci-Carver recognized the two individuals from the John Daily Institute, University of Central Florida who are knowledgeable about the city's charter.

ACTION: 6:34:12 p.m. No action was taken.

v. **City Events**

Mr. La Venia announced that the city will be hosting the annual 5k *Love Run* where approximately 75 people have registered to date and that social distancing procedures will be adhered to at the event.

Mr. La Venia questioned the city's position on the March 27, 2021 Fruitland Park Day event.

ACTION: 6:44:43 p.m. After debate and **by unanimous consent, the city commission agreed to postpone the March 27, 2021 Fruitland Park Day until fall 2021 which will be reassessed at a future meeting and directed the city manager to discuss with the parks and recreation director potential city-events for fall and winter 2021; otherwise cancel same if they are not feasible.**

vi. **Fruitland Park Fire Department Severance Program**

Mr. La Venia referred to his memorandum dated January 25, 2021 regarding the severance program (bonuses) for the recently dissolved qualifying fire department members; indicated that the bonuses are under his approved purchasing limit and confirmed that the funds are in the budget; a copy of the memorandum is filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:53:26 p.m. On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved authorizing the city manager to payout a total of \$6,700 severance award to the Fruitland Park Fire Department qualified members.

vii. **Conceptual Floor Plan and Evaluations – WWTP Building – GatorSkitch**

Mr. La Venia pointed out his January 27, 2021 email regarding the conceptual floor plan and elevations from GatorSkitch Architects and Planners (retained by the city) for the wastewater treatment plant building. He relayed the recent meeting he and Mr. Dicus had with GatorSkitch representative; conveyed the inability to implement the changes with the funds planned for the proposed building and relayed his request for a drawing within the budget for commission consideration. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

After Mr. La Venia outlined his and Mr. Dicus' desire for changes in the proposed plan and the pursuit of the first reiteration on the public safety building and the Federal Emergency Management Agency Building Resilient Infrastructure and Communities grants prior to seeking solicitations to procure the proposed buildings. He reiterated the need to hold a workshop with GatorSkitch in that regard.

Commissioner DeGrave acknowledged the Coronavirus Aid Relief and Economic Security (CARES) Act funding disbursement from the county as a reimbursement for already budgeted funds.

ACTION: 6:53:56 p.m. No action was taken; however, the city commission directed staff to review utilizing the CARES Act funding reimbursement and the FY 2020-21 budget earmarked towards the respective proposed buildings and determine the construction improvements of same before reporting back to the city commission.

(b) **City Attorney**

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

Ms. Geraci-Carver reported that the State of Florida Department of Management Services' case for the Florida Retirement System is scheduled for virtual trial hearings on February 10 to 12, 2021.

ACTION: 7:01:54 p.m. No action was taken.

ii. **Michael and Laurie Fewless v. City of Fruitland Park**

Ms. Geraci-Carver announced that there is no update on the Michael and Laurie Fewless case.

ACTION: 6:40:25 p.m. No action was taken.

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

With respect to the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case, Ms. Geraci-Carver relayed her request that the city's insurance attorney, who represents the city, file with the court to proceed as the city is desirous for the property to be cleared.

After Mr. La Venia explained that initial conversations with Mr. Cummings would have been resolved, Ms. Geraci-Carver addressed the plan to reach out to the plaintiff's attorney, before filing, to proceed.

Mr. La Venia conveyed his request to Code Enforcement Officer Lori Davis to provide the attorneys' fees associated with the subject case -- noting that there are no expenses on the building as it was previously paid for by Mr. Cummings -- move forward in foreclosing and clearing the property within seven days; and sell it to Mr. T. Weidman; otherwise, the process will start over where the lien fines will accrue and not be forgiven.

Ms. Geraci-Carver explained that the plaintiff would be entitled to a default to get the property sold and questioned the delay in this regard.

ACTION: 7:01:59 p.m. No action was taken.

7. **UNFINISHED BUSINESS**

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

ACTION: 7:04:42 p.m. No action was taken.

8. **PUBLIC COMMENTS**

Mr. Yauk: gave reasons why he is recommending that the city utilize and earmark the CARES Act funds towards body cameras for the police department for infrastructure. He

pointed out the settlement agreement with T. D. Burke, his observations of the construction work at the property and inquired about the swimming pool, the requirements of the fire suppression and the connection to the city's water system. Mr. Yauk questioned the correction to the CRA plan and noted the children's preference for the demonstration of fire trucks and heavy equipment featured at the city-related events.

ACTION: 7:04:43 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian although there is an MPO meeting, he stated that he has nothing to report at this time.

ACTION: 7:07:12 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he was pleased to be back and that he has nothing to report at this time.

ACTION: 7:07:19 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell indicated that there is a recreation meeting next month.

ACTION: 7:07:23 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

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

ACTION: 7:07:32 p.m. No action was taken.

10. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following dates:

- February annual 5k *Love Run*, Fruitland Park Community Center, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;
- February 24, 2021, Lake~Sumter Metropolitan Planning Organization Governing Board Virtual at 2:00 p.m.;
- February 25, 2021, City Commission Regular at 6:00 p.m.;


- March 11, 2021, City Commission Regular at 6:00 p.m.,
- March 25, 2021, City Commission Regular at 6:00 p.m., and
- March 27, 2021, Fruitland Park Day and Annual BBQ Cook-off - Postponed

ACTION: 7:07:35 p.m. No action was taken.

11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:08 p.m.

The minutes were approved at the February 11, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor