

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
March 11, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 11, 2021 at 6:00 p.m.

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

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; Lake County Fire Rescue Lieutenant Jeff Lord, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Pastor Daryl Allen, Community United Methodist Church, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag.

ACTION: 6:00:59 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 noted the change to this evening's meeting agenda under Item 5.(f), Ordinance 2021-002 Alcoholic Beverages Consumption Policy, an addendum from Ms. Geraci-Carver.

ACTION: 6:02:48 p.m. **By consent, the city commission accepted the change to this evening's agenda reflecting the addendum to Item 5.(f)., Ordinance 2021-002 as previously cited.**

3. SPECIAL PRESENTATION - Lake County Manager Introduction

After District 5 Lake County Board of County Commissioner Josh Blake introduced the recently retained Lake County Manager Alan Rosen to the city commission, he addressed his desire to work together with the city and county citizens.

ACTION: 6:02:55 p.m. No action was taken; however, the city commission welcomed Mr. Rosen to the county.

4. CONSENT AGENDA

Approval of Minutes - February 25, 2021 regular meeting

ACTION: 6:05:31 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.**

5. REGULAR AGENDA

(a) Resolution 2021-009 FDLE Byrne Grant *Our Kids, Our Future* FY-2020-21 Budget Amendment

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-009, 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 FDLE BYRNE GRANT REVENUE BUDGET AND THE POLICE EQUIPMENT GRANT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:05:41 p.m. After much discussion, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-009 as previously cited.**

After Mr. Ray Lewis, City of Fruitland Park resident, recalled the complaint by Mr. Walter Birriel, City of Fruitland Park resident, (addressed before the city commission at its April 12, 2018 regular meeting) regarding the police department's traffic stop incident witnessed by his daughter, he voiced his support for the subject resolution.

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

(b) Resolution 2021-008 Charter Review Proposal – FIOG

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-008, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROPOSAL FOR CHARTER REVIEW BETWEEN THE CITY OF FRUITLAND PARK; AND UNIVERSITY OF CENTRAL FLORIDA – FLORIDA INSTITUTE OF GOVERNMENT; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to the Florida Institute of Government's (FIOG's) proposal for \$10,000 which was not addressed during the FY 2020-21 budget process; explained that there are available funds for same in contingency (where, if approved, \$40,000 would remain) and voiced the need to review the entire charter prior to June 1, 2022 to be placed on the November 8, 2022 general election ballot.

In response to Vice Mayor Gunter's inquiry, Ms. Coulson explained that the entire charter was reviewed in the 1970's (October 1, 1973) and adopted by the electors

on November 6, 1984 by the electors. She recognized that the city established and adopted a charter review committee (November 21, 2013) and addressed her unawareness at that time as a new city clerk of the current charter -- displayed on the website and managed by Municode -- to be a summary version where at least every ten years (within three years of charter adoption) the codification process.

Mr. Lewis recalled his membership on the charter review committee (January 30, 2014 to May 20, 2014) comprising of members from the community attended by the former city attorney; recalled the review of the city charter as presented and indicated that no other information was divulged. He stated that the statements that the charter not been reviewed over the years to be a gross misstatement.

Following further discussion in response to Ms. Geraci-Carver's recommendation for the city commission to approve FIOG's proposal, Commissioner DeGrave suggested -- if further review is necessary which may affect pricing -- that same be presented to the city commission for consideration.

ACTION: 6:11:43 p.m. After further discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-008 as previously cited with the allocation of \$10,000 from contingency.**

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

(c) LDRs Legal Review Discussion

After Mr. La Venia questioned the need for the land development regulations (LDR) legal review, Ms. Geraci-Carver cited reasons why she does not believe that a separate legal review would be required for the finalization of the LDRs.

After discussion, Ms. Geraci-Carver reassured the city commission that staff and the consultants worked through the LDR changes and that she will re-review to ensure that they have been resolved.

ACTION: 6:22:59 p.m. After much discussion and **by unanimous consent, the city commission determined that a legal review of the Land Development Regulations would not be required.**

(d) Municipal Business Tax License - Florida League of Cities Inc. Discussion

Mr. La Venia pointed out Florida League of Cities' (FLCs') investigations of unpaid, escaped and delinquent business taxes from corporations, firms or associations transacting any insurance business in the city; referred to FLC's February 2, 2021 letter regarding BTRs from October 1, 2018 to September 30, 2021 on the city authorizing its collection of delinquent business taxes due to the city; and recognized the provision in the March 9, 1987 agreement

with the city on FLC retaining 50% of the amount collected. He explained that the city garners \$20,000 per annum in BTRs which does not produce enough revenue; indicated that the county has revoked BTRs, and recognized FLC's 90-day termination notice clause on said agreement.

After discussion, Mr. Lewis relayed his conversations with the owner of Westgate-Jones Insurance Agency, as it relates to its services with municipalities, and voiced his anticipation on the city commission's action on the subject issue.

ACTION: 6:29:43 p.m. After discussion, and on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission directed the city attorney to draft a resolution nullifying the business tax receipt and provide written notification to the Florida League of Cities Inc. on the city's desire to terminate its March 9, 1987 agreement on the collection of licensed taxes from corporations, firms or associations transacting insurance business in the city.

By unanimous consent, Mayor Cheshire opened the public hearings for this evening's meeting.

PUBLIC HEARING

5. (e) Public Hearing - Resolution 2021-006 CDBG CV Small Cities-Entitlement Application Program

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2021-006, Ms. Geraci-Carver read into the record the following title and Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT FOR CDBG-CV APPLICATION ON BEHALF OF THE CITY FOR THE NEW EOC/EMERGENCY EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.

At Mayor Cheshire's request, Ms. Katie Taff, Liberty Partners of Tallahassee LLC (grant writer retained by the city), referred to the notice of funding availability received on February 1, 2021 from the State of Florida Department of Economic Opportunity (DEO) for Small Cities and Entitlement units of local government under the Florida Community Development Block Grant-Coronavirus (COVID-CV) program where no match is required. She described the CDBG-CV entitlement program guidelines where each eligible activity ought to meet the national objectives for the program by the United States Department of Housing and Urban Development and indicated that the proposed project, outlined in the subject resolution, was identified for consideration noting that said application, requested for \$825,000, to be due on March 15, 2021.

After much discussion, Ms. Taff addressed the review of the Federal Emergency Management Agency Building Resilient Infrastructure and Communities program (grant) to assist with the emergency operating center (EOC) and other proposed infrastructures to be placed in the city.

Following further discussion, Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, questioned the function of the proposed public safety building and the city's existing EOC; cited reasons for separating the locations for EOCs, and recommended same when considering the new EOC for the city. (A copy of the sign-in sheet was submitted for the record and filed with the supplemental papers to the minutes of this meeting.)

By unanimous consent, Mayor Cheshire closed the public hearing.

ACTION: 6:41:05 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission amend the provisions in Resolution 2021-006 striking out the amounts of \$750,000 respectively and replace them with \$825,000.

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

(f) First Reading and Public Hearing – Ordinance 2021-002 Alcoholic Beverages Consumption Policy

After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2021-002, 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 CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from the February 25, 2021 regular meeting.)

Ms. Geraci-Carver referred to the additional change she made earlier before this evening's meeting to proposed Ordinance 2021-002 to be based on the city commission's direction at its February 25 regular meeting to include under subsection 33.60(C)a., second sentence the words . . . *hosted by the city*. . . .

Ms. Geraci-Carver referred to her review of enacted Special Events Ordinance 2015-002 referenced at the February 25, 2021 regular meeting; confirmed that it is not in conflict with the subject proposed ordinance, and indicated, based on the

debate at the last regular meeting, that it would allow alcoholic beverages to be sold or consumed at any special event as long as:

- a special event permit is issued by the city;
- the person or organization would be required to have an alcohol beverage vendor/ liquor license;
- there is no obligation for city staff to allow the sale and/or consumption of alcoholic beverages;
- the city has the option to place conditions on the permit, and
- proof of liability insurance is provided -- \$1,000,000 per occurrence and \$2,000,000 cumulative -- for each special event (recognizing that a minimum of \$1,000,000 general liability coverage for liquor is required under proposed Ordinance 2021-002).

After Ms. Geraci-Carver verified that nothing has changed with the community center and that the minimum would be 30 people, Mr. La Venia confirmed that no one, since 2015, has made a request and that there have been no problems.

ACTION: 6:50:21 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve the revised Ordinance 2015-002 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 with the city commission members voting as follows:

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

The motion was declared carried on a four to one (4-1) vote.

6. (a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia reported that the city continues to receive development applications where he anticipates activity in the month of April 2021; however, he has nothing to present at this time.

ACTION: 6:54:48 p.m. No action was taken.

ii. **COVID-19 Status Update**

Mr. La Venia reported that he has no updates on COVID-19; however, he referred to the email received this day from Ms. Allison Payne, FLC, entitled: *Florida's Cities Will Receive Direct Federal COVID-19 Funding Relief* which attached a list showing every municipal agency including Fruitland Park's allocated amount of \$,508,984 and questioned the process and obligations of same to which Ms. Geraci-Carver mentioned the distribution through the county. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:55:13 p.m. No action was taken.

iii. **Fruitland Park Cub Scout Pack 143 Request**

Mr. La Venia referred to the recent request of the Fruitland Park Cub Scout Pack 143 to use the Community Center for its annual celebration, an event and a sleepover and that it would follow current guidelines and policies.

After Mr. La Venia confirmed that the Cub Scout has utilized the city's previous community center in the past, Ms. Geraci-Carver addressed, in response to Commissioner DeGrave's inquiry, her plan to review the inclusion of civic groups and similar agencies in the fee schedule for rentals previously adopted by the city commission.

ACTION: 6:57:17 p.m. After discussion and **by unanimous consent, the city commission accepted the aforementioned request of the Fruitland Park Cub Scout Pack 143 to use the community center.**

iv. **Information Technology Discussion**

Mr. La Venia recognized, in speaking with staff, the expiration of the existing contract with MMD Inc., information technology retained by the city.

ACTION: 7:00:49 p.m. No action was taken.

(b) **City Attorney**

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

Ms. Geraci-Carver stated that she has nothing to report on the State of Florida Department of Management Services at this time.

ACTION: 7:01:07 p.m. No action was taken.

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

Ms. Geraci-Carver stated that she has nothing to report on the Michael and Laurie Fewless case at this time.

ACTION: 7:01:07 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 case (pending code enforcement lien on the property), Ms. Geraci-Carver reported that the litigation attorney reached out again to the plaintiff's lead counsel where no response was received; relayed her request to file a motion for a status conference or motion for a lack of prosecution and recognized the plaintiff's entitlement to a final judgement against Mr. Angelillo to allow the foreclosure sale process.

After Mr. La Venia acknowledged that the buyer for said property is waiting for a resolution, Mr. Geraci-Carver addressed her plan to advise the litigation attorney to proceed and file.

ACTION: 7:01:07 p.m. No action was taken.

7. UNFINISHED BUSINESS

There was no unfinished business to address at this time.

ACTION: 7:02:52 p.m. No action was taken.

8. PUBLIC COMMENTS

Mr. Yauk referred to the city commission's actions relating the problems experienced with the TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies software program and questioned the determination of said software being functional.

After (Brother) Steven Gerard, resident of Lorain, Ohio and the City of Leesburg, referred to Resolution 19-28 Supporting the Unborn adopted by the City of Roswell, New Mexico, he suggested that the city, when reviewing its charter, include a provision in adopting a pro-life sanctuary or pro-life safe cities and zoning; and voiced his support of Life Peace Zones. (A copy of the resolution is filed with the supplemental papers to the minutes of this meeting.)

Reverend Gary Blanchard, City of Fruitland Park resident, voiced concerns on blight existing in the area; questioned the code enforcement process around the community and inquired about the city's annual cleanup efforts which used to take place in the past. He encouraged the community's involvement to improve their properties, businesses and residential areas.

ACTION: 7:02:53 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated that he has no comments at this time.

ACTION: 7:09:33 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he has no comments at this time.

ACTION: 7:09:34 p.m. No action was taken.

(c) Commissioner Bell

Following Commissioner Bell's reference to his recent travels on Cutoff Road and his concerns on the trash littering the roadway, Mr. La Venia recognized, in response, CR 468 and Rose Avenue to be on the city's proposed paving list, pointed out the landscaping maintenance conducted on city roadways and county arterials, and voiced reasons why such work by the county on its roadways could not wait.

ACTION: 7:09:37 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he has no comments at this time.

ACTION: 7:12:02 p.m. No action was taken.

10. MAYOR'S COMMENTS

(a) Wastewater Impact Fee

After Mayor Cheshire pointed out the issue on wastewater impact fees, Mr. La Venia referred to his recent conversations with Mr. Duane K. Booth, BESH-Haiff (consultants retained by the city) who previously conducted an update of the city's standard utility, stormwater and roadway and prepared a utility rate study analysis for the city. He noted the grant (State Revolving Fund) allocation towards the construction portion of the wastewater treatment facility; relayed Mr. Booth's request for Mr. Bryan A. Mantz, GovRates Inc., to reappear before the city commission at a future meeting to conduct the review of impact fees on water rates, and pointed out Impact Fees CS/HB 337 introduced by District 33 State Representative Brett Hage which limits the increase of same; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 7:12:06 p.m. **By unanimous consent, the city commission directed the city manager to contact Mr. Bryan A. Mantz, GovRates Inc., to provide a proposal for a wastewater impact fee study for consideration at the next meeting.**

(b) Code Enforcement

With reference to Reverend Branchard's comments on code enforcement issues in the city, Mayor Cheshire reported on staff's current diligence and proactive approach recently undertaken regarding vehicles for sale on the residential property located 100 Rose Avenue (corner of Berkman Street). With respect to the Mirror Lake Village development, he referred to the issuance of stop orders as silt fences were not erected; the lack of sidewalk installation to some of the properties; additional activities conducted without applying for permits, and damages caused to the water meters.

After Mayor Cheshire suggested the imposition of fines and stringent rules, Ms. Geraci-Carver suggested that the problem ought to be considered before the Special Magistrate and addressed her intent to review the city's code to determine other provisions in this regard.

Mr. La Venia referred to the previous installation of a pool at 616 Laborde Drive without meeting the setback requirements and a permit application and pointed out the March 8, 2021 email correspondence from Mr. Lawrence Losciale, EML Pool and Spa, to Mr. Jeff Gerling, Alpha International I, LLC (retained by the city) regarding same; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 7:15:44 p.m. **After lengthy discussions, and by unanimous consent, the city commission directed the city attorney to work with staff, draft provisions and report back to the city commission on:**

- **permitting code enforcement to issue citations and stop work orders for construction work which requires permits for the special magistrate to ultimately consider such violations;**
- **the International Code Council's Inc.'s International Property Maintenance Code, public health safety issues requirements as it relates to the city's abatement of nuisance correcting prohibited conditions, the service of notice of violation, and the placement of liens due to neglect and abandoned equipment on properties and incorporating same in the LDRs, and**
- **the proposed water study and the proper procedures on engineering, designing and upgrading lift stations for future developments.**

(c) Dates to Remember

Mayor Cheshire announced the following events:

- March 18, 2021, City Commission/Planning and Zoning Joint Workshop at 6:00 p.m. or immediately after the P&Z Board meeting which may occur at 6:00 p.m.;
- March 25, 2021, City Commission Regular at 6:00 p.m.;

- April 8, 2021 City Commission Regular at 6:00 p.m.;
- April 9, 2021 Lake County League of Cities (LCLC), TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- April 22, 2021 City Commission Regular at 6:00 p.m.;
- April 28, 2021 Lake~Sumter Metropolitan Planning Organization Governing Board, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- April 29, 2021, 2021 Lake County Trails Forum, 1 Dozier Court, The Venetian Center, Leesburg, Florida 34748 at 5:30 p.m.

Mayor Cheshire indicated, in response to Commissioner Bell's comments, that the city commission would nominate and appoint another representative if he is unable to attend which would be considered at a future meeting.

After Mr. La Venia announced the tentative schedule of the August 2021 FLC's Annual Conference, Commissioner DeGrave expressed interest to be notified of its ethics training.

ACTION: 7:36:14 p.m. No action was taken.

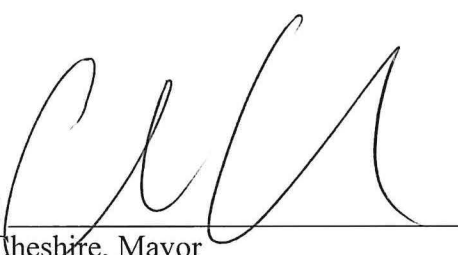
11. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:40 p.m.

The minutes were approved at the March 25, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor