

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
April 8, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 8, 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; Jo-Ann Glendinning Library Director; 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, Pastor Jim Keegan, New Life 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 following changes to this evening's meeting agenda.

4.(a) Resolution 2021-011 Updated Local Mitigation Strategy Plan

The formally adopted plan to incorporate with proposed resolution after adoption.

4.(d) Library Shelving

Addendum – Interfund Budget Amendment

8.(c) Lake County League of Cities' Resignation Email

Addendum

9. Dates to Remember

April 9, 2021, Movie Night

ACTION: 6:01:27 p.m. **By unanimous consent, the city commission accepted the changes, as previously cited, to this evening's agenda.**

3. SPECIAL PRESENTATIONS

(a) Former Mayor-Commissioner Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation extending heartfelt condolences to the family and loved ones in the passing of former Mayor *Thomas Howard Shepherd* and recognized the many accomplishments and achievements he has made throughout the community.

ACTION: 6:02:51 p.m. After Mrs. Melba Shepherd accepted the proclamation with appreciation, she shared how her husband, a native who grew up enjoying everything he did, was hardworking; loved the city and what he would like to have been for the people and that he was a good man.

(b) Water Conservation Month Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the month of April 2021 as *Water Conservation Month* and called upon each citizen and businesses to protect the precious resources by practicing water-saving measures and becoming more aware of the need to conserve water.

ACTION: 6:05:29 p.m. Ms. Susan Davis, St John's River Water Management District, accepted the proclamation with thanks.

(c) National Volunteer Week Proclamation

Mayor Cheshire read into the record a proclamation proclaiming April 18 to 24, 2021 as *National Volunteer Week*; encouraged all citizens to observe this week by celebrating the important work that volunteers do every day throughout the community and highlighted the volunteers' dedicated activities performed by Messrs. Bob Ballenger, library and Mark St. Germain, police department.

ACTION: 6:07:48 p.m. Messrs. Ballenger and St. Germain accepted their proclamations with much gratitude.

4. REGULAR AGENDA

(a) Resolution 2021-011 Lake County Multi-Jurisdictional Hazard Mitigation Plan

Ms. Geraci-Carver read into the record proposed Resolution 2021-011, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE LAKE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:12:14 p.m. After discussion, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-011 as previously cited.**

After further discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.** (Lake County's adopted plan -- accepted earlier at this evening's meeting under regular agenda item 2 -- is to be incorporated with Resolution 2021-011.)

(b) **Resolution 2021-012 Wastewater Study Rates (Gov -Rates Inc.) – BESH-Half Proposal/Agreement**

Ms. Geraci-Carver read into the record proposed Resolution 2021-012, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE WATER AND WASTEWATER IMPACT FEE UPDATE PROPOSAL/AGREEMENT BETWEEN BESH HALFF AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:15:13 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2021-012 as previously cited and accepted the city manager's recommendation to accept a-not-to exceed amount of \$9,210 reflected in BESH-Halff's proposal agreement.

Mr. David Serder, Unincorporated Area of Fruitland Park resident, addressed impact fees, water connection and the number of people relocating to the State of Florida.

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

(c) **South Dixie Avenue – Easements/Site Plan Discussion**

Discussion was held on easements and future planning on Dixie Avenue.

Mr. La Venia referred to recent telephone calls; the April 6, 2021 letter from Mr. Joe Greene, regarding the abandoned Dixie Boulevard (now known as Dixie Avenue) together with photographs relating to 704 South Dixie Avenue; and Lake County Property Appraiser's Office (LCPA's) record cards showing property easements belonging to CSX Transportation Inc. and Mr. Malcolm A. Cox, property owner; copies of which are filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver outlined the public hearing process to consider an application, initiated by the public or the city, with the findings that the city would no longer require the easement for a public purpose; its legal authority to vacate same, and the division of ownership amongst adjacent property owners with each side as a dedicated easement. She acknowledged Vice Mayor Gunter's inquiry indicating that further research would be conducted on the ownership of same.

After discussion, Commissioner Bell suggested pursuing the review of a Planned Development and Environmental Study relating to the bicycle trails program along the railroad tracks to ensure that there are no implications on the subject easement

and Ms. Geraci-Carver concurred with Mr. La Venia's recommendation to establish ownership of same before proceeding in that regard.

Mr. Ryan Raczkowski, City of Fruitland Park resident, relayed his request for more information on the 704 South Dixie Avenue property; pointed out the exact property description -- as it relates to the origin and ownership for Mr. Cox -- which he believes to be unclear, the Fruitland Park maps dating around the 1890s and 1900s for said locations to be different, and the configuration for the railroad corridor around 1916 which he feels has changed. He requested that same be reviewed and that if further research is required and if it was the city's desire to sell as a whole, he questioned vacating as an option.

In response, Ms. Geraci-Carver explained that if the subject property was a parcel of land conveyed to the city by deed, the city would be able to sell; otherwise, if it is a dedicated easement, presumably so, then the city would not be able to sell; thus, she agreed that such easement given to the city would revert back to the original owner.

Mr. Timothy "Tim" Coates, City of Fruitland Park resident, referred to Mr. Raczkowski's statements and relayed both their intent to purchase the subject land until a determination is made on the ownership and the outcome made by the city.

Mr. Richard "Dick" Bowersox, City of Fruitland Park resident, conveyed the outcome as a result of a recent survey conducted on the property purchased at 706 and 708 South Dixie Avenue 25 years ago where they are not the owners; relayed the advice to pay the \$100 application fee before the matter is considered before the city commission, and voiced concerns as he believed the property would have been on the tax rolls where he has never paid taxes which is landlocked.

ACTION: 6:27:11 p.m. By unanimous consent, the city commission agreed with Mayor Cheshire's suggestion for staff and the city attorney to conduct further research on the South Dixie Avenue easement before proceeding on same.

(d) Library Shelving Request Discussion

Ms. Glendinning referred to the request to purchase sloped shelving for easier viewing of tiles in the adult section of the library for \$13,000 as the library impact fee application grant applied for was -- according to Ms. Nicole M. Blumenauer's March 15, 2021 memorandum -- unacceptable *as it may not address a deficiency that is not attributable to growth*. Ms. Glendinning described the request as she believed it would better serve the increasing number of senior patrons and allow for easier visibility of all materials situated on a lower shelf which is currently empty. She confirmed, in response to Mayor Cheshire's inquiry, that funds are available in the FY 2020-21 budget.

After Commissioner DeGrave pointed out Ms. Glendinning’s budget request at the August 3, 2020 workshop, she explained the need, not an emergency, for the transfer of expenditures outlined in the interfund budget amendment dated April 5, 2021; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:38:45 p.m. After extensive deliberation, **a motion as made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve staff’s request to purchase the sloped shelving at the library for \$13,200.**

Subsequent to further discussion, Mayor Cheshire concurred with Commissioner DeGrave’s statements on the need for the FY 2021-22 budget to be completely prepared, serve as a blueprint for expenditures throughout, and allow for flexibility for priorities.

Following further discussion, **Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:**

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

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

5. (a) City Manager

i. Economic Development Status Update

Mr. La Venia outlined the number of activities taking place on pending future development projects.

ACTION: 7:06:00 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia stated that he has no COVID-19 status reports at this time.

ACTION: 7:07:30 p.m. No action was taken.

iii. Code Enforcement

Mr. La Venia referred to the city commission’s actions at its March 11, 2021 regular meeting on permitting the code enforcement officer to issue citations and stop work orders for construction work> He outlined the process on the ability to cite individuals without issuing tickets and present the matter before the special magistrate if the issue is not abated. Mr. La Venia addressed the ability for the community development director

and the building inspector, retained by the city, to issue stop work orders; thus, he confirmed that there are no current issues.

ACTION: 7:07:31 p.m. No action was taken.

iv. Waste Management

Mr. La Venia relayed the further meetings he had with Messrs. Jose Boscan and Doug McCoy, Waste Management Inc., that the nearly completed proforma would need to be presented in the ensuring week to its regional vice president for affirmation before presenting same before the city commission at the April 22, 2021 regular meeting where they are expected to be in attendance.

After discussion, Mr. La Venia agreed with Commissioner DeGrave's request to address the solid waste and recyclable materials pricing.

ACTION: 7:09:29 p.m. and 7:25:20 p.m. No action was taken.

v. Shiloh Cemetery Lighting

Mr. La Venia conveyed his conversations with Ms. Katie Taff, Liberty Partners of Tallahassee LLC (grant management writers retained by the city) regarding the opportunity to apply for the FY 2023 State of Florida Department of State Division of Historical Resources Small Matching and Special Category grant cycle, from April 1 to June 1, 2021, to implement historic type lighting at Shiloh Cemetery and the monument street signs.

ACTION: 7:10:13 p.m. No action was taken.

vi. FY 2021-22 CDBG Grant Funding

Mr. La Venia pointed out the city commission's adoption, at its May 14, 2020 regular meeting, on Lake County's Community Development Block Grant participation for Fiscal Years 2021 to 2023; addressed his inability to attend the recent meeting due to a conflict with GatorSketch, architects retained by the city. He pointed out his subsequent conversations with Ms. Rene Bass, Lake County Housing and Human Services, who provided the FY 2021-2022 Request for Proposals (pre-application) and described the grant process where the county has funding of approximately \$1.5 million where no match is required by the United States Housing and Urban Development; however, municipalities that contribute 10 percent of the cost are reviewed favorably.

Messrs. La Venia and Dicus described reasons why Spring Lake Road water line ought to be enhanced; Patricia Avenue water line should be replaced, and the Americans with Disabilities Act compliant playground and equipment should be located at the Northwest Lake Community Park

(formerly Roy A. Cales Memorial Athletic Complex, Multipurpose Soccer Field/Recreation Complex).

ACTION: 7:10:53 p.m. No action was taken.

(b) City Attorney

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

The State of Florida Department of Management Services was not addressed at this time.

ACTION: 7:29:10 p.m. No action was taken.

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

The Michael and Laurie Fewless case was not addressed at this time.

ACTION: 7:29:10 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

The Norman C. Cummins v. Stephen P. Angelillo, Lake County Case No. 2020-CA-1026 was not addressed at this time.

ACTION: 7:29:10 p.m. No action was taken.

iv. Superior (Solutions) LLC – CentralSquare Technologies Discussion

With reference to the city commission's actions at its March 25, 2021 regular meeting allow 60 days to reach an outcome with TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies and report back to the city commission, Ms. Geraci-Carver reported that a conference call is scheduled for April 20, 2021; recognized the progress made with respect to the software program and anticipated providing an update at the next city commission meeting.

ACTION: 7:29:10 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

ACTION: 7:29:53 p.m. No action was taken.

7. PUBLIC COMMENTS

Mr. Serder outlined reasons why the city is a wonderful place to live.

ACTION: 7:29:56 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian anticipated that he would provide an update after attending the April 28, 2021 Lake~Sumter Metropolitan Planning Organization (LS~MPO) Meeting.

Commissioner Mobilian announced that he will be absent from the city commission regular meeting on May 13, 2021 and requested to be excused.

ACTION: 7:34:04 p.m. and 7:36:20 p.m. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 7:34:14 p.m. No action was taken.

(c) Commissioner Bell

Confirmed that he submitted an email on April 5, 2021 expressing appreciation and tendering his resignation as Lake County League of Cities' (LCLC's) representative on the Tourist Development Council; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Commissioner Bell stated that he is still serving on the Parks and Trails Advisory Board and as vice president of the LCLC.

ACTION: 7:34:21 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: 7:35:39 p.m. No action was taken.

9. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following events:

- April 9, 2021, *Dolittle* Movie Night, 205 W Berckman Street, Fruitland Park, Florida at 6:30 p.m.
- April 9, 2021, Lake County League of Cities Inc. (LCLC) *Washington Update*, 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, LS~MPO, 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.;

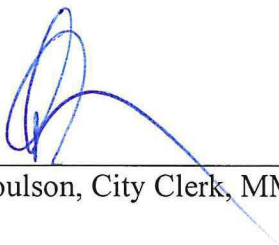
- May 10, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.
- May 13, 2021 City Commission Regular at 6:00 p.m.;
- May 14, 2021, LCLC, TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m., and
- May 27, 2021 City Commission Regular at 6:00 p.m.

ACTION: 7:35:42 p.m. No action was taken.

10. 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 7:37 p.m.

The minutes were approved at the April 22, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor