

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
September 8, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 8, 2022 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter Jr., Commissioners Chris Bell (available by telephone) and Patrick DeGrave,

Member Absent: Commissioner John Mobilian.

Also present: City Manager Gary La Venia; Sanford A. “Sandy” Minkoff, representing City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Captain Henry Rains, Sergeant David Cox, Officers Brad Heidt and Anthony Buehler, Police Department; Public Works Director Robb Dicus; Mr. Michael “Mike” Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city) and Interim Community Development Director; Deputy Finance Director Gary Bachman; Deputy City Clerk Candice Dennis, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Cheshire called the meeting to order; Pastor Michael “Mike” Smith, Florida Baptist Convention, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

Pastor Smith gave a brief synopsis on the Mobile Dental Ministry Unit, free dental service that was held for the community at Heritage Community Church on August 15 to 20, 2022; a copy of the literature was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:06.23 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 recognized the absence of Commissioner Mobilian at this evening’s meeting and Ms. Racine introduced to the city commission Mr. Bachmann highlighting his background and experience.

Mayor Cheshire announced the following agenda changes:

Item 5. (c) Resolution 2022-041
Title in resolution to include tentative millage rate of 3.9134

Item 5. (d) Resolution 2022-042
Body of resolution should read *tentative budget* and not *final budget*.

Item 5. (e) Ordinance 2022-017
Addendum – affidavit

Item 5. (f) Ordinance 2022-018
Addendum – affidavit

ACTION: 6:10.05 p.m. **By unanimous consent, the city commission excused the absence of Commissioner Mobilian; accepted the changes to this evening’s agenda as previously cited and welcomed Deputy Finance Director Gary Bachmann to the meeting.**

3. SPECIAL PRESENTATIONS

(a) Proclamation - *Constitution Week* September 17 to 23, 2022

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the week of September 17th through 23rd 2022 as *CONSTITUTION WEEK* and asked the citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

ACTION: 6:12.06 p.m. Ms. Cindy Kolevar, John Bartram Chapter of The National Society Daughters of the American Revolution, accepted the proclamation with gratitude.

(b) Public Safety Complex and Public Works Building

Mr. Michael “Mike” Latham, GatorSkitch Corporation Inc., gave a power-point presentation on the public safety complex; the floor and elevations plans/schematics for the police and fire departments and the costs involved; copies of which are filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:14.15 p.m. After extensive discussion and **by unanimous consent, the city commission accepted the above-captioned elevations plans/schematics to include the elevator for the public safety complex and directed the city manager to obtain the percentage figures from Lake County Fire Rescue and continue to work with GatorSkitch Corporation Inc. before proceeding with procuring the construction management at-risk design process of the public safety complex and public works building.**

(c) RFQ 2022-01 Professional Engineering Surveying Presentations

Mayor Cheshire recognized the following firms’ Request for Qualification 2022-01 for professional engineering surveying services who gave power-point presentations:

- Messrs. Todd Bryan Drennan, Hans Bentzon, Christopher Michael Smith and Ms. Patricia Mugnol, Forefront Architecture and Engineering, and

- Mr. Walter “Walt” A. Nickel and Ms. Teresa Ramiz, Wright-Pierce Engineering and Better Environment.

ACTION: 6:49:29 p.m. No action was taken.

4. CONSENT AGENDA

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

- (a) **Approval of Minutes**
August 25, 2022 regular meeting minutes
- (b) **Resolution 2022-043 – City Treasurer Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (c) **Resolution 2022-044 – City Attorney Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (d) **Resolution 2022-045 – City Clerk Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.
- (e) **Resolution 2022-046 - Property and Casualty Insurance Coverage**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE RENEWAL PROPOSAL FOR PROPERTY AND CASUALTY INSURANCE COVERAGE FROM PUBLIC RISK MANAGEMENT OF FLORIDA FOR COVERAGE EFFECTIVE OCTOBER 1, 2022; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:16:30 p.m. **On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the previously cited consent agenda items.**

5. REGULAR AGENDA

- (a) **Resolution 2022-036 Participation in Settlement Agreements - Opioid Litigation and Assignment of Funds to Lake County**
Mr. Minkoff read into the record proposed Resolution 2022-036, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING

PARTICIPATION IN SETTLEMENT AGREEMENTS WITH VARIOUS DEFENDANTS NAMED IN OPIOID LITIGATION AND FURTHER APPROVING ASSIGNMENT OF CITY FUNDS RECEIVED FROM OPIOID LITIGATION TO LAKE COUNTY TO CARRY-OUT THE TERMS OF THE INTERLOCAL AGREEMENT FOR USE OF LAKE COUNTY REGIONAL OPIOID SETTLEMENT FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:17:06 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gutner that the city commission adopt Resolution 2022-036 as previously cited.

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

PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened the public hearings.

(b) Public Hearing - Resolution 2022-038 Fire Assessment FY 2022-23

It now being the time advertised to hold a public hearing, Mr. Minkoff read into the record proposed Resolution 2022-038, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGE OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Later in the meeting and in response to several questions posed by Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, Mr. La Venia and Mayor Cheshire explained that the Villages residents will not be paying the assessment to maintain new buildings and that Lake County's funding for fire department construction to service old Fruitland Park are from impact fees would ultimately be countywide.

ACTION: 7:18:44 p.m. A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gutner that the city commission adopt Resolution 2022-038 as previously cited.

By unanimous consent, Mayor Cheshire closed the public hearing.

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

(c) First Reading and Public Hearing - Resolution 2022-041 FY 2022-23 Tentative Millage

After Mr. Minkoff read into the record, the following title of proposed Resolution 2022-041, Mayor Cheshire announced that the city is prepared to set the tentative millage rate at 3.9134 representing increases of:

- 7.36% over the roll back rate of 3.6452 the same rate as the last four years;
- Three hundred and thirty-six thousand, eight hundred and eighty-four dollars (\$336,884) in ad valorem taxes due to a 10.56 percent increase in taxable value;
- Ninety-million, six hundred and fifteen thousand, four hundred and eight dollars (\$90,615,408) of assessed value due to development activities;
- taxable value (ad valorem) generated by new developments, and
- in the budget is due to inflation.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2022-2023; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 22, 2022.)

Later in the meeting, the following were responses to several statements made by Mr. Yauk:

- After Ms. Racine's explanation on the supplant of funds at the August 8, 2022 FY 2022-23 budget workshop for body cameras earmarked for the police department (reflected on page 183 of the agenda package), Commissioner DeGrave pointed out his response to Mr. Yauk's email on said date regarding same;
- Ms. Racine described the reduction in population due to the lower household size in The Villages which was recalibrated by the 2020 US Census Bureau, and
- Mayor Cheshire pointed out and encouraged Mr. Yauk to attend Operation Bless Fruitland Park's monthly meetings (occurring on the fourth Thursday of each month) where they work together with individuals, city staff, churches, businesses, local civic and social groups in the Fruitland Park area focusing its

attention on Fruitland Park Elementary School and suggested that Mr. Yauk contact District 2 Lake County School Board Member Tyler Brandeburg who is the representative for said school.

ACTION: 7:23:13 p.m. A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gutner that the city commission adopt Resolution 2022-041 as previously cited.

By unanimous consent, Mayor Cheshire closed the public hearing.

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

(d) First Reading and Public Hearing – Resolution 2022–042 FY 2022-23 Tentative Budget

Mr. Minkoff read into the record proposed Resolution 2022-042, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2022-2023; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 22, 2022.)

ACTION: 7:33:20 p.m. A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gutner that the city commission adopt Resolution 2022-042 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 it was declared unanimously carried.

(e) Second Reading and Public Hearing – Ordinance 2022-017 Urick Street Force Main Extension - Clean Water SRF Construction Loan Agreement WW350821 (Grant Agreement SG350822)

It now being the time advertised to hold a public hearing, Mr. Minkoff read into the record Ordinance 2022-017, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE CLEAN WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT WITH A 20-YEAR LOAN IN THE AMOUNT OF

\$1,859,724 AT A ZERO PERCENT INTEREST RATE AND A GRANT IN THE AMOUNT OF \$908,229 FOR CONSTRUCTION OF THE URICK STREET FORCE MAIN EXTENSION; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The first reading was held on August 25, 2022.)

ACTION: 7:24:26 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission enact Ordinance 2022-017 as previously cited to become 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.

(f) Second Reading and Public Hearing – Ordinance 2022-018 Fund Balance Policy

It now being the time advertised to hold a public hearing, Mr. Minkoff read into the record Ordinance 2022-018, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; CREATING SECTIONS 33.55 THROUGH 33.58 IN CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK, FLORIDA, WHICH SETS FORTH A FUND BALANCE/RETAINED EARNINGS POLICY; ESTABLISHING A FUND BALANCE/RETAINED EARNINGS POLICY FOR EACH OF ITS VARIOUS FUNDS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (The first reading was held on August 25, 2022.)

Mr. La Venia reviewed the fund balance utilization options document, as recommended by the auditor, and relayed his suggestion to draft resolutions to implement the unassigned fund balance and transfer funding towards the public works building. (A copy of the respective document is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:35:50 p.m. Upon Commissioner DeGrave's suggestion and by unanimous consent, the city commission in addition to accepting the city manager's previously cited recommendations, directed staff to place on the next agenda:

- the awarding of Invitation to Bid 2022-01 Public Works Building Wastewater Treatment Plant;
- the approval of a contract on same,
- a draft resolution transferring one million dollars (\$1 million) into the road paving sinking fund, and
- a full schedule of catch-up funds required together with contributions received annually on an ongoing basis the asphalt road repaving every 15 years.

and with reference to the PASERWARE computerized pavement management data system, direction would be given to staff identifying and rating the type and level of unacceptable roadways and scheduling same for the following fiscal year.

Following further discussion, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2022-018 as previously cited to become 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.

END OF PUBLIC HEARING

6. (a) City Manager - Economic Development

Mr. La Venia stated that he has nothing to report on economic development at this time.

ACTION: 7:45:14 p.m. No action was taken.

(b) City Attorney

Ms. Minkoff referred to the agenda summary report submitted by Ms. Geraci-Carver outlining the following and stated that he had nothing further to report:

- i. City of Fruitland Park v. State of Florida Department of Management Services**
- ii. Michael and Laurie Fewless v. City of Fruitland Park**
- iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley)**
- iv. Municode**

ACTION: 7:45:21 p.m. No action was taken.

7. UNFINISHED BUSINESS

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

ACTION: 7:45:29 p.m. No action was taken.

8. PUBLIC COMMENTS

There were no comments from the public at this time.

ACTION: 7:45:31 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 7:45:49 p.m. No action was taken.

(b) Commissioner DeGrave –

i. CR 466A

After Commissioner DeGrave questioned the status of CR 466A's commencement, Mr. La Venia indicated that nothing has been scheduled for this fiscal year.

ACTION: 7:45:50 p.m. No action was taken.

ii. Absence

Commissioner DeGrave announced that he will not be present at the October 27, 2022 regular meeting as he will be out of the country.

ACTION: 7:47:08 p.m. No action was taken.

(c) Commissioner Bell - Absence

Commissioner Bell announced that he will not be in attendance at the next meeting.

ACTION: 7:47:30 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

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

ACTION: 7:46:22 p.m. No action was taken.

10. Mayor's Comments - Dates to Remember

Mayor Cheshire made the following announcements:

- September 9, 2022, Lake County Sheriff Peyton Grinnell *Sheriff's Department Update*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon,
- September 9, 2022, Cornhole Tournament, 201 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.,
- September 17, 2022, Wedding Expo, 201 W Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.,
- September 22, 2022, City Commission regular at 6:00 p.m.,
- September 24, 2022, *Father and Son Campout*, 201 W Berckman Street, Fruitland Park, Florida 34731 at 5:00 p.m.,
- September 24, 2022, *Greg Beliveau's Retirement Party*, Leesburg Boat Club, 31 Dozier Circle, Leesburg, Florida 34748 at 5:00 p.m.

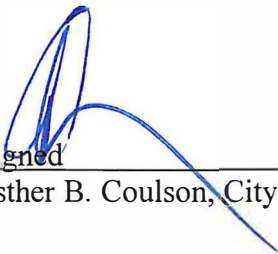
- October 13, 2022, City Commission regular at 6:00 p.m.;
- October 14, 2022 - Mayor Cheshire referred to the invitation received from The Orange Blossom Chapter National Society Colonial Dames XVII Century to witness the unveiling of its historical marker at Rose Plantation Restaurant on October 14, 2022 at 10:00 a.m.
- October 26, 2022, Lake~Sumter Metropolitan Planning Organization (LS~MPO) Governing Board Meeting, MPO Board Room Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m., and
- October 27, 2022, City Commission regular at 6:00 p.m.

ACTION: 7:46:23 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:48 p.m.

The minutes were approved at the September 22, 2022 regular meeting.


Signed _____
Esther B. Coulson, City Clerk, MMC


Signed _____
Chris Cheshire, Mayor

