

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**March 26, 2020**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**6:00 p.m.**

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. CONSENT AGENDA**

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

**Approval of Minutes** (city clerk)

March 12, 2020 regular meeting minutes

**4. REGULAR AGENDA**

**PUBLIC HEARING**

**(a) First Reading and Public Hearing – Ordinance 2020-003 Solid Waste Rates Increase** (city attorney/city manager/city treasurer)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on April 9, 2020.)

**QUASI-JUDICIAL PUBLIC HEARING**

- (b) First Reading and Public Hearing – Ordinance 2020-002 – CUMC Rezoning – Petitioner: Community United Methodist Church of Fruitland Park Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.28 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF W. FOUNTAIN STREET AND EAST OF COLLEGE AVE. FROM SF MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on April 9, 2020.)

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**END PUBLIC HEARING**

**5. OFFICERS' REPORTS**

**(a) City Manager**

- i. Economic Development Status Update**
- ii. COVID-19 Status Update**

**(b) City Attorney**

- i. Notice of Claim – James Hartson**
- ii. City of Fruitland Park v. T. D. Burke**
- iii. City of Fruitland Park v. State of Florida Department of Management Services**
- iv. Michael and Laurie Fewless v. City of Fruitland Park**

**6. PUBLIC COMMENTS**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City

Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**(b) Commissioner DeGrave**

**(c) Commissioner Bell**

**(d) Vice Mayor Gunter, Jr.**

**8. MAYOR'S COMMENTS**

**9. ADJOURNMENT**

**DATES TO REMEMBER**

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

April 9, 2020, City Commission Regular at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE**

**CITY OF FRUITLAND PARK  
CONSENT AGENDA ITEM SUMMARY SHEET  
Item Number: 3**

<b>ITEM TITLE:</b>	Draft Regular Meeting Minutes
<b>For the Meeting of:</b>	March 26, 2020
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	<b>March 19, 2020</b>
<b>Funds Required:</b>	No
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, draft minutes

**Item Description:** Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote

Approve the regular meeting minutes of March 12, 2020 as submitted if there are no corrections.

**Action to be Taken:**                      **Approve as submitted.**

**Staff's Recommendation:**              Approval

**Additional Comments:**                  None

**City Manager Review:**                  Yes

**Mayor Authorization:**                  Yes

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES**

**March 12, 2020**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**6:00 p.m.**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 12, 2020 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher 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; Lieutenant Henry Rains, Officers Frank Carroll, Courtney Stewart, Detective Brian Hilberer, Sergeants Paul Sandbakken, Tim Ross, David Brown, Senior Police Officers Walter Eugene Howard, Jay Ortiz-González, and Jeni Simken, Administrative Assistant Police Department; Public Works Director Robb Dicus; Parks and Recreation Director Michelle Yoder; Interim Fire Chief Donald Gilpin, Deputy Fire Chief Tim Yoder, Firefighters Stephen Odgen, Brandon Clutter, and Michael Howard, Fire Department; Human Resources Director Diana Kolcun, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

**ACTION:** 6:00:23 PM Mayor Cheshire called the meeting to order, Pastor Church, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:01:18 PM After Mayor Cheshire requested that Ms. Coulson call the roll, where a quorum was declared present, he outlined the decorum for this evening's meeting and announced that no action will be taken on Item 6.(a) iv., Fire Protection and Rescue Services.as there is no contract.

**3. SPECIAL PRESENTATIONS**

Chief Luce read into the record a letter to him from one of the sergeants regarding Officers Walter Eugene Howard and Jose Manuel Ortiz-González recognizing them for their donation and contribution of their personal hours towards the recent event *Toys for Tots Program*.

**ACTION:** 6:02:18 PM Officers Howard and González accepted the police department's Community Service Award in recognition of their dedication to the "Toys for Tots Program" and continued commitment in serving the Fruitland Park citizens with much gratitude.

**4. CONSENT AGENDA**

**Approval of Minutes - February 27, 2020 regular meeting**

**ACTION: 6:06:33 PM On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda.**

**5. REGULAR AGENDA**

**(a) Resolution 2020-011 Superion Solutions (formerly CRW) Maintenance Agreement Renewal**

Ms. Geraci-Carver read into the record proposed Resolution 2020-011, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING SUPERION SOLUTIONS MAINTENANCE AGREEMENT IN THE AMOUNT OF \$4,931.85 THRU FEBRUARY 28, 2021 FOR TRAKIT AND \$7,500 THRU OCTOBER 29, 2020 FOR CITIZEN ENGAGEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE MAINTENANCE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

After discussion and following Ms. Geraci-Carver's acknowledgement where the city has been without the use of the cloud hosting annual software (an additional component for the Citizen Engagement SaaS portion of the Trak-it system to be used by community development) software for three months, she suggested communicating with Superion's representative to determine, in light of the proprietary issues, whether the year could commence from the date the city utilized the software as opposed to when it was originally scheduled.

**ACTION: 6:06:42 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-011 with the changes to remove the provisions under Section 27, Limitations of Liability provision from Superion LLC's. Solutions Maintenance Agreement.**

**Mayor Cheshire called for a vote on the motion, as amended, and declared it carried unanimously.**

**(b) Resolution 2020-015 - Second Insurance Claim Proceeds Revenue – Community Center Recreation Improvement**

Ms. Geraci-Carver read into the record proposed Resolution 2020-015, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2019/2020 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE INSURANCE CLAIM PROCEEDS REVENUE BUDGET AND THE RECREATION IMPROVEMENT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:12:28 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2020-015 as previously cited.

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

**(c) Resolution 2020-016 – Pinellas County Urban League (PCUL) Urban Seniors Jobs Program (USJP) – Host Training Agency and Maintenance of Effort Agreement**

Ms. Geraci-Carver read into the record proposed Resolution 2020-016, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE URBAN SENIORS JOBS PROGRAM HOST TRAINING AGENCY TRAINING AND MAINTENANCE OF EFFORT AGREEMENT BETWEEN PINELLAS COUNTY URBAN LEAGUE AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:13:43 PM After extensive discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-016 as previously cited.

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

**(d) Police Department Vehicle Quotes**

The city commission considered the following police department vehicle quotes:

- Police Department Administration/Evidence Vehicle:
  - Prestige Ford Mount Dora, Florida , \$23,192.00
  - Garber Ford Inc. Green Cove Springs, Florida, \$22,997.00, and
  - Bartow Ford Bartow, Florida, \$26,831.66

- With the following Installations of similar emergency lighting:
  - HG2 Emergency Lighting Orlando, Florida, \$3,523.00,
  - Dana Safety Supply Inc., Orlando, Florida, \$3,027.80, and
  - Rough Country Lockable Hard Bed Cover Installed, \$1,000.00
- Police K-9 Patrol Vehicle includes free delivery Spreadsheets
  - 2020 Dodge Durango Pursuit K-9 AWD, \$28,461.00,
  - 2020 Chevrolet Tahoe Pursuit 4WD, \$38,722.00, and
  - 2020 Ford Utility Police Interceptor SUV AWD, \$35,514.00

**ACTION:** 6:28:52 PM After discussion a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission accept staff's recommendations to award to the lowest, most responsive responsible and sole bidders the following quotes:

- **Garber Ford Inc. Green Cove Springs, Florida, \$22,997.00,**
  - **Dana Safety Supply Inc., Orlando, Florida, \$3,027.80, and**
  - **Rough Country Lockable Hard Bed Cover Installed, \$1,000.00**
- Administration/evidence vehicle package totaling \$27,024.80**
- **2020 Dodge Durango Pursuit K-9 AWD, \$28,461**
  - **Hg2 Emergency Lighting, \$13,559.95, and**
  - **Car-Video with mic system, \$3,255.00**
- K-9 Vehicle package totaling \$45,275.95**

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

**(e) Community Center Kitchen and Restroom Quotes**

The city commission considered the following community center quotes:

- Timbertop, \$31,363.41;
- Home Art Corporation, \$26,373.00, and
- Florida Designer Cabinets, not available

**(f) Northwest Lake Community Park (Cales Memorial Complex) Multipurpose Soccer Field – Concrete Quotes**

The city commission considered the following community center quotes:

- Bay to Bay Construction, \$23,200;
- Paquette Company, \$51,252 and
- Rock Solid (not available)
- Parking Bumpers, Leesburg Concrete Company Inc., \$6,864 and
- Sidewalks/Miscellaneous, Paquette Company, \$61,752.50



**ACTION:** 6:37:56 PM After discussion, a motion was made by Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission agreed to consider the quotes for Regular Agenda Items 5.(e) and (f) and approved staff's recommendation to award the quotes to the lowest, responsive and responsible bidders Home Art Corporation (with the one-year or more warranty) for \$26,373.00 and Bay to Bay Construction for \$23,200.

**(g) City Hall Floor Quotes**

The city commission considered the following city hall floor quotes:

- Chris Lynch Flooring, \$36,599,
- Everyday Flooring Proposal, \$51,714.10, and
- Great Lakes Carpet & Tile LLC, \$28,870

Mr. La Venia identified the allocation of \$50,000 earmarked in the FY 2019-20 budget to replace the carpets at city hall (with the exception of the police and community development departments) and paint the city hall's interior (which is not being awarded) for less than \$7,000. He recommended the selection of Great Lakes Carpet & Tile LLC as the lowest responsive and responsible bidder for the city hall floor quotes at \$28,870.

**ACTION:** 6:42:51 PM On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the city manager's recommendation as previously cited.

**(h) Alcohol Beverages Regulations Discussion**

Mr. La Venia addressed the alcohol beverages regulations recognizing the policy prepared by Ms. Geraci-Carver and concurred with Commissioner DeGrave's request for staff to provide preference from proposed alternatives 1 and 2 under Chapter 104, Alcoholic Beverages: City-Owned Properties and with reference to subsections 104-01a.ii.2. and 104-04.2., . . . *the applicant providing one sworn law enforcement officer as security for each 250 persons attending the event. . . .* , render staff's opinion as to whether the number of people appears to be excessive with one officer overseeing same.

**ACTION:** 6:45:03 PM No action was taken.

**6. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

Mr. La Venia gave a status update on the 2020 Community Redevelopment Agency (CRA) Grant Façade Improvement Program Application available to small business owners in the city; indicated that an announcement of same has been displayed on the electronic signs located around the city, and

referred to said information posted on the city's website: <https://www.fruitlandpark.org/cra/page/grant-program> and Facebook page <https://www.facebook.com/CityofFruitlandPark/>. He addressed the plan to mail the respective application to the business owners located within the CRA regarding the current availability of \$2,500 in matching grant funds and recalled the efforts staff made in soliciting business owners to apply.

ACTION: 6:49:24 PM No action was taken.

**ii. City Hall Paint Quotes**

Earlier in the meeting, Mr. La Venia addressed the ability to completely paint city hall and referred to the following paint quotes that he received:

- Champion Painting LLC, 8,500;
- Popes Precisions Projects, \$7,000 and
- Quality Paining Inc., \$8,000

ACTION: 6:42:51 PM and 6:45:43 PM For informational purposes.

**iii. Smoking Vaping Policy Status Update**

Mr. La Venia recalled discussions at previous city commission meetings regarding the smoking and vaping policy; referred to Chapter 386 Florida State Statutes Indoor Air: Smoking and Vaping "Florida Clean Indoor Air Act" and addressed his plan to utilize said law to post signs at city parks and municipal properties.

After discussion, Ms. Geraci-Carver anticipated the outcome of proposed Regulation of Smoking Senate Bill 630 authorizing municipalities to further restrict smoking within the boundaries of certain public parks currently considered in the legislative session. She explained staff is working on ensuring that the smoking (or use of tobacco product) provisions currently proposed for the city's personnel policies and procedures manual would be included.

ACTION: 6:46:52 PM No action was taken.

**iv. Fire Protection and Rescue Service**

Mr. La Venia indicated that the fire protection and rescue service contract has not been received from Lake County and that he has nothing to report.

ACTION: 6:51:14 PM. No action was taken.

**v. 2020 Summer Program – Gardenia Park Swimming Pool Discussion**

Mr. La Venia explained that Fruitland Park Elementary School will be holding a Lake County School District's 2020 Extended Learning Centers

(ELC) Summer Program to which Ms. Yoder explained is held annually and will be the first time this year for the program to be hosted at the school. After she relayed the intent for a partnership effort where *Pool Days* activities are planned to be held at the Gardenia Park Swimming Pool, the city commission addressed charging at a nominal cost.

**ACTION: 6:51:18 PM. By unanimous consent, the city commission directed staff to report back at a future meeting with more information.**

**vi. Veritone Agreement Status Update**

After Mr. La Venia referred to his recent conversations with Ms. Geraci-Carver regarding the Veritone Inc's agreement, she indicated, based on her discussions with Veritone's representative, that all the issues were resolved with the exception of the amount for the limitation liability where they were looking for an amount from the city. Ms. Geraci-Carver recognized that a \$500,000 liability -- similar to Superior LLC's. Solutions Maintenance Agreement approved earlier under Regular Agenda 5.(a)) -- could be proposed to them and will await their response.

**ACTION: 7:03:50 PM. No action was taken.**

**vii. COVID-19 – Fruitland Park Day and Other City-Related Events**

Mr. La Venia referred to the draft memorandum he is preparing regarding the Coronavirus Disease (COVID-19) outbreak.

**ACTION: 6:57:01 PM After discussion and upon Mayor Cheshire's recommendation, the city commission, by unanimous consent, directed the city manager to make arrangements to cancel all city-related public events and programs, similarly offered by Lake County, and postpone the March 28, 2020 Fruitland Park Day and agreed to reevaluate the situation at the next regular meeting.**

**(b) City Attorney**

**i. Notice of Claim – James Hartson**

Ms. Geraci-Carver reported that there is nothing to report on the James Hartson notice of claim.

**ACTION: 7:05:41 PM. and 7:09:54 PM No action was taken.**

**ii. City of Fruitland Park v. T. D. Burke**

Ms. Geraci-Carver reported that there is nothing to report on T. D. Burke's case.

**ACTION: 7:05:41 PM. No action was taken.**

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

Ms. Geraci-Carver reported that there is nothing to report on the State of Florida Department of Management Services.

ACTION: 7:05:41 PM. No action was taken.

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

Ms. Geraci-Carver reported that on February 26, 2020, Mr. Glenn Thomas, Lewis, Longman & Walker P.A. (attorney retained by the city), filed a motion to dismiss on the Michael and Laurie Fewless case and indicated that a motion has not yet been set for a hearing. (A copy of the document is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:05:41 PM. No action was taken.

**v. Professional Design Services RFQ - Public Works Department and Public Safety Buildings Construction Status Update**

Ms. Geraci-Carver referred to the city manager's request for information and the options she provided on the procurement process for a public safety and public works facility/utility building; recalled the city commission's previous discussions on the implementation of a design-build contract (both of which requires qualifications to retain an architect), and pointed out the satisfactory construction management at-risk (CMAR) bid process utilized by the City of Groveland for parking improvements. She emphasized the requirement for staff to accurately be informed of the city commission's needs in order for the architect to prepare the designs which are procured.

Mr. La Venia referred to his previous communication with the City of Leesburg's staff on its Professional Engineering Services Request for Qualifications (RFQs) and Community Building CMAR RFQs for Venetian Gardens which he forwarded on to Ms. Geraci-Carver for review and recommended that the city commission pursue an architect and CMAR for the proposed building simultaneously, as previously described. (Copies of the relative documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:06:07 PM. No action was taken.

**7. PUBLIC COMMENTS**

Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, pointed out his review of the following:

- proposed alcohol beverages regulations and questioned whether it applies to non-city-owned properties; namely, the areas adjacent to The Moyer Recreation Center's entrance and Lake County School district,
- proposed smoking and vaping policy where he referred to the fire rescue's policy regarding eating, drinking in the ambulance and questioned allowing the consumption of water in the vehicles,
- availability of assistance (PCUL's USJP job training available to seniors) to reduce costs to the city with the ability to utilize the current paint and carpeting projects approved earlier in this evening's meeting, and
- the future public works building with the anticipation that the construction would be sturdy especially if it would be a public emergency building.

Mr. David Campbell, City of Fruitland Park resident, expressed appreciation to Chief Luce for cleaning up the neighborhood. After Mr. Campbell voiced concerns on the siting of rats and smell emanating from the property located at 700 Phoenix Avenue, Mayor Cheshire responded that the matter will be looked into.

After Mr. Campbell addressed his intent to provide a copy of a fire department's operating budget of approximately \$425,000 per annum and recommended that such concept be followed and requested that the city's fire rescue services be retained in-house, Mayor Cheshire suggested that the city commission be provided with said information.

Mr. Campbell suggested and mentioned the benefits of utilizing Staffing for Adequate Fire and Emergency Response (SAFER) grants for the fire department.

ACTION: 7:10:12 PM. No action was taken.

## 8. COMMISSIONERS' COMMENTS

### (a) Commissioner Mobilian - COVID-19 – Fruitland Park Day and Other City-Related Events

Commissioner Mobilian voiced his support of closures relating to the city-related events due to the onset of COVID-19.

ACTION: 7:15:39 PM. No action was taken.

### (b) Commissioner DeGrave – Excused Absence

With respect to the approved excused absence requested at the February 27, 2020 regular meeting, Commissioner DeGrave explained that he will be present at the next meeting.

ACTION: 7:16:06 PM. No action was taken.

(c) **Commissioner Bell - COVID-19 – Public Meetings**

After discussion on the COVID-19 closure of public events, Ms. Geraci-Carver explained, in response to Commissioner Bell’s inquiry, where members have to be physically present to constitute a quorum; however, participation and voting are permitted to conduct meetings electronically under the Government-in-the-Sunshine Law and related attorney general opinions on same.

ACTION: 7:16:25 PM. No action was taken.

(d) **Vice Mayor Gunter, Jr.**

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

ACTION: 7:18:24 PM. No action was taken.

**9. MAYOR’S COMMENTS**

(a) **2020 US Census Questionnaire**

Mayor Cheshire addressed the importance of and encouraged everyone to complete the forthcoming 2020 US Census questionnaires forms.

ACTION: 7:18:33 PM. No action was taken.

(b) **Dates to Remember**

With the exception of the March 26, 2020 city commission regular meeting, Mayor Cheshire announced that the city-related events have been cancelled.

ACTION: 7:18:27 PM. No action was taken.

**10. ADJOURNMENT**

The meeting adjourned at 7:19 p.m.

The minutes were approved at the March 26, 2020 regular meeting.

Signed \_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed \_\_\_\_\_  
Chris Cheshire, Mayor

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 4a**

**ITEM TITLE:** First Reading and Public Hearing –  
Ordinance 2020-003 Solid Waste Increase

**For the Meeting of:** March 26, 2020

**Submitted by:** City Treasurer

**Date Submitted:** March 17, 2020

**Funds Required:** N/A

**Attachments:** Proposed Ordinance 2020-003 and Waste  
Management’s Rates

**Item Description:** Proposed Solid Waste Increase Ordinance  
**2020-003** increases solid waste collections and recycling by two percent  
(2%) effective January 1, 2020 according to Waste Management Inc. of  
Florida’s Solid Waste Collection Agreement that allows an annual  
increase each January.

**Action to be Taken:** Approve proposed Ordinance 2020-003

**Staff’s Recommendation:** Approve proposed Ordinance 2020-003

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2020-003**

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park through a waste management company provides solid waste and recycling services to customers within the City of Fruitland Park; and

**WHEREAS**, the City of Fruitland Park charges its customers a rate for providing such service; and

**WHEREAS**, the City of Fruitland Park's contract with the waste management company allows for an annual increase each January and the city has been notified that the rates will increase 2%; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the increased rates should be passed on to those who receive such services, and that adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.**

The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

**Section 2. Refuse Collection Fees.**

That Section Sec. 99.40 in Chapter 99, of the Fruitland Park Code of Ordinances is hereby amended to read as follows:

**Sec. 99.40. Refuse collection fees.**

- (A) The city clerk is authorized to charge a fee for refuse collection as set forth in division (B) below.
- (B) The refuse collection services for which the city clerk shall charge a fee and the amount of fee for each service are as follows:
  - (1) Residential collection, monthly fee.
    - (a) *Manual curbside pickup:*



	NUMBER OF 32 GALLON CONTAINERS
TWICE WEEKLY COLLECTION	1 through 6
	<del>\$19.20</del> \$19.44

(b) *Mechanical containerized service:* Shall be the same as the commercial containerized service fees set forth below except that the disposal component of the fee shall be those disposal fees for residential service established by Lake County multiplied by the residential units.

(2) Commercial collection, monthly fee.

(a) *Manual curbside pickup:*

	NUMBER OF 32 GALLON CONTAINERS
NUMBER OF WEEKLY COLLECTIONS	1 through 6
	1 <del>\$20.16</del> \$20.31
	2 <del>\$22.08</del> \$22.26

(b) *Mechanical containerized service:*

Commercial Collection

Mechanical Containerized Service

# OF WKL Collections	SIZE OF CONTAINER IN CUBIC YARDS			
	2	4	6	8
1	<del>\$84.68</del> \$85.47	<del>\$160.42</del> \$161.90	<del>\$230.48</del> \$232.52	<del>\$283.52</del> \$285.79
2	<del>\$166.11</del> \$167.70	<del>\$317.57</del> \$320.53	<del>\$457.77</del> \$461.86	<del>\$563.78</del> \$568.33
3	<del>\$247.55</del> \$249.94	<del>\$474.77</del> \$479.20	<del>\$685.00</del> \$691.14	<del>\$844.06</del> \$850.88
4	<del>\$328.97</del> \$332.16	<del>\$631.95</del> \$637.85	<del>\$912.26</del> \$920.44	<del>\$1123.92</del> \$1133.
5	<del>\$410.39</del> \$414.37	<del>\$789.13</del> \$796.52	<del>\$1139.50</del> \$1149.73	<del>\$1404.58</del> \$1415.
6	<del>\$491.85</del> \$496.62	<del>\$946.29</del> \$955.15	<del>\$1366.73</del> \$1379.00	<del>\$1684.84</del> \$1698.

(3) Reserved.

(4) The fee for any refuse collection service not specifically set forth above shall be determined by negotiation between the city, the hauler, and the customer. However, in the event that a fee cannot be agreed upon, the city manager shall set the fee.

- (C) The fees charged pursuant to this section shall be charged only for those refuse collection services provided under Chapter 98 of this Code. For purposes of this section, users of the city's water system shall be considered receivers of the city's refuse service.
- (D) The fee charged for refuse collection shall be charged monthly.
- (E) Failure by any person or business entity to remit a fee charged pursuant to this section shall result in any or all of the following:
  - (1) Discontinuance of refuse collection service;
  - (2) Discontinuance of water service;
  - (3) Institution of enforcement proceedings by the code enforcement officer;
  - (4) Institution of judicial enforcement and collection proceedings; or
  - (5) Any other enforcement and collection proceedings deemed necessary by the city manager.
- (F) Any person or business entity desiring to challenge an amount charged pursuant to this section shall request a hearing with the city manager regarding the disputed amount. Upon a request for hearing pursuant to this division, the city manager shall schedule a hearing with the complainant. Upon the conclusion of the hearing, the city manager shall have the authority to make any adjustment to the amount in dispute that he deems necessary.

**Section 3. Conflicts And Ordinances Repealed.**

All ordinances or parts of ordinances in conflict are hereby repealed.

**Section 4. Severability.**

If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 5. Codification.**

It is the intent of the City Commission of the City of Fruitland Park that the provisions of this chapter shall become and made a part of the Fruitland Park Code of Ordinances; and grants authority to the codifier to renumber or re-letter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6. Effective Date.**

This Ordinance shall become effective immediately upon adoption; however, the refuse collect rate adjustments shall be implemented January 1, 2020.

**PASSED AND DULY ADOPTED** by the City of Fruitland Park, Lake County, Florida this 26<sup>th</sup> day of March 2020.

City of Fruitland Park

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Chris Cheshire, Mayor

Attest:  
Esther B. Coulson, City Clerk

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Mayor Cheshire        \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Vice Mayor Gunter    \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Bell    \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

Approved as to form and legality:

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Anita Geraci-Carver, City Attorney

# Exhibit "B"

## City of Fruitland Park Collection and Disposal Rates

Effective 01/01/20-12/31/20

Residential Services Based on \$40/ton disposal for 2x week garbage/yardwaste/1x week Recycling

Garbage Collection	Disposal	Curbside Recycling	Rate Per Month
\$ 8.25	\$ 3.90	\$ 2.58	<b>\$ 14.73</b>

### Commercial Handstops

	Garbage Collection	Disposal	Rate Per Month
Commercial curb 1x week	\$ 7.09	\$ 8.44	<b>\$ 15.53</b>
Commercial curb 2x week	\$ 8.34	\$ 8.95	<b>\$ 17.29</b>

### Commercial Dumpsters (Rate/month)

Qty/Size/Frequency	Garbage Coll.	Garbage Disp.	Coll./Disp
1-2yd X 1 WEEK	\$ 36.89	\$ 37.87	<b>\$ 74.76</b>
1-2yd X 2 WEEK	\$ 73.78	\$ 75.74	<b>\$ 149.52</b>
1-2yd X 3 WEEK	\$ 110.69	\$ 113.60	<b>\$ 224.29</b>
1-2yd X 4 WEEK	\$ 147.55	\$ 151.47	<b>\$ 299.02</b>
1-2yd X 5 WEEK	\$ 184.44	\$ 189.33	<b>\$ 373.77</b>
1-2yd X 6 WEEK	\$ 221.33	\$ 227.20	<b>\$ 448.53</b>
1-4yd X 1 WEEK	\$ 68.50	\$ 75.74	<b>\$ 144.24</b>
1-4yd X 2 WEEK	\$ 136.97	\$ 151.48	<b>\$ 288.45</b>
1-4yd X 3 WEEK	\$ 205.49	\$ 227.21	<b>\$ 432.70</b>
1-4yd X 4 WEEK	\$ 273.96	\$ 302.97	<b>\$ 576.93</b>
1-4yd X 5 WEEK	\$ 342.45	\$ 378.71	<b>\$ 721.16</b>
1-4yd X 6 WEEK	\$ 410.93	\$ 454.45	<b>\$ 865.38</b>
1-6yd X 1 WEEK	\$ 94.83	\$ 113.61	<b>\$ 208.44</b>
1-6yd X 2 WEEK	\$ 189.72	\$ 227.22	<b>\$ 416.94</b>
1-6yd X 3 WEEK	\$ 284.53	\$ 340.84	<b>\$ 625.37</b>
1-6yd X 4 WEEK	\$ 379.38	\$ 454.44	<b>\$ 833.82</b>
1-6yd X 5 WEEK	\$ 474.23	\$ 568.04	<b>\$ 1,042.27</b>
1-6yd X 6 WEEK	\$ 569.05	\$ 681.65	<b>\$ 1,250.70</b>
1-8yd X 1 WEEK	\$ 105.40	\$ 151.48	<b>\$ 256.88</b>
1-8yd X 2 WEEK	\$ 210.76	\$ 302.96	<b>\$ 513.72</b>
1-8yd X 3 WEEK	\$ 316.15	\$ 454.44	<b>\$ 770.59</b>
1-8yd X 4 WEEK	\$ 421.50	\$ 605.55	<b>\$ 1,027.05</b>
1-8yd X 5 WEEK	\$ 526.90	\$ 757.38	<b>\$ 1,284.28</b>
1-8yd X 6 WEEK	\$ 632.28	\$ 908.85	<b>\$ 1,541.13</b>

Waste Mgt Collection Disposal Rates  
Jan 2020

RATE	(R)RE		FY 19 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference	
CODE	(C)CO	DESC	COLL	FY20 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2019	
SWR001	R	Residential	6.20	6.33	3.23	1.93	0.67	2.58	2.94	1.77		19.44	8.25	19.21	0.23
SWC002	C	Commercial curb 1x week	6.95	7.09	8.44				2.94	1.85		20.31		20.16	0.15
SWC001	C	Commercial curb 2x week	8.18	8.34	8.95				2.94	2.02		22.26		22.08	0.18
SWC003	C	1-2yd X 1 WEEK	36.17	36.89	37.87				2.94	7.77		85.47		84.68	0.79
SWC004	C	1-2yd X 2 WEEK	72.33	73.77	75.74				2.94	15.25		167.70		166.11	1.59
SWC037	C	1-2yd X 3 WEEK	108.51	110.68	113.60				2.94	22.72		249.94		247.55	2.39
	C	1-2yd X 4 WEEK	144.66	147.55	151.47				2.94	30.20		332.16		328.97	3.19
		1-2yd X 5 WEEK	180.82	184.43	189.33				2.94	37.67		414.37		410.39	3.98
		1-2yd X 6 WEEK	216.99	221.33	227.20				2.94	45.15		496.62		491.85	4.77
SWC005	C	1-4yd X 1 WEEK	67.16	68.50	75.74				2.94	14.72		161.90		160.42	1.48
SWC006	C	1-4yd X 2 WEEK	134.28	136.97	151.48				2.94	29.14		320.53		317.57	2.96
SWC020	C	1-4yd X 3 WEEK	201.46	205.49	227.21				2.94	43.56		479.20		474.77	4.43
	C	1-4yd X 4 WEEK	268.59	273.96	302.97				2.94	57.99		637.85		631.95	5.90
		1-4yd X 5 WEEK	335.74	342.46	378.71				2.94	72.41		796.52		789.13	7.39
		1-4yd X 6 WEEK	402.87	410.93	454.45				2.94	86.83		955.15		946.29	8.86
SWC008	C	1-6yd X 1 WEEK	92.97	94.83	113.61				2.94	21.14		232.52		230.48	2.04
SWC009	C	1-6yd X 2 WEEK	186.00	189.72	227.22				2.94	41.99		461.86		457.77	4.09
SWC022	C	1-6yd X 3 WEEK	278.95	284.53	340.84				2.94	62.83		691.14		685.00	6.14
	C	1-6yd X 4 WEEK	371.94	379.38	454.44				2.94	83.68		920.44		912.26	8.18
		1-6yd X 5 WEEK	464.93	474.22	568.04				2.94	104.52		1,149.73		1,139.50	10.23
		1-6yd X 6 WEEK	557.89	569.05	681.65				2.94	125.36		1,379.00		1,366.73	12.27
SWC011	C	1-8yd X 1 WEEK	103.33	105.39	151.48				2.94	25.98		285.79		283.52	2.27
SWC012	C	1-8yd X 2 WEEK	206.63	210.76	302.96				2.94	51.67		568.33		563.78	4.55
SWC018	C	1-8yd X 3 WEEK	309.95	316.15	454.44				2.94	77.35		850.88		844.06	6.82
	C	1-8yd X 4 WEEK	413.25	421.52	605.55				2.94	103.00		1,133.01		1,123.92	9.09
		1-8yd X 5 WEEK	516.57	526.90	757.38				2.94	128.72		1,415.94		1,404.58	11.36
	C	1-8yd X 6 WEEK	619.88	632.28	908.85				2.94	154.41		1,698.48		1,684.84	13.64

CITY OF FRUITLAND PARK  
**WASTE MANAGEMENT PAYSHEET (INV)**  
 SOLID WASTE REPORT  
 Dec-19

318-16441  
 25,108.80

RATE CODE	RATE DESCRIP	NUMBER BILLED	GARB COLL	GARB DISP	YDWSTE COLL	YDWSTE DISP	CURB RECYC	OPER & DISP FEE	AMOUNT DUE T&C
SWR001	Residential	1,616	6.20	3.23	1.89	0.67	2.53	14.52	23,464.32
SWC001	cc x 2	96	8.18	8.95	-	-	-	17.13	1,644.48
SWC003	2 yd x 1	28	36.17	37.86	-	-	-	74.03	2,072.84
SWC004	2 yd x 2	7	72.33	75.74	-	-	-	148.07	1,036.49
SWC005	4 yd x 1	17	67.16	75.74	-	-	-	142.90	2,429.30
SWC006	4 yd x 2	3	134.28	151.48	-	-	-	285.76	857.28
SWC007	2-4yd x 1	0	134.31	151.48	-	-	-	285.79	-
SWC008	6 yd x 1	3	92.97	113.61	-	-	-	206.58	619.74
SWC009	6 yd x 2	3	186.00	227.22	-	-	-	413.22	1,239.66
SWC010	(2) 6 yd x 2	1	371.99	454.44	-	-	-	826.43	826.43
SWC011	8 yd x 1	11	103.33	151.48	-	-	-	254.81	2,802.91
SWC012	8 yd x 2	4	206.63	302.96	-	-	-	509.59	2,038.36
SWC013	2-6 yd x 1	1	185.95	227.22	-	-	-	413.17	413.17
SWC014	2-8 YD X 1	0	206.65	302.96	-	-	-	509.61	-
SWC018	8 yd x 3	3	309.95	454.44	-	-	-	764.39	2,293.17
SWC021	2 2ydx1-1 2ydx2	1	144.67	151.48	-	-	-	296.15	296.15
SWC022	1-6yd X 3	0	278.95	340.84	-	-	-	619.79	-
SWC026	2YD & 4YD X 2	1	206.61	227.22	-	-	-	433.83	433.83
SWC026	2-8 YD X 2	0	413.26	605.92	-	-	-	1,019.18	-
SWC031	2-4 YD 4 RES	0	162.10	185.24	7.55	2.68	10.12	367.69	-
SWC032	3-8 YD X 2	0	619.89	908.88	-	-	-	1,528.77	-
SWC033	(2) CC X 2	0	16.36	17.90	-	-	-	34.26	-
SWC036	6 YD X 5 & CC X 2	0	471.87	576.48	-	-	-	1,048.35	-

1,795

<b>SUB-TOTAL</b>	(This amt is the total billed amount for the month-less FF & Admin fees)	<b>42,468.13</b>
<b>FINAL PARTIAL BILLINGS</b>	(Partial billings on finaled accounts for the month-less FF & Admin fees)	<b>278.07</b>
<b>PARTIAL BILLINGS</b>	(Monthly partial billings billed amount for the month-less FF & Admin fees)	<b>3.69</b>
<b>CREDIT ADJUSTMENT</b>		-
<b>DEBIT ADJUSTMENT</b>		-
<b>PLUS UNCOLLECTED (PRIOR MO) 2019</b>		<b>3,314.26</b>
<b>LESS UNCOLLECTED (CURRENT MO.) 2019</b>	(This # is from Detail Receivable Summary - printed before AR generated for bill run)	<b>(5,285.58)</b>
<small>(Less uncollected amt.-current mo-is subtracted)</small>		
<b>(Total should match long form-minus FF&amp; Admin fees)</b>	<b>TOTAL BILLED</b> (amt. pay WM)	<b>40,778.57</b>

TO PAY WM IN MONTH  
 PROVIDE 2 COPIES TO AP CLERK (1 file copy, 1 ck backup-remittance copy)

<b>ok to pay</b>	
<b>verified by</b>	

-25,108.80  
 15,669.77

This is the total payments received in during the month following the billing month> for ex. October (2) would be billing charges from September-paid in October, less October's billing.

CITY OF FRUITLAND PARK  
**WASTE MANAGEMENT PAYSHEET (INV)**  
 SOLID WASTE REPORT  
 Jan-20

318-16441  
24,871.26

RATE CODE	RATE DESCRIP	NUMBER BILLED	GARB COLL	GARB DISP	YDWSTE COLL	YDWSTE DISP	CURB RECYC	OPER & DISP FEE	AMOUNT DUE T&C
SWR001	Residential	1,602	6.20	3.23	1.89	0.67	2.53	14.52	23,261.04
SWC001	cc x 2	94	8.18	8.95	-	-	-	17.13	1,610.22
SWC003	2 yd x 1	27	36.17	37.86	-	-	-	74.03	1,998.81
SWC004	2 yd x 2	6	72.33	75.74	-	-	-	148.07	888.42
SWC005	4 yd x 1	18	67.16	75.74	-	-	-	142.90	2,572.20
SWC006	4 yd x 2	3	134.28	151.48	-	-	-	285.76	857.28
SWC007	2-4yd x 1	0	134.31	151.48	-	-	-	285.79	-
SWC008	6 yd x 1	3	92.97	113.61	-	-	-	206.58	619.74
SWC009	6 yd x 2	3	186.00	227.22	-	-	-	413.22	1,239.66
SWC010	(2) 6 yd x 2	1	371.99	454.44	-	-	-	826.43	826.43
SWC011	8 yd x 1	11	103.33	151.48	-	-	-	254.81	2,802.91
SWC012	8 yd x 2	4	206.63	302.96	-	-	-	509.59	2,038.36
SWC013	2-6 yd x 1	1	185.95	227.22	-	-	-	413.17	413.17
SWC014	2-8 YD X 1	0	206.65	302.96	-	-	-	509.61	-
SWC018	8 yd x 3	3	309.95	454.44	-	-	-	764.39	2,293.17
SWC021	2 2ydx1-1 2ydx2	1	144.67	151.48	-	-	-	296.15	296.15
SWC022	1-6yd X 3	0	278.95	340.84	-	-	-	619.79	-
SWC026	2YD & 4YD X 2	1	206.61	227.22	-	-	-	433.83	433.83
SWC028	2-8 YD X 2	0	413.26	605.92	-	-	-	1,019.18	-
SWC031	2-4 YD 4 RES	0	162.10	185.24	7.55	2.68	10.12	367.69	-
SWC032	3-8 YD X 2	0	619.89	908.88	-	-	-	1,528.77	-
SWC036	6 YD X 5 & CC X 2		471.87	576.48	-	-	-	1,048.35	-

1,778

<b>SUB-TOTAL</b>	(This amt is the total billed amount for the month-less FF & Admin fees)	42,151.39
<b>FINAL PARTIAL BILLINGS</b>	(Partial billings on finaled accounts for the month-less FF & Admin fees)	67.55
<b>PARTIAL BILLINGS</b>	(Monthly partial billings billed amount for the month-less FF & Admin fees)	646.39
<b>CREDIT ADJUSTMENT</b>		(206.59)
<b>DEBIT ADJUSTMENT</b>		-
<b>PLUS UNCOLLECTED (PRIOR MO) 2018</b>		5,320.43
<b>LESS UNCOLLECTED (CURRENT MO.) 2019</b>	(This # is from Detail Receivable Summary -printed before AR generated for bill run)	(2,672.05)
<small>(Less uncollected amt.-current mo-is subtracted)</small>		
<small>(Total should match long form-minus FF&amp; Admin fees)</small>	<b>TOTAL BILLED</b> (amt. pay WM)	<b>45,307.12</b>

TO PAY WM IN MONTH

PROVIDE 2 COPIES TO AP CLERK (1 file copy. 1 ck backup-remittance copy)

<i>ok to pay</i>	
<i>verified by</i>	

-24,871.26  
20,435.86

318-100141

This is the total payments received in during the month following the billing month> for ex. October (2) would be billing charges from September-paid in October, less October's billing.

CITY OF FRUITLAND PARK  
**WASTE MANAGEMENT PAYSHEET (INV)**  
 SOLID WASTE REPORT  
 Feb-20

318-164441  
24,962.41

RATE CODE	RATE DESCRIP	NUMBER BILLED	GARB COLL	GARB DISP	YDWSTE COLL	YDWSTE DISP	CURB RECYC	OPER & DISP FEE	AMOUNT DUE T&C
SWR001	Residential	1,613	6.20	3.23	1.89	0.67	2.53	14.52	23,420.76
SWC001	cc x 2	90	8.18	8.95	-	-	-	17.13	1,541.70
SWC003	2 yd x 1	28	36.17	37.86	-	-	-	74.03	2,072.84
SWC004	2 yd x 2	7	72.33	75.74	-	-	-	148.07	1,036.49
SWC005	4 yd x 1	20	67.16	75.74	-	-	-	142.90	2,858.00
SWC006	4 yd x 2	3	134.28	151.48	-	-	-	285.76	857.28
SWC007	2-4yd x 1	0	134.31	151.48	-	-	-	285.79	-
SWC008	6 yd x 1	3	92.97	113.61	-	-	-	206.58	619.74
SWC009	6 yd x 2	3	186.00	227.22	-	-	-	413.22	1,239.66
SWC010	(2) 6 yd x 2	1	371.99	454.44	-	-	-	826.43	826.43
SWC011	8 yd x 1	11	103.33	151.48	-	-	-	254.81	2,802.91
SWC012	8 yd x 2	4	206.63	302.96	-	-	-	509.59	2,038.36
SWC013	2-6 yd x 1	1	185.95	227.22	-	-	-	413.17	413.17
SWC014	2-8 YD X 1	0	206.65	302.96	-	-	-	509.61	-
SWC018	8 yd x 3	3	309.95	454.44	-	-	-	764.39	2,293.17
SWC021	2 2ydx1-1 2ydx2	1	144.67	151.48	-	-	-	296.15	296.15
SWC022	1-6yd X 3	0	278.95	340.84	-	-	-	619.79	-
SWC026	2YD & 4YD X 2	1	206.61	227.22	-	-	-	433.83	433.83
SWC028	2-8 YD X 2	0	413.28	605.92	-	-	-	1,019.18	-
SWC031	2-4 YD 4 RES	0	162.10	185.24	7.55	2.68	10.12	367.69	-
SWC032	3-8 YD X 2	0	619.89	908.88	-	-	-	1,528.77	-
SWC036	6 YD X 5 & CC X 2	0	471.87	576.48	-	-	-	1,048.35	-

1,789

<b>SUB-TOTAL</b>	(This amt is the total billed amount for the month-less FF & Admin fees)	<b>42,750.49</b>
<b>FINAL PARTIAL BILLINGS</b>	(Partial billings on finaled accounts for the month-less FF & Admin fees)	<b>79.49</b>
<b>PARTIAL BILLINGS</b>	(Monthly partial billings billed amount for the month-less FF & Admin fees)	<b>291.22</b>
<b>CREDIT ADJUSTMENT</b>		-
<b>DEBIT ADJUSTMENT</b>		<b>450.00</b>
<b>PLUS UNCOLLECTED (PRIOR MO) 2019</b>		<b>4,172.65</b>
<b>LESS UNCOLLECTED (CURRENT MO.) 2019</b>	(This # is from Detail Receivable Summary -printed before AR generated for bill run)	<b>(3,017.19)</b>
<small>(Less uncollected amt.-current mo-is subtracted)</small>		
<small>(Total should match long form-minus FF&amp; Admin fees)</small>		<b>44,726.66</b>

-24,962.44  
19,764.20

TO PAY WM IN MONTH

PROVIDE 2 COPIES TO AP CLERK (1 file copy, 1 ck backup-remittance copy)

<b>TOTAL BILLED</b>	(amt. pay WM)
<i>ok to pay</i>	
<i>verified by</i>	

318-100141

This is the total payments received in during the month following the billing month> for ex. October (2) would be billing charges from September-paid in October, less October's billing.



**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 4b**

**ITEM TITLE:** First Reading and Public Hearing – Ordinance 2020-002  
**Rezoning** – Petitioner: Community United Methodist  
Church of Florida Park Inc.

**For the Meeting of:** March 26, 2020

**Submitted by:** City Attorney/City Manager/Community Development  
Director

**Date Submitted:** March 18, 2020

**Funds Required:** No .

**Attachments:** Yes. Proposed Ordinance 2020-002, newspaper  
advertisement affidavit, location map and development  
review letter.

**Item Description:** Proposed Ordinance 2020-02 rezoning property located at  
404 W Fountain St from R-2 to PFD. The church intends to use the building on-site for its food  
pantry.

The Planning and Zoning Board, at its March 19, 2020 regular meeting, recommended approval  
of the rezoning. The second reading is scheduled for April 9, 2020.

**Action to be Taken:** Approve Ordinance 2020-02

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2020-002**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.28 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF W. FOUNTAIN STREET AND EAST OF COLLEGE AVE. FROM SF MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a petition has been received by Community United Methodist Church of Fruitland Park, Inc., Owner, requesting that property generally located north of W. Fountain Street and east of College Ave. be rezoned to Public Facilities District (PFD); and

**WHEREAS**, the petition bears the signature of all required parties; and

**WHEREAS**, the required notice of the proposed rezoning has been properly published; and

**WHEREAS**, the Planning and Zoning Commission of the City of Fruitland Park has made a recommendation to the City Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fruitland Park, Florida, as follows:

**Section 1: Purpose and Intent.** That the zoning classification of the following described property, being situated in the City of Fruitland Park, Florida shall be designated as PFD (Public Facilities District), as defined in the Fruitland Park Land Development Regulations.

**LEGAL DESCRIPTION** The East 125 feet of the West 250 Feet of the South 100 feet of Block 10 in the Town of Fruitland Park, Florida, according to the plat thereof recorded in Plat Book 3, Page 9, Public Records of Lake County, Florida.

**Parcel Alternate Key No. 1639409**

**Section 2: Zoning Classification.**

That the property shall be designated as PFD, Public Facilities District, in accordance with Chapter 154, Section 154.030, d)11 of the Land Development Regulations of the City of Fruitland Park, Florida.

**Section 3: Directions.**

The City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida, to include said designation consistent with this Ordinance.

**Section 4: Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5: Conflicts.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6: Scrivener’s Errors.** Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 7: Effective Date.**

This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(SEAL)

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

\_\_\_\_\_  
Esther Coulson  
City Clerk

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to Form:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

# The Villages<sup>®</sup> DAILY SUN

Published Daily  
Lady Lake, Florida  
State of Florida  
County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad #936376** in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-002**, was published in said newspaper in the issues of

**MARCH 12, 2020**

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

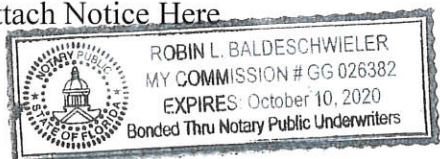
  
(Signature Of Affiant)

Sworn to and subscribed before me this 12  
day March 2020.

  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Attach Notice Here



## NOTICE OF PUBLIC HEARINGS

ORDINANCE 2020-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.28 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF W. FOUNTAIN STREET AND EAST OF COLLEGE AVE. FROM SF MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

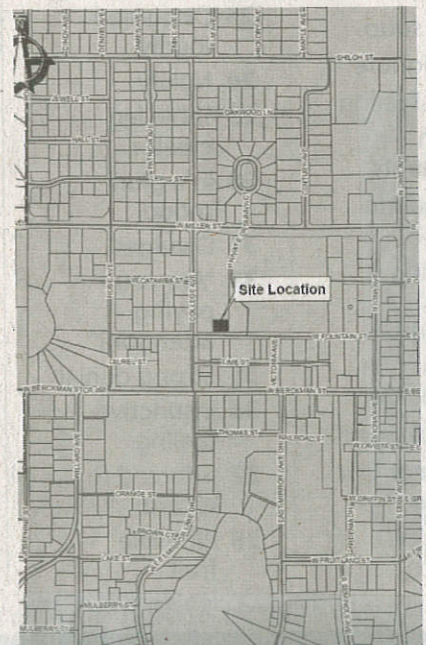
The proposed Ordinance will be considered at the following public meetings:

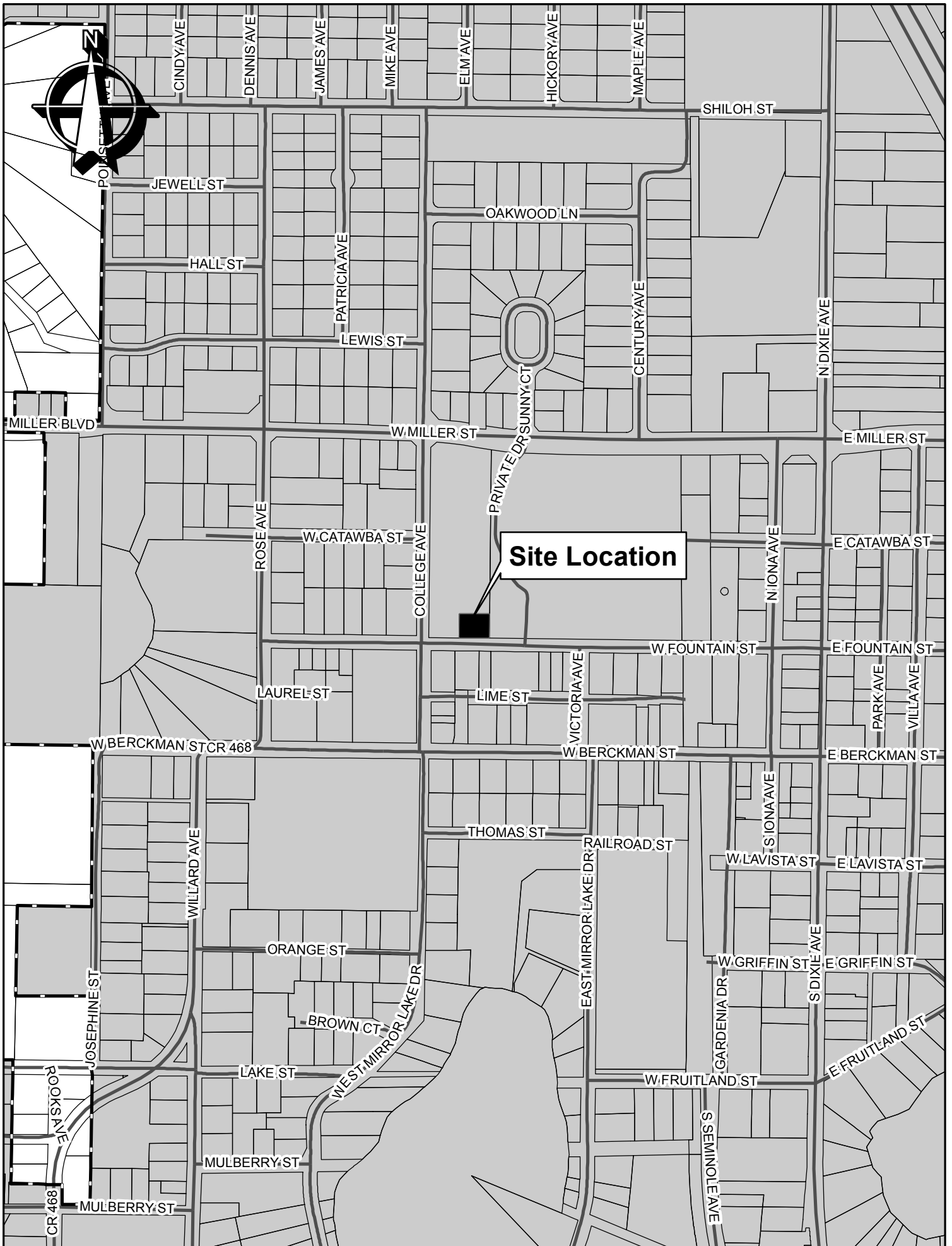
Fruitland Park Planning & Zoning Board Meeting on  
March 19, 2020 at 6:00 p.m.  
Fruitland Park City Commission Meeting on  
March 26, 2020 at 6:00 p.m.  
Fruitland Park City Commission Meeting on  
April 9, 2020 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. The proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may

need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.





**Site Location**

CINDY AVE

DENNIS AVE

JAMES AVE

MIKE AVE

ELM AVE

HICKORY AVE

MAPLE AVE

SHILOH ST

JEWELL ST

OAKWOOD LN

HALL ST

PATRICIA AVE

LEWIS ST

CENTURY AVE

N DIXIE AVE

MILLER BLVD

W MILLER ST

E MILLER ST

PRIVATE DR SUNNY CT

W CATAWBA ST

E CATAWBA ST

Site Location

ROSE AVE

COLLEGE AVE

N IONA AVE

W FOUNTAIN ST

E FOUNTAIN ST

LAUREL ST

LIME ST

VICTORIA AVE

PARK AVE

VILLA AVE

W BERCKMAN ST CR 468

W BERCKMAN ST

E BERCKMAN ST

THOMAS ST

RAILROAD ST

W LAVISTA ST

E LAVISTA ST

WILLARD AVE

ORANGE ST

EAST MIRROR LAKE DR

S IONA AVE

W GRIFFIN ST

E GRIFFIN ST

JOSEPHINE ST

BROWN CT

LAKE ST

WEST MIRROR LAKE DR

GARDENIA DR

S DIXIE AVE

CR 468

ROOKS AVE

MULBERRY ST

W FRUITLAND ST

E FRUITLAND ST

S SEMINOLE AVE



**DEVELOPMENT REVIEW APPLICATION**  
**COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC.**  
**March 4, 2020**  
**APPLICATION CONSIDERED COMPLETE FEBRUARY 24, 2020**

**Property Owner/Applicant:** Community United Methodist Church of Fruitland Park, Inc.

**Phone:** 352-787- 1829

**Email:** No email address on file

**Address:** 309 College Avenue  
Fruitland Park, FL 34731

**Appointed Agent:** Curley B. Elliott

**Phone:** 352-561-6067 or 717-329-6760

**Email:** [elliottcb1944@gmail.com](mailto:elliottcb1944@gmail.com)

**Address:** 3378 Lazy Acres Lane  
The Villages, FL 32163

**Project Name:** CMUC Rezoning

**Parcel ID:** 09-19-24-0400-010-0000

**Alt Key:** 1639409

**Project Address:** 404 W Fountain Street  
Fruitland Park, FL 34731

Mr. Elliott:

Herein are the comments preceding the informal TRC review of February 25, 2020.

**Development Review:**

The *initial application fees* are as follows:

Development Application Fee (City)	\$415.00 <b>PAID</b>
LPG (Land Planner)	\$300.00 <b>PAID</b> as part of initial development application
BESH (Engineer)	*Actual Cost
Mailings	\$69.00
Lake County Recording Fee	*Actual Cost

Applicant submitted \$415.00 for Small Scale Comp Plan Amendment (SSCPA) and Rezoning. Application proceeding as Rezoning only. A Unity of Title and Minor Site Plan will be required upon rezoning approval.

Per City Ordinance 2008-023 these are the applicable fees as of date; however, there may be additional fees associated with the application(s) that will be passed to the applicant(s), including addressing through Lake County Public Safety Support and Contractual Services.

**City Attorney:**

No comments received at time of Development Application Review.

**City Engineer (BESH):**

No comments or objections to this rezoning. Applicant will have to submit for a minor site plan approval as this is a change of use. At such time, applicant to provide better engineered drawings for the ADA space.

**City Land Planner:**

Staff recommends approval of the rezoning as it is consistent with the comprehensive plan, consistent with land development regulations, and is compatible with adjacent land uses. A unity of title and minor site plan approval will be required if rezoning is approved.

**City Building Review:**

No comments.

**City Fire Review:**

No comments.

**City Police Review:**

No comments.

**City Staff Review:**

Staff recommends approval of the rezoning. The food pantry is to utilize the church's existing parking lot in rear of subject property as main access to the pantry; this includes all deliveries.

**City of Leesburg Utilities:**

Electric Department; no comments. Gas Department; no comments.

**Lake County Public Schools:**

No further comments after consulting LPG.

**Lake County Public Works:**

No comments received at time of Development Application Review.

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5a**

<b>ITEM TITLE:</b>	<b>City Manager's Report</b>
<b>For the Meeting of:</b>	<b>March 26, 2020</b>
<b>Submitted by:</b>	<b>City Manager</b>
<b>Date Submitted:</b>	<b>March 17, 2020</b>
<b>Funds Required:</b>	<b>N/A</b>
<b>Account Number:</b>	<b>N/A</b>
<b>Amount Required:</b>	<b>N/A</b>
<b>Balance Remaining:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>None</b>

**Item Description:** **City manager's report**

- i. Economic Development Status Update**
  
- ii. Coronavirus Disease 2019 (COVID-19) Status Update**

**Action to be Taken:** **None**

**Staff's Recommendation:** **None**

**Additional Comments:** **None**

**City Manager Review:** **Yes**

**Mayor Authorization:** **Yes**



# Proclamation

**WHEREAS**, the World Health Organization (WHO) has raised its assessment of the Coronavirus Disease 2019 (COVID-19) threat -- a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza -- to very high; and

**WHEREAS**, on March 16, 2020, the Centers for Disease Control and Prevention ("CDC") declared the COVID-19 potential public health threat as high in the United States and throughout the world and recommends community preparedness and everyday prevention measures be taken by all individuals; and

**WHEREAS**, on March 1, 2020, Florida Governor Ron Desantis issued a Public Health Emergency (Executive Order Number 20-51) directing the State Surgeon General and State Health Officer, who declared a Public Health Emergency, to actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation (PUI) as defined by the CDC; and

**WHEREAS**, and Lake County Board of County Commissioners, on March 16, 2020, adopted Resolution 2020-29 declaring a local state of emergency, and

**WHEREAS**, Florida State Statute, Chapter 252 authorizes the City of Fruitland Park to declare that a public health emergency exists; and

**WHEREAS**, under current circumstances, certain people caring for patients and other close contacts of persons with COVID-19 have an increased risk of infection, and

**WHEREAS**, it is the duty of the City of Fruitland Park to take protective measures, including development of incident action plans, procurement of personal protective equipment, pandemic preventative training and exercise coordination, and similar activities to support the public health and safety of the community, and

**WHEREAS**, the Mayor of the City of Fruitland Park, on behalf of the city commission, has determined that a state of emergency exists and hereby declares a proclamation of local emergency.

**NOW, THEREFORE, BE IT RESOLVED** that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby declare:

Section 1. Emergency Declaration. The Coronavirus Disease 2019 (COVID-19) poses a serious threat to the health of the City of Fruitland Park residents and visitors and that a local state of emergency is declared effective immediately.

Section 2. Effective Date; Duration. The Local State of Emergency will remain in effect with the City of Fruitland Park for seven (7) days from the date hereof and may be extended by Executive Order as necessary in seven (7)-day increments.

Section 3. Waiver of Procedures and Formalities Otherwise Required. Due to the Local State of Emergency and effective immediately, all the city's regulations prescribing procedures for the conduct of city business, if strict compliance would hinder necessary action in coping with the emergency, are hereby suspended and procedures shall be at the direction of the city manager.

Section 4. City Manager Responsibilities. The city manager shall provide overall coordination pertaining to the performance of public work and taking whatever prudent action necessary to ensure the health, safety and welfare of the community.

Section 5. Alterations and Rescission. This declaration of a local state of emergency may be altered or rescinded either by the issuance of a subsequent executive order or by an appropriate resolution of the City of Fruitland Park City Commission.

Dated this 19<sup>th</sup> day of March 2020.

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Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

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**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5b**

<b>ITEM TITLE:</b>	CITY ATTORNEY REPORT
<b>For the Meeting of:</b>	March 26, 2020
<b>Submitted by:</b>	City Attorney
<b>Date Submitted:</b>	March 19, 2020
<b>Funds Required:</b>	None
<b>Attachments:</b>	None
<b>Item Description:</b>	City Attorney Report

**Notice of Claim: James Hartson:** No developments to report. The civil allegation complained of allegedly would have occurred April 21, 2016.

**City of Fruitland Park v. T.D. Burke:** On March 19, 2020 the city issued First Set of Admissions directed to Defendant T. D. Burke and First Request for Production to Defendant T. D. Burke. Responses are due within 30 days.

**City of Fruitland Park v. State of Florida – Department of Management Services:** On December 26, 2019, as previously reported, Mr. Thomas filed the petition on behalf of the city. Additional information will be provided as available. If you have any questions, please call my office.

**Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104:** Plaintiffs filed a two-count complaint against the city alleging negligence and breach of fiduciary duty. Plaintiffs seek in excess of \$600,000.00. The lawsuit arises from the FRS retirement program. The city's insurance carrier has assigned attorney Thomas to defend the city in this action. On February 26, 2020, Mr. Thomas, on behalf of the city, filed a Motion to Dismiss to complaint. A hearing on the motion has not yet been scheduled. On March 11, 2020, the city received discovery requests, interrogatories and request for documents. The City is currently preparing responses.

<b>Action to be Taken:</b>	N/A
<b>Staff's Recommendation:</b>	N/A
<b>Additional Comments:</b>	N/A
<b>City Manager Review:</b>	N/A
<b>Mayor Authorization:</b>	N/A

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR LAKE COUNTY, FLORIDA

CITY OF FRUITLAND PARK,  
a Florida municipality,

Plaintiff,

vs.

CASE NO.: 2019-CA-001894

T.D. BURKE, individually,

Defendant.

---

**FIRST SET OF ADMISSIONS DIRECTED TO DEFENDANT T. D. BURKE**

Plaintiff, CITY OF FRUITLAND PARK, by and through its undersigned counsel and pursuant to Rule 1.370 of the *Florida Rules of Civil Procedure*, hereby requests that Defendant, T.D. BURKE, admit or deny the following in writing, within thirty (30) days from the date of the Certificate of Service. Matters will be deemed admitted unless specific objections or denials are filed in the matter set forth by the *Florida Rules of Civil Procedure*. If Defendant can admit only part of the matter upon which the admission is requested, it shall specify as much of it as true and shall deny or give reasons why the remainder cannot be admitted or denied.

1. Admit that on April 18, 2012 Burke's Bar-B-Q Co. was not a Florida corporate entity or foreign entity filed with the State of Florida, Department of State, Division of Corporations.

2. Admit that on April 18, 2012 Burke's Bar-B-Q Co. was not a fictitious name filed with the State of Florida, Department of State, Division of Corporations.

3. Admit that on April 18, 2012 you were the owner of the property described in the Agreement.

4. Admit you did not pay water impact fees to the City of Fruitland Park described in the Agreement.

5. Admit you did not pay wastewater impact fees to the City of Fruitland Park described in the Agreement.

6. Admit no person or entity paid water impact fees to the City of Fruitland Park described in the Agreement.

7. Admit no person or entity wastewater impact fees to the City of Fruitland Park described in the Agreement.

8. Admit that the property described in the Agreement is not connected to the City of Fruitland Park's water system.

9. Admit that the property described in the Agreement is not connected to the City of Fruitland Park's wastewater system.

**Definitions:**

When relevant or when used above, refer to the following definitions:

- **Agreement:** Developer Agreement recorded in Official Record Book 5183, Page 1503, of the Public Records of Lake County, Florida, and attached as Exhibit A to the Verified First Amended Complaint in the above-styled case.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Florida Courts E-filing Portal this 19<sup>th</sup> day of March, 2020 which will furnish a copy to all parties and/or attorney(s) of recording including, Lindsay C.T. Holt, Esq. at [lholt@cmhlawyers.com](mailto:lholt@cmhlawyers.com), [lhitt@cmhlawyers.com](mailto:lhitt@cmhlawyers.com), and [service@cmhlawyers.com](mailto:service@cmhlawyers.com).

**s/Anita Geraci-Carver**  
Anita Geraci-Carver  
Florida Bar No. 061115  
Law Office of Anita Geraci-Carver, P.A.

1560 Bloxam Avenue  
Clermont, Florida 34711  
Telephone 352-243-2801  
Facsimile 352-243-2768  
[anita@agclaw.net](mailto:anita@agclaw.net)  
[sheila@agclaw.net](mailto:sheila@agclaw.net)  
Attorney for Plaintiff

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR LAKE COUNTY, FLORIDA**

CITY OF FRUITLAND PARK,  
a Florida municipality,

Plaintiff,

vs.

CASE NO.: 2019-CA-001894

T.D. BURKE, individually,

Defendant.

---

**FIRST REQUEST FOR PRODUCTION TO DEFENDANT**

Plaintiff, pursuant to Rule 1.350, *Florida Rules of Civil Procedure* (2020), by and through its undersigned attorney, hereby requests Defendant, or someone acting on his behalf, produce the following documents for inspection and copying at the Law Office of Anita Geraci-Carver, P.A., 1560 Bloxam Avenue, Clermont, Florida 34711, or some other mutually agreeable location, within thirty (30) days of service of this request.

**SEE ATTACHED SCHEDULE "A"**

Pursuant to Rule 1.350(b), *Florida Rules of Civil Procedure* (2020), the producing party must produce documents as they are kept in the usual course of business or identify them to correspond with the categories in the request.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Florida Courts E-filing Portal this 19<sup>th</sup> day of March, 2020 which will furnish a copy to all parties and/or attorney(s) of recording including, Lindsay C.T. Holt, Esq. at [lholt@cmhlawyers.com](mailto:lholt@cmhlawyers.com), [lhitt@cmhlawyers.com](mailto:lhitt@cmhlawyers.com), and [service@cmhlawyers.com](mailto:service@cmhlawyers.com).

**s/Anita Geraci-Carver**  
Anita Geraci-Carver  
Florida Bar No. 061115

Law Office of Anita Geraci-Carver, P.A.  
1560 Bloxam Avenue  
Clermont, Florida 34711  
Telephone 352-243-2801  
Facsimile 352-243-2768  
[anita@agclaw.net](mailto:anita@agclaw.net)  
[sheila@agclaw.net](mailto:sheila@agclaw.net)  
Attorney for Plaintiff



## DEFINITIONS

When relevant or when used in the following schedule, refer to the following definitions or instructions:

The term “**all documents**” means every document or group of documents for communication known to you and every such document or communication, which can be located or discovered by reasonably diligent efforts, including, but is not limited to, all paper materials of any kind, whether written, typed, printed, punched, filmed or marked in any way; recording tape or wires, film, photographs, movies or any graphic matter however produced or reproduced; electronic data, and all mechanical or electronic sound recordings or transcripts thereof.

The term “**you**” and “**your**” means the party to whom these document requests are addressed, including the party’s members, officers, employees and agents and all other persons acting or purporting to act on the party’s behalf.

As used herein, the singular and masculine forms of noun and pronoun shall embrace, and be read and applied as, the plural or feminine or neuter, as circumstances may make appropriate.

The words “**and**” and “**or**” shall be construed either synonymously or as is necessary to bring within the scope of these requests any information which might be construed to be outside their scope.

The term “**document(s)**” refers to any and all items that are in your actual or constructive possession or custody, or which are under your control, or to which you have access, and means the original and each non-identical copy, whether different from the original because of marginal notes or other material inserted therein or attached thereto or otherwise, and drafts and both sides thereof, of any written, printed, recorded, or graphic matter, however produced or reproduced, of any kind of description, whether sent or received or neither, including, but not limited to: papers, books, letters, correspondence, e-mail, text messages, telegrams, cables, telex messages, memoranda, communications, notes, invoices (including all bills and statements of account), credit memos, notations, work papers, transcripts, minutes, minute books, stock books, stock certificates, stock records, corporate resolutions, reports and recordings of telephone or other conversations or of interviews or of conferences or other meetings, affidavits, statements, manuscripts, media articles, legal papers, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, ledgers, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulation, sound recordings, computer printouts, data processing input and output, microfilms, photographs, motion pictures, maps, charts, accounts, financial statements and reports, and all other records kept by electronic, photographic, or mechanical means, and things similar to any of the foregoing, however denominated.

Wherever in the following document the request is made to identify a “**person**,” the term “**person**” includes individuals, corporations, partnerships, and other unincorporated associations; and “**identify**” means to supply the name and last known business and home address.

The term “**produce**” means to make available the documents or things requested herein for inspection and copying, or to provide copies at a reasonable charge, and to separate such documents into categories to correspond with the numbered paragraphs of this Request.

### INSTRUCTIONS

Each paragraph below shall operate and be construed independently, and, unless otherwise indicated, no paragraph limits the scope of any other paragraph.

**CLAIM OF PRIVILEGE:** Identify every document requested herein that is withheld from production on any claim of privilege, work product or other immunity from production and for each such document state:

- a. the specific basis on which the document is being withheld;
- b. the names of any and all persons who have seen the document;
- c. the date and subject matter of the document;
- d. the location of the document;
- e. the custodian of the document;
- f. the author(s) or preparer(s) of the document;
- g. the recipient(s) of the document; and
- h. the persons who were furnished copies of the document.

Unless otherwise specified, the documents produced for inspection shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the paragraphs set forth below.

The obligation to produce the documents requested herein is intended to be of a continuing nature so that if at any time after compliance with this request, you should acquire possession, custody or control of any additional documents within the scope hereof, except to the extent such documents are obtained by discovery in the public record of this case, you must furnish such documents as soon as is practicable.

To the extent that you consider any of the following requests, or portions thereof, objectionable, separately state which part is objected to and the ground(s) for each objection.

When identification of a document is required, your response should include such information as is sufficient to enable Defendant to form an intelligible request for production of such a documents with the degree of specificity required by Florida Rule of Civil Procedure 1.350, and

if no copy of the document(s) identified is in your possession, custody or control, identify the name and address of the present custodian of the document or copy thereof.

When a statement of the date or time of an occurrence or given event is required and the exact date or time is not known, your response should state the approximate date or time and indicate clearly that the response is an approximation.

When a description of a place or location is required, your response should include the complete street address, including postal zip code, the name of the person or entity occupying such address and, when applicable, the room, suite or floor number.

If you assert that any document which is requested has been destroyed, set forth the contents of the document, the date of such destruction and the name of the person who authorized or directed such destruction.

If any of the documents cannot be produced in full, produce to the extent possible, and specify the reason for your inability to produce the remainder.

**SCHEDULE "A"**  
**DOCUMENTS TO BE PRODUCED**

1. Any and all documents supporting the existence of a corporate entity named Burke's Bar-B-Q, including but not limited to the date of incorporation, officers, directors, registered agent, address, status between April 18, 2012 thru and including March 1, 2020.
2. Any and all receipts, canceled checks, or other documents demonstrating payments between April 18, 2012 through and including March 1, 2020 to the City of Fruitland Park for water and/or wastewater impact fees under the terms of the Developer Agreement recorded in Official Record Book 5183, Page 1503, of the Public Records of Lake County, Florida, and attached as Exhibit A to the Verified First Amended Complaint in the above-styled case.
3. Any and all documents regarding this lawsuit on which Defendant relies to support Defendant's denial of allegations set forth in Plaintiff's Verified First Amended Complaint.
4. Any and all documents regarding this lawsuit on which Defendant relies to support Defendant's affirmative defenses set forth in Defendant's Answer and Affirmative Defenses to Plaintiff's Verified First Amended Complaint and Demand for Attorneys' Fees and Costs.

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 6**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	March 26, 2020
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	March 17, 2020
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, Resolution 2013-023, Public Participation Policy

**Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**Action to be Taken:** **None**

**Staff's Recommendation:** N/A

**Additional Comments:** N/A

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2013 -023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1.        Citizen's Rights

(a)        Definition.        For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b)        Right to be Heard:        Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1.        An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2.        An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3.        A meeting that is exempt from §286.011; or
4.        A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2.        Suspension and Amendment of these Rules

(a)        Suspension of these Rules:        Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b)        Amendment of these Rules:        These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

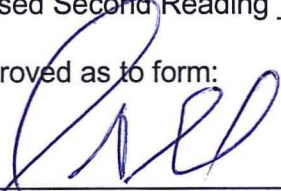
ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney