

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

February 11, 2021

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 – Reverend Sidney S. Brock Jr., Heritage Community Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. PROCLAMATION - February 28, 2021 *Connie Dooley Day*

Proclamation honoring Connie Dooley's 10-Year Anniversary, Community United Methodist Church.

4. CONSENT AGENDA

Approval of Minutes - January 28, 2021 Regular meeting

5. REGULAR AGENDA

(a) Resolution 2021-003 Community Center Rental Agreement (city attorney/city manager/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FRUITLAND PARK COMMUNITY CENTER RESERVATION REQUEST AND RENTAL AGREEMENT INCLUSIVE OF THE FACILITY RENTAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

(b) Northwest Lake Community Park Multipurpose Soccer Field Sidewalk Quotes (city manager/parks and recreation director)

Consider the selection and approval of staff's recommendations on the following sidewalk quotes:

- Bay to Bay
- Hambricks Building Services Inc. and
- J & C Gardiner Concrete Inc.

PUBLIC HEARING

- (c) **First Reading and Public Hearing – Ordinance 2021-002 Alcoholic Beverages Consumption Policy** (city attorney/city manager/parks and recreation director)

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 25, 2021.)

6. (a) **City Manager**
- i. **Economic Development Status Update**
 - ii. **COVID-19 Status Update**
 - iii. **Community Development Department Proposed Location**
 - iv. **2021 City Events Status Update**
 - v. **2021 Workshops**
- (b) **City Attorney**
- i. **City of Fruitland Park v. State of Florida Department of Management Services**
 - ii. **Michael and Laurie Fewless v. City of Fruitland Park**
 - iii. **Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**

7. **UNFINISHED BUSINESS**

8. **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.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner DeGrave

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- February 12, 2021, Lake County League of Cities, *Annual Planning Meeting and Lake County COVID-19*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- February 24, 2021, Lake~Sumter Metropolitan Planning Organization Governing Board Virtual at 2:00 p.m., and
- February 25, 2021, City Commission Regular at 6:00 p.m.

- March 11, 2021, City Commission Regular at 6:00 p.m.;
- March 18, 2021, City Commission/Planning and Zoning Joint Workshop (tentative) at 6:30 p.m.;
- March 25, 2021, City Commission Regular at 6:00 p.m., and
- March 27, 2021, Fruitland Park Day and Annual BBQ Cook-off

- April 8, 2021, City Commission Regular at 6:00 p.m., and
- April 22, 2021 City Commission Regular at 6:00 p.m.

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

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
AGENDA ITEM SUMMARY SHEET
Item Number: 3

ITEM TITLE:	Proclamation
For the Meeting of:	February 11, 2021
Submitted by:	City Clerk
Date Submitted:	January 26, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Proclamation

Item Description: **Proclamation *Connie Dooley Day*** – 10-year anniversary at Community United Methodist Church.

Action to be Taken: **None**

Staff's Recommendation: N/A

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes



Proclamation

WHEREAS, Connie Dooley started her accounting career working 27 years as an accounting manager at Cosco Inc. and a senior accountant for 10 years at Kiel Brothers Oil Co in Columbus Indiana; and

WHEREAS, with the Community United Methodist Church being adjacent to Fruitland Park Elementary School and The Villages retirement community nearby, Connie moved to Florida and began her position with the church on February 25, 2011 as treasurer; and

WHEREAS, Connie has been serving, with her husband Dale, and have been involved with the intergenerational connection in the community; and

WHEREAS, due to Connie's wealth of knowledge, she has been relied upon as the go-to person and is highly regarded as a role model where she leads by example; and

WHEREAS, Connie is well respected by her co-workers as a meticulous and dedicated hard worker; known by her peers as a kind-natured quiet achiever, and admired by those who know her best as someone with a generous and caring sprit and a great sense of humor; and

WHEREAS, Ms. Dooley's dedication and reliability exemplifies her as she is the first to volunteer to provide assistance on any project or event and contribute and help those who are less fortunate in the community; and

WHEREAS, Connie's behind-the-scenes character and willingness to go above and beyond has not gone unnoticed;

Now, therefore, be it proclaimed that I "Chris Cheshire, Mayor of the City of Fruitland Park, Florida", on behalf of the city commissioners, do hereby proclaim Sunday, February 28, 2021 as "**Connie Dooley Day**" in **Fruitland Park** and ask our citizens to join together to celebrate and thank Connie for her 10 years of devoted service and commitment at the Community United Methodist Church.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Fruitland Park to be affixed this 11th day of February 2021.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

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

ITEM TITLE:	Draft Regular Meeting Minutes
For the Meeting of:	February 11, 2021
Submitted by:	City Clerk
Date Submitted:	February 4, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	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.

- January 28, 2021 regular meeting

Action to be Taken: Approve the consent agenda.

Staff's Recommendation: Approve the meeting minutes as submitted if there are no corrections.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

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

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

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

Member Absent: Commissioner Patrick DeGrave

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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

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

2. ROLL CALL

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

Mayor Cheshire announced the following agenda changes:

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

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

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

3. CONSENT AGENDA

Approval of Minutes

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

ACTION: 6:02:02 p.m. **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) Resolution 2021-001 – Police Department Insurance Reimbursement

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE INSURANCE PROCEEDS REVENUE BUDGET AND THE POLICE VEHICLE REPAIR EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

(b) Lien Foreclosure Program Discussion

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

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

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

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

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

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

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

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

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

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

ii. **Resolution 2021-002 – Lien Foreclosure Program**

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

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

(c) Vac-Tron Proposal

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

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

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

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

PUBLIC HEARING

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

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2021-001, Ms. Geraci-Carver read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK REDEVELOPMENT PLAN TO INCLUDE ADDITIONAL PROJECTS AND EXTEND THE SUNSET DATE TO 2055; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND SETTING FOR AN EFFECTIVE DATE.
(The first reading was held on January 14, 2021.)

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

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

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

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

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

By unanimous consent, Mayor Cheshire closed the public hearing.

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

END OF PUBLIC HEARING

6. (a) City Manager

i. Economic Development Status Update

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

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

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

ii. COVID-19 Status Update

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

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

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

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

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

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

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

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

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

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

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

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

v. **City Events**

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

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

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

vi. Fruitland Park Fire Department Severance Program

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

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

vii. Conceptual Floor Plan and Evaluations – WWTP Building – GatorSkтч

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

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

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

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

(b) City Attorney

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

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

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

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

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

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

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

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

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

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

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

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

7. UNFINISHED BUSINESS

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

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

8. PUBLIC COMMENTS

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

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

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

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

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

(b) Commissioner DeGrave

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

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

(c) Commissioner Bell

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

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

(d) Vice Mayor Gunter, Jr.

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

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

10. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following dates:

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

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

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

11. ADJOURNMENT

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

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

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

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

ITEM TITLE: Resolution 2021-003 Community Center Rental Agreement
For the Meeting of: February 11, 2021
Submitted by: City Attorney/City Manager/Community Development Director
Date Submitted: February 3, 2021
Funds Required: No
Attachments: Proposed resolution and agreement

Item Description: Resolution 2021-003 Community Center Rental Agreement with reservation and alcohol request form.

Action to be Taken: Adopt Resolution 2021-003

Staff's Recommendation: Approval.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-003

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FRUITLAND PARK COMMUNITY CENTER RESERVATION REQUEST AND RENTAL AGREEMENT INCLUSIVE OF THE FACILITY RENTAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City converted the former library building into the Fruitland Park Community Center making substantial improvements; and

WHEREAS, the Fruitland Park Community Center is available for rental by residents, non-residents and businesses; and

WHEREAS, the City Commission seeks to ensure the Fruitland Park Community Center is well maintained and that users of the facility are responsible for damages they or their guests may cause; and

WHEREAS, it serves a municipal purpose to utilize a reservation request and rental agreement for its use and the City Commission wishes to approve same.
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Fruitland Park Community Center Reservation Request and Rental Agreement inclusive of the Facility Rental Agreement, **a copy of which is attached hereto**, is approved for use by the City.

Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this _____ day of _____, 2021, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR
SEAL

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

FRUITLAND PARK COMMUNITY CENTER RESERVATION REQUEST AND RENTAL AGREEMENT

205 W. Berckman Street
Fruitland Park, Florida 34731
352-360-6734

Applicant Information:

NAME OF INDIVIDUAL/ORGANIZATION: _____
CONTACT PERSON: _____
ADDRESS: _____
CITY: _____ ZIP: _____ PHONE: _____

Event Information:

DATE REQUESTED: _____
START TIME: _____ END TIME: _____
ESTIMATED ATTENDANCE: _____
BRIEF DESCRIPTION OF EVENT:

WILL FOOD BE SERVED? YES _____ NO _____

IF STAFF SETUP IS DESIRED- ATTACH A SKETCH OF DESIRED ROOM SETUP: (\$50.00 set up fee)

By signing this agreement, I agree to indemnify and hold the City of Fruitland Park free and clear of all claims of damage for injury to persons or property occurring in and arising from my use of the facility or park as noted above, and to defend any action against the City of Fruitland Park resulting from any such claim, without cost to the city. I have read, understand, and will comply with the facility rental agreement rules and regulations and agree to adhere to any additional conditions set forth. I certify that I have read the facility rental agreement thoroughly, followed any and all instructions, understand its contents, and supplied true and correct information herein to the best of my knowledge and belief.

APPLICANT SIGNATURE: _____

PRINT NAME: _____

DATE: _____

FRUITLAND PARK COMMUNITY CENTER FEE SCHEDULE

Cleaning Fee - \$50.00, if required
Refundable damage deposit - \$150.00
Setup fee (if requested) - \$50.00

Resident/Utility Customer Rate
Monday – Friday - \$75.00 per hour
Saturday – Sunday \$125.00 per hour

Non-Resident Customer Rate
Monday – Friday - 100.00 per hour
Saturday – Sunday \$175.00 per hour

Payment in full, including damage deposit must be paid at least fourteen (14) days prior to the event. The deposit will be refunded less the cost of cleanup and/or repairs for damages to the facility. If applicant is delinquent in any payment to the city, the unpaid balance(s) must be brought current before applicant may reserve use of the Fruitland Park Community Center. Deposit will be forfeited if the applicant fails to notify the city of cancellation per facility rental agreement policy.

OFFICE USE			
Applicant Name: _____			
Deposit: _____	<input type="checkbox"/> Credit	<input type="checkbox"/> Cash	<input type="checkbox"/> Check # _____
Rental Fee: _____	<input type="checkbox"/> Credit	<input type="checkbox"/> Cash	<input type="checkbox"/> Check # _____
Additional Fees: _____	<input type="checkbox"/> Credit	<input type="checkbox"/> Cash	<input type="checkbox"/> Check # _____

FRUITLAND PARK COMMUNITY CENTER FACILITY RENTAL AGREEMENT

INTENT:

The intent of the City of Fruitland Park is to adopt uniform policies and procedures concerning the rental of certain city facilities. The city recognizes the use of the facilities by individuals, businesses, non-profit organizations, and public agencies who serve an important role in enhancing the quality of life within our community. In order to responsibly allocate city resources

and to protect the public's safety and well-being, it is necessary to regulate the use of city facilities and related services with the use of public property. The facilities, subject to the policies and procedures set forth, are inclusive of the following:

Facility Address

Fruitland Park Community Center
205 W. Berckman St. Fruitland Park, FL 34731

RULES AND REGULATIONS:

As a condition of the facility rental the individual, business, organization or agency shall be provided with a copy of these rules and regulations, and the applicant shall sign a copy of these rules and regulations acknowledging receipt and understanding of such agreement to abide by the rules and regulations set forth herein. The city manager or designee has the right to terminate use of the facility if when the use endangers the health, welfare, or safety of the public or participants, or when damage is being caused to the facility.

RESERVATIONS, FEE PAYMENTS, AND FACILITY RENTAL AGREEMENT:

All reservations for use of the facility shall be through the parks and recreation department office (located at the Fruitland Park Community Center) between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A facility rental agreement is required to be signed by the applicant and kept on file in the parks and recreation department. A facility rental agreement will need to be submitted prior to renting the community center. A security deposit (see security deposit section) must accompany the facility rental agreement to guarantee the date requested. Reservations are processed on a first-come, first-served basis. Upon execution of the facility rental agreement and payment of the applicable deposits, the facility shall be considered reserved by the applicant.

Reservations will be accepted **up to fourteen (14) days in advance**.

The facility rental agreement is valid only upon the applicant's signature and after the city is in receipt of all fees due.

The facility rental agreement may not be entered into by anyone under the age of 18. If alcohol will be present (where approved by the city by separate application), the applicant must be 21 years of age or older. The applicant whose name appears on the facility rental agreement will be held responsible for all damages and excessive cleanup fees incurred during the use of the facility as stated herein.

For businesses, corporations, non-profit organizations, and other similar entities, the applicant must affirm that he or she has the express authority to enter into the facility rental agreement.

Applicant and its attendees are required to comply with all city, county and state laws and regulations. Failure to comply with any city, county or state law or regulation may result in the termination of the facility rental agreement and immediate expulsion from the premises.

Any breach of these rules and regulations shall constitute a forfeiture of all fees paid by the applicant for the use of the facility, whether applicant used the facility or not. In the event of a breach by applicant, the city may deny applicant's use of the facility or terminate its use early, despite applicant's reservation and payment of fees.

Any activity taking place within the facility must be conducted in accordance with the law. No applicant may use the facility as a church or place of worship. This is not to preclude a religious organization from renting the facility.

CANCELLATIONS:

The rental fee and security deposit may be refunded to the applicant to cancel the reservation no later than fourteen (14) calendar days prior to the reservation date.

SECURITY DEPOSITS:

The security deposit will be refunded to the applicant if the facility is left in reasonably the same condition as it was found, and the applicant has met its cleaning obligation as stated herein. The applicant shall be liable for any and all damage caused to the facility or any real or personal property located thereon or therein. Damage shall include loss or theft during the rental. Costs due to damages to the facility, contents, or grounds as well as excessive cleaning will be deducted from applicant's security deposit. In the event the damage exceeds the deposit amount, the applicant will be billed and shall be responsible to make payment within ten (10) days of the date of the bill. The security deposit will be used to recover all actual costs incurred due to damages or excessive cleaning as stated herein. Any remaining security deposit shall be returned to the applicant within thirty (30) days following the event.

RENTAL PERIOD AND PRE AND POST CHECKLIST:

The facilities are available seven days per week between the hours of 7:00 a.m. and 12:00 a.m. midnight. However, the city reserves the right to limit the days and hours of availability of any facility at its discretion. The minimum rental period during 'weekend rentals' (Saturday - Sunday) is two (2) hours. Additional time is charged on a per-hour basis as established in the fee schedule. Rental period includes the time required for setting up of tables and chairs, decorating, and other set ups, and cleanup of the facility. All time used beyond the paid rental period will be deducted from the security deposit prior to refund. Each renter must sign a pre- and post-event walk-through with a city staff member. Any discrepancies are to be noted in writing on the pre- and post-checklist and should include discrepancies such as damages, areas and items not cleaned properly, or requiring additional cleaning, etc. Anything noted after the renter's usage including damages or items or areas requiring additional cleaning by the City of Fruitland Park's cleaning staff will be deducted from applicant's security deposit. To be courteous to others, who may have rented the facility afterwards, the outside of the facility and parking lot shall be cleared of people and vehicles immediately following the reservation.

ON-SITE STAFF AND POLICE OFFICER:

A city staff person may be on-site during the rental to ensure the applicant's compliance with stated policies. In the event a city staff person will not be on-site during the rental, the applicant will be provided with a phone number of an on-call staff person to assist the applicant as needed. The city reserves the right, at its sole discretion, to require the presence of a police officer for security purposes. If the city determines the presence of a police officer is necessary to protect the public's health and safety, the applicant shall be responsible for the additional fees associated with the police officer's time in accordance with the adopted fee schedule. City staff and/or police officer have the authority to eject individuals for rowdy, destructive, or inappropriate behavior and to immediately terminate the facility rental agreement.

ALCOHOL (PERMISSIBLE ONLY AT THE FRUITLAND PARK COMMUNITY CENTER):

The consumption, sale, or distribution of alcoholic beverages is permissible only within the Fruitland Park Community Center by persons over the legal drinking age of 21 years old. Alcohol is prohibited at all other facilities and outside the facility.

ALCOHOL WAIVER:

No alcoholic beverages may be sold or consumed in the facility or on the premises without an Alcoholic beverage permit issued by the city, unless otherwise approved by the city commission or its designee for small groups of less than thirty (30) persons. Application for such a permit shall be made through the parks and recreation department and approved by the city manager.

ALCOHOL CONSUMPTION, SALE OR DISTRIBUTION:

Alcoholic beverages may not be consumed, sold or distributed without compliance with all of the following:

Any person or entity serving or selling alcohol at the facility must provide liquor liability insurance for every event when alcohol is served.

Any entity serving or selling alcohol at the facility must have an alcoholic beverage permit issued by the State of Florida and provide a copy of it to the City of Fruitland Park.

At any function where alcohol is to be sold at the facility, the applicant must provide the city with proof of a minimum \$1 million general liability insurance coverage with the City of Fruitland Park named as a co-insured and liquor liability insurance with a minimum coverage of \$1 million with the City of Fruitland Park named as the co-insured. The provision of such insurance shall not be deemed as a waiver of the city's sovereign immunity.

TRAFFIC AND PARKING:

Caution must be taken to prevent harm to pedestrians and/or damage to vehicles. Applicant and their guests must obey all traffic signs and adhere to Florida traffic laws. Applicant and guests are required to park in designated parking areas only. Blocking of entrance ways, drop off areas, and loading areas are prohibited. Congregating, loitering, or lingering in the parking area are prohibited.

FOOD SERVICE AREA FACILITIES:

Cooking is not allowed in the facility unless within a microwave oven. Wall ovens are for warming purposes only. All food should be prepared prior to the rental. Applicant must provide all items needed for serving and for proper cleanup. The city does not provide pots, pans, potholders, cups, glasses, plates, utensils, or other preparation and serving items.

DECORATIONS, SIGNS AND OTHER SIMILAR MATERIALS:

Decorations, signs, and other similar materials are permissible and may be attached to the walls. However, damage to the walls due to the use of tape or other adhesives, nails, tacks, screws, staples or similar articles on interior or exterior surfaces is strictly prohibited. The hanging of any items from the ceiling in any facility is prohibited. City-owned items shall not be removed from the facility or from the walls, including but not limited to pictures, notices, seasonal decorations, artificial flowers and plants, small tables, lamps, etc. No glitter and/or confetti allowed.

PROHIBITED ACTIVITIES AND ITEMS:

The following activities and items are strictly prohibited: possession, distribution, or use of illegal drugs; use of tobacco products; candles; animals and pets; weapons of any kind; gambling; horseplay and other activity which may cause injury; sitting or standing on tables or chairs; and any other activity which the city deems inappropriate.

APPLICANT CLEANUP RESPONSIBILITIES:

No extra time will be allotted at the end of the rental period for cleanup. Applicant acknowledges the facility MUST be vacated and cleaned by the time the rental period ends. If not, then the security deposit may be used to cover this additional expense. Times listed in the facility rental contract must include set-up and clean up. The applicant is responsible for the following cleanup:

REMOVAL OF PERSONAL ITEMS: The applicant is responsible for the removal of all items brought into the facility. It is not the city's responsibility to return left-over items to the applicant and the city bears no responsibility for lost items.

TRASH AND WASTE: All trash and waste are to be properly disposed of. The city provides trash cans with liners the applicant may use. All trash cans are to be emptied and trash bags placed into the dumpster located at the facility. Liners are to be placed in the trash cans for use by the next user of the facility.

TABLES AND CHAIRS: All tables and chairs utilized by the applicant must be washed and stacked as they were found unless setup fee was paid. If setup fee was paid by applicant, then applicant must wash the tables and chairs but is not responsible for stacking.

FOOD SERVICE EQUIPMENT: All microwaves, refrigerators, freezers, ovens, stovetops, sinks, counter tops, and other similar items must be wiped down and cleaned.

FACILITY ROOM: All rooms including the restrooms are to be free of debris and wiped cleaned.

EXTERIOR AREAS – GROUNDS & PARKING: All areas utilized must be cleaned up before leaving, including the entrance road, walkways, grass areas, park areas, parking, travel ways, and other areas accessible to the applicant and guests.

ADDITIONAL APPLICANT RESPONSIBILITY:

Applicant is responsible for the conduct and actions of his/her/its guests and for controlling their behavior in and around the facility. This includes prohibiting horseplay and running in any of the rooms, to keep children under control at all times, and to keep guests and children out of any areas not included in the reserved area(s). To report any damages or malfunctions to the on-site city staff member or posted staff contact number as soon as it occurs or is discovered. To abide by the maximum occupancy rates set by the fire marshal for any/all rooms rented by user. For obtaining all necessary licenses and permits, and for paying all taxes, which may be required. To comply with all normal safety practices, as all risky, dangerous, or illegal undertakings are strictly prohibited.

CITY OF FRUITLAND PARK'S RIGHTS AND DISCRETIONS:

It is the City of Fruitland Park's right:

To refund, cancel, or reschedule a reservation if an emergency situation arises.

To accept or reject any applicant from renting any of the city's facilities, however, such rejection shall not be for any discriminatory reason and to reject any items applicant requests to bring into the facility or onto the premises, and to terminate the facility rental agreement with just cause. "Just Cause" shall mean, in the city's sole discretion, any act or action which may damage the property, create a nuisance, violate city codes, state or federal law, or which creates a danger or risk to the public, and to remove from the premises any individual or group due to damage to the facility, disturbing the peace or disruptive or inappropriate behavior, and, to refuse future bookings to individuals or groups that have been expelled from a facility or caused damage to a facility.

To request the renter to pay for the presence of a police officer for such events that may warrant the need for the additional security measures, such as but not limited to large parties, proms, dances, and events where alcohol is served.

To have city-sponsored programs, events, activities, and classes have priority over all other requests for use. All other rental events may be scheduled on a date that does not conflict with a city event.

To require the renting organization or individual to provide comprehensive general liability insurance in an amount specified by the human resource director if the city deems it necessary, with City of Fruitland Park listed as "additional insured" and an original copy of the insurance certificate provided, if insurance is necessary. The City of Fruitland Park, its officials, agents, and employees, are not responsible and will not be held liable for loss or damage to personal property or accidents, personal injury, or death that occurs by the negligence of others during the use of the facility. Any accident or injury must be reported to the human resources director IN WRITING within twenty-four (24) hours. Rental to groups composed primarily of minors as guests (under the age of 18) will be issued only to adults over the age of 25 who accept responsibility for supervising the minors throughout the rental period. The city reserves the right to require chaperones at its sole discretion. The city has the discretion to block out time periods between rentals to allow for cleanup and to limit the days and hours of the rental period due to holidays.

DISCLAIMER:

By signing, I acknowledge receipt of the Fruitland Park Facility Rental Agreement and agree to fully comply with the requirements set forth. Further, I agree to pay the hourly community building rental rate on the Fruitland Park Community Center Fee Schedule Form, as indicated for my reservation time; in addition to, a cleaning fee of fifty dollars (\$50.00) if the room is not returned to its original state upon departure. **In order to cancel a reservation, you must cancel in writing within the time frame stated in the cancellation policy within the facility rental agreement.** By signing, I also hereby release, waive, and give up any and all claims, known and unknown, that I may now or later have against the city, its officers, agents, employees, or representatives related to any act, omission, statement or occurrence related to my use of the Fruitland Park Community Center as provided for herein. I further agree to indemnify and hold harmless the city, its officers, employees or representatives against any claims, including without limitation, damages, demands, expenses, fees, fines, penalties, suits, proceedings, actions and cost of actions including attorneys' fees for trial and on appeal of any kind and nature arising or in any way connected to my use of the Fruitland Park Community Center. Without limiting the foregoing, I acknowledge that this waives my right to recover damages from city and the other persons listed herein even if due to city's negligence or recklessness.

APPLICANT SIGNATURE: _____

PRINT NAME: _____

DATE: _____

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

ITEM TITLE: Northwest Lake Community Park Multipurpose Soccerfield Quotes
For the Meeting of: February 11, 2021
Submitted by: City Manager/Parks and Recreation Director
Date Submitted: February 2, 2021
Funds Required: Yes (see below)
Attachments: Proposals

Item Description: Northwest Lake Community Park Multipurpose Soccerfield - review and select and award the following quotes for sidewalks:

- Bay to Bay (recommended) \$16,200
- Hambricks Building Services Inc \$17,200. and
- J & C Gardiner Concrete Inc. \$10,675

Action to be Taken: Approval.

Staff's Recommendation: Accept staff's recommendation.

Additional Comments: Lake County funding of \$50,000 (see Resolution 2020-055 adopted on September 10, 2020 -- fourth amendment to the interlocal agreement)

City Manager Review: Yes

Mayor Authorization: Yes

From: [Michelle Yoder](#)
To: [Esther Coulson](#)
Subject: FW: concrete quotes for soccer field
Date: Tuesday, February 2, 2021 10:18:09 AM
Attachments: [2021 Fruitland Park Soccer Field .pdf](#)
[EST48.pdf](#)
[image001.png](#)
[image002.png](#)

Bay to Bay quote 16,200

On Mon, Nov 2, 2020 at 1:43 PM Chris Henry <chrishenrybaytobay@gmail.com> wrote:

BAY TO BAY CONSTRUCTION

526 WEST MIRROR LAKE DRIVE, FRUITLAND PARK, FLORIDA. 34731

CHRIS HENRY

352-551-7512

THIS PROPOSAL INCLUDES LABOR AND MATERIALS

INCLUDES GRADING FOR NEW FIVE FOOT WIDE SIDEWALK APPROXIMATELY 210 LNFT. FORM, PLACE AND FINISH.

TOTAL: \$8,050.00

PROPOSAL FOR SIDEWALK ON OTHER SIDE OF SOCCER FIELD

INCLUDES GRADING, FORMING, PLACE AND FINISH.

TOTAL: \$8,000.00

IF BOTH SIDEWALKS ARE DONE AT SAMETIME

TOTAL:\$14,000.00

PRICE TO FINAL GRADE AND ONE LOAD OF ASPHALT MILLINGS AFTER SIDEWALK IS DONE.

TOTAL: \$1,000.00

PRICE FOR REMOVING AND RESETTING PARKING BUMPERS

TOTAL:\$1,200.00



Michelle Yoder
Recreation Director

City of Fruitland Park

OFFICE: 352-360-6734
MOBILE: 352-516-9149
EMAIL: myoder@fruitlandpark.org
WEB: Fruitlandpark.org
ADDRESS: 506 W. Berckman St.
Fruitland Park, FL 34731



ESTIMATE

EST. 2004

HAMBRICK'S BUILDING SERVICES, INC.



Keeping the Legacy Alive

(352) 255-0013

Estimate Number

48

Creation Date

January 28, 2021

Hambrick's building services Inc.
11450 missouri street leesburg
Florida 34788
☎ 3522550013
Hambricksbuildingservicesinc@gmail.
com

PREPARED FOR:
Michelle Yoder
200 Shiloh St Fruitland Park,
FL 34731 United States

Description	Quantity	Unit Price (\$)	Total (\$)
410'x5'x4" thick sidewalk 30 yard pour. Prep, form, place, and finish.	1	13,500.00	13,500.00
Millings placed and graded Material, and equipment to spread millings	1	2,200.00	2,200.00
Move parking bumpers Remove bumper and existing bolts, install new bolts, and replace bumpers.	1	1,500.00	1,500.00

ADDITIONAL NOTES

50% due to order material.

Subtotal

\$17,200.00

Grand Total

\$17,200.00

DATE:

PROPOSAL INVOICE #:

J & C Gardiner Concrete, Inc.

93 Blaine Street • Eustis, FL 32726

Office: 352-589-1865 • Fax: 352-589-0806

Jeff: 352-267-8837 • Cliff: 352-267-0927

Email: cliffgardiner@yahoo.com or dmolmstead@comcast.net

WORK TO BE PERFORMED AT:

NAME: Fruitland Park Soccer Field. Michelle Yoder
ADDRESS: 200 Shiloh St.
CITY: Fruitland park Email: Myoder@fruitlandpark.org
PHONE: 352-771-3417

WE HEREBY PROPOSE TO FURNISH THE MATERIALS AND PERFORM THE LABOR NECESSARY FOR THE COMPLETION OF:

Soccer Field Sidewalks	Proposal 1-30-2021
Will Frame, pour, and finish new concrete sidewalks.	
Will remove any dirt and grass as needed.	
Concrete will be 4 inches thick.	
Concrete will be a 3000-psi mix with fiber mesh.	
Concrete will have a broom.	
Size. Dixie side 5'x204'	
Size. Shiloh side 5'x206'	
Will bring in asphalt millings and reset parking bumpers.	
Price includes all labor and material.	

ALL WORK IS GUARANTEED TO BE AS SPECIFIED. PRICE INCLUDES ALL LABOR AND MATERIALS. FINAL PAYMENT DUE AT COMPLETION OF JOB FOR THE SUM OF: **10,675.00** DOLLARS. THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED.

_____ OWNER _____ DATE

_____ JEFF GARDINER / CLIFF GARDINER _____ DATE

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY J & C GARDINER, INC. IF NOT ACCEPTED WITHIN 72 HOURS

J & C GARDINER, INC. IS NOT RESPONSIBLE FOR CRACKS OR DISCOLORING OF CONCRETE BECAUSE MANUFACTOR DOES NOT GUARANTEE PRODUCT. J & C GARDINER, INC. IS NOT RESPONSIBLE FOR PIPES, SPRINKLER LINES OR CABLE LINES UNDERGROUND THAT CANNOT BE SEEN. J & C GARDINER, INC. IS NOT RESPONSIBLE FOR EXTRA FILL DIRT OR SOD AFTER A JOB IS COMPLETE.

**IF USING A CREDIT CARD FOR PAYMENT, THERE WILL BE A 3.5% SERVICE FEE ON THE TOTAL BILL _____ (INITIAL) **

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

ITEM TITLE: First Reading and Public Hearing - Ordinance
2021-002 Alcohol Beverages Consumption Policy

For the Meeting of: February 11, 2021

Submitted by: City Attorney/City Manager/Parks and Recreation
Director

Date Submitted: February 3, 2021

Funds Required: None

Account Number:

Amount Required:

Balance Remaining:

Attachments: Proposed ordinance

Item Description: Proposed Ordinance 2020-002 Alcohol Beverages
Consumption Policy (The second reading will be held on February 11, 2021.)

Action to be Taken: Approve Ordinance 2021-002.

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-002

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park desires to preserve and improve the general welfare of the municipality; and

WHEREAS, Chapters 561 and 562, Florida Statutes, provide definitions of words and terms applicable to this ordinance and govern alcoholic beverages; and

WHEREAS, the City Commission desires to allow lawful possession and consumption of alcoholic beverages within the Fruitland Park Community Center, while prohibiting outside of the Fruitland Park Community Center and on other City owned property, except where specifically allowed by permit for special events; and

WHEREAS, the City Commission desires to adopt a policy relating thereto.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Alcoholic beverages on city property. Sec. 33.60 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby created to read as follows:

Sec. 33.60. – Alcoholic beverages on city property.

- (A) State law adopted. All of the provisions of F.S. ch. 561 and ch. 562 are adopted as to the definition of words and terms, and as to the regulations of the manufacture, distribution and sale of alcoholic beverages; and all of the provisions of F.S. ch. 562 are adopted as fully and to the same extent as if repeated herein in full.
- (B) Fruitland Park Community Center.
 - a. The consumption, sale, or distribution of alcoholic beverages is permissible only within the Fruitland Park Community Center by persons over the legal drinking age of 21 years old. Alcohol is prohibited outside the Fruitland Park Community Center.
 - b. No alcoholic beverages may be sold or consumed in the Fruitland Park Community Center without an Alcoholic Beverage Permit issued by the City. Application for such a permit shall be made through the Parks and Recreation Department and approved by the

City Manager. The City Commission may adopt a fee by resolution to be submitted with any application for an alcoholic beverage permit.

- c. Alcoholic beverages may not be consumed, sold or distributed without compliance with all of the following: Any person or entity serving or selling alcohol at the Fruitland Park Community Center must provide liquor liability insurance for every event when alcohol is served. Any entity serving or selling alcohol at the community center must have an alcoholic beverage permit issued by the State of Florida and provide a copy of it to the City of Fruitland Park.
- d. At any function where alcohol is to be consumed at the facility, the applicant must provide the City with proof of a minimum \$1 million general liability insurance coverage with the City of Fruitland Park named as a co-insured and liquor liability insurance with a minimum coverage of \$1 million with the City of Fruitland Park named as the co-insured. The provision of such insurance shall not be deemed as a waiver of the City's sovereign immunity.
- e. The City Commission or its designee may in its reasonable discretion allow beer and wine to be served at the facility for small groups of less than 30 people without using a licensed provider and without making separate application for an Alcoholic Beverage Permit.

(C) Prohibitions.

- a. Public places – prohibition. No person shall consume any alcoholic beverage, or be in actual possession of any open container of any kind which contains any alcoholic beverage, while on or within any public place, except as otherwise provided in this chapter. The city manager, by permit, may approve the consumption of alcoholic beverages in public places for special events. The application for such a permit shall be made through the Parks and Recreation Department. The City Commission may adopt a fee by resolution to be submitted with any application for an alcoholic beverage permit.
- b. The Alcoholic Beverage Permit shall set forth the terms and conditions of the permit, and shall be conditioned upon the permittee providing proof of insurance and obtaining all necessary state licenses for the sale of alcoholic beverages for the special event.
- c. The applicant must provide the City with proof of a minimum \$1 million general liability insurance coverage with the City of Fruitland Park named as a co-insured and liquor liability insurance with a minimum coverage of \$1 million with the City of Fruitland Park named as the co-insured. The provision of such insurance shall not be deemed as a waiver of the City's sovereign immunity.
- d. Public place for purposes of this chapter includes all parks, walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by the city;

and all grounds and buildings owned, leased by, operated, or maintained by the city.

Section 3. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

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

Section 6. Effective Date. This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this _____ day of _____, 2021, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

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)
Mayor Cheshire _____(Yes), _____(No), _____(Abstained), _____(Absent)

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

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

ITEM TITLE:	City Manager's Report
For the Meeting of:	February 11, 2021
Submitted by:	City Manager
Date Submitted:	February 2, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	None

Item Description: **City Manager's Report**

- i. Economic Development Status Update**
- ii. COVID-19 Status Update**
- iii. 2021 City Events Status Update**
- iv. 2021 Workshops**

Action to be Taken:

Staff's Recommendation:

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

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

ITEM TITLE: CITY ATTORNEY REPORT
For the Meeting of: February 11, 2021
Submitted by: City Attorney
Date Submitted: February 3, 2021
Funds Required: None
Attachments: None
Item Description: City Attorney Report

City of Fruitland Park v. State of Florida – Department of Management Services: The hearing remains rescheduled for February 10-12, 2021 by the State of Florida, Division of Administrative Hearings.

Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke): 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. Attorney Thomas on behalf of the City filed a Motion to Dismiss to complaint. On March 12, 2020 Circuit Court Welke entered an Order referring the Motion to Dismiss to the General Magistrate to hold a hearing on the Motion. On March 20, 2020 Plaintiffs’ attorney filed an objection to the Order referring to the General Magistrate; therefore, Judge Welke will hold a hearing on the City’s Motion to Dismiss. A hearing on the Motion has not yet been scheduled. No updates since last meeting.

Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 (Judge Davis): Plaintiff purports to be the mortgage holder on Lake County Parcel Id. 10-19-24-0002-000-07500 for a loan issued to Stephen P. Angelillo. The City is named as a party defendant because the City has an existing code enforcement lien recorded against the same property. The City’s lien also encumbers additional parcels. The Plaintiff has filed an action to foreclose the property and seeks to extinguish the City’s lien as against the above-described parcel. As of June 29, 2020, the accumulated fines are approximately \$82,000.00. On July 15, 2020 Attorney Andrew Dayes filed an Answer and Affirmative Defenses on behalf of the City. On October 8, 2020 Plaintiff filed a Motion for Clerk’s Default. The default was entered the same day. Litigation counsel for the City will reach out to Plaintiff’s counsel to discuss the case. I will update the Commission at the meeting.

Action to be Taken: N/A
Staff’s Recommendation: N/A
Additional Comments: None
City Manager Review: Yes
Mayor Authorization: Yes

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8

ITEM TITLE:	Public Comments
For the Meeting of:	February 11, 2021
Submitted by:	City Clerk
Date Submitted:	February 1, 2021
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

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

Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) 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;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or 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.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

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